

AT: Big Data D.A- Northwestern

Big Data not Key

Big Data does not solve any impacts.

Tom **Siegfried**, managing editor of Science News, “Why Big Data is bad for science”, **November 2013**, <https://www.sciencenews.org/blog/context/why-big-data-bad-science>

If Star Trek: The Next Generation were to return to TV in the 21st century, Lt. Commander Data’s nickname would be “Big.” “Big Data,” after all, is the biggest buzzword of the new millennium. It’s everywhere, from genomics, biomics and a bunch of other –omics to the NSA’s database on writers who mention NSA in their blogs. Social networks, financial networks, ecological networks all contain vast amounts of data that no longer overwhelm computer hard drive storage capabilities. Scientists are now swimming in a superocean of endless information, fulfilling their wildest dreams of data nirvana. What a nightmare. You see, scientists usually celebrate the availability of a lot of data. Most of them have been extolling all the research opportunities that massive databases offer. But perhaps that’s because everybody isn’t seeing the big data picture. Here and there you can find warnings from some experts that Big Data has its downsides. “Scientific advances are becoming more and more data-driven,” write statistician Jiangqing Fan of Princeton University and colleagues. “The massive amounts of ... data bring both opportunities and new challenges to data analysis.” For one thing, huge datasets are seductive. They invite aggressive analyses with the hope of extracting prizewinning scientific findings. But sometimes Big Data In means Bad Data Out. Wringing intelligent insights from Big Data poses formidable challenges for computer science, statistical inference methods and even the scientific method itself. Computer scientists, of course, have made the accumulation of all this big data possible by developing exceptional computing power and information storage technologies. But collecting data and storing information is not the same as understanding it. Figuring out what Big Data means isn’t the same as interpreting little data, just as understanding flocking behavior in birds doesn’t explain the squawks of a lone seagull. Standard statistical tests and computing procedures for drawing scientific inferences were designed to analyze small samples taken from large populations. But Big Data provides extremely large samples that sometimes include all or most of a population. The magnitude of the task can pose problems for implementing computing processes to do the tests. “Many statistical procedures either have unknown runtimes or runtimes that render the procedure unusable on large-scale data,” writes Michael Jordan of the University of California, Berkeley. “Faced with this situation, gatherers of large-scale data are often forced to turn to ad hoc procedures that ... may have poor or even disastrous statistical properties.” Sounds bad. But it gets worse. Not only do Big Data samples take more time to analyze, they also typically contain lots of different information about every individual that gets sampled — which means, in statistics-speak, they are “high dimensional.” More dimensions raises the risk of finding spurious correlations — apparently important links that are actually just flukes.

Importance of big data is hype; small data is of greater importance.

Mike **Kavis**, Forbes’ Expert on the Cloud Computing Industry, “Forget Big Data- Small Data is Driving the Internet of Things”, **February 25, 2015**, <http://www.forbes.com/sites/mikekavis/2015/02/25/forget-big-data-small-data-is-driving-the-internet-of-things/>

Despite what some may think, big data is not a requirement for all IoT use cases. In many instances, knowing the current state of a handful of attributes is all that is required to trigger a desired event. Are the patient’s blood sugar levels too high? Are the containers in the refrigerated truck at the optimal

temperature? Does the soil have the right mixture of nutrients? Is the valve leaking? Optimizing these business processes can save companies millions of dollars through the analysis of relatively small datasets. Small data knows what a tracked object is doing. If you want to understand why the object is doing that, then big data is what you seek. So, the next time someone tells you they are embarking on an IoT initiative, don't assume that they are also embarking on a big data project.

Alt causes

Talent shortages will restrict growth of the big data sector regardless of the plan

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

A significant constraint on realizing value from big data will be a shortage of talent, particularly of people with deep expertise in statistics and machine learning, and the managers and analysts who know how to operate companies by using insights from big data. In the United States, **we expect big data to rapidly become a key determinant of competition across sectors.** But we project that demand for deep analytical positions in a big data world could exceed the supply being produced on current trends by 140,000 to 190,000 positions (Exhibit 4). Furthermore, **this type of talent is difficult to produce, taking years of training** in the case of someone with intrinsic mathematical abilities. **Although our quantitative analysis uses the United States as illustration, we believe that the constraint on this type of talent will be global,** with the caveat that some regions may be able to produce the supply that can fill talent gaps in other regions. **In addition, we project a need for 1.5 million additional managers and analysts in the United States who can ask the right questions and consume the results of the analysis of big data effectively. The United States—and other economies facing similar shortages—cannot fill this gap simply by changing graduate requirements and waiting for people to graduate with more skills or by importing talent** (although these could be important actions to take). **It will be necessary to retrain a significant amount of the talent in place;** fortunately, this level of training does not require years of dedicated study.

IN addition to privacy- hurdles challenge effective use of big data

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Much of the value that big data can create in manufacturing requires the access and varied use of data from multiple sources across an extended enterprise so to fulfill the potential for value creation in this sector will require manufacturing companies to invest in IT as well as to make organizational changes. **The additional IT investment necessary may not be insignificant. Some of the big data levers** that we have discussed, including updating a PLM platform that can link across various IT systems, **will be costly.** Nevertheless, the long-term payoff should outweigh the cost. **Other investments will be required** to develop interfaces and protocols to share data effectively across the extended enterprise. **The standardization of interfaces will be critical and may require industry-wide partnerships to achieve.** Strongly departmentalized companies, with multiple IT systems and overlapping and/or redundant data in different operations and divisions, are clearly at a disadvantage. To obtain the benefits of design-to-value, for instance, a company needs to have a free interchange of data among marketing and sales, R&D, and production. **So, in many organizations, achieving success will require strong leadership and a cultural shift to establish the mind-sets and behaviors to breach today's silos. Many organizations will need to undertake organizational change programs to enforce the necessary shift—** groups that have never shared their data will not start to do so simply because the IT systems are in place. **Many of the levers also**

require access to data from different players in the value chain. To optimize production planning, data from various tiers of suppliers will be necessary. Demand planning will require customer data from retailers. To access such pools of data, manufacturers will need to be thoughtful about establishing the right value propositions and incentives. Many retailers, for instance, guard customer data as proprietary, but there have been instances of successful data sharing. A notable example is the vendor-managed inventory model between some large retailers and consumer packaged goods companies, pioneered on a significant scale by Wal-Mart, as we discussed in our retail case study. Manufacturing companies will also need to build the capabilities needed to manage big data. Despite the fact that the sector has been dealing with large datasets for two decades, the rising volume of data from new sources along the supply chain and from end markets requires a new level of storage and computing power and deep analytical expertise if manufacturers are to harvest relevant information and insights. There is a shortage of talent with the right experience for managing this level of complexity. Manufacturers will need not only to recruit new talent but also to remove organizational obstacles that today prevent such individuals from making maximum contribution. For example, we know of oil refineries that still rely on a manager with spreadsheets to plan equipment maintenance and upgrades—work that can be accomplished more effectively with algorithms using data collected directly from machinery. Finally, where big data applications touch consumers and other end users, there are privacy issues. One of the most promising ideas is using product sensor data to create finely targeted after-sales services or cross-selling. But wielding this lever will be possible only if consumers don't object to suppliers monitoring how they use their products. Manufacturers must therefore address privacy concerns proactively, in collaboration with policy makers, and communicate with end users about choices and data transparency.

A2: Retail module

Multiple alternate barriers to effectiveness- even in the world of the plan they still have to be overcome.

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For their part, **retail executives must manage and overcome multiple barriers to realize the full potential of big data.** The first is the mind-set of employees and firms; **many people still view IT as a back-office function and therefore as a large cost center rather than as an engine for business growth.** In contrast, leading companies in their use of big data understand that their IT initiatives will be a crucial source of competitive advantage. These **companies must make sure that business and IT leaders collaborate closely so** that the use of **big data underpins improvements in efficiency improvement and opportunities for creating value.** Companies should also actively seek out and implement big-data-based innovations that will give them longterm competitive advantages. **Another common obstacle for big data leaders is their legacy IT systems.** many of these systems were installed decades ago, well before today's **big data opportunities were** considered or even possible. **These legacy systems usually include** multiple silos of **information generated in incompatible standards and formats so that they cannot be readily integrated, accessed, and analyzed.** Attempts to upgrade and integrate these systems can be so difficult and plagued with the potential for introducing new system bugs **that one retail expert complained that such an effort was "much worse than starting from scratch."** Even deploying new IT-enabled systems can present tremendous **challenges.** The gap between the predicted scale of adoption of RFID systems and their actual deployment tells a cautionary tale. RFID held the promise of providing a source of supply chain data that could be exploited using big data techniques. In the early days, RFID reader reliability was far worse than originally expected, necessitating manual inputs to correct for reader errors. This destroyed the productivity gains expected from deploying this technology. Adoption slowed, RFID tags were in lower demand, and per-tag costs did not decline as quickly as anticipated, as economies of scale were muted. Higher tag prices hurt the business case for further RFID deployment, reinforcing a negative cycle in which the application of big data levers based on this technology has been delayed. **Potentially as daunting for retail executives is the task of finding the talent that can execute big data levers.** Globally, **executives complain about the scarcity of highquality candidates for these jobs, and many retailers do not have sufficient talent in-house.** Moreover, **existing analytical and technical talent tends to be managed inefficiently,** isolated in particular departments, or scattered in different business units. **People with the requisite skills are rarely directly involved in strategic decision making and have little impact beyond answering highly specific questions.** Retailers with the foresight and intelligence to hire big data talent in sufficient numbers and then involve these hires in strategic decisions and planning will take the fullest advantage of value-creation opportunities at the expense of their less nimble competitors.

A2: Manufacturing module

The manufacturing sector is suffering in the squo

Robb 6/15/15 (Greg Robb is a Senior Economics Reporter for Market Watch. "U.S. manufacturing sector said to be in a technical recession" Market Watch <http://www.marketwatch.com/story/us-manufacturing-sector-said-to-be-technical-recession-2015-06-15> //HS)

WASHINGTON (MarketWatch) — **The U.S. factory sector, ailing from the strong dollar, global weakness and lower oil prices, has slipped into a technical recession**, new data released Monday show. The Federal Reserve said Monday that **industrial production dropped unexpectedly in May and hasn't increased since November**. **The six-month drop in output**, adjusted for inflation, **puts the sector in a technical recession**, said Alan Tonelson, a former economist for a manufacturing trade group who now writes commentary on the sector. **Industrial output sank 0.2% in May**. **Economists** polled by MarketWatch had **expected a 0.2% gain**. Compared to 12 months ago, industrial production was up 1.4% — compared to 4.8% growth was recently as November. Stocks were sharply lower after the data were released. The S&P 500 index SPX, -0.39% was down 19 points or almost 1% to 2,075. **The U.S. economy is still fighting headwinds from lower oil prices and the stronger dollar**, said Jennifer Lee, senior economist at BMO Capital Markets. Those **headwinds will likely be highlighted by the Fed as policymakers meet Tuesday and Wednesday to set monetary policy for the next six weeks**. No rate hike is expected at the meeting and the U.S. central bankers wait for signs the economy is strong enough to handle higher interest rates. See also: Fed meeting should leave a Final Four of dates for rate hike Beneath the headlines, manufacturing output was down 0.2% in May after a 0.1% gain in April. Auto production has been one bright spot, rising 1.7%. **Excluding autos, manufacturing was down 0.3%. Mining output declined 0.3% last month, after declining more than 1% on average over the past four months**. The slower rate of decrease was in part due to a reduce pace of decline in the index for oil and gas well drilling, the Fed said. **The data is "soft and unlikely to recovery anytime soon,"** said Ian Shepherdson, chief economist at Pantheon Macroeconomics. **The Empire State manufacturing survey**, an early read on conditions in June, was **also released Monday and added to the sense of weakness**. **The Empire State factory index decreased five points to a reading of negative 2.0 in June**, the Federal Reserve Bank of New York said. Economists polled by MarketWatch had expected a reading of 5.7. This is the second negative reading in the past three months for the index. And the executives had a sour view of future business conditions. **The six-month outlook index worsened to 25.8 in June from 29.8 in May. This is the lowest level since January 2013.**

A2: Aerospace

Aerospace industry does not meet expectations- productions low.

Lisa **Terry**, Airframe Material Planner, "Aerospace Logistics: Building for Growth", January **2014**, <http://www.inboundlogistics.com/cms/article/aerospace-logistics-building-for-growth/>

The world has an insatiable appetite for air travel, which is creating massive demand for new planes.

Airbus' latest Global Market Forecast predicts the need for more than 29,220 new freighter and passenger aircraft, and estimates the world's overall passenger aircraft inventory will double from 17,739 in 2013 to more than 36,500 by 2032. **"It's a paradox: The airline industry is suffering, but there have never been so many orders for new aircraft,"** says Joël Glusman, president and CEO of The Aerospace Logistics Alliance (TALA), a Miami-based cooperative that provides supply chain management, freight forwarding, and customs clearance services to aerospace companies. **This backlog, particularly from Middle East buyers, is putting pressure on the aerospace industry to produce planes more quickly, efficiently, and profitably. Aircraft manufacturers are challenged to make lighter aircraft with lower fuel consumption, using materials sourced from a geographically diverse supplier base. Technical challenges are also delaying some production timetables, causing a ripple effect through a carefully planned schedule of costly incoming parts timed to keep inventories low.** A related demand is to keep the planes flying—servicing and managing replacement parts across an increasingly global footprint. Those pressures are elevating supply chain management to an unprecedented status within aerospace organizations, which have historically emphasized research and development, and manufacturing. They're also prompting aerospace companies to hire third-party logistics (3PL) providers to manage inbound materials movement, production, maintenance, repair, and overhaul operations. **"The aerospace supply chain is five years behind the automotive and high-tech industries,"** notes Erik Goedhart, senior vice president, aerospace for Kuehne+Nagel, a global supply chain solutions provider.

Aerospace industry plummet is happening now- Washington proves

Steve **Wilhelm**, Staff Writer for Puget Sound Business Journal, "Washington state plummets in 'aerospace attractiveness' study. Experts dubious", **April 29, 2015**, <http://www.bizjournals.com/seattle/news/2015/04/29/washington-state-plummets-in-aerospace.html>

if it wasn't for Boeing (NYSE: BA), **Washington state might have no aerospace at all.** That's a conclusion one could draw from a just-released PricewaterhouseCoopers (PWC) report, entitled "2015 Aerospace Manufacturing Attractiveness Rankings." **The drop certainly isn't good for a state that is urgently trying to attract other aerospace companies so it can be less dependent on Boeing.** Currently Boeing accounts for approximately 86 percent of the 93,300 aerospace workers in Washington. But from viewpoint of those recruiting new aerospace companies, the study misses the gravitational pull of Boeing. "I think there's plenty of evidence the aerospace companies are growing, expanding and new ones are locating here in Washington," said Alex Pietsch director of the state office of aerospace. The study, Pietsch said, fails to take into account Boeing's importance in attracting aerospace companies to the region. Part of the reason for the drop is that **the new PWC report created a new ranking based on the "effective" tax rate for each state, which includes aerospace tax incentives. In that category Washington fell just below the median, 28th among the 50 states.**

Aerospace sector is strong

Murray 15 [Seb Murray

Editor at BusinessBecause. EU newspaper. Sunday 28th June 2015. "Aerospace MBA Programs Take Flight As Sector Faces Skills Crunch" <http://www.businessbecause.com/news/mba-careers/3337/aerospace-mba-programs-take-flight//jweideman>]

The global aerospace industry is set for take-off. A boom in aviation, the introduction of increasingly fuel efficient aircraft, and a falling oil price have combined to set the scene for years of growth for the aviation business. The world's biggest aircraft manufacturers have record orders. The International Air Transport Association projects airlines to generate the strongest profit margins since the mid-1960s. And, meanwhile, the Space Foundation says the world's space economy is growing at 10% a year. "For the airline business, 2015 is turning out to be a positive year," says Tony Tyler, chief executive officer at IATA. "Since the tragic events of September 2001, the global airline industry has transformed itself with major gains in efficiency." The strength of the aerospace sector has spurred a significant increase in career opportunities. Dr Christophe Bénaroya, director of the Aerospace MBA at France's Toulouse Business School, says the recruitment market has been buoyant over the past two decades. The rapid growth of new markets such as China, India and the Middle East are shaping and driving the aerospace industry. Growth is also spurred by changes in technology, manufacturing and new consumer expectations.

Growth set for dramatic recover, and its resilient—best methodology

FAA 14 [Federal aviation association. 2014. "FAA Aerospace Forecast Fiscal Years 2014-2034" https://www.faa.gov/about/office_org/headquarters_offices/apl/aviation_forecasts/aerospace_forecasts/2014-2034/media/2014_FAA_Aerospace_Forecast.pdf//jweideman]

Developing forecasts of aviation demand and activity levels continues to be challenging as the aviation industry evolves and prior relationships change. In times of amplified volatility, the process is filled with uncertainty, particularly in the short-term. Once again, the U.S. aviation industry has shown that the demand for air travel is resilient as it rebounds from its most recent downward spiral caused by the Great Recession. As 2014 begins, lingering questions remain. Are the U.S. and global economies on firm ground? Have the structural changes undertaken by the industry over the past 5 years revamped the industry from one of boom-to-bust to one of sustainable profits? Has industry consolidation finished? The FAA has developed a set of assumptions and forecasts consistent with the emerging trends and structural changes currently taking place within the aviation industry. The intent of these forecasts is to accurately predict future demand; however, due to the large uncertainty of the operating environment, the variance around the forecasts is wider than it was in prior years. The commercial aviation forecasts and assumptions are developed from econometric models that explain and incorporate emerging trends for the different segments of the industry. In addition, the commercial aviation forecasts are considered unconstrained in that they assume there will be sufficient infrastructure to handle the projected levels of activity. These forecasts do not assume further contractions of the industry through bankruptcy, consolidation, or liquidation. They also do not assume any drastic changes in federal government operations. The commercial aviation forecast methodology is a blended one. The starting point for developing the commercial aviation forecasts (air carriers and regionals) is the future schedules published by airlines through Innovata. To generate the short-term forecast (i.e., one year out) current monthly trends are used in conjunction with published monthly schedules to allow FAA forecasters to develop monthly capacity and demand forecasts for both mainline and regional carriers for fiscal and calendar years 2014-15. The medium to long-term forecasts (2015-2034) are based on the results of econometric models. The general aviation forecasts rely heavily on discussions with industry experts conducted at industry meetings, including four Transportation Research Board (TRB) meetings of Business Aviation and Civil Helicopter Subcommittees in May 2013 and January 2014 along with the results of the 2012 General Aviation and Part 135 Activity Survey. The assumptions have been updated by FAA analysts to reflect more recent data and developing trends, as well as further information from industry experts. The FAA also presents the draft forecasts and assumptions to industry staff and aviation associations, who are asked to comment on the reasonableness of the assumptions and forecasts. Their comments and/or suggestions have been incorporated into the forecasts as appropriate. FAA Aerospace Forecast Fiscal Years 2014-2034 35 ECONOMIC FORECASTS For this year's Aerospace Forecast, the FAA is using economic forecasts

developed by IHS Global Insight, Inc. to project domestic aviation demand. Furthermore, **the FAA** uses world and individual country economic projections provided by IHS Global Insight, Inc. to forecast the demand for international aviation services. Annual historical data and economic forecasts are presented in Tables 1 through 4. U.S. economic forecasts are presented on a U.S. government fiscal year (October through September) basis, whereas international forecasts are presented on a calendar year basis. As the recovery is now approaching its fifth year, the headwinds that have been faced by the economy appear to be diminishing. IHS **Global Insight expects the recovery to begin to accelerate and the U.S. economy to grow faster than in the past few years.** In the U.S., private sector debt levels have been coming down and public sector debt levels have stabilized. The housing market had its best performance since 2007 despite a rise in mortgage rates in the summer of 2013. The most recent data suggest a firming of the employment market. In the global economy, the outlook for Europe is improving and recent data from China still points to a "soft" landing (e.g. GDP growth remaining above 7 percent).

Increasing

Herb 14 [Jeremy, Staff writer for The Hill. 01/02/14. "Study predicts 5 percent defense and aerospace growth" <http://thehill.com/policy/defense/194286-study-predicts-5-percent-defense-and-aerospace-growth/>]

But **the overall defense and aerospace industry will still grow** in 2014, **thanks to boosted revenue** in the aerospace sector. "It is likely that **2014 will bring high single to double-digit levels of growth in the commercial aerospace sub-sector,** as experienced in 2012 and expected in 2013, **given the dramatic production forecasts of the aircraft manufacturers,"** Deloitte says. **The 2014 growth in the commercial aerospace industry is being driven by record-setting production levels,** due to the accelerated replacement cycle of obsolete aircraft with newer fuel-efficient planes. The report predicts that by 2023, annual production levels in the commercial aerospace industry will increase by 25 percent. The Deloitte report also cites increases in passenger demand in places like the Middle East and the Asia-Pacific region. For the defense industry, the end of the conflicts in Iraq and Afghanistan has driven defense budgets lower. The report says that defense spending is increasing in several areas — the Middle East, China, India, Russia, South Korea, Brazil and Japan — but that isn't counteracting declines elsewhere. **The U.S. defense budget has a major impact on the global trends, as the United States accounts for 39 percent of global defense spending.** The Pentagon had \$37 billion cut from its 2013 budget under sequestration. While the budget deal reached last month provided the Pentagon with \$31 billion in sequester relief over the next two years, the new Defense budget cap is still \$30 billion lower than the Pentagon's proposed 2014 budget.

Airpower high in the squo

Mizokami 14 [Kyle Mizokami writes on defense and security issues in Asia, particularly Japan. He is the founder and editor for the blogs Japan Security Watch, Asia Security for the United States Naval Institute. 12/9/14, "Top Guns: The Most Lethal Air Forces on the Planet" <http://nationalinterest.org/feature/top-guns-the-most-lethal-air-forces-the-planet-11814/>]

The U.S. Air Force The preeminent air arm of the United States, the U.S. Air Force (USAF), **is the primary service responsible for air and space missions. It manages everything from intercontinental ballistic missiles to X-37 space planes to A-10 Thunderbolt tank killers.** It coordinates military space launches, airdrops of Army paratroopers and drops bombs on ISIS insurgents. **The USAF operates 5,600 aircraft of all types, including F-22 Raptors, F-35, F-15 and F-16 fighters. It operates B-2, B-1 and B-52 strategic bombers, as well as C-5, C-17 and C-130 airlifters.** It operates these aircraft from bases **in the continental United States and overseas bases** from the United Kingdom to Japan. **The Air Force has roughly 312,000 active-duty members,** coming in just behind the People's Liberation Army Air Force, **and yet it operates more planes than the PLAAF. The USAF was the first air force worldwide to fly stealth combat aircraft, the first to fly fifth-generation fighters** and the first to commit to an all-stealth combat aircraft force. **The USAF plans on preserving its edge by purchasing 1,763 F-35s and up to 100 optionally manned Long-Range Strike Bombers.** Unmanned aerial vehicles, increasingly with stealthy profiles and attack capabilities, will gradually represent a larger proportion of the overall aircraft fleet. **The USAF**

also manages two legs of the U.S. nuclear triad, including 450 intercontinental ballistic missiles and the strategic bomber force. The U.S. Navy and Marine Corps worthy of separate mention due to their size and capabilities, the U.S. Navy and Marine Corps are combined the world's second-largest air force, with a total of over 3,700 aircraft of all types. This includes 1,159 fighters, 133 attack aircraft, 172 patrol aircraft, 247 transports and 1,231 helicopters. The aircraft of the U.S. Navy are responsible for protecting the U.S. fleet and conducting air missions from and often over the world's oceans and seas. Most of the aircraft of the Navy and Marine Corps operate from ships at sea, a difficult and dangerous job that requires a high level of training and proficiency. The most visible aspect of U.S. naval aviation are the carrier air wings that fly off eleven nuclear-powered aircraft carriers. Each wing typically consists of around sixty aircraft divided into three squadrons of F/A-18 Hornets and Super Hornets, one E-2C Hawkeye airborne early-warning squadron, one EA-18G Growler electronic warfare squadron, and one helicopter squadron. Other aspects of naval aviation include the helicopters that fly off U.S. Navy cruisers, destroyers and other surface ships, P-3 Orion and P-8 Poseidon maritime control aircraft, and variants of the P-3 that conduct electronic surveillance missions. US navy aviation also contributes to the U.S. strategic nuclear force, flying TACAMO (Take Charge And Move Out) aircraft whose mission is to provide command and control in the event of a nuclear war. U.S. Marine Corps aircraft are counted under the Navy total and serve on Navy ships, but are oriented towards Marine combined air-ground operations, with an emphasis on supporting marine ground forces.

They're updating tech-- New funding and contracts overwhelm their internal link

McCaney 15 [Kevin, founder of defense systems blog. Managing editor at Government Computer news. 1/27/15, "Air Force adds funds for developing better GPS equipment" <http://defensesystems.com/articles/2015/01/27/air-force-rockwell-mgue-m-code-gps-recdeivers.aspx//jweideman>]

The Air Force has awarded another contract in its effort to accelerate development of new, more powerful GPS receivers and meet congressional demands to get them into the hands of service members sooner rather than later. The service's Space and Missile Systems Center at Los Angeles Air Force Base has awarded Rockwell Collins a \$21.8 million contract modification to support the Military GPS User Equipment, or MGUE, program, a joint military program to develop M-Code-capable GPS receivers capable of functioning when conventional receivers are disrupted or offline. Earlier this month, the Air Force also awarded an \$8.3 contract modification to L-3 Communications to speed up work on the same program. M-Code, which stands for Military Code, is a fairly new, high-powered GPS signal designed to resist jamming and other interference, and ensure the transmission of accurate military signals. It features enhanced security, messaging formats and frequency modulation techniques, and operates in a part of the spectrum separate from civil signals. Its development began in the late 1990s after concerns were raised about the potential for blocking existing GPS signals. M-Code's design was completed in 2001 and the first M-Code signal was broadcast from a GPS Block II satellite launched in September 2005. The MGUE program has since been working on developing the M-Code receivers—and one reason for the recent moves to accelerate the program is that Congress, concerned that development was too slow, mandated that the military buy only M-Code-capable equipment by fiscal 2018. As with L-3 Communication, Rockwell Collins' next phase of the project will focus on adding pre-prototype receiver cards and conducting test support activities, with the goal of fielding M-Code receivers to the U.S. military services and NATO troops more quickly. Work on this phase is expected to be completed by the end of September 2016.

It's the best in the world

CFR 15 [This is the transcript of an interview. Speaker: Deborah Lee James Secretary, U.S. Department of the Air Force. Presider: Thomas G. Mahnken Professor and Director of Advanced Strategy, Paul H. Nitze School of Advanced International Studies, Johns Hopkins University. 3/24/15 "Charting a Future for U.S. Air Power" <http://www.cfr.org/defense-and-security/charting-future-us-air-power/p36292//jweideman>]

Tonight, with your permission what I would like to do is talk a little bit about what it means to have the best Air Force on the planet. And as far as I'm concerned, despite all the stresses and strains, and I'm going to talk to you about some of those, we are

the best Air Force on the planet. I also want to talk about how I think this affects our foreign policy, what our responsibilities are as a nation, and what some of all this means for the future. But before I get to all of the future, let's talk about where we are right now today. It was just a little bit more than a year ago, and really not all that long after I took office as secretary of the Air Force that we in the Air Force were looking toward making what we were predicting to be a rather orderly transition of our mission in Afghanistan away from combat operations and toward train, advise and assist role. In other words, we had expected and planned to have a period where a lot of those forces could come back to the United States or back to home base. It was going to be a time where we were able to regroup and reset and retrain. What we didn't expect at that time, but in fact what we got, was a series of three events. And those three events happened in relatively rapid secession. And those three things combined placed significant additional and new demands on our Air Force that we simply didn't foresee. So in other words that regroup and reset and retrain strategy that went straight out of the window. First, in February of last year, the world watched as Russian forces took military action in the Eastern Ukraine. And then in June, this outfit called ISIL or ISIS or Daesh or whatever we happen to be calling them on any given day that most Americans had never even heard of at that time. This group started a calculated offensive to take ground and to terrorize ethnic populations in northeast Syria and Iraq. And then the third event happened in August of last year when the CDC warned the world that we might just have an Ebola pandemic on our hands if somebody didn't step up and take charge and take action. And as a result of all of this, the president ordered the Air Force essentially to help in quite a big way in all three of these areas. And the United States Air Force stepped up big time to do so. For instance, it took just 14 hours for the first F-15 to show up in Lithuania in response to the Crimean crisis, which of course was part of what is an ongoing effort to reassure our allies in the Baltic region that we stand firmly with them and that we stand firmly with NATO. And then it was of course U.S. airmen who ultimately broke the siege of Mount Sinjar, began with air jobs. There were also airstrikes involved. And ultimately about 20,000 Yazidis, who otherwise were stranded and surrounded and starving, were able to make their way to be—to get off of that mountain to relative safety. And of course the Air Force has been carrying out the majority of the fight against ISIS ever since. And then there was the example of the Kentucky Air National Guard's 123rd Contingency Response Group, deployed to Dakar, Senegal in support of Operation Unified Assistance. Their airbase-in-a-box arrived on a C-17 with more than 70 airmen who helped funnel humanitarian supplies and equipment into West Africa to help fight Ebola. Now, if you notice, all of these examples demonstrate how the Air Force is really a very, very quick response force for our nation.

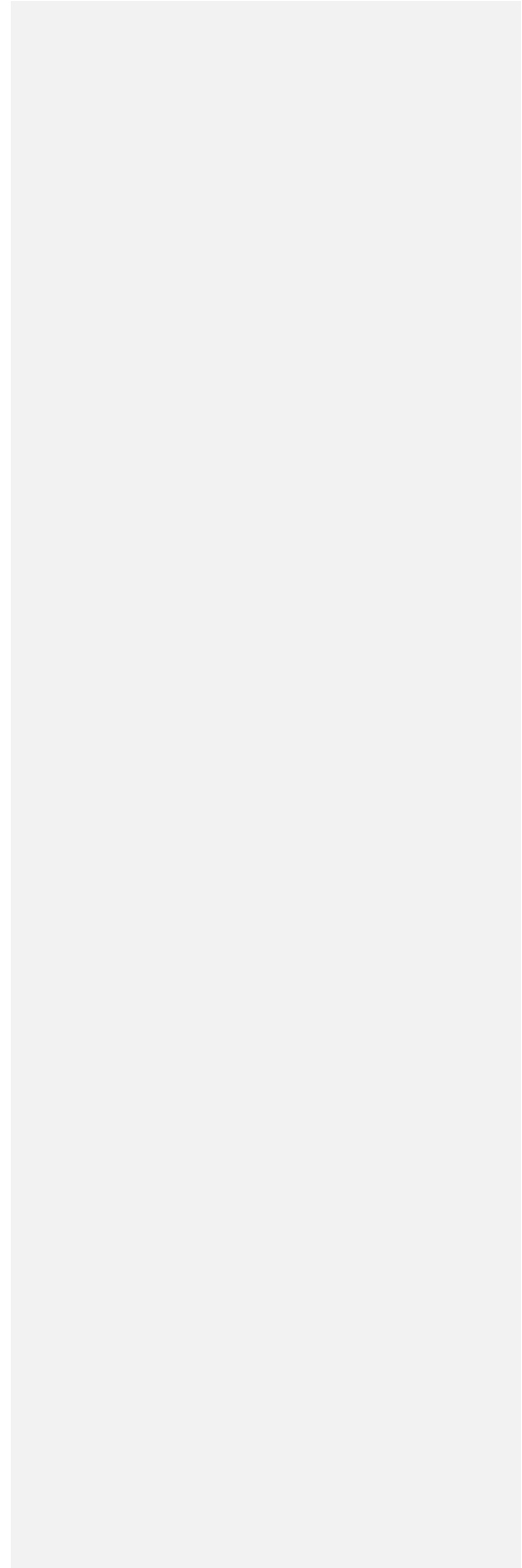
A2: Science

Big Data is one of countless tools resulting in scientific discovery; causality misconstrues the relationship.

Marcus, et al., Professor of Cognitive Science at NYU, "Eight (No, Nine!) Problems With Big Data", **April 6, 2014**, http://www.nytimes.com/2014/04/07/opinion/eight-no-nine-problems-with-big-data.html?_r=0

Second, big data can work well as an adjunct to scientific inquiry but rarely succeeds as a wholesale replacement. Molecular biologists, for example, would very much like to be able to infer the three-dimensional structure of proteins from their underlying DNA sequence, and scientists working on the problem use big data as one tool among many. But no scientist thinks you can solve this problem by crunching data alone, no matter how powerful the statistical analysis; you will always need to start with an analysis that relies on an understanding of physics and biochemistry.

No Link



Generic

No matter what happens, consumers will still consent for their data to be collected

Webb 13 (January 11, 2013. Jenn Webb is the Managing Editor of O'Reilly Radar and writes about Data and other emerging tech areas. "Strata Week: The complexities of forecasting the big data market" *O'Reilly Radar*. <http://radar.oreilly.com/2013/01/market-forecast-fisa-big-data-daily-life.html> //HS)

While **big data is spurring major change for organizations and research groups worldwide, it's also effecting change on a much more personal level**, argues Niall Harbison at The Next Web. "**We're witnessing the emergence of the 'self tracking' phenomenon**," he writes, "being led by the likes of the Quantified Self group, **a movement which promotes learning more about yourself through smart tracking and analysing personal data.**" Harbison looks at some emerging technologies that are affecting our daily lives, including apps such as Nike Run Plus and Mood Panda that inform self-analysis, tools like OPower and Mint that help users save money, and data tracking app Onavo Count that can warn you if you approach your smartphone data limit and even make recommendations for data plan adjustments based on your usage. Harbison also delves a bit into the Internet of Things, looking at such innovations as SleepShirt smart pajamas and the Pebble watch. In similar vein, Siddharth Taparia, SAP's senior director of portfolio and strategic marketing, writes at Forbes that "**2013 may be a year when Big Data moves from the technical to the practical, as real consumers and citizens start seeing its impact.**" He outlines five areas that will experience big changes, including how and where we spend money, how we vote, how we study and how we stay healthy. Taparia also addresses data privacy, **noting that regardless of expressed concerns over the collection, analysis and sale of personal data, consumers continue to willingly share their information.** Taparia warns that **in addition to trusted government agencies or companies looking to trade a deal or discount for information, big data "also attracts hackers and identity thieves," and notes that "[s]avvy consumers will understand how and where to best share their data, and what they get in return."**

Europe proves- big data can be balanced with privacy concerns

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

This card is saying (I think) we need more government access to the data it collects and maybe more data? Also there are barriers we can brush off and look it if we wanted to cause Norway and co did it.

Several challenges confront economists wishing to take advantage of large, new data sets. These include gaining access to data, developing the data management and programming capabilities needed to work with large-scale data sets, and finally (and most importantly!) thinking of creative approaches to summarize, describe, and analyze the information contained in these data. Einav and Levin Data access. **Research on topics such as labor economics, productivity, and household consumption traditionally have relied on government survey data** such as the US Census, the Panel Study of Income Dynamics (PSID), and the National Longitudinal Survey of Youth (NLSY). **For many of these data, there are well-established protocols for accessing and making use of the data. In some cases,** such as the US Census Data Research Centers, **these protocols are cumbersome and probably discourage a fair number of researchers, but at least they reflect a conscious effort to trade off between research access and confidentiality concerns. These systems are still being worked out for the large-scale administrative data that recently has been used for economic research** from the IRS, Medicare, or Social Security Administration. The privacy issues associated with the increased amount of data are important, and have been already discussed in this publication just a year ago (Goldfarb and Tucker 2012). But as Card et al. (2010) point out, **many European countries, such as Norway, Sweden, and Denmark, have gone much farther to facilitate research. the experience in these countries suggests that broader access is possible, and that reducing barriers to data access can have a profound effect on the amount of research and the quality of what is learned.**

Privacy constraints on government usage of data now

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

The most exciting private sector application of big data that we discussed above was using predictive modeling to automate business processes, or to improve or develop new products or services. While some 12 Einav and Levin government agencies probably are engaging in this type of activity, we are not aware of very many salient examples. However, it is easy to think of many examples where government data sets might be used to create the types of information products that are commonly seen in the private sector. One area of government activity where we could imagine such products is consumer protection. The key challenge in consumer protection is to keep individuals from making decisions they will (predictably) come to regret without proscribing individual choice. Behavioral economics has emphasized that one way to strike this balance is through the framing of decisions (e.g., well-chosen defaults), and another way is through the careful presentation of information. For instance, people can end up making major financial decisions—buying a house, saving for retirement, planning health care spending—without good information about the financial consequences. The types of predictive models discussed above are particularly good for creating personalized summary information. How many consumers who take this type of loan with this type of financial situation ultimately default? What is the range of fees paid by a similar consumer for a particular financial product or service? What is the eventual cost for patients who choose this line of medical treatment? While the government might not be the right entity to create these tools, the information it collects surely would be a useful input. A far more controversial idea would be to use predictive modeling to improve the targeting of government services. For instance, it is possible to imagine a utilitarian argument that Medicare should score individuals based on their likely response to a treatment and cover the treatment only if the score exceeded a particular level. Similarly, a tax rebate program that aimed to provide economic "stimulus" might be most effective if it were targeted specifically to those households who were predicted to have a particularly high marginal propensity to consume. These examples are useful because they correspond roughly to the sorts of things that private sector companies are now doing all the time—targeting discounts or rebates to particular consumers, or approving individuals for insurance or credit only if they meet certain scoring criteria. Of course, we tolerate this in the private sector, but many people's reaction to parallel approaches taken by the government would be horror. In this sense, it seems clear that there are constraints on the way that the government can target services that probably would rule out a range of "private sector-like" uses of predictive modeling.

FISA/SSRA

makes the argument about spillover from government affirmation of privacy rights

The constitution prohibits the collection of big data- the plan affirms that

Kosner 13 (Jul. 7, 2013. Anthony Wing Kosner is a contributor to Forbes who specializes in design and web editing, especially where technology meets the content business. "NSA's Verizon Spying Order: Fourth Amendment And Big Data On A Collision Course" *Forbes* <http://www.forbes.com/sites/anthonykosner/2013/06/07/nsas-verizon-spying-order-fourth-amendment-and-big-data-on-a-collision-course//HS>)

Beyond the scandal of why the NSA is keeping track of the telephone habits of Americans, is the larger question of what telephony big data can show—and whether the U.S. government has any business collecting it on a mass scale. The report today by The Guardian about the secret court order that commanded Verizon to release “telephone metadata” about all of its domestic business customers during a three month period last year, shows just how much of a privacy panopticon the efforts to protect national security have become. The panopticon is a prison design (see illustration above) whereby the architecture allows a small number of guards to monitor a large number of prisoners. (We didn't think we were the prisoners!) Why does this matter? Because the very concept of big data is in conflict with the Fourth Amendment protection against “general warrants.” When asked about the idea of the government as a “big data operation,” Hanni Fakhoury, staff attorney for the Electronic Frontier Foundation, responded that the “Fourth Amendment (and statutes like ECPA and FISA) are designed to eliminate this broad evidence gathering altogether.” And this indiscriminate data dump is of a piece with the Supreme Court-approved DNA data swab that can now be administered during any routine arrest. The dissenting Justice Scalia quipped that, “the founding fathers would hardly have been so eager to open their mouths for royal inspection.” This is a classic case of why scale and quantity matter. The government's case is that a phone call is like a letter you put in the mail. Your address, the sender's and the size (and weight!) of the envelope are public knowledge, but the contents of the letter are private and secure. How is it different with a phone call? The metadata about your call (exclusive of what was actually said) can include your number, the number you called and the unique serial numbers of those phones—all of which can be traced directly to individual people. Further, in the age of mobile phones, the precise locations of the callers and the duration of the call is also recorded. This problem was discussed in terms of GPS data by an Appellate court in the U.S. v. Maynard case, “A person who knows all of another's travels can deduce whether he is a weekly churchgoer, a heavy drinker, a regular at the gym, an unfaithful husband, an outpatient receiving medical treatment, an associate of particular individuals or political groups,... and not just one such fact about a person, but all such facts.” James Ball BLL -0.49%, of The Guardian provides a good discussion about what this kind of data can indeed show. The founding fathers would not have been so eager to have their dalliances recorded either! The fact is, that the U.S. government is prevented by law from becoming just such a big data operation, but so it has become! Purely in terms of data, it might seem more problematic to ask Verizon to cherry pick through their data rather than just turn all of it over, because that would put a private company in the position of knowing specific things about specific customers. It would also put Verizon in possession of knowledge of what, specifically, the government is interested in investigating. But, Fakhoury reminds me, “the law requires the government to do the cherry picking before going to a company like Verizon to get the records. Warrants and non-warrant orders, including FISA orders, have to be particularized and narrow and this order is anything but that.”

Internal link turn



2AC

Big Data collection is too dangerous and vulnerable to theft to continue being collected- aff solves privacy

EFF 14 (Apr. 8, 2014. EFF is the Electronic Frontier Foundation. It is a non profit dedicated to defending civil liberties in the digital sphere. "Big Data in Private Sector and Public Sector Surveillance" EFF <https://www.eff.org/files/2014/04/08/eff-big-data-comments.pdf> //HS)

The collection and analysis of big data, which was a niche field within computer science just two decades ago, has exploded into a \$100 billion industry. ⁴ Big data is now used in sectors as diverse as energy, medicine, advertising, and telecommunications. Because of the explosive growth of this field, companies ranging from startups in Silicon Valley to established multi-national corporations are adopting the mantra of "collect it all," in the belief that running a variety of analytics on big data will increase the value of their products or the companies themselves. In many cases companies outsource the use of big data to intermediary entities known as data brokers, which collect, analyze, and sell consumer information that can include highly personal details like marital status, religion, political affiliation, tax status, and others. A website may have an agreement with a data broker to better identify who their customers are so they can place more effective ads – often in exchange for their customers' browsing habits and demographic information. Data brokers receive and aggregate consumer data from a variety of sources: transactional data from retailers and stores, loyalty cards, direct responses and surveys, social media and website interactions, public records, and more. ⁵ They then aggregate this information across sources and use it to create highly detailed profiles about individuals – ^{one} ⁴ "Data, data everywhere." The Economist, Feb. 25, 2010. <https://web.archive.org/web/20131207192955/http://www.economist.com/node/15557443>. Last accessed March 28, 2014. ⁵ See Dixon, Pam. "What Information Do Data Brokers Have on Consumers?" World Privacy Forum, December 18, 2013. Last accessed March 30, 2014. particular data broker is said to have 1,500 data points on over 700 million individuals. ⁶ It's been revealed that these highly detailed profiles include names like "Ethnic Second - City Strugglers," "Rural and Barely Making It," and "Credit Crunched: City Families," as well as sensitive lists such as police officers and their home addresses; lists of rape victims; genetic disease sufferers; and Hispanic payday loan responders. ⁷ The vast majority of information data brokers use to create these lists is data which consumers unintentionally expose in large part because they simply do not know how or when they are being tracked, or what information is being collected. As a result the information is almost perfectly asymmetric: brokers know a great deal about consumers, but most consumers have no idea these parties actually even exist. This asymmetry is related to the first harm consumers are exposed to as a result of private - sector big data usage, namely the significant power imbalance between consumers and the companies wielding the data and analysis tools. For example, if a company uses big data analysis to inform its hiring decisions (say by analyzing a database on the web browsing habits of potential employees acquired from a data broker), would a rejected prospective employee learn why she was not offered a job, be able to see the data that led to the decision or the algorithm that processed the data, or dispute the correctness of either? ⁸ In general, the fact that people may be treated differently based on data and algorithms that they know little about and have no recourse for correcting creates elementary fairness and transparency problems. ⁹ A related problem results from the fact that even if consumers are aware of what data they are providing about themselves and who they are providing it to, they frequently believe wrongly that the law or a company's privacy policies block certain uses of that data or its dissemination. As explained by Chris Hoofnagle and Jennifer King in their study of Californians' perceptions of online privacy: ⁶ See Brill, Julie. "Demanding transparency from data brokers." The Washington Post, August 15, 2013. http://www.washingtonpost.com/opinions/demanding-transparency-from-data-brokers/2013/08/15/00609680-0382-11e3-9259-e2aaf5a5f84_story.html. Last accessed March 30, 2014. ⁷ See Dixon, Pam. "What Information Do Data Brokers Have on Consumers?" World Privacy Forum, December 18, 2013. Last accessed March 30, 2014. ⁸ One could argue that it would be in a company's best interests to use data that is as accurate as possible. However, a company's ultimate goal is to be as profitable as possible, and big data analysis is only carried out to further that goal. No rational company would acquire better quality data when the cost of doing so would be greater than the estimated returns. This exposes the fundamental mismatch in incentives between companies (whose big data will only be as accurate as profitability dictates) and individuals

(who primarily care about whether the data about they themselves is accurate). Even a competitive market might not be able to completely resolve this issue, since making sure all the data is accurate 100% of the time will likely require human-intensive, and therefore costly, dispute/redress processes. 9 Dwork and Mulligan, "It's Not Privacy, and It's Not Fair," 66 STAN. L. REV. ONLINE 35 (2013). Californians who shop online believe that privacy policies prohibit third-party information sharing. A majority of Californians believes that privacy policies create the right to require a website to delete personal information upon request, a general right to sue for damages, a right to be informed of security breaches, a right to assistance if identity theft occurs, and a right to access and correct data. 10 Additionally, users may not know to what extent data is shared with unknown third-parties: an online project called "theDataMap" reflects this data-sharing landscape. 11 But even a good understanding of the legal and policy protections for data is insufficient to protect a consumer from harm, due in large part to the next danger: loss of privacy due to individualized analysis and tracking by private-sector use of big data. By "connecting the dots" between different, disparate datasets, or even by analyzing data from the same dataset that on its face does not seem to have any connection, companies can infer characteristics about people that they might not otherwise wish to be made public, or at least not wish to share with certain third-parties (for example, the well-known Target pregnancy example). Very few consumers realize the power of statistical analysis and other big data algorithms. Even if consumers are aware of what specific data they are sharing, they may not understand what inferences could be made based on that data. The risk of abuse of the underlying datasets remains. As the recent hack on Target's credit card systems demonstrates, even large, well-financed companies can suffer from massive data breaches that put consumers' data in the hands of a malicious third-party. 12 This danger is especially grave when companies collect and save all data possible, regardless of its current value, with the idea that a profitable use might later emerge. Unfortunately, the collection of data into more concentrated repositories creates a tempting target for malicious agents. Additionally, EFF has long been concerned that private-sector mass data accumulation strongly facilitates government data accumulation given the many ways that companies can be induced or compelled to provide data to the government. Finally, even if the above dangers are avoided, we emphasize that many "common sense" approaches to preserving privacy and anonymity in big data do not actually accomplish their goals. Malicious actors could use a variety of sophisticated statistical and information-theoretic 10 Hoofnagle, Chris Jay and King, Jennifer, "What Californians Understand about Privacy Online." (September 3, 2008). Available at SSRN: <http://ssrn.com/abstract=1262130> or <http://dx.doi.org/10.2139/ssrn.1262130> 11 See <http://thedatamap.org/> 12 Elgin, Ben; Lawrence, Dune; Matlack, Carol; Riley, Michael. "Missed Alarms and 40 Million Stolen Credit Card Numbers: How Target Blew It." Bloomberg BusinessWeek, March 13, 2014. <https://web.archive.org/web/20140313132757/http://www.businessweek.com/articles/2014-03-13/target-missed-alarms-in-epic-hack-of-credit-card-data>. Last accessed March 29, 2014. algorithms to extract identifiable data from what appears to be an anonymized dataset. 13 This is especially true if the malicious agent has access to individual datasets that might not pose a privacy risk on their own, but when combined together can be used to infer private information.

Researchers who claim Big Data has huge positive impacts are connecting meaningless data- big data is a potential threat

John Phillips, Digital Editor with CNBC.com, "Why analyzing Big Data can be bad for business", June 4, 2014, <http://www.cnbc.com/id/101644059>

Big data – where every aspect of your life is being quantified in every way imaginable – may be a term you are only just beginning to recognize. But get ready for another one: apophenia. In the movie "Silver Linings Playbook," Robert DeNiro's character – a diehard Philadelphia Eagles fan – believes various random and unrelated factors such as the position of the TV remote controls and whether or not his son watches the game with him could factor into whether his team wins or loses. While most people would refer to this as superstition, others might call it apophenia – the experience of seeing meaningful patterns or connections in random or meaningless data. The phenomenon arises from a subconscious tendency to seek out patterns – such as faces in clouds and hidden messages in music – because our brains are wired this way. And, it can

be bad for business, researchers say. "Big data tempts some researchers to believe that they can see everything at a 30,000-foot view," Danah Boyd, principal researcher at Microsoft Research and Kate Crawford, associate professor at the University of New South Wales wrote in a paper. "It is the kind of data that encourages the practice of apophenia: seeing patterns where none actually exist, simply because massive quantities of data can offer connections that radiate in all directions," the paper noted. Drawing inaccurate conclusions from big data analysis could prove costly for companies in how it influences decision making from advertising to management. One example of big data analysis gone awry was Google, which developed Flu Trends in 2008 – a tool that geographically tracks searches for flu-related words over time. The idea was that people showing flu symptoms would search specific terms on Google to help self-diagnose and that these web searches could be used to create a real-time map of flu outbreaks. While Google Flu Trends performed well for some time there was an anomaly in December 2012. According to an article in Nature magazine, Google's flu-case estimates were twice as high as those from the Center for Disease Control and Prevention. The cause? Researchers suggested that widespread media coverage of the U.S. flu season may have boosted flu-related searches, inflating the number of cases that Google's algorithm identified. A pharmacy using this data to better decide on the appropriate inventory level of flu-related drugs could have easily overstocked on such drugs. "Brands are becoming increasingly dependent upon data to manage their relationship with customers and to drive their businesses. Given this reliance, it's frankly pretty scary how data-driven decisions often seem to be arrived at and acted upon in a relatively unquestioning way," Colin Strong, managing director at GfK NOP business and technology told CNBC. "There will be very real commercial implications for companies that don't stop and question how these decisions are being arrived at," he added. "Working with big data is still subjective, and what it quantifies does not necessarily have a closer claim on objective truth" – particularly when considering messages from social media sites," Boyd and Crawford added in their paper.

Specific threats

Big Data infringes upon the privacy of consumers

Herold no date (Rebecca Herold is a privacy advocate and consultant. She has extensive experience in online security and privacy rights. She has been named the best Privacy advocate in the world numerous times by *Computerworld Magazine*. "10 Big Data Analytics Privacy Problems" <https://www.secureworldexpo.com/10-big-data-analytics-privacy-problems> //HS)

Big data analytics are being used more widely every day for an even wider number of reasons. These new methods of applying analytics certainly can bring innovative improvements for business. For example, retail businesses are successfully using big data analytics to predict the hot items each season, and to predict geographic areas where demand will be greatest, just to name a couple of uses. **The power of big data analytics is so great that in addition to all the positive business possibilities, there are just as many new privacy concerns** being created. Here are ten of the most significant privacy risks. **1. Privacy breaches and embarrassments.** **The actions taken by businesses and other organizations as a result of big data analytics may breach the privacy of those involved, and lead to embarrassment and even lost jobs.** Consider that some **retailers have used big data analysis to predict** such intimate personal details such as **the due dates of pregnant shoppers.** **In such cases subsequent marketing activities resulted in having members of the household discover a family member was pregnant before she had told anyone, resulting in an uncomfortable and damaging family situation.** Retailers, and other types of businesses, should not take actions that result in such situations.

Big Data eliminates anonymity on the internet

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2. Anonymization could become impossible. **With so much data, and with powerful analytics, it could become impossible to completely remove the ability to identify an individual** if there are no rules established for the use of anonymized data files. For example, **if one anonymized data set was combined with another completely separate data base, without first determining if any other data items should be removed prior to combining to protect anonymity, it is possible individuals could be re-identified.** The important and necessary key that is usually missing is establishing the rules and policies for how anonymized data files can be combined and used together.

Big Data can reveal sensitive personal information

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3. Data masking could be defeated to reveal personal information. **if data masking is not used appropriately, big data analysis could easily reveal the actual individuals who data has been masked.** Organizations must establish effective policies, procedures and processes for using data masking to ensure privacy is preserved. **Since big data analytics is so new, most organizations don't realize there are risks, so they use data masking in ways that could breach privacy.** Many resources are available, such as those from IBM, to provide guidance in data masking for big data analytics.

Big Data incentivizes poor ethical choices

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4. **Unethical actions based on interpretations. Big data analytics can be used to try and influence behaviors. There are my ethical issues with driving behavior.** Just because you CAN do something doesn't mean you should. For example, in the movie The Fight Club, Ed Norton's character's job was to determine if an automobile manufacturer should do a recall based strictly on financial consideration, without taking into account the associated health risks. Or, in other words, if it is cheaper for people to be killed or injured instead of fixing the faulty equipment in the vehicles. **Big data analytics can be used by organizations to make a much wider variety of business decisions that do not take into account the human lives that are involved. The potential to reveal personal information because it is not illegal, but can damage the lives of individuals, must be considered**

Inconsistent Data harms consumers- turns retail internal link- big data

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5. **Big data analytics are not 100% accurate. While big data analytics are powerful, the predictions and conclusions that result are not always accurate.** The data files used for big data analysis can often contain **inaccurate data about individuals**, use data models that are incorrect as they relate to particular individuals, or simply be flawed algorithms (the results of big data analytics are only as good, or bad, as the computations used to get those results). **These risks increase as more data is added to data sets, and as more complex data analysis models are used without including rigorous validation within the analysis process.** As a result, **organizations could make bad decisions and take inappropriate and damaging actions.** When decisions involving individuals are made based upon inaccurate data or flawed models, **as a result individuals can suffer harm by being denied services, being falsely accused or misdiagnosed, or otherwise be treated inappropriately.**

Big Data allows for unchecked discrimination

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6. **Discrimination. Using big data analytics to try and choose job candidates, give promotions, etc. may backfire if the analytics are not truly objective. Discrimination has been a problem for years** of course, **but** the danger is that **big data analytics makes it more prevalent**, a kind of 'automated' discrimination if you will. For example, **a bank** or other type of financial organization **may not be able to tell by a credit application the applicant's race or sexual orientation** (since it is generally illegal to base such a credit decision upon race), **but could deduce race or sexual orientation based upon a wide variety of data, collected online** and through the Internet of Things (IoT), **using big data analytics to then turn down a loan to an individual after obtaining and learning such information.**

Consumers have no legal protections from Big Data

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7. **Few (if any) legal protections exist for the involved individuals.** Most organizations still only address privacy risks as explicitly required by existing data protection laws, regulations and contractual requirements. **While the U.S. White House, the Federal Trade Commission, and others, have recently expressed concern about the privacy risks that are created within using big data analytics, there are no legal requirements for how to protect privacy while using big data analytics.**

Big Data never goes away- infringes on privacy rights

Herold no date (Rebecca Herold is a privacy advocate and consultant. She has extensive experience in online security and privacy rights. She has been named the best Privacy advocate in the world numerous times by *Computerworld Magazine*. "10 Big Data Analytics Privacy Problems" <https://www.secureworldexpo.com/10-big-data-analytics-privacy-problems> //HS)

8. **Big data will probably exist forever.** I've talked with many organizations about their big data use. I've read many studies and articles. **I've not found any that indicate they will delete big data repositories.** In fact, all have indicated that they instead typically view them as infinitely growing repositories; the bigger the better! **As more data is collected and retained, the more easily analytics will be able to determine more insights into individuals' lives.**

Big Data makes patents irrelevant- kills innovation

Herold no date (Rebecca Herold is a privacy advocate and consultant. She has extensive experience in online security and privacy rights. She has been named the best Privacy advocate in the world numerous times by *Computerworld Magazine*. "10 Big Data Analytics Privacy Problems" <https://www.secureworldexpo.com/10-big-data-analytics-privacy-problems> //HS)

10. Making patents and copyrights irrelevant. There is concern that **big data could make patents harder to obtain** because patent offices will not be able to verify if a submitted patent is unique **since there will be too much data to check through** within all the growing numbers of big data repositories. **Big data could make copyrights a thing of the past** because it will be too hard to control information that can be hidden or propagated infinitely within big data repositories. **As an associated effect, the royalties associated with copyrighted information are expected to decrease or possibly disappear altogether.**

AT: Border Surveillance D.A- Michigan 7

No Link – 25 mile exception

Empirically, the plan would still allow border surveillance

Santos 2015 (Maria; Bill would require law enforcement to obtain a warrant for drone surveillance

Read more at; Mar 18; redaltpolitics.com/2015/03/18/bill-require-law-enforcement-obtain-warrant-drone-surveillance/; kdf)

A returning bipartisan bill would put tighter restrictions on how police officers and government agencies can use drones to gather information. National Journal reports that Reps. Zoe Lofgren (D-Calif.) and Ted Poe (R-Texas) will reintroduce their Preserving American Privacy Act, which requires warrants to use drone surveillance, with some exceptions. Officers would also have to procure a license from the Justice Department before operating a drone. Information obtained outside these rules would become inadmissible in court. **Drones could still be used without a warrant when within 25 miles of a border or in certain emergency situations.**

No Internal – Border Drones Fail

U.S. Border drones ineffective – grounded often, too costly, minimal effect

Whitlock '15 (Craig; January 6th, 2015; U.S. surveillance drones largely ineffective along border, report says; Craig Whitlock covers the Pentagon and national security for The Post, where he has worked as a staff writer since 1998. He served as the paper's Berlin bureau chief for nearly six years, covering terrorism networks in Europe, South Asia, the Middle East and North Africa; https://www.washingtonpost.com/world/national-security/us-surveillance-drones-largely-ineffective-along-border-report-says/2015/01/06/5243abea-95bc-11e4-aabd-d0b93ff613d5_story.html; 7-3-15; mbc)

U.S. drones deployed along the borders are grounded most of the time, cost far more than initially estimated and help to apprehend only a tiny number of people trying to cross illegally, according to a federal audit released Tuesday. In a report that could undermine political support for using more drones to secure the nation's borders, the Department of Homeland Security's inspector general found "little or no evidence" that the fleet had met expectations or was effective in conducting surveillance. U.S. Customs and Border Protection has been flying surveillance drones for nearly a decade, launching them from bases in Texas, Florida, North Dakota and Arizona. The agency has nine of the Predator B model — a modified version of the MQ-9 Reaper drone flown by the Air Force — and has plans to more than double the size of its drone fleet to 24 as part of a \$443 million expansion. The inspector general, however, questioned whether those plans make any sense or would be cost-effective. In an audit of the fleet's operations during fiscal 2013, the inspector general calculated that it cost \$12,255 per flight hour to operate the drones, five times as much as Customs and Border Protection had estimated. Although the agency planned to fly four drone patrols a day — each for an average of 16 hours — the aircraft were in the air for less than a quarter of that time, the audit showed. Bad weather and a lack of personnel and spare parts hindered operations, it concluded. "The unmanned aircraft are not meeting flight hour goals," the auditors wrote, adding more broadly that Customs and Border Protection "cannot demonstrate how much the program has improved border security." As evidence, the report cited statistics showing that of the 120,939 illegal border crossers apprehended in Arizona during 2013, fewer than 2 percent were caught with the help of drones providing aerial surveillance. In Texas and the Rio Grande Valley, less than one-tenth of 1 percent of border-crossing apprehensions were attributed to drone detection. The findings echo earlier audits by the inspector general of the domestic drone program but could carry extra weight as Congress considers whether to spend more on drone surveillance to secure the borders as part of immigration legislation. In a written response to the audit, Eugene Schied, an assistant commissioner with Customs and Border Protection, disputed the characterization in the findings. The drone program, he said, "has achieved or exceeded all relevant performance expectations." Schied accused the inspector general of cherry-picking statistics and ignoring information that makes the drones appear more effective. For instance, Schied said, drones "directly contributed" to the seizure of almost 50,000 pounds of marijuana, worth an estimated \$122 million, along the Southwest border in 2013. Customs and Border Protection dismissed suggestions that a major expansion of its drone fleet would occur anytime soon. Although plans to fly as many as two dozen drones were authorized years ago, Schied said the department did not have the money to follow through and that "there is no intent at this time" to operate more than 10 of the aircraft.

Expensive surveillance failure

Peck '15 (Michael; January 16, 2015; Drones Can't Protect Our Borders; Michael Peck is a contributing writer at Foreign Policy Magazine and a writer for the War is Boring defense blog; nationalinterest.org/feature/drones-cant-protect-our-borders-12046; 7-7-15; mbc)

If America can use drones to spy on Al Qaeda terrorists, then why can't it use them to stop illegal immigrants? In theory, drones and border security should have been a perfect match. A predator drone can keep a robotic eye on America's vast borders, saving money and personnel while maintaining continuous watch for illegals. But an audit by the Department of Homeland Security's Inspector General finds that despite high hopes for its border drone program, "its impact in stemming illegal immigration has been minimal." In fact, Customs and Border Patrol's fleet of 10 Predator-Bs have accounted for less than 2 percent of illegal immigrants apprehended. Investigators found a border drone program in disarray. Some of the ills cited include:

-CBP drones are supposed to be flying 16 hours a day, 365 days a year. Instead, they only managed to fly 22 percent of those flight hours.

-CBP claimed its fleet of 10 Predator-B drones cost \$2,468 per flight hour. But auditors discovered that this figure did not include the cost of pilots, equipment and overhead. The real number? \$12,255 per flight hour.

-Of the 1,993-mile southwest border with Mexico, the Predators primarily covered just 100 miles along the Arizona border and 70 miles in Texas. -Drones were supposed to save money and manpower by responding to alerts by ground sensors, rather than having to dispatch Border Patrol agents. But investigators found few instances where this happened.

-CBP lacks internal performance measures to even assess whether the program is successful by its own standards. To add insult to inefficiency, CBP wants to buy more drones. On top of the \$360 million spent between 2005 and 2013, the agency in 2012 requested \$443 million to buy another 14 unmanned aircraft. "Notwithstanding the significant investment, we see no evidence that the drones contribute to a more secure border, and there is no reason to invest additional taxpayer funds at this time," said DHS Inspector General John Roth. "Securing our borders is a crucial mission for CBP and DHS. CBP's drone program has so far fallen far short of being an asset to that effort." Besides failing to secure our borders, border-patrol drones raise serious civil liberties issues, as watchdog groups have long warned. Will they just track illegals, or will American citizens be inevitably caught on the camera mounted on every Predator? In addition, two CBP Predators are equipped with a Pentagon-designed radar with the ominous name of VADER (Vehicle and Dismount Exploitation Radar). Originally designed to spot the Taliban in Afghanistan, VADER can't distinguish between lawful American citizens and border crossers.

No Internal – Other Surveillance Fills in

Other forms of mobile surveillance technology solves

Johnson '15 (Chariman; May 13, 2015; Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee + erves on the committees on the Budget, Commerce, Science and Transportation, Foreign Relations, Homeland Security and Governmental Affairs and Small Business and Entrepreneurship. ; www.dhs.gov/news/2015/05/13/written-testimony-cbp-senate-committee-homeland-security-and-governmental-affairs; 7-3-15; mbc)

The border environment between the ports of entry is dynamic. Working in conjunction with fixed surveillance assets, CBP's mobile technology assets provide flexibility and agility to adapt to changing border conditions and threats. Mobile technologies are deployed in California, Arizona, New Mexico, and Texas as well as several Northern border locations. Along the Southwest border, Mobile Surveillance Capability (MSC) systems provide long-range mobile surveillance and consist of a suite of radar and camera sensors mounted on Border Patrol vehicles. An agent deploys with the vehicle to operate the system, which automatically detects and tracks items of interest and provides the agent/operator with data and video of the observed subject. Mobile Vehicle Surveillance Systems (MVSS) provide short- and medium-range mobile surveillance equipment mounted on telescoping poles and consist of a suite of camera sensors mounted on Border Patrol vehicles. An agent deploys with the system, which detects, and to a more limited extent, tracks, identifies and classifies items of interest using the video feed. The agent/operator observes activity on the video monitor to detect intrusions and assist agents/officers in responding to those intrusions. Another system that is used by the Border Patrol, that does not need to be mounted to a vehicle, is the Agent Portable Surveillance System (APSS). These systems provide medium-range mobile surveillance, and are transported by two or three agents and mounted on a tripod. A single agent remains on-site to operate the system, which automatically detects and tracks items of interest and provides the agent/operator with data and video of selected items of interest. These technologies not only provide significant security benefits and multiply the capabilities of law enforcement personnel to detect, identify, and respond to suspicious activity, but they also assist with public safety along the border. This past January, Colchise County Sheriff's Office requested assistance from Border Patrol agents when a hunter was reported missing.³ Ultimately, it was an agent using mobile surveillance technology who was able to detect the hunter's flashlight and direct agents to the hunter's location. Mobile surveillance technology systems enable agents to position the technology where it is needed at a specific moment, extend our observational capabilities – in this case, by helping see through the darkness – and increase the accuracy and speed of our response. The absence of mobile surveillance technology would limit the Border Patrol's ability to detect, identify, classify, track and rapidly respond to illicit activity. Additionally, mobile platforms provide a suite of capabilities that cannot be duplicated with alternatives such as handheld equipment. For example, mobile surveillance technology is mounted on masts to increase sensor elevation over trees/obstacles and provide elevation in flat terrain. MSC systems possess radar that autonomously detect items of interest and MSC detection ranges are significantly better than those of handheld alternatives. Technology is critical to border security operations and through the deployment of these effective technologies, the Border Patrol gains more coverage of fixed surveillance gaps and situational awareness, and increases its ability to adapt to changing conditions and effectively detect, identify, track, and interdict potential threats along the Southwest border.

Other forms of persistent surveillance solve

Johnson '15 (Chariman; May 13, 2015; Chairman Johnson, Ranking Member Carper, and distinguished Members of the Committee + erves on the committees on the Budget, Commerce, Science and Transportation, Foreign Relations, Homeland Security and Governmental Affairs and Small Business and Entrepreneurship. ; www.dhs.gov/news/2015/05/13/written-testimony-cbp-senate-committee-homeland-security-and-governmental-affairs; 7-3-15; mbc)

The Integrated Fixed Tower (IFT) systems are one of the technologies acquired and deployed to the Southwest border in Arizona as part of the ATP. IFTs are fixed surveillance assets that provide long-range persistent surveillance. These systems cover very large areas and incorporate a Common Operating Picture (COP), a central hub that receives data from one or multiple tower units. The tower systems automatically detect and track items of interest, and provide the COP operator(s) with the data, video and geospatial location of selected items of interest to identify and classify them. Remote Video Surveillance Systems (RVSS) are another fixed technology asset used in select areas along the Southwest and Northern borders. These systems provide short-, medium-, and long-range persistent surveillance mounted on stand-alone towers, or other structures. The RVSS uses cameras, radio and microwave transmitters to send video to a control room and enable a control room operator to remotely detect and, to a limited extent, track, identify and classify targets using the video feed. For example, just recently¹, Border Patrol agents assigned to the Calexico Station were operating a RVSS at night when they observed a man carrying a duffle bag waving toward a vehicle that had stopped just north of the International Boundary Fence. The agents using the RVSS called in the observation to agents in the area who in turn stopped the vehicle. The driver consented to a search of the vehicle, and agents located almost 30 pounds of cocaine in the duffle bag. RVSS technology also recently disrupted a methamphetamine smuggling attempt, which ultimately led to the discovery of a sophisticated cross-border tunnel.² In some areas along the Southwest border, CBP also uses Unattended Ground Sensors (UGS), which provide short-range persistent surveillance. These sensors support our capability to detect, and to a limited extent, track and identify subjects. Sensor capabilities include seismic, passive infrared, acoustic, contact closure and magnetic, although these capabilities are not necessarily available in all deployed UGS. When a ground sensor is activated, an alarm is communicated to a data decoder that translates the sensor's activation data to a centralized computer system in an operations center. Imaging Sensors (IS) are a specific type of unattended ground sensor with an integrated camera and the ability to transmit images or video back to the operations center. As with UGS, IS are monitored in a centralized system and geospatially. Without fixed system technology such as IFT, RVSS, and UGS, the Border Patrol's ability to detect, identify, classify, and track illicit activity would be decreased. Fixed systems provide line-of-sight surveillance coverage to efficiently detect incursions in flat terrain. The Border Patrol integrates mobile and portable systems to address areas where rugged terrain and dense ground cover may allow adversaries to penetrate through blind spots or avoid the coverage areas of fixed systems.

Alternate surveillance methods solve

Williams '9 (Tiffany; IACP Technology Center Outreach Coordinator;

www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1895&issue_id=92009; 7-3-15; mbc)

The mission of the U.S. Customs and Border Protection (CBP) (U.S. Border Patrol) is to "...secure America's borders; to protect the American public against terrorism and the instruments of terror; and to enforce the laws of the United States while fostering its economic security through lawful international trade and travel."¹ As a component of the U.S. Department of Homeland Security, U.S. Border Patrol comprises approximately 20,000 agents that work at and around U.S. borders in an effort to keep Americans safe. The U.S. Border Patrol patrols the United States' southern border from Texas to California, all of the Floridian border continuing along the Louisiana (the gulf coast) border and the Caribbean Ramey sector of Puerto Rico. To the north, U.S. Border Patrol patrols the U.S. border from Washington to Maine. The U.S. Border Patrol is responsible for securing America's borders beyond the specified ports of entry. This encompasses different terrains and remote locations varying from the desolate deserts to water borders. To better secure the borders, there are three main components employed: technology, infrastructure, and personnel. The Enforcement and Information Technology (EIT) division of the U.S. Border Patrol Headquarters in Washington, D.C., focuses on the technology aspect. Due to the breadth of the issues surrounding border protection, it is not surprising that the U.S. Border Patrol's responsibility for patrolling thousands of miles of the border requires its technology "tool belt" to include emerging technologies that not only promote mobility, but also create the best possible level of surveillance and protection. Remote Surveillance Systems Patrolling remote areas of the border is an arduous task as these areas are ideal locations for persons intending to illegally cross the border. The U.S. Border Patrol is able to better patrol these areas due in part to its deployment of the Remote Video Surveillance System (RVSS). The RVSS is strategically placed along the northern and southern borders and consists of two sets of camera systems affixed to a platform atop an 80-foot pole. One is a thermal nighttime camera; the other, a color daytime camera. Their pan-tilt ability allows them to move in different directions to ensure a comprehensive level of surveillance, for example, while one set of cameras looks east, the other looks west, overlapping each other to cover all areas. To date, there are about 290 RVSS sites across both the northern and southern borders. Some of these sites are situated in such remote locations that they operate by solar energy and generators. The remote location of these RVSS sites allows the U.S. Border Patrol to focus on potentially prime crossing points for illegal traffickers. EIT division chief Steve Evans emphasizes that the system is "not a catchall." But it is one of many helpful tools used to fight illegal border crossings and ultimately allows the U.S. Border Patrol to strategically place its manpower. Mobile Surveillance Systems In conjunction with the RVSS, the Mobile Surveillance System (MSS) that is used by the U.S. Border Patrol allows the same type of security and surveillance as the RVSS, but it has the mobile component that is necessary to cover a larger area. The MSS is a camera mounted on a high pole affixed to a large flatbed truck, thus allowing it to be mobile. In addition to the camera bundles, the MSS has a radar unit that is particularly helpful in the desert environment. Moreover, the U.S. Border Patrol uses Mobile Remote Video Surveillance Systems (MRVSS), or "scope trucks," that are smaller than the MSS trucks and permit access to more remote locations. Unattended Ground Sensors The U.S. Border Patrol has been using sensors to detect motion for years; however, it has adapted to evolving technologies that are more precise and intelligent. These modern sensors are strategically placed upon the recommendation of the field agents in problem

locations. The Unattended Ground Sensors (UGS) come in three main forms: seismic, magnetic, and infrared. The seismic sensors detect ground movement; the magnetic ones recognize metal in passing vehicles; and the infrared sensors respond to the breakage of spatial planes. The U.S. Border Patrol is mindful of the environmental limitations of sensors, for example, the seismic sensors are not appropriate for northern borders because of frozen ground affecting their functionality. The U.S. Border Patrol analyzes different terrains to decipher which areas would benefit from what particular types of sensor in order to ensure their effectiveness. E3/IDENT The E3/IDENT is a technology that was created to assist in evaluating arrests and in collecting the biometrics and photographs of apprehended persons. This technology allows agents to secure this information and forward it to the Federal Bureau of Investigation (FBI). Within 8 to 10 minutes, agents will receive historic federal criminal information on individuals. Moreover, it will display whether or not an individual currently is wanted for a criminal offense. Another component is its capability to access the INS/IDENT database in order to search for possible immigration violations. Results and Moving Forward Assistant Chief of the U.S. Border Patrol, Robert Nelson, claims that EIT “fills the immediate technology gap.” Both Chiefs Nelson and Evans stress the importance of using technology to better secure U.S. borders. Chief Evans is constantly searching for and learning about emerging technologies that will better assist his team in their mission. It is imperative to note that all three components—technology, infrastructure, and personnel—play important and interconnected roles in securing U.S. borders. Overall, the combined use of all three contributed to 723,825 apprehensions in fiscal year 2008 and ultimately assisted in keeping U.S. citizens safe.

No impact – Violence

their impact assumes a level of violence that’s empirically denied by the last decade and totally implausible due to cartel interests and basic state functions—means it won’t reach the level of deterioration required for their scenario

David Shirk 14, director of the Trans-Border Institute and associate professor of political science at the University of San Diego, March 2014, “Conclusion: Toward a More Comprehensive and Community-based Approach to Public Security”, part of a report called “Building Resilient Communities in Mexico: Civic Responses to Crime and Violence”, Mexico Institute @ Wilson Center, <http://www.wilsoncenter.org/publication/resilient-communities-mexico-2014>

This points to another, perhaps unexpected change under Peña Nieto: continuity in the U.S.-Mexican security relationship across administrations. Over the last year, U.S.-Mexico security cooperation has experienced significant setbacks. At the outset, the Peña Nieto administration insisted that Mexico’s cooperation with the United States on security matters would be reined back and managed through the single “ticket window” (ventanilla única) of Mexico’s Interior Ministry. Yet, over the last year, pressure from other federal and state-level agencies has seemingly led to a softening of this policy of centralization. Many aspects of **cooperation** have continued, in part because of the close ties and tremendous interdependence that has developed **between U.S. and Mexican law enforcement agencies** working toward common objectives. Indeed, such cooperation **helped** Peña Nieto **take down the head of the Zetas, Mexico’s most notorious and violent drug cartel, as well as key leaders in the Gulf Cartel.** Ultimately, **the key question is whether** the current government’s **efforts have** actually **been accompanied by a decrease in violence.** The answer is a qualified “yes.” While **violence appears to have declined** somewhat under Peña Nieto, it definitely did not go away. Last year, **the Justice in Mexico Project’s annual report on drug violence in Mexico found** that **violent homicides** probably **reached a peak in 2010** and 2011, and began to decline significantly **in 2012.**⁶ **Thanks to a significant drop in violence** in places like **Tijuana, Monterrey, and Ciudad Juárez** the number of homicides in Mexico **dropped by the thousands.** **This trend** has **continued in 2013**, and in the final analysis will likely result in a slight reduction in Mexico’s overall homicide rate compared with the previous year, perhaps as much as 20 percent, but not quite what Peña Nieto had hoped for (See Figure 1).

No impact – Hezbollah

Hezbollah won't do it

Jen **Quraishi** 8-12-20**10** Hezbollah in Mexico Stoking Terrorism Fears <http://www.motherjones.com/mojo/2010/08/hezbollahs-mexican-cartel-connection>

The idea of Hezbollah operatives in Mexico using the chaos caused by the government's war with the drug cartels as an opportunity to launch a terrorist attack on the US is not a new one. In June, Rep. Sue Myrick (R-N.C.) asked Department of Homeland Security head Janet Napolitano to investigate the Hezbollah's presence on the US's southern border, particularly in light of the increasing number of gang members arrested in southwestern states who have tattoos in Farsi. "We have typically seen tattoos in Arabic," Rep. Myrick wrote, "but Farsi implies a Persian influence that can likely be traced back to Iran and its proxy army, Hezbollah." I don't know how good Myrick's first-hand knowledge of tattoos is, but she's right in suggesting that Hezbollah has seemed to up its presence in Mexico of late, including smuggling people across the border and drug trafficking. The Heritage Foundation goes further, reporting that though US officials have not confirmed it, Hezbollah member Jamal Nasr was likely arrested in Tijuana last month. At this point, US border militia groups and tea partiers are probably frothing at the mouth to know: does this mean Hezbollah will use the US-Mexico border as a staging ground for a terrorist attack? Sorry, folks. As Scott Stewart at STRATFOR points out, it's very unlikely. Hezbollah, as Stewart rightly emphasizes, is no longer a young hothead looking to make a name for itself. Senior Hezbollah leaders are often "influential politicians and wealthy businessmen," Stewart writes. Hezbollah sees the US as a business office, not a foxhole. And besides, if Hezbollah did attack the US, it would make itself (and Iran) a military target. And after seeing the devastation in Iraq, that's likely not something it's pursuing. "Hezbollah could conduct attacks in the United States, but it would pay a terrible price for doing so, and it does not appear that it is willing to pay that price." Stewart writes. Hezbollah leadership may be radical, but it is not irrational."

No impact – ISIS

Zero risk of ISIS crossing the border illegally when they can just do it legally—claims otherwise are just hype

Schmidt 9/15 (Michael S; US pushes back against warnings that ISIS plans to enter from Mexico; www.nytimes.com/2014/09/16/us/us-pushes-back-against-warnings-that-isis-plans-to-enter-from-mexico.html; kdf)

WASHINGTON — Militants for the Islamic State in Iraq and Syria have traveled to Mexico and are just miles from the United States. They plan to cross over the porous border and will “imminently” launch car bomb attacks. And the threat is so real that federal law enforcement officers have been placed at a heightened state of alert, and an American military base near the border has increased its security. As the Obama administration and the American public have focused their attention on ISIS in recent weeks, conservative groups and leading Republicans have issued stark warnings like those that ISIS and other extremists from Syria are planning to enter the country illegally from Mexico. But the Homeland Security Department, the F.B.I. and lawmakers who represent areas near the border say there is no truth to the warnings. “There is no credible intelligence to suggest that there is an active plot by ISIL to attempt to cross the southern border,” Homeland Security officials said in a written statement, using an alternative acronym for the group. Democrats say opponents of President Obama are simply playing on concerns about terrorism as part of their attempt to portray Mr. Obama as having failed to secure the border against illegal immigration. “There’s a longstanding history in this country of projecting whatever fears we have onto the border,” said Representative Beto O’Rourke, Democrat of Texas, who represents El Paso and other areas near the border. “In the absence of understanding the border, they insert their fears. Before it was Iran and Al Qaeda. Now it’s ISIS. They just reach the conclusion that invasion is imminent, and it never is.” At a congressional hearing last week, Representative Jeff Duncan, Republican of South Carolina, pushed back strongly against the testimony of Homeland Security Department officials and Mr. O’Rourke, saying they were ignoring a gathering threat. “Wake up, America,” Mr. Duncan said before storming out of the hearing. “With a porous southern border, we have no idea who’s in our country.” But counterterrorism officials say they are far more concerned that an ISIS militant will enter the United States the same way millions of people do each year: legally, on a commercial flight. Their efforts have focused on the more than 2,000 Europeans and 100 Americans who have traveled to Syria to fight alongside extremist groups, nearly all of them crossing over its unprotected borders. Without markings in their passports to show that they traveled to Syria, American border authorities have few ways of determining where they were and stopping them from entering the country. Warnings about the possibility of terrorists entering the United States from Mexico have been sounded in the past. During the 2012 presidential campaign both Rick Perry and Mitt Romney, the Republican nominee, said Islamic extremists working with countries in Latin America, including Mexico, posed a significant threat to the United States. “We know that Hamas and Hezbollah are working in Mexico, as well as Iran, with their ploy to come into the United States,” Mr. Perry, the governor of Texas, said at a Republican debate in 2011. “So the idea that we need to have border security with the United States and Mexico is paramount to the entire Western Hemisphere.”

No impact to ISIS working with the cartels

Gaouette 2014 (Nicole; Islamic State Talked of Entering U.S. Through Mexico; Sep 10; www.bloomberg.com/news/2014-09-10/islamic-state-talked-of-entering-u-s-through-mexico.html; kdf)

Islamic State extremists have discussed infiltrating the U.S. through its southern border with Mexico, a U.S. official said. Francis Taylor, under secretary for intelligence and analysis at the Department of Homeland Security, told a Senate committee today that the Sunni militants have been tracked discussing the idea on social-media sites such as Twitter Inc. (TWTR) “There have been Twitter and social-media exchanges among ISIL adherents across the globe speaking about that as a possibility,” Taylor said in response to a question from Senator John McCain, an Arizona Republican. Islamic State is also known by the acronyms ISIL and ISIS. Referring to the 1,933-mile (3,110-kilometer) boundary with Mexico, Taylor said he was “satisfied that we have the intelligence and the capability at our border that would prevent that activity.” Taylor’s comments before the Homeland Security and Governmental Affairs Committee came hours before President Barack Obama

was to outline in a speech plans to expand the U.S. offensive against Islamic State. Steps under consideration include blocking foreign fighters from entering Syria and Iraq, delivering more aid to moderate factions among Syrian rebels, and expanding air strikes to Islamic State targets in Syria.

K of ISIS Impacts

Claims that ISIS will cross the border are fed by racist-jingoism

Bow 2014 (Charles M; ISIS, deep in the heart of Texas; Sep 3;
www.nytimes.com/2014/09/04/opinion/isis-deep-in-the-heart-of-texas.html; kdf)

The Islamic State in Iraq and Syria, or ISIS, is coming ... to Texas? Yes, if you listen to conservatives, particularly those from Texas. First, let's say this flatly: ISIS is an outrageously barbaric group that poses a real threat to the Middle East in the short term and possibly to Western countries in the long term. And watching the beheading of American journalists by ISIS is most unsettling, to say nothing of the pain and torment it must cause the victims' families. It offends and infuriates. The heart breaks and the eyes water. And there is a natural revulsion and rousing of anger. But through the anger we must still stay levelheaded, and not allow politicians and pundits to talk us into armed conflict without clarity of mission and scope. And we also mustn't allow them to inflate the image of the enemy to such a degree that we feel that caution and patience are not options. The latter seems to be very much underway. ISIS is being presented as so great a threat that action cannot be forestalled, and that amplification of threat is even being used as a political tool in the immigration debate. The conservative website WND "reported" in July that "a top U.S. Defense Department analyst under President Bush says ISIS, the Islamic jihadists creating a Muslim caliphate in Iraq and beyond, could use the Mexican border to infiltrate America, and it could happen 'sooner rather than later.'" The site continued, "ISIS may be working to infiltrate' the U.S. with the aid of transnational drug cartels, he said, citing the violent Mexican criminal gang MS-13 as a highly likely candidate for the partnership." WND was not the only one to hype the cartel line. Representative Ted Poe of Texas said in August that there was interaction between ISIS and Mexican drug cartels and that they were "talking to each other." Fox News "reported" Friday on a so-called "situational awareness" bulletin sent out by the Texas Department of Public Safety and obtained by the "news" network. According to Fox, the bulletin read, "A review of ISIS social media messaging during the week ending August 26 shows that militants are expressing an increased interest in the notion that they could clandestinely infiltrate the southwest border of U.S., for terror attack." And members of the Obama administration — wittingly or not — fed the frenzy. In a joint news conference in August, Secretary of Defense Chuck Hagel and the chairman of the Joint Chiefs of Staff, Gen. Martin Dempsey, further inflated ISIS and raised the issue of immigration and the border. Hagel called ISIS an "imminent threat to every interest we have" and said, "This is beyond anything we've seen. We must prepare for everything." Dempsey said, "Because of open borders and immigration issues, it's an immediate threat, that is to say, the fighters who may leave the current fight and migrate home. Longer-term, it is about ISIS' vision." Broadly speaking, this is all true. Everything is possible, and one should never underestimate an enemy. But, neither should one inflate the image of the enemy. And a legitimate threat from foreign forces should not be used as political fodder for anti-immigrant, enforcement-over-citizenship border politicians. And yet, that appears to be what it has become. Gov. Rick Perry of Texas recently hinted that ISIS fighters might have already crossed the U.S.-Mexico border. According to Perry, "There's the obvious great concern that because of the condition of the border, from the standpoint of it not being secure and us not knowing who is penetrating across, that individuals from ISIS or other terrorist states could be." Perry continued, "I think it's a very real possibility that they may have already used that." Rear Adm. John Kirby, the Pentagon press secretary, said on CNN, however, that although ISIS had a desire to strike Western targets, there was "no information that leads us to believe" that ISIS fighters had crossed the border. The Conservative Judicial Watch issued a statement last week claiming: "Islamic terrorist groups are operating in the Mexican border city of Ciudad Juárez and planning to attack the United States with car bombs or other vehicle-borne improvised explosive devices (VBIED). High-level federal law enforcement, intelligence and other sources have confirmed to Judicial Watch that a warning bulletin for an imminent terrorist attack on the border has been issued. Agents across a number of Homeland Security, Justice and Defense agencies have all been placed on alert and instructed to aggressively work all possible leads and sources concerning this imminent terrorist threat." The National Counterterrorism Center director, Matthew Olsen, said that while ISIS did pose "significant threat to us" it was not "Al Qaeda pre-9/11" and "we have no credible information" that ISIS is planning to attack the United States. The ISIS-at-the-border hype appears to simply be an attempt to kill two birds with one stone — be pro-war and anti-immigration at the same time.

Their impacts are hype used to restart the war on terror

Traces of Reality 2014 (Masterminds behind ISIS Mexican Cartel Grid Jihad Revealed! (or Why the Media Thinks You're Stupid); Sep 13; tracesofreality.com/2014/09/13/masterminds-behind-isis-mexican-cartel-grid-jihad-revealed-or-why-the-media-thinks-youre-stupid/; kdf)

On this edition of Traces of Reality Radio: Guillermo and Danny reveal the true “masterminds” behind the Islamic State/Mexican drug cartel plot to “take down a power grid” in the United States and kill 90% of the public. We chronicle how and when this story began, picking apart the narrative and explaining the various reasons why it makes absolutely no sense whatsoever. We illustrate how a product of government propaganda — that serves to further legitimize the “war on terror,” justify another war, and accept a greater loss of liberty — nevertheless found willing mouthpieces within some of the larger “alternative media” outlets.

Turn: Illegal Immigration Good – Ag

Illegal immigrants benefit the economy – agricultural industry proves

Goodman '14 (H.A.; April 23, 2014; Illegal immigrants benefit the U.S. economy; Columnist, Journalist, Author, and Contributor to The Huffington Post, The Hill, published by The Baltimore Sun, The Jerusalem Post, Salon.com, The Roanoke Times and other publications; thehill.com/blogs/congress-blog/foreign-policy/203984-illegal-immigrants-benefit-the-us-economy; 7-7-15; mbc)

There are few subjects that evoke as much emotion as immigration reform, especially since future laws could result in a path to citizenship for over 11 million illegal immigrants. When analyzed from the vantage point of information derived from reputable, nonpartisan sources (the Pew Research Center, USDA, United States Department of Labor, and leading economists and researchers) then one can obtain a clearer view of this muddled discussion. The truth of the matter is that illegal immigrants are important to the U.S. economy, as well as vital to certain industries like agriculture. According to the Pew Research Hispanic Trends Project, there were 8.4 million unauthorized immigrants employed in the U.S.; representing 5.2 percent of the U.S. labor force (an increase from 3.8 percent in 2000). Their importance was highlighted in a report by Texas Comptroller Susan Combs that stated, “Without the undocumented population, Texas’ work force would decrease by 6.3 percent” and Texas’ gross state product would decrease by 2.1 percent. Furthermore, certain segments of the U.S. economy, like agriculture, are entirely dependent upon illegal immigrants. The U.S. Department of Agriculture states that, “about half of the hired workers employed in U.S. crop agriculture were unauthorized, with the overwhelming majority of these workers coming from Mexico.” The USDA has also warned that, “any potential immigration reform could have significant impacts on the U.S. fruit and vegetable industry.” From the perspective of National Milk Producers Federation in 2009, retail milk prices would increase by 61 percent if its immigrant labor force were to be eliminated. Echoing the Department of Labor, the USDA, and the National Milk Producers Federation, agricultural labor economist James S. Holt made the following statement to Congress in 2007: “The reality, however, is that if we deported a substantial number of undocumented farm workers, there would be a tremendous labor shortage.” In terms of overall numbers, The Department of Labor reports that of the 2.5 million farm workers in the U.S., over half (53 percent) are illegal immigrants. Growers and labor unions put this figure at 70 percent. But what about the immense strain on social services and money spent on welfare for these law breakers? The Congressional Budget Office in 2007 answered this question in the following manner: “Over the past two decades, most efforts to estimate the fiscal impact of immigration in the United States have concluded that, in aggregate and over the long term, tax revenues of all types generated by immigrants—both legal and unauthorized—exceed the cost of the services they use.” According to the New York Times, the chief actuary of the Social Security Administration claims that undocumented workers have contributed close to 10% (\$300 billion) of the Social Security Trust Fund. Finally, the aggregate economic impact of illegal immigration is debatable, but any claim that they’ve ruined the country doesn’t correlate to the views of any notable economist. An open letter to President George W. Bush in 2006, signed by around five hundred economists (including five Nobel laureates) stated the following: “While a small percentage of native-born Americans may be harmed by immigration, vastly more Americans benefit from the contributions that immigrants make to our economy, including lower consumer prices.” Although Harvard economist Jorge Borjas has stated that illegal immigrants from 1980-2000 have reduced the wages of high school dropouts in the U.S. he also states that the average American’s wealth has increased by 1 percent because of illegal immigration. In an op-ed published in the Los Angeles Times,

UC Davis economist Giovanni Peri stated that new laws are needed to meet demands within industries like construction, agriculture, and hospitality: “In recent decades, the high demand for these services and the pressure for keeping their cost low and prices competitive have generated incentives to hire undocumented workers.” Some people claim that illegal immigrants represent an assault on our sovereignty. If this is true, then it might be the first time in world history that a country has employed its invaders. When illegal immigrants cross the border, there’s a citizen waiting to hire them and benefit in some manner from their labor. The sooner our country realizes that immigration reform should be based upon the views of economists and nonpartisan academic researchers, rather than think tanks and radio show hosts, then Congress will finally be able to help solve this national dilemma.

AT: Business Confidence D.A- JDI

Non-Unique

The US is losing market confidence now due to surveillance.

Danielle Kehl et al., 2014, New America's Open Technology Institute, "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity,"
https://www.newamerica.org/downloads/Surveillance_Costs_Final.pdf, mm

Trust in American businesses has taken a significant hit since the initial reports on the PRISM program suggested that the NSA was directly tapping into the servers of nine U.S. companies to obtain customer data for national security investigations.²⁸ The Washington Post's original story on the program provoked an uproar in the media and prompted the CEOs of several major companies to deny knowledge of or participation in the program.²⁹ The exact nature of the requests made through the PRISM program was later clarified,³⁰ but the public attention on the **relationship between American companies and the NSA still created a significant trust gap, especially in industries where users entrust companies to store sensitive personal and commercial data.** "Last year's national security leaks have also had a commercial and financial impact on American technology companies that have provided these records," noted Representative Bob Goodlatte, a prominent Republican leader and Chairman of the House Judiciary Committee, in May 2014. "They have experienced backlash from both American and foreign consumers and have had their competitive standing in the global marketplace damaged."³¹ Given heightened concerns about the NSA's ability to access data stored by U.S. companies, **it is no surprise that American companies offering cloud computing and webhosting services are among those experiencing the most acute economic fallout from NSA surveillance.** Within just a few weeks of the first disclosures, reports began to emerge that American cloud computing companies like Dropbox and Amazon Web Services were starting to lose business to overseas competitors.³² The CEO of Artmotion, one of Switzerland's largest offshore hosting providers, reported in July 2013 that his company had seen a 45 percent jump in revenue since the first leaks,³³ an early sign that the country's perceived neutrality and strong data and privacy protections³⁴ could potentially be turned into a serious competitive advantage.³⁵ **Foreign companies are clearly poised to benefit from growing fears about the security ramifications of keeping data in the United States.** In a survey of 300 British and Canadian businesses released by PEER 1 in January 2014,³⁶ 25 percent of respondents indicated that they were moving data outside of the U.S. as a result of the NSA's revelations. **An overwhelming number of the companies surveyed indicated that security and data privacy were their top concerns,** with 81 percent stating that they "want to know exactly where their data is being hosted." Seventy percent were even willing to sacrifice performance in order to ensure that their data was protected.³⁷ It appears that little consideration was given over the past decade to the potential economic repercussions if the NSA's secret programs were revealed.³⁸ This failure was acutely demonstrated by the Obama Administration's initial focus on reassuring the public that its programs primarily affect non-Americans, even though non-Americans are also heavy users of American companies' products. Facebook CEO Mark Zuckerberg put a fine point on the issue, saying that the government "blew it" in its response to the scandal. He noted sarcastically: "The government response was, 'Oh don't worry, we're not spying on any Americans.' Oh, wonderful: that's really helpful to companies [like Facebook] trying to serve people around the world, and that's really going to inspire confidence in American internet companies."³⁹ As Zuckerberg's comments reflect, certain parts of the American technology industry are particularly vulnerable to international backlash since growth is heavily dependent on foreign markets. For example, **the U.S. cloud computing industry has grown** from an estimated \$46 billion in 2008 to \$150 billion in 2014, **with nearly 50 percent of worldwide cloud-computing revenues coming from the U.S.**⁴⁰ R Street Institute's January 2014 policy study concluded that **in the next few years, new products and services that rely on cloud computing will become increasingly pervasive.** "Cloud computing is also the root of development for the emerging generation of Web-based applications—home security, outpatient care, mobile payment, distance learning, efficient energy use and driverless cars," writes R Street's Steven Titch in the study. "And **it is a research area where the United States is an undisputed leader.**"⁴¹ **This trajectory may be dramatically altered, however, as a consequence of the NSA's surveillance programs.** **Economic forecasts after the Snowden leaks have predicted significant, ongoing losses for the cloud-computing industry in the next few years.** An August 2013 study by the Information Technology and Innovation Foundation (ITIF) estimated that revelations about the NSA's PRISM program could cost the American cloud computing industry \$22 to \$35 billion over the next three years.⁴² On the low end, the ITIF projection suggests that U.S. cloud computing providers would lose 10 percent of the foreign market share to European or Asian competitors, totaling in about \$21.5 billion in losses; on the high-end, the \$35 billion figure represents about 20 percent of the companies' foreign market share. **Because the cloud computing industry is undergoing rapid growth right now—a 2012 Gartner study predicted global spending on cloud computing would increase by 100 percent from 2012 to 2016, compared to a 3 percent overall growth rate in the tech industry as a**

whole⁴³—vendors in this sector are particularly vulnerable to shifts in the market. Failing to recruit new customers or losing a competitive advantage due to exploitation by rival companies in other countries can quickly lead to a dwindling market share. The ITIF study further notes that “the percentage lost to foreign competitors could go higher if foreign governments enact protectionist trade barriers that effectively cut out U.S. providers,” citing early calls from German data protection authorities to suspend the U.S.-EU Safe Harbor program (which will be discussed at length in the next section).⁴⁴ As the R Street Policy Study highlights, “Ironically, the NSA turned the competitive edge U.S. companies have in cloud computing into a liability, especially in Europe.”⁴⁵ In a follow up to the ITIF study, Forrester Research analyst James Staten argued that the think tank’s estimates were low, suggesting that the actual figure could be as high as \$180 billion over three years.⁴⁶ Staten highlighted two additional impacts not considered in the ITIF study. The first is that U.S. customers—not just foreign companies—would also avoid U.S. cloud providers, especially for international and overseas business. The ITIF study predicted that American companies would retain their domestic market share, but Staten argued that the economic blowback from the revelations would be felt at home, too. “You don’t have to be a French company, for example, to be worried about the US government snooping in the data about your French clients,” he wrote.⁴⁷ Moreover, the analysis highlighted a second and “far more costly” impact: that foreign cloud providers, too, would lose as much as 20 percent of overseas and domestic business because of similar spying programs conducted by other governments. Indeed, the NSA disclosures “have prompted a fundamental re-examination of the role of intelligence services in conducting coordinated cross-border surveillance,” according to a November 2013 report by Privacy International on the “Five Eyes” intelligence partnership between the United States, the United Kingdom, Canada, Australia, and New Zealand.⁴⁸ Staten predicts that as the surveillance landscape around the world becomes more clear, it could have a serious negative impact on all hosting and outsourcing services, resulting in a 25 percent decline in the overall IT services market, or about \$180 billion in losses.⁴⁹ Recent reports suggest that things are, in fact, moving in the direction that analysts like Castro and Staten suggested.⁵⁰ A survey of 1,000 “[Information and Communications Technology (ICT)] decision-makers” from France, Germany, Hong Kong, the UK, and the USA in February and March 2014 found that the disclosures “have had a direct impact on how companies around the world think about ICT and cloud computing in particular.”⁵¹ According to the data from NTT Communications, 88 percent of decision-makers are changing their purchasing behaviors when it comes to the cloud, with the vast majority indicating that the location of the data is very important. The results do not bode well for recruitment of new customers, either—62 percent of those currently not storing data in the cloud indicated that the revelations have since prevented them from moving their ICT systems there. And finally, 82 percent suggested that they agree with proposals made by German Chancellor Angela Merkel in February 2014 to have separate data networks for Europe, which will be discussed in further detail in Part III of this report. Providing direct evidence of this trend, Servint, a Virginia-based webhosting company, reported in June 2014 that international clients have declined by as much as half, dropping from approximately 60 percent of its business to 30 percent since the leaks began.⁵² With faith in U.S. companies on the decline, foreign companies are stepping in to take advantage of shifting public perceptions. As Georg Mascolo and Ben Scott predicted in a joint paper published by the Wilson Center and the New America Foundation in October 2013, “Major commercial actors on both continents are preparing offensive and defensive strategies to battle in the market for a competitive advantage drawn from Snowden’s revelations.”⁵³ For example, Runbox, a small Norwegian company that offers secure email service, reported a 34 percent jump in customers since June 2013.⁵⁴ Runbox markets itself as a safer email and webhosting provider for both individual and commercial customers, promising that it “will never disclose any user data unauthorized, track your usage, or display any advertisements.”⁵⁵ Since the NSA revelations, the company has touted its privacy-centric design and the fact that its servers are located in Norway as a competitive advantage. “Being firmly located in Norway, the Runbox email service is governed by strict privacy regulations and is a safe alternative to American email services as well as cloud-based services that move data across borders and jurisdictions,” a company representative wrote on its blog in early 2014.⁵⁶ F-Secure, a Finnish cloud storage company, similarly emphasizes the fact that “its roots [are] in Finland, where privacy is a fiercely guarded value.”⁵⁷ Presenting products and services as ‘NSA-proof’ or ‘safer’ alternatives to American-made goods is an increasingly viable strategy for foreign companies hoping to chip away at U.S. tech competitiveness.⁵⁸

Turn- Credibility

Tech competitiveness is high now – only reforms signal confidence in the market.

Danielle Kehl et al., 2014, New America's Open Technology Institute, "Surveillance Costs: The NSA's Impact on the Economy, Internet Freedom & Cybersecurity,"

https://www.newamerica.org/downloads/Surveillance_Costs_Final.pdf, mm

Moreover, while the recent developments may temper short-term concerns, they could also set the stage for more troubling changes in the long run. Until recently, most foreign countries have accepted the fact that the U.S. has a comparative advantage in the technology industry that is extremely difficult to challenge. In a number of cases, however, the threat of NSA surveillance may be the catalyst that forces countries to invest heavily in markets that they would otherwise have left to the U.S., including cloud computing and data storage—a shift that will be worth huge amounts of money over time.¹⁴⁶ There is some risk at the moment that the short-term logistical challenges of requiring data localization or turning away from U.S. companies will create a false sense of security among U.S. policymakers and business leaders, obscuring the fact that the United States will squander massive economic value in the long term if it fails to address issues raised by NSA surveillance.

Turn- Fusion Centers

Regulations to protect privacy on the cloud key to business confidence- Lomas 13

(Natasha, "NSA Spying Risks Undermining Trust In U.S. Cloud Computing Businesses, Warns Kroes," Tech Crunch, July 4, 2013, Accessed April 8, 2015, <http://techcrunch.com/2013/07/04/spying-bad-for-business/>)//AD

The NSA spying scandal risks undermining trust in U.S. cloud computing businesses, the European Commission's vice-president, Neelie Kroes, has warned in a speech today. Kroes also reiterated calls for "clarity and transparency" from the U.S. regarding the scope and nature of its surveillance and access to data on individuals and businesses living and conducting business in Europe in order to avoid a knock-on effect on cloud businesses. Loss of Europeans' trust could result in "multi-billion euro consequences" for U.S. cloud providers, she added. Kroes was speaking during a press conference held in Estonia, following a meeting of the EC's European Cloud Partnership Steering Board, which was held to agree on EU-wide specifications for cloud procurement. In her speech, part of which follows below, she argued that: cloud computing businesses are at particular risk of fallout from a wide-reaching U.S. government surveillance program because they rely on their customers' trust to function — trust that the data entrusted to them is stored securely. Kroes said: If businesses or governments think they might be spied on, they will have less reason to trust the cloud, and it will be cloud providers who ultimately miss out. Why would you pay someone else to hold your commercial or other secrets, if you suspect or know they are being shared against your wishes? Front or back door – it doesn't matter – any smart person doesn't want the information shared at all. Customers will act rationally, and providers will miss out on a great opportunity.

Turn- Drones

Regulations provide market certainty and enable growth-

Red Herring, 2/25/15. "Drone investment set to soar despite regulation threat."

<http://www.redherring.com/finance/drone-investment-set-soar-despite-regulation-threat/>

Drones have hit the headlines again this month, as proposed FAA regulations threaten to make package delivery via unmanned aircraft unfeasible. But while lobbyists from **some of technology's biggest names** battle to have the regulation rewritten, **investment in the drone**

sector is likely to continue growing. The Teal Group, an aerospace and defense analyst, **estimates that the industry will be worth \$91**

billion by 2024, from the \$6.4 billion invested annually today. Next year Deloitte says the number of drones valued at \$200 or more will top a million this

year. Amazon Prime Air, whose drones can travel at 50mph and can carry loads of up to five pounds – accounting for 80% of the firm's vast inventory – has shown that drones can be a viable commercial logistics option, as well as

the DHL project explored in last week's Red Herring drone piece. **Investors are taking note. Dedicated drone angels and VCs have begun to**

appear. And while the money put into drone startups is small by Silicon Valley standards, the aforementioned numbers – and some top share picks listed below – will ensure those figures rise quickly.

Investment in drone startups exceeded \$108 million over 29 deals in 2014, a 104% increase in backing

year-on-year, according to CB Insights data. VC giants such as Lightspeed Venture Partners, GGV Capital, Kleiner Perkins Caufield & Byers and other made big bets in the drone market. Drone.VC is an online syndicate

of 106 backers, who have combined to pour \$295,600 into drone technology. Its minimum investment is \$5,000, and the total carry per deal is 20%. 2014's deals include PreNav and Mavix, and the group expects to see five deals a

year. This trend has been happening for a couple of years. In 2013 14 drone tech firms closed their first rounds of funding, and last year total industry venture hit \$65m, with Airware and PrecisionHawk securing some of the more

headline-grabbing rounds. **The FAA, and the question of regulation hangs heavy in the air for drone tech firms.** But

PrecisionHawk's Lisa **Reich sees regulation more as "an enabler rather than deterrent. Today everyone is simply**

restricted from flying for commercial purposes. "Any changes point forward, at this point, would be

upside." Reich claims, on behalf of a company which has adopted a data-first approach to the market. "I think we will still see the consumer hobbyist market and the filming market surge in 2015, but that can easily change

depending on how and when the FAA's policy shapes up and shifts across markets like agriculture and insurance." So, who to invest in? PrecisionHawk and Airware would be good starts. But beyond them there are plenty of firms

making the parts essential to the development of drones for emerging markets such as logistics, agriculture and defense. IXYS Corp, for example, makes chipsets all drone companies will need. Its earnings growth could soon

explode due to demand, and valuation may double. Ambarella makes chipsets for uploading and transmitting HD video. IvenSense, which manufactures leading-edge gyroscopes for motion-tracking devices, is set to perform well,

as is Textron. Other picks have included Northrop Grumman Corporation, AeroVironment and aerospace giant Lockheed Martin. Reich admits that there are little hard data points for domestic U.S. drone growth. But Keven

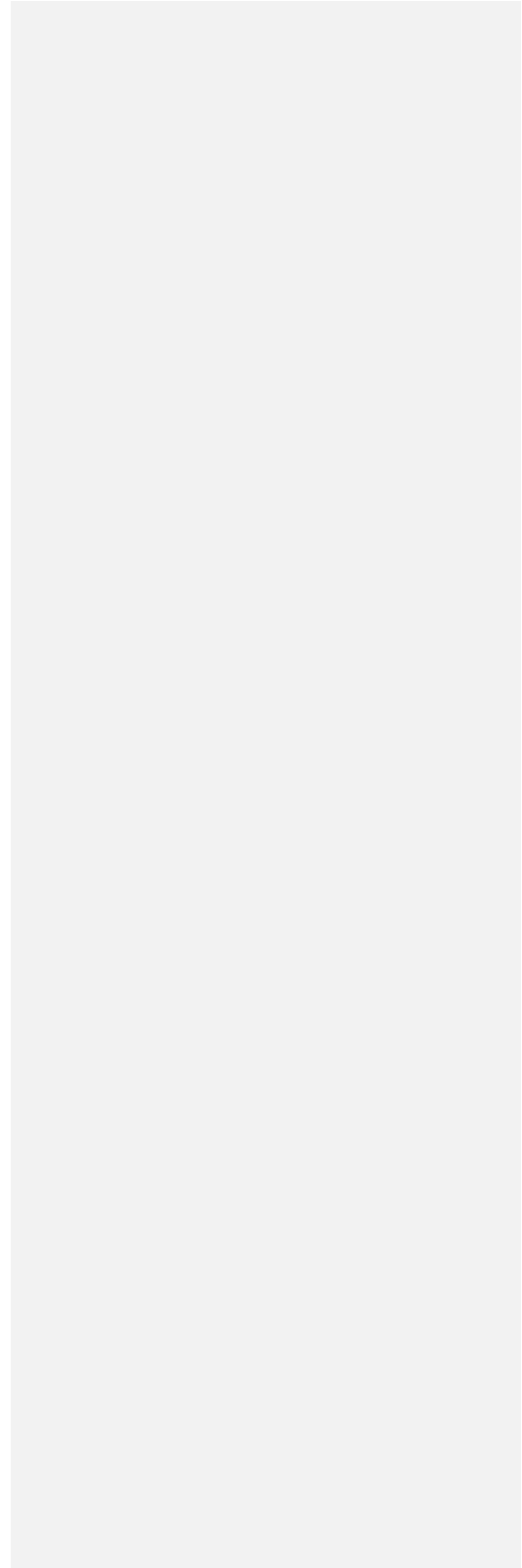
Gambold, of Unmanned Experts, feels that infrastructure inspection – particularly oil, electricity and building management – will see widespread use of drones in the next 12 months. However it is GIS mapping which he believes

will be "the big win in the coming months. This allows every industry to get a bird's eye view of their workspace without hiring a helicopter crew. When they see the uses, they will all want one!" The numbers may be small for now,

but they will not be for long. Drone investment, as the technology behind it, will be soaring higher than most in 2015.

AT: China Tech D.A- Northwestern

--- Uniqueness ---



N/U: China Low Now

China is 22nd in tech innovation – 21 countries including Korea, Japan, Germany, and US thumps

Bonita Chen 15 (7/24/15, A author for the China Business Review. “Where Does China Rank in the World?” <http://www.chinabusinessreview.com/where-does-china-rank-in-the-world/> Accessed 7/30/15) EK

China has spent enormous amounts of time and money trying to absorb foreign technologies and innovate on its own, but is it paying off? According to Bloomberg’s 2015 ranking of the world’s 50 most innovative countries, **China ranked 22nd** of more than 200. **This ranking is based on** six equally weighted measures: **r**esearch and **d**evelopment expenditure per capita, gross value added by **m**anufacturing, number of **h**igh-tech companies, **p**ostsecondary education levels, the number of **r**esearch personnel per capita, and the number of patents per capita. **South Korea claimed first place, followed by Japan and Germany, and the U**nited **S**tates **finished sixth**. The United States, China, and Japan lead in hi-tech companies, while China’s Tencent Holdings Limited ranked as the tenth largest tech companies by market value. The prevalence of its use of Internet reflects China’s fast growth pace in technology. China has the largest number of global Internet users according to CIA World Factbook, and the fifth largest Internet host.

There is no innovation in China, derails their possibilities to become tech leader

Ambrami et al 14 (Regina M., Senior Lecturer, Political Science, Senior Fellow, Management Department, Wharton School of Business, and Director, Global Program, the Lauder Institute of Management and International Studies, William C. KirbyF, William C. Kirby is T. M. Chang Professor of China Studies and Spangler Family Professor of Business Administration at Harvard University, where is he concurrently the Director of Fairbank Center , Warren McFarlan, Professor of Business Administration, Emeritus, “Why China Can’t Innovate”, Harvard Business Review, <https://hbr.org/2014/03/why-china-cant-innovate>)

The Chinese invented gunpowder, the compass, the waterwheel, paper money, long-distance banking, the civil service, and merit promotion. Until the early 19th century, China’s economy was more open and market driven than the economies of Europe. Today, though, **many believe that the West is home to creative business thinkers and innovators, and that China is largely a land of rule-bound rote learners—a place where R&D is diligently pursued but breakthroughs are rare.**

When we ask why, the answers vary. Some people blame the engineers. “Most **Chinese start-ups are not founded by designers or artists, but by engineers who don’t have the creativity to think of new ideas or designs,**” argues Jason Lim, an editor at the website TechNode. **Others blame the government for the unprecedented scale of its failure to protect intellectual property rights.** Apple’s products have been pirated the world over, they point out, but only China has opened entirely fake Apple stores filled with employees who think they work for the U.S. company. Still **others blame the Chinese education system, with its modernized version** of what the Japanese scholar Ichisada Miyazaki calls “**China’s examination hell.**” How can students so completely focused on test scores possibly be innovators? From our decades of field experience and research in China, and the dozens of case studies we have collectively produced, we see some merit in all those views (but we must point out that many of the most innovative Western firms were founded by engineers). Those criticisms don’t tell the entire story, however. China has no lack of entrepreneurs or market demand. And given the government’s enormous wealth and political will, China has the potential to set the kind of economic policies and build the kind of education and research institutions that propelled the U.S. to technological dominance. But will that potential be realized? We see considerable challenges. **A look at how innovation is happening in China—from the top down, from the bottom up, through acquisition, and through education—sheds light on the complexities of the issue,** highlighting the promise and the problems China faces in its quest to become the world’s innovation leader.

China not competitive now, patent quality shows

Jonquières 14 (Guy de, Senior fellow at the European Centre for International Political Economy (ECIPE), “The flaws in China’s plan to lead world technology”, Europe’s World, http://europesworld.org/2014/02/24/the-flaws-in-chinas-plan-to-lead-world-technology/#.Vbz2p_IVikp)

China’s economic and industrial achievements over the past three decades have repeatedly stunned the rest of the world. But the country’s vaulting ambitions for the future are more breathtaking still – none more so than its goal of becoming an innovation powerhouse by the end of this decade and by 2050 a global leader in science and technology. The scale of China’s ambitions is reflected in its state-backed New Emerging Industries programme. It aims not just to catch up with, but to leapfrog the world leaders in seven sectors, including clean energy, information technology, biotechnology, advanced manufacturing and new materials. Funding is estimated at between \$1.5 trillion and \$2 trillion over five years, contributing substantially to China’s plan to lift research and development spending from 1.9% of GDP today to 2.5%. China can already claim to have made big strides in the past few years in science and technology. Among these are: It has more patent applications than any other country, having overtaken the U.S. three years ago. R&D spending has been rising by 20% a year to about \$300bn annually, second only to the U.S. and more than Germany and Japan combined. Output of scientific publications has soared and the Royal Society, Britain’s leading scientific institution, says China is on course to be the world’s biggest source by 2020. It turns out more than a million engineering graduates yearly. It now has more installed genome sequencing capacity than any other country. This is extraordinary progress by a country that ranks only 90th in the World Bank’s international league table of income per head and still has 160m people living in poverty. Not surprisingly, it has inspired forecasts in the west that China will soon win the race to dominate the industries of the future. Yet, as always with China, it pays to check what lies behind the official data. And on closer investigation, the picture turns out to be decidedly less impressive than it first appears. The surge in patenting is driven less by a spontaneous burst of innovation than by generous incentives intended to swell the number of filings. The quality of patents is far more questionable than their quantity. China itself classifies only a third of the annual total as “innovation” patents, and some independent analyses put the proportion lower still. Some Chinese scholars have warned that the patenting stampede risks devaluing the system. The quality of Chinese scientific publications is equally questionable. They attract relatively few citations, a key measure of other scientists’ opinion of their worth, and the number of papers retracted after being found to involve plagiarism and even fabrication has risen steeply. A recent investigation by Science magazine, published by the American Association for Advancement of Science, uncovered widespread evidence in China of “a flourishing academic black market, involving shady agencies, corrupt scientists and compromised editors.”

Chinese Research and Development facilities are underfunded derailing all tech innovations

Jonquières 14 (Guy de, Senior fellow at the European Centre for International Political Economy (ECIPE), “The flaws in China’s plan to lead world technology”, Europe’s World, http://europesworld.org/2014/02/24/the-flaws-in-chinas-plan-to-lead-world-technology/#.Vbz2p_IVikp)

China’s claimed advances in research look similarly shaky. The China Association for Science and Technology, a professional body, says 60% of government funding for scientific R&D is embezzled or otherwise misappropriated. Wan Gang, the science and technology minister, has declared himself “stunned, angry and distressed” at cases of graft and other abuses by China’s scientists.

China not a future tech leader, student engineers aren’t employable

Jonquières 14 (Guy de, Senior fellow at the European Centre for International Political Economy (ECIPE), “The flaws in China’s plan to lead world technology”, Europe’s World,

http://europesworld.org/2014/02/24/the-flaws-in-chinas-plan-to-lead-world-technology/#.Vbz2p_IVikp

Meanwhile, China's engineering graduates may be numerous, but their quality, too, is uncertain. A poll of leading multinational companies by McKinsey management consultants found that almost all of them considered western-educated engineers more employable than those trained in China or India. Engineering UK, an industry body, calculates that, proportionately, Britain produces two-and-a-half times more employable engineering graduates than does China. Partly for those reasons, China still depends far more heavily on technology developed elsewhere than on home-grown varieties. In 2012, China paid out 18 times more in royalties on foreign patents than it earned in royalty income from abroad. A similar story is implicit in China's determined – but only partly successful – efforts to compel foreign companies to hand over their most advanced proprietary technology in exchange for access to its market. As for genome sequencing capacity, it, too, turns out to be less impressive than it may seem. Genome sequencing requires scientific precision but basically is now a well-established repetitive routine, and the machines China uses to do it are imported.

Government censorship restricts possible innovative ideas, crushing the tech sector

Jonquières 14 (Guy de, Senior fellow at the European Centre for International Political Economy (ECIPE), "The flaws in China's plan to lead world technology", Europe's World, http://europesworld.org/2014/02/24/the-flaws-in-chinas-plan-to-lead-world-technology/#.Vbz2p_IVikp)

China is seeking to tackle the abuses, malpractices and distortions that plague its scientific and research communities. But even if its efforts succeed, its hopes of scaling the technological heights face other questions. One of the biggest is whether the forthright scientific inquiry and bold original thinking needed to advance the frontiers of science can flourish in a country whose education system is heavily geared to rote learning and whose political regime not only discourages freedom of expression but has recently launched an even harsher crackdown on dissent. In any case, China will need more than laboratory breakthroughs if it is to become an innovation leader. It will also need the industrial and institutional structures that enable inventions to be brought to global markets quickly and profitably.

There are 5 reasons why China can't be a tech power in the short term – it lacks key elements that only the US has

Anil **Gupta** and Haiyan **Wang 14** (2/24/14, Michel D. Dingman chair in strategy and globalisation at the University of Maryland's Smith School of Business and coauthor of *The Silk Road Rediscovered* (Wiley, 2014), *Getting China and India Right* (Wiley, 2009), and *The Quest for Global Dominance* (Wiley, 2008). Haiyan Wang is a Managing partner of the China India Institute and coauthor of *The Silk Road Rediscovered* (Wiley, 2014), *Getting China and India Right* (Wiley, 2009), and *The Quest for Global Dominance* (Wiley, 2008). "Asia isn't going to lead technologically anytime soon" http://europesworld.org/2014/02/24/asia-isnt-going-to-lead-technologically-anytime-soon/#.VbwYPjZRG_T Accessed 7/31/15) EK

Fourth, **the factors responsible for China's challenge regarding the productivity of its R&D** (the input-output ratio) **are structural, and therefore not amenable to quick resolution. The biggest impediments in China's path are: •The dominant role of state-owned enterprises**. With rare exceptions such as Huawei and ZTE, state-owned enterprises (SOEs) rule the landscape of big companies in China. **Their primary goal is employment and job**

creation rather than disruptive innovation that may be risky but could undercut other SOEs and create shareholder value. They also enjoy privileged access to input factors and are protected from the rigours of competition. Innovation is not a high priority goal for them, and that's arguably the reason why, other than Huawei and ZTE, there is no equivalent in China to an IBM, a GE or a Honeywell.

•**Allocation of government R&D funds based largely on who-you-know rather than what-you-know.** As Yigong Shi and Yi Rao, deans of Life Sciences at Tsinghua and Peking Universities respectively, put it in an editorial in Science magazine, when it comes to government grants **'it is an open secret that doing good research is not as important as schmoozing with powerful bureaucrats and their favourite experts...China's current research culture...wastes resources, corrupts the spirit, and stymies innovation.'** •**Emphasis on quantity over quality.** **China's R&D culture suffers from a focus on quantity over quality,** the use of local rather than international standards to reward research productivity or grant patents and a continuing weakness in the enforcement of intellectual property protection laws. The result is not just a massive focus on incremental advances but also duplication of what outside China is already proven knowledge. •Rote learning. China's educational system emphasises rote learning rather than creative problem-solving. As Lee Kai-Fu has also noted, **"the Chinese education system makes people hard working, teaches people strong fundamentals, and makes them very good at rote learning. It doesn't make them creative original thinkers."** The result is that iconoclastic minds either get channelled into conventional thinking or "become outcasts and their parents would think they'd gone crazy." •Homogeneity. Unlike the U.S., and Silicon Valley in particular, which thrives on diversity of ethnicity, national backgrounds, cultures and languages, **China is largely a sea of homogeneity. Innovation thrives in a culture of diversity where one doesn't feel the compulsion to fit in and where people with strong backbones are likely to be viewed as heroes.** As Sebastian Thrun, a transplant from Germany and the first head of Google X, the company's big-think research lab, noted in a recent interview with the U.S. journal Foreign Affairs, **"there's a genuine innovative element in America that you find in almost no other culture...people who came over had to be innovative to make their own rules and clear the land and build society up from scratch."**

India Thumper

India Tech sector booming, multiple global investors investing.

FT-2/26/15. Financial Times based of London is a 24 hour multichannel news organization. "February 26, 2015 4:47 Pm India's Technology Sector Receives Record Funding." Ft Technology. Financial Times, 26 Feb. 2015. Web. 30 July 2015. <<http://www.ft.com/intl/cms/2015/02/26/india-tech-sector-receives-record-funding>>

A spate of **deals by global venture capital groups has pushed investment in Indian technology companies to its highest level**, in a further sign of growing excitement over the country's booming internet economy. **Fresh funding for fast-growing e-commerce groups** such as Flipkart and Snapdeal **led to technology-related private equity deals jumping to a record \$2.7bn** in the final quarter of 2014, exceeding the previous high set during 2012, according to data compiled by PwC, the professional services firm. **The influx was driven by investors including SoftBank of Japan and US-based Tiger Global, which are betting increasing sums of money on the hope that Indian internet businesses will soon match the rapid growth** enjoyed over recent years by Chinese equivalents such as Tencent and Baidu. "There is a frenzy," said Mohandas Pai, an investor and entrepreneur based in Bangalore. **"American funds are coming from Silicon Valley, the Chinese and Japanese are coming having made money in the Alibaba listing... They see this as the next big market that is ready to grow."** **The number of Indians connected to the internet is forecast to expand from 300m to more than 500m by 2018, according to Morgan Stanley.** The proportion of the population shopping online is also increasing rapidly, albeit from a low base. **Partly as a result, internet companies now dominate India's investment scene, making up more than half of the value of all private equity deals struck in the fourth quarter of 2014, according to PwC. The value of technology deals also increased more than threefold** compared with the same period the year before. **Prominent investments during that period included a \$700m funding round in December for Flipkart at an estimated valuation in the region of \$11bn, led by Tiger Global, alongside smaller deals for the likes of taxi app start-up Olacabs and property portal Housing.com.** **Hype over Indian technology has increased further this year, in particular following the debut investment from Chinese internet group Alibaba, which struck a deal worth about \$500m for a stake in New Delhi-based mobile payment platform Paytm last month.** Some analysts have raised doubts over the steep valuations being accorded to loss-making technology start-ups, and are worried that a glut of funding will lead to ferocious competition and tempt inexperienced entrepreneurs to burn through cash. But Mohanjit Jolly, a partner at DFJ Ventures, a US investment group, said the size of **India's market and its "clear parallels with China" means the value of technology deals is now likely to increase further this year.** "Investors see the same size of the population [as China], the huge growth potential, the untapped market in second tier cities and towns... So my gut says that the **capital flow will continue, because India just has plenty of headroom**," he said.

Ext: India Thumper

India thumps

Fannin 5/27/15 (Rebecca, is a contributor to Forbes and writes about innovation trends in hotspots, she's pretty rad, "China Still Reigns But India Identified As A Next Tech Leader In Meeker's New Internet Report", <http://www.forbes.com/sites/rebeccafannin/2015/05/27/china-still-reigns-but-india-identified-as-a-next-tech-leader-in-meekers-new-internet-report/>, accessed: 7/29/15, SP)

While China clearly emerges again as a tech innovator leader in Mary Meeker's annual Internet Trends report, it's India that is the surprise factor. India is about to reach that tipping point of mass adoption of the Internet, the report concludes. With 232 million Internet users currently, India has become the world's third largest market and the top growth country, adding 63 million users in 2014. China still takes the trophy as the world's largest Internet market (followed by the U.S.), with such leaders as Tencent, Alibaba and JD.com. But growth is slowing: China saw a 7% increase in Internet users compared with a 33% uptake for India. That same trend line is seen in smartphone subscriptions. China has the world lead with 513 million smartphone subscribers, up 21% in 2014. Third-ranked smart phone market India has 140 million subscribers and a growth rate of 55%. Unlike in China, where local brands such as Tencent, Alibaba and Baidu tower, multinational brands including Facebook and LinkedIn rank India as their second-largest globally. As pointed in my book Startup Asia, American brands have struggled to make inroads in China but have become well adopted in the Indian market. They should see more gains too as India's tech ecosystem catches up with China. In another leading indicator identified in the report, India's way ahead on Internet traffic driven by mobile, with 65% of Internet traffic on mobile devices. That compares with 22% in the U.S. and 30% in China. Moreover, mobile as a percentage of a total e-commerce ranks up there too in India, at 41%, leaping past other mobile-saturated countries such as China at 33%. Likewise, Indian Internet leaders are more mobilized than their U.S. or China counterparts. Indian e-commerce brands Snapdeal and Flipkart get about 70% of their revenues from mobile, surpassing Alibaba at 51%, JD.com at 42% and eBay at 33%. Mobile wallets are rising along with e-commerce adoption in India. One startup riding this wave is Paytm with 80 million wallet users, up 17 times year over year..

India will overtake the US in the tech industry by 2017

Patrick **Thibodeau 13** (7/10/13, Patrick Thibodeau covers cloud computing and enterprise applications, outsourcing, government IT policies, data centers and IT workforce issues for Computerworld. "India to overtake U.S. on number of developers by 2017" <http://www.computerworld.com/article/2483690/it-careers/india-to-overtake-u-s--on-number-of-developers-by-2017.html> Accessed 7/27/15) EK

The U.S. may be the global center of the IT universe, but India will exceed the U.S. in the number of software developers by 2017, a new report notes. There are about 18.2 million software developers worldwide, a number that is due to rise to 26.4 million by 2019, a 45% increase, says Evans Data Corp. in its latest Global Developer Population and Demographic Study. Today, the U.S. leads the world in software developers, with about 3.6 million. India has about 2.75 million. But by 2018, India will have 5.2 million developers, a nearly 90% increase, versus 4.5 million in the U.S., a 25% increase though that period, Evans Data projects. India's software development growth rate is attributed, in part, to its population size, 1.2 billion, and relative youth, with about half the population under 25 years of age, and economic growth. India's services firms hire, in many cases, thousands of new employees each quarter. Consequently, IT and software work is seen as clear path to the middle class for many of the nation's young. For instance, in one quarter this year, Tata Consultancy Services added more than 17,000 employees, gross, bringing its total headcount to 263,600. In the same

quarter of 2010, the company had about 150,000 workers. Its real GDP growth has been about 8% over the last decade, but there are signs that growth rate may fall and that could lead to adjustment in the projections, the report said. In 2011, Evans Data projected that India would surpass the U.S. in software developers by 2015. Janel Garvin, the CEO of Evans, told Computerworld that in 2011, in the midst of the recession, the firm had a lower forecast for U.S. growth than it current does. "At that point India's growth was not as effected by the recession so the projection was that India would surpass US earlier," Garvin said. "Since that time there have been improvements in the U.S. and we've adjusted the growth projection accordingly in this latest study." "These are projections and represent the best data we can find, but they are still mathematical projections into the future, and the future is never certain," she said. What is clear is the history and the rate growth among India's fast growing IT services firms. Even firms like IBM have more workers in India than in the U.S. Over the next couple of decades, India will add about 110 million workers to its labor force, more than the U.S., China, Russia and Japan combined, says Goldman Sachs. In 2018, China will have about 1.9 million programmers, and Russia about 1.3 million, Evans Data projects. NASSCOM, India's IT industry group, expects IT exports to grow between 12 and 14% next year, driven by "anything-as-a-service," smart computing, which connects systems with physical infrastructure, and growth in the SMB market, among other sectors.

India thumps the DA – Chinese tech growth is slowing

Richter 14 Felix, data journalist for Statista, October 17th, 2014, "Emerging Markets to Lead Tech Sector Growth in 2015" (<http://www.statista.com/chart/2799/emerging-markets-to-lead-tech-sector-growth-in-2015>) 8/1/15 ANH

The global consumer electronics market has been stagnant at around \$1 trillion for the past three years. However, while mature markets are in a slump, there are other countries that continue to see considerable growth. According to a recent GfK report, the Top 10 growth markets in 2015 will all be emerging economies. Contrary to the common assumption that China is the largest growth market for the tech industry, GfK predicts that India's market for tech devices will see the biggest growth in 2015. GfK expects total sales of tech devices in India to reach \$34.8 billion in 2015, up \$4.8 billion from this year's expected total. Smartphones are the main growth driver in India, as handset prices have come down to a price that is affordable to many Indians. China's tech market, while much bigger in size than India's, is predicted to grow by \$1.8 billion in 2015, which would be a meager 1% increase over the estimated 2014 total but still enough to make China the second largest growth market in dollar terms.

South Korea Thumper

Korea will become the leader in tech innovation

Alan **McGlade 14** (2/6/14, Alan McGlade is a Managing Director at DEV. He was a CEO at MediaNet, and executive at MTV Networks and CEO of The Box Music Television, Orsudebt if StarNet, President at Adlink. “Why South Korea Will Be The Next Global Hub For Tech Startups”

<http://www.forbes.com/sites/alanmcglade/2014/02/06/why-south-korea-will-be-the-next-global-hub-for-tech-startups/> Accessed 7/29/15) EK

American business has long led the way in high tech density or the proportion of businesses that engage in activities such as Internet software and services, hardware and semiconductors. The US is fertile ground for tech start-ups with access to capital and a culture that celebrates risk taking. **Other countries have made their mark on the world stage, competing to be prominent tech and innovation hubs.** Israel has been lauded as a start-up nation with several hundred companies getting funded by venture capital each year. A number of these companies are now being acquired by the likes of Apple, Facebook and Google. Finland and Sweden have attracted notice by bringing us Angry Birds and Spotify among others. **But a new start-up powerhouse is on the horizon – South Korea. Bloomberg** News recently published the Bloomberg Global Innovation Index and **ranked South Korea first among all nations by comparing a group of indicators such as research & development capability, productivity, tech density and patent activity.** South Korea’s ranking is not a surprise. **In recent decades, South Korea has transformed into an economic heavyweight, having systematically applied substantial resources to research and development. As a result, South Korea has become the world leader in patent activity, and information and communication technology.** The country has the highest broadband penetration in the world at 97 percent and is a leader in broadband speed with an average peak connection of close to 50 megabits per second. **Success in manufacturing and exporting cutting edge electronics products has burnished the country’s image as a leader in technology but the connection goes deeper.** Koreans are avid consumers of digital media and apply the lion’s share of their bandwidth resources to online gaming. South Korea is home to the World Cyber Games, the world’s largest video game competition, and has three television channels fully dedicated to eSports featuring professional gamers. South Korea’s home grown, highly visual K-Pop music videos are streamed by the millions and have become a significant global export. Last year streaming of mok-bang through Afreeca TV, a peer-to-peer online video network, became the rage. For the uninitiated, mok-bang videos feature self-made celebrities eating massive amounts of food for hours. **Increasingly young technologists are fueling a fledgling start-up scene that is led by mobile game developers and social media innovators. This is complemented by entrepreneurs returning from overseas with an eye on conquering the globe.** These entrepreneurs are coming back with a sense of how to take on the US market, a greater willingness to assume risk, and an interest in building things that aren’t just made for Korea. This has attracted the notice of American technology companies. Google has taken an active role in nurturing South Korean companies, introducing their favorites in the US to help them build a global profile. A company called Sparklabs was formed a little over a year ago with offices in Seoul and San Francisco to incubate Korean start-ups. **There is a growing interest from overseas VCs in the South Korean venture ecosystem as well as a rise of angel groups, accelerators and event organizations to promote entrepreneurship in Korea.** Softbank Ventures, StoneBridge Capital, and Strong Ventures are a few examples of established VCs moving to get a foothold in South Korea. My firm, Digital Entertainment Ventures, is pursuing a South Korea strategy as well. However, to fully understand the Korean venture capital industry, it is critical to recognize the important role of the government in promoting and supplementing private fund-raising and investment in the venture capital market. **In 2013, South Korean President Park Geun-Hye announced the desire for a more “creative economy” and launched the new Ministry of Science, ICT and Future Planning.** For 2014, the ministry’s budget increased to more than (USD equivalent) 12 billion, with over two billion going directly into fostering growth for the startup ecosystem along with elimination of many restrictions on the venture industry’s activities. **It is logical for South Korea to follow this path. The country is smaller than the state of New York, is not rich in oil or other natural resources, and has limited agriculture and manufacturing capacity. Korean’s must promote technology and innovation to be competitive as a nation since it is not enough to just contend on cost or scale.** While the South Korean Chaebols, or large family-controlled corporate groups, focus on exporting and

manufacturing, there is a clear recognition that **South Korea needs to have a more diverse economy. Thus, the tides are shifting towards supporting smaller businesses and promoting entrepreneurship.** Formulating new business ideas and inventing IP is only the first part of the equation. **South Korea can ascend to the next level by developing a new venture ecosystem that provides operational support, a broader network and ready access to early stage capital;** one that rewards risk taking by Korea's best and brightest. **These entrepreneurs have the opportunity to target new markets but they need to be funded and properly equipped to design their products for localization by language and culture.** CEO's of early stage companies need access to advisors that can assist them in creating effective pitch presentations and preparing them for exposure to foreign markets and investors. With the right blend of investment and guidance, early-stage Korean companies can take on the US and other global markets and really scale their businesses. **Many of the fundamentals are already in place. Just as Samsung transformed the consumer electronics business, Korean start-ups are poised to have an explosive impact on digital media and services.**

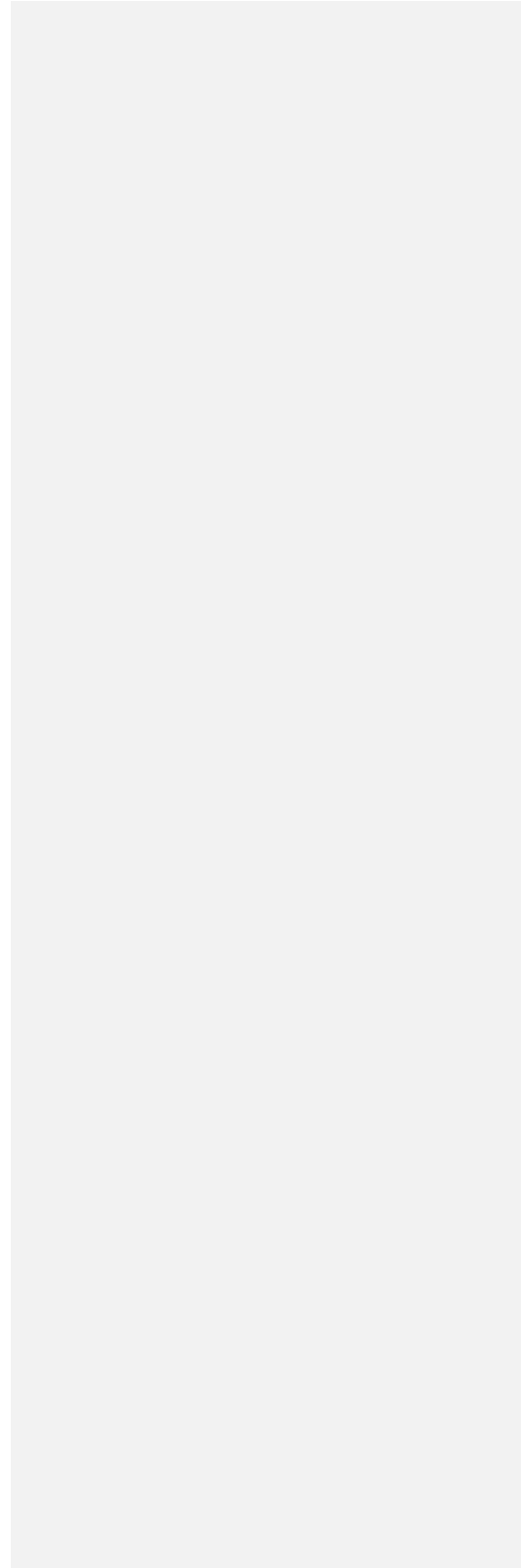
Ext: South Korea Thumper

South Korea will become the leader in tech – especially broadband, mobile tech sector

Jenna **Wortham 6/2** (6/2/15, Jenna Wortham, a technology reporter and columnist for The New York Times, covers start-ups and digital culture. Her stories focus on novel ways consumers are using technology to enhance their daily lives along with emerging Internet-based business models and the personalities shaping the start-up industry. Before joining The Times in 2008, Ms. Wortham was a technology and culture reporter for Wired.com and a freelance writer for Wired magazine. Her work has also appeared in Bust magazine, The Hairpin, Vogue, The Morning News, Fader and various other publications. Ms. Wortham graduated from the University of Virginia. “What Silicon Valley Can Learn From Seoul” http://www.nytimes.com/2015/06/07/magazine/what-silicon-valley-can-learn-from-seoul.html?_r=0 Accessed 7/30/15) EK

While Silicon Valley is the largest and most enduring locus of tech innovation, a number of cities around the planet are nipping at its heels: Tel Aviv, Berlin, Bangalore. But **Seoul, the capital of South Korea, is in a sense the Valley's closest rival.** American investors are beginning to catch on, and venture capital is starting to flow west, across the Pacific. An early-stage American venture firm called 500 Startups recently spun off a small fund called 500 Kimchi, which focuses exclusively on South Korea. Last fall, Goldman Sachs led a round of investment in Woowa Brothers and its delivery service. In May, Google opened a campus in **Seoul**, its first in Asia. The office is in the trendy district of Gangnam — yes, that Gangnam — which **is already home to a growing cluster of mobile start-ups and a handful of technology incubators to mentor them.** Tim Chae, who runs 500 Kimchi, said that **American investors have begun to think of Seoul as a sort of crystal ball.** In it, they can glimpse a future where the most ambitious dreams of Silicon Valley — a cashless, carless, everything-on-demand society — have already been realized. **Nearly all of Seoul's residents use smartphones, and many of the services just now gaining in popularity in the United States have been commonplace in South Korea for years. Much of this was made possible by two decades of enormous public investment. Seoul is blanketed with free Wi-Fi that offers the world's fastest Internet speeds —** twice as fast as the average American's. Back in 1995, **the government began a 10-year plan to build out the country's broadband infrastructure and, through a series of public programs, to teach Koreans what they could do with it.** South Korea also eased regulations on service providers to ensure that consumers would have a multitude of choices — in marked contrast to America, where a handful of cable and telecommunications monopolies dominate the market. Such **healthy competition in Korea keeps the cost of access low. To maintain South Korea's lead, the country's Science Ministry recently announced a \$1.5 billion initiative to upgrade Korea's mobile infrastructure. By 2020, the government predicts, it will be 1,000 times faster — so fast you could download a feature-length movie in approximately one second.** In the same time frame, the Federal Communications Commission hopes to wire most American homes with broadband Internet with speeds of at least 100 megabits per second, or roughly one-sixtieth of South Korea's goal.

--- Link Defense ---



No Trade Off

No trade-off – cooperation now between the US and China tech companies

Carey 7/22 Pete, covers business, real estate, and tech for Mercury News, July 22nd, 2015, "Silicon Valley Follows China's Playbook in Hunt for Business"

(http://www.toptechnews.com/article/index.php?story_id=13100A20NR0F) 7/30/15 ANH

Some of Silicon Valley's biggest companies are investing billions of dollars in China's tech sector in a rush to preserve access to the country's vast markets. In recent months, Intel Relevant Products/Services, Hewlett-Packard and Cisco Relevant Products/Services Systems have doubled down on China through partnerships with Chinese companies, investments in Chinese funds and large donations aimed at making China a global competitor. "In China, you're either in or you're out," said Tai Ming Cheung, director of the Institute on Global Conflict and Cooperation at UC San Diego. **"More and more companies have had to follow the Chinese playbook and develop research and development centers in China, develop joint ventures, provide certain types of technology transfers and provide all sorts of help."** China has the world's fastest-growing market for semiconductors, according to a study by PricewaterhouseCoopers, and recently announced a plan to grow its semiconductor industry by more than 20 percent annually over the next five years. It is also a major market for other high-tech goods, giving foreign companies a big incentive to collaborate with Chinese counterparts. China has made it clear that companies that help with the goal of building up China's tech industry will be viewed more favorably than those that don't, analysts say. The trick is to do it without giving away the store, Cheung said. "You don't transfer your latest technologies," he said. "You leave a gap of one or two generations and hope you can still run faster than the Chinese can." The emphasis on helping the country develop its tech sector is driven by three key factors: the growth of China's tech industry, which has reached a point where it can be a collaborator with the more advanced U.S. companies; a push by the Chinese government to speed up that growth through investment and partnerships with U.S. companies; and a belief that to win in China, U.S. manufacturers need the access to the Chinese market that local partners can provide. "They don't have a choice," said tech analyst Jack Gold. **"If they don't do it, they'll be selling a lot less stuff. That's the bottom line."** Whatever the motives, there has been plenty of collaboration on view in Silicon Valley with announcements from HP, Intel and Cisco Systems of partnerships, investments and donations in China: Hewlett-Packard is becoming a minority shareholder in its own Chinese server, storage Relevant Products/Services and technology business, following the sale of a 51 percent majority stake to Tsinghua Holdings, a state-owned investment arm of Tsinghua University with which HP has collaborated for years. HP said the \$2.3 billion deal will create "a technology powerhouse in China." CEO Meg Whitman called HP's partnership "a bold move to win in today's China." Intel is investing \$1.5 billion for a minority 20 percent stake in Tsinghua Unigroup, a subsidiary of Tsinghua Holdings. Tsinghua recently acquired two Chinese companies that make mobile phone chips and reportedly is preparing to make a \$23 billion offer for memory chip maker Micron Technology, based in Boise, Idaho. The Intel deal should "further strengthen the competitiveness and market position of Chinese semiconductor companies," Zhao Weiguo, chairman and president of Tsinghua Unigroup, said in a news release. The Santa Clara chip giant also announced a partnership with Chinese semiconductor company Rockchip Electronics to "deliver an Intel-branded" mobile system on a chip, targeted at the inexpensive tablet market in China. Intel also is forming a partnership with Aliyun, the cloud Relevant Products/Services-computing subsidiary of China's e-tailing giant Alibaba, to develop products for the international public cloud market, using Intel technology. Cisco Systems recently announced a range of initiatives worth \$10 billion to help with China's "ongoing transformation." It signed an agreement with China's National Development and Reform Commission "to promote the development of a high-tech industry in China," and an agreement with China's universities to invest in a four-year tech program with 100 universities. The companies say they're simply adjusting to a new reality in China. But Robert Atkinson, head of the Information Technology and Innovation Foundation in Washington, D.C., believes China is breaking World Trade Organization rules against anti-competitive behavior. "The Chinese tell these companies, 'You will either form joint ventures and sell under their name in China and transfer technology or you will be kicked out of the Chinese market,'" he said. China's new guidelines for the development of its semiconductor industry "could affect the design and sales Relevant Products/Services operations Relevant Products/Services of several international semiconductor companies," PricewaterhouseCoopers warned in a 2014 study. Raman Chitkara, global technology industry leader at PricewaterhouseCoopers, said "the primary driver" behind recent partnerships and other deals is that China has become the world's biggest market. "Whether it is for automobiles, PCs, mobile phones or TVs, China has become the biggest consumer of these products. It is important for any company which wants to tap that end market to better understand how to operate in that market. That's where the local Chinese companies are better equipped." The changed atmosphere has companies scrambling for Chinese partners. "The common denominator of all these investments is the desire to have safe access to the Chinese," according to Peter Cowhey,

Qualcomm Endowed Chair in Communications and Technology Policy and dean of the School of Global Policy and Strategy at UC San Diego. "The firms believe that China is determined to have an indigenous chip and advanced electronics industry," Cowhey said. "They can either become partners in establishing that Chinese base or find themselves essentially becoming sidelined in China."

Not Zero Sum

US-China tech innovation isn't zero sum – no trade off.

Sappin 14. [Ed, "Why China's newfound innovation is a good thing for America" Washington Post -- March 7 --
www.washingtonpost.com/news/innovations/wp/2014/03/07/why-chinas-newfound-innovation-is-a-good-thing-for-america/]

Though some U.S. companies will be surpassed by their Chinese counterparts, we are not at the beginning of a no-holds-barred innovation arms race. Chinese innovation is not occurring in a vacuum. For a young company in China aspiring to be a global player, the United States will be an important proving ground. Likewise, American companies will find that China, with a flourishing consumer base, is an important test bed and market for their innovations especially as Beijing aims to promote consumer spending as announced by Premier Li Keqiang Wednesday.^a China and the United States will continue to be strong partners and competitors in business, each with an intense national pride. China's growing capability to innovate will likely entice the United States to be the fierce competitor it has always been. Think back to the 80's and 90's when the United States was challenged by Japan Inc. and Korea Inc.. New business models established segments such as Dell in desktop computing and new products in high growth segments such as the iPhone in mobile. Just a few years ago, China's BYD was a darling of the green sector due to its battery technology and electric vehicles. However, Tesla has now roared into the lead in both of these areas.^a Innovation is generally not a zero-sum game. Chinese growth does not mean the end of American innovation. Rather, it marks the beginning of a higher level of competition where one country compels more focused, more rapid and all-around better innovation from the other. Both nations should stand to gain.

Us-China economic relations aren't zero sum.

Kakaes 1/9/12 (Konstantin, is a writer at New America, where he writes about the evolving uses of drones, "No One Can Win the Future",
http://www.slate.com/articles/technology/future_tense/2012/01/u_s_scientists_are_not_competing_with_china_or_any_other_country_.html, accessed: 7/31/15, SP)

Almost a year ago, President Obama set a challenge in his State of the Union speech: "We need to out-innovate, out-educate, and out-build the rest of the world." He had just signed a law that ordered the Department of Commerce to write a report on American "competitiveness." That report was released last week and claims that "elements of the U.S. economy are losing their competitive edge which may mean that future generations of Americans will not enjoy a higher standard of living." The report is a perfect example of a line of reasoning common among Republicans and Democrats alike. The idea is that the world is more or less like the Olympics. Countries are engaged in a competition in different fields: scientific research, educational achievement, and the development of new technologies. Obama has repeatedly returned to the idea of competition, declaring in a December speech in Kansas that the United States must win the "race for good jobs." His Republican challengers have also enjoyed raising the specter of an America losing its edge (because of Obama, of course). Obama and the Republicans might disagree on the answers, but they agree on the question: "How can America compete with the rest of the world, especially China?" But this is the wrong question to be asking. We are not actually engaged in economic or technological competition with China or with anyone else. Absent a state of open war, our economic growth helps that of other countries, and vice versa. New technology developed in the United States will benefit the rest of the world, and vice versa. The extremely complicated interactions between countries—goods, people, culture, and ideas all flowing back and forth—are not akin to a sporting competition. To pretend that we are all engaged in a giant worldwide track meet for economic domination serves the interest of business above individuals. To pretend that there is a field event for technological domination actually hurts American business by imposing futile regulations on technology exports. This deeply entrenched misunderstanding about the nature of technological innovation leads to unnecessary tax breaks and prioritizes

trendy metrics of performance (where putative relative success can be measured) **over the fundamentals necessary to shaping a better society**. By **thinking we are racing with China**, or Europe, **we will end up worse off**. The case that we are in competition is often linked to the claim that the United States is somehow "falling behind." A July report by the Information Technology and Innovation Foundation that ranked countries on the basis of how "innovative" they are typifies this perspective: "It is worth reiterating that in 2000 the United States ranked first, a position it likely held for the majority of the post-war period, but in a decade it has fallen to fourth. At this rate, where will the United States rank at the end of the next decade?" The United States was "behind" Singapore, Finland, and Sweden. Comparing a country of 300 million people with a city-state and a couple of Nordic countries whose combined population is less than that of Los Angeles doesn't mean much. But it lets ITIF sound the trumpets of alarm and claim that drastic action is needed.

Market share isn't zero sum.

Moore 4. [Stephen, president of the Club for Growth, "WHAT, U.S. WORRY? Is the United States Losing Its Competitive Edge?" Hoover Institution -- July 28 -- www.hoover.org/research/what-us-worry-united-states-losing-its-competitive-edge]

Stephen Moore: Well, the fact that **China and India**--I agree with Craig--that they **are catching up**. I don't agree with him that they have a middle class like we do. **they're still substantially far behind us, but they are catching up and I would say, Peter, that's good news for the American economy. The global economy is not a zero sum game. It's not as if as China gets richer, that therefore we have to get poorer.** And just look at it this way; imagine that Craig is right and that over the next 20 years you see this acceleration in incomes that you've seen over the next ten years. That's going to mean you're going to have a billion Chinese consumers that are going to start buying automobiles and cellular telephones and all--and movies.

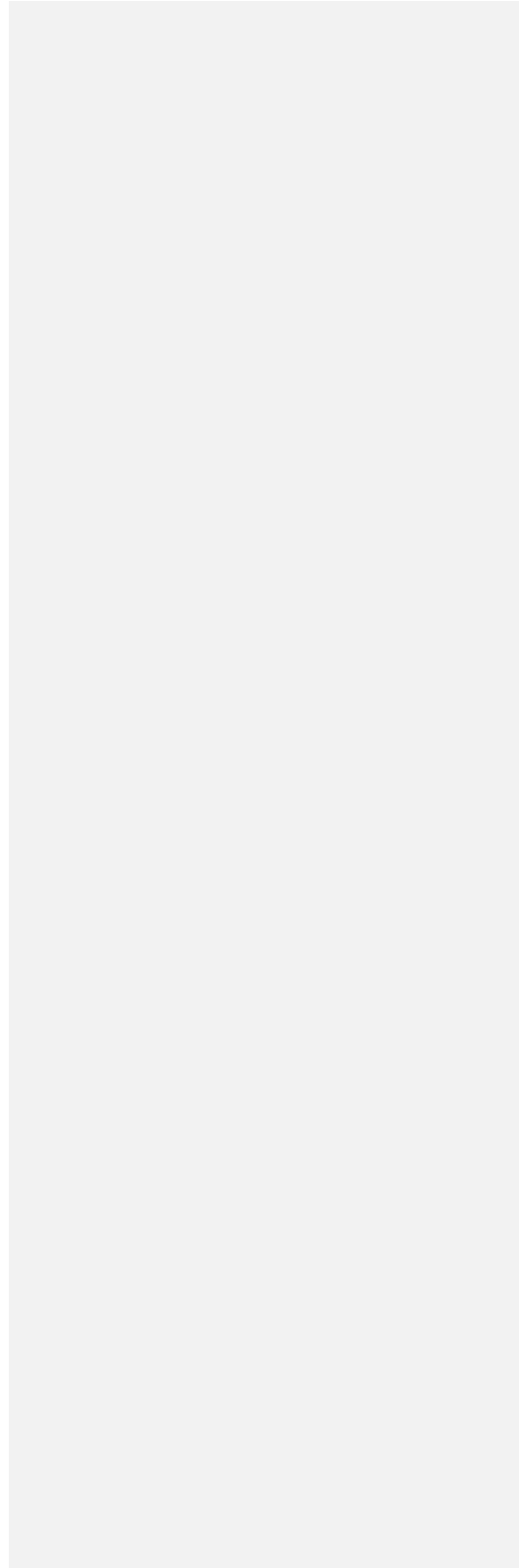
Many rising tech powers now – tech innovation isn't a zero-sum game

Anil Gupta and Haiyan Wang 14 (2/24/14, Michel D. Dingman chair in strategy and globalisation at the University of Maryland's Smith School of Business and coauthor of *The Silk Road Rediscovered* (Wiley, 2014), *Getting China and India Right* (Wiley, 2009), and *The Quest for Global Dominance* (Wiley, 2008). Haiyan Wang is a Managing partner of the China India Institute and coauthor of *The Silk Road Rediscovered* (Wiley, 2014), *Getting China and India Right* (Wiley, 2009), and *The Quest for Global Dominance* (Wiley, 2008). "Asia isn't going to lead technologically anytime soon" http://europesworld.org/2014/02/24/asia-isnt-going-to-lead-technologically-anytime-soon/#.VbwYPjZRG_T Accessed 7/31/15) EK

Chinese insiders, unlike those western observers who claim that China is about to overtake the U.S. and other advanced economies in the innovation game, appear to recognise the challenges that still lie ahead. In mid-2013, at workshops for three groups of senior executives from some of China's largest state-owned enterprises, we conducted a confidential survey that revealed that over half of them believed China would be a bigger economic power than the U.S. by 2025, but only 13% believed that it would also overtake the U.S. technologically. **Fifth, the prospects are that in the long run some of today's big emerging economies will close the gap in technological innovation with the U.S., Europe, Japan and South Korea, and the most likely candidates for doing so are China and India.** Despite the economic turmoil engulfing almost all emerging economies, the IMF predicts that in 2014, the Chinese and Indian economies will grow by 7% and 5-6% respectively – significantly faster than Brazil or Russia. China is very likely to emerge as the world's largest economy by 2025, and India as the third largest by 2030. With their growing economic size, these two countries are almost certain to increase further their investment in R&D, and they also have some of the strongest institutions of higher education in the emerging world. They will benefit, too, from network linkages between the large numbers of highly skilled Chinese and Indian immigrants in key technology hubs such as Silicon Valley and institutions back in their homelands. **The eventual rise of China, India and a few other economies as technology powers will be the culmination of a trend towards the emergence of a multi-polar world economy that has been underway for the last two to three decades.** This is almost certain to have positive implications for all economies, including today's developed economies. Much innovation constitutes 'public' goods, either right off the bat or after patents expire or competitors figure out how to legally reverse engineer a pioneer's ideas. **The emergence of new innovation hubs**

therefore has strong non-zero-sum characteristics that will benefit not just the newcomers but established players, too.

--- Impacts ---



Impact D: China Econ Resilient

Chinese economy resilient – predicted growth and empirics disprove collapse

Fingleton 6/28 Eamonn, East Asian economy expert and editor for Forbes magazine, June 28th, 2015, “Chinese Stock Prices May Be Crazy, But the Economy Will Keep on Truckin', Says Top China Watcher” (<http://www.forbes.com/sites/eamonnfingleton/2015/06/28/chinese-stock-prices-may-be-crazy-but-the-economy-isnt/>) 7/31/15 ANH

With the Shanghai index down nearly 20 percent from vertiginous heights reached in mid-May, a lot of people are wondering what next – and not a few are suggesting the Chinese economy is headed off a cliff. Pat Choate begs to differ. “The connection between Chinese stocks and the real economy is zero,” he pronounces. “Chinese corporations do not need high stock prices to keep expanding. They are government-owned entities financed by a government-owned banking sector.” An institutional economist who was Ross Perot’s running mate in the 1996 presidential election, he ranks among America’s most experienced China watchers. As such, he has never fallen for the story that the Chinese economy has been teetering on the brink of disaster (a story that has been a hardy perennial at least as far back as 2001, when Gordon Chang published *The Coming Collapse of China*). He estimates that China’s GDP growth over the next five years is likely to average between 5 and 6 percent. That is lower than the 7.4 percent achieved in 2014 but, as he points out, it is far faster than any other major economy is likely to achieve. It is moreover to be expected that as China’s share of total global economic output increases, its GDP growth will inevitably begin to tail off. That said, Choate believes China still has major opportunities ahead in, for instance, building fast train networks and otherwise improving its infrastructure. Meanwhile it is likely to acquire ever more of the West’s most valuable production technologies, enabling it therefore powerfully to leverage its worker productivity. An ironic factor in all this is that many Chinese blue chips do not seem particularly expensive. Although price-earnings ratios of 80 and more have been widely publicized, the companies involved tend to be of secondary importance. By contrast, Petrochina, recently China’s big gest corporation by market capitalization, was on a trailing PE of 16.7 — not remarkably higher than Exxon Mobil’s 12.6. The small premium indeed would seem justified given China’s greater economic growth prospects. Similarly China Mobile is on a PE of 15.0, versus 20.0 for Verizo. (Full disclosure: Verizon’s latest year’s earnings were depressed by special items and the company is on a prospective PE of 12.0.)

Impact Turn

China's strategy of bolstering tech at the expense of the US post the NSA revelations guarantees its collapse. The impact is inevitable.

Abrami, 15 (Regina, Senior Lecturer in Political Science and a Senior Fellow in the Management Department of Wharton School of Business, and Director of the Global Program, the Lauder Institute of Management and International Innovation Policy in China: Building a Thucydides's Tech Trap?" 7/20/15, <https://blogs.nottingham.ac.uk/chinapolicyinstitute/2015/07/20/innovation-policy-in-china-building-a-thucydides-tech-trap/>)

China is building a trap that will impede its long term political and economic strategic interests. Put simply, reliance on market-distorting policies is a sure means to do two things: (1) further tensions with the United States and the European Union, and (2) calcify China's existing knowledge economy. In the context of WTO regulations, a highly mobile, educated Chinese elite, venture capitalists, and angel investors top-down protectionism is an archaic, ill-equipped means to develop disruptive capabilities. Instead of seeding potentially far-reaching ideas, China's innovation policies channel energies to state administrators and their dictates, creating a culture of compliance instead of creativity. Take the case of China's recently proposed banking regulations. They require an increasing share of only "secure and controllable" technologies in the sector. To obtain this designation, firms need to demonstrate that a given piece of hardware or software can be "self-controlled." In published rules, such status seems to be contingent on three things: (a) the Chinese government's ability to maintain and control accessibility (i.e., "backdoors" and source codes); (b) foreign supplier provision of R&D centers in China; and (c) the origin of a product's intellectual property being China. Improved cybersecurity is the stated official motive for these regulations, but critics have described these proposed regulations as an intolerable mix of protectionism and forced technology transfer aimed to eliminate foreign firms from China's lucrative ICT sector. It would not be the first time. The phrase, "de-I.O.E.," dates to 2008 when Wang Jian, now Alibaba's Chief Technology Officer and former Assistant Managing Director at Microsoft Research Asia, moved to do away with the company's existing IT network which depended on the three big players, IBM (I), Oracle (O), and EMC (E). Wang's long game was a shift to cloud computing to globalize the company's operations, cut costs, and ultimately create an alternative to the dominant mobile operating systems found in China – namely, Android and iOS (Apple). Aliyun was Alibaba's cloud result, with its mobile platform operating system, YunOS released in 2011. The Chinese government has supported Alibaba's efforts wholeheartedly, making YunOS the only approved mobile operating system on the 2014 central government procurement list. With this climate for business, there can be little wonder that China's Academy of Sciences thought it prudent to develop products in this area as well, releasing the more patriotically named "China Operating System" (COS) in 2014. YunOS and COS, nonetheless, remain market duds. Android continues to rule in China, even as the number of foreign ICT products getting kicked off China's central government procurement list continues to grow. It prevails because of the ecosystem that put it where it is today, and perhaps especially the Open Handset Alliance which brings together 84 firms of varying national origin, to ensure open source standards for their industry, including compatible versions of Android. Indeed, where Chinese firms have responded to market-driven needs, they have usually excelled, often incrementally innovating along the way. "Pony" Ma (Ma Huateng), Tencent founder, in describing the instant messaging service, We Chat, for example, described its success as the result of "micro-innovations." Similar incremental innovations occur at all points along China-based supply chains, including cost reductions, process improvements, and quality performance changes, each geared to suit customer preferences and enhance producer margins. As a result, Chinese firms have at times won the "fight for the middle," ultimately acquiring a dominant market share at home and abroad in many lower and mid-market product segments. Therefore, the Chinese government's push to frame homegrown innovation as a zero sum game with the world is a sure-fire way to ensure that the only gates closing down technologically will not be China's but everyone else's. Not only will trade disputes with China continue as a result but, as seems the case already, leaders will take their disputes to the front page. Hacking, snooping, and stealing are hardly new in the business of international ICT competition, but when dominant powers openly point fingers, as Obama and others now do, it is time for the Chinese government to consider that it may have picked an unnecessary fight. Chinese firms are feisty enough in their own right. Surely making it easier for the rest of the world to restrain them cannot be China's end game? State-led technonationalism has no place in today's world of spatially expansive value chains.

AT: Circumvention MSDI

Circumvention Backfires

Circumvention will stop due to large negative effects- aff still solves.

Pitter 14' June 5th <https://www.hrw.org/news> senior national security counsel in Human Rights Watch's US Program, monitors, analyzes and writes on US national security policies

According to a recently disclosed 2011 FISA court opinion, roughly 250 million Internet communications were acquired under Section 702; as of April 5, 2013, there were 117,675 active "targets." Those targets, by the way, don't have to be individuals. Under guidelines previously secret but disclosed by Snowden, they can be "facilities" or "places," too -- meaning each target can potentially rope huge numbers of people into the dragnet. All of this collection has been happening under gag orders that prevent the companies from speaking publicly about it or informing their customers in any meaningful way. **If this trust continues to erode, it will have huge ramifications for U.S. business and foreign policy interests. Technology companies are already losing billions of dollars and overseas customers who want their data stored away from the snooping eyes of the U.S. government. Studies estimate a loss of between \$35 billion and \$180 billion to the U.S. cloud computer industry over the next three years. And U.S. diplomats are now at a distinct disadvantage when negotiating economic and foreign policy agreements abroad.** The leaks have dealt a blow to America's standing when criticizing countries with repressive regimes, who threaten fundamental rights such as freedom of expression and association -- rights that Washington purports to hold dear. Hypocrisy does not sell. **It's time for both the president and Congress to wake up to the damage these programs wreak on U.S. prestige and security and get serious about meaningful reforms.** We need reforms that will end mass collection of personal data -- not just for Americans, but for millions of people around the world accused of no wrongdoing.

A2: Cross Border Sharing

No circumvention – international law forbids circumvention of domestic privacy policies

Human Rights Commission “13 Principles for a Human Rights Respecting State Surveillance Framework” **2013** <https://www.accessnow.org/page/-/docs/Joint%20Statement%20on%20Surveillance%20HRC24.pdf>

SAFEGUARDS FOR INTERNATIONAL COOPERATION¶ In response to changes in the flows of information, and in communications technologies and services, States may¶ need to seek assistance from a foreign service provider. Accordingly, the mutual legal assistance treaties¶ (MLATs) and other agreements entered into by States should ensure that, where the laws of more than one state¶ could apply to communications surveillance, the available standard with the higher level of protection for¶ individuals is applied. States may not use MLAT processes and foreign requests for protected information to¶ circumvent domestic legal restrictions on communications surveillance.

Counter-Surveillance

Surveillance technologies abuse individuals – Circumvention key to prevent abuse.

(Torin **Monahan**, Arizona State University, School of Justice & Social Inquiry, “Counter-surveillance as Political Intervention?” December 2006, Pg 522-523)//Colt45

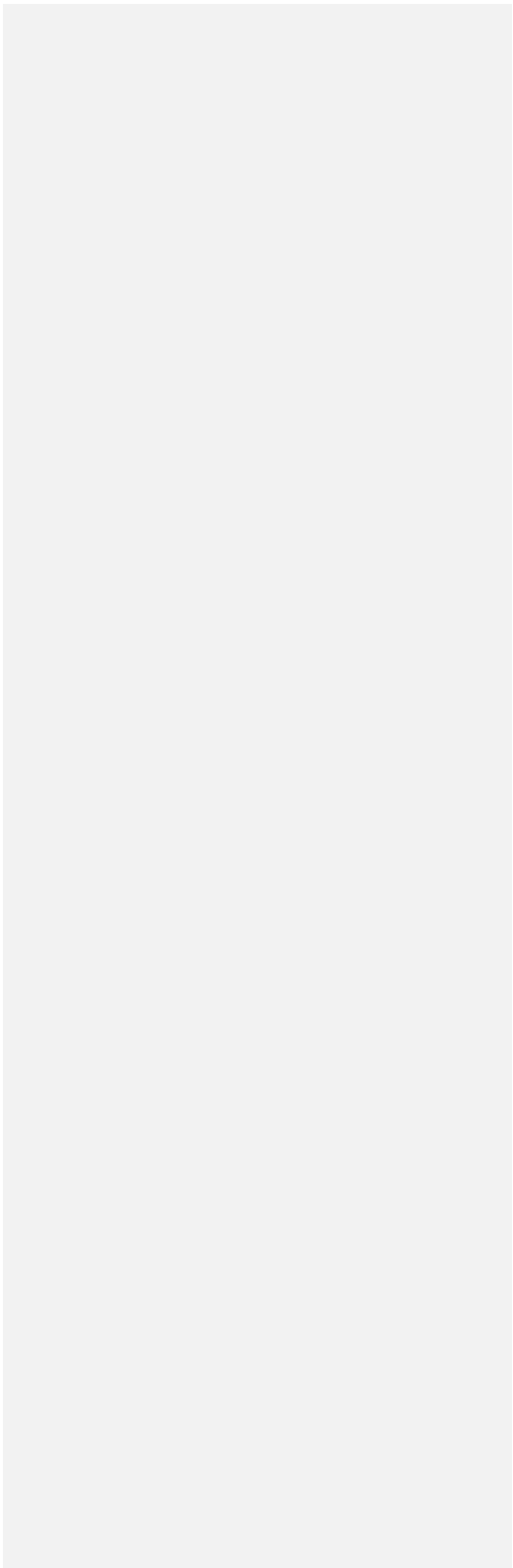
Because in the eyes of these groups surveillance technologies catalyze abuse by individuals, the answer is to draw attention to the cameras through provocative websites or, more overtly, to circumvent and/or destroy them. The interventions of these activist groups concentrate on the technical side of modern surveillance, and, while they are explicitly critical of social or institutional structures, the tendency is to individualize the problems by individualizing the abusive actors*/who are identified either as police or security guards. Still, it must be noted that attention to police officers or other agents of surveillance is marginal in their presentations. As the next section will show, counter-surveillance can also be targeted at the institutional agents enmeshed within corporate or law-enforcement systems and/or located behind the cameras.

Surveillance creates a disciplinary power relationship within us – Circumvention key to destabilizing surveillance systems.

(Torin **Monahan**, Arizona State University, School of Justice & Social Inquiry, “Counter-surveillance as Political Intervention?” December 2006, Pg 527-528)//Colt45

When viewed from a distance, surveillance and counter-surveillance appear to be engaged in a complicated dance, with the larger, cumbersome partner pushing and pulling while the smaller, defter dancer negotiates herself or himself*/and others*/out of harm’s way. The oafish leader is, of course, the state and corporate apparatus surveilling the public, and the partner is the collective of activist adversaries circumventing or destabilizing surveillance systems. Drawing upon Michel Foucault’s insights about the disciplinary potential of modern bureaucratic regimes, one could read this as a disciplinary or panoptic relationship (Foucault 1977). But Foucault was also insistent upon the productive capacity of power to generate and sustain social relations apart from any property of control that might be possessed by individuals. As Gilles Deleuze wonderfully explicates: “Power has no essence; it is simply operational. It is not an attribute but a relation: the power-relation is the set of possible relations between forces, which passes through the dominated forces no less than through the dominating ...” (Deleuze 1988, 27). Therefore, the metaphor of the panopticon (or all-seeing prison) is not a static or transcendent statement of disciplinary power, but is instead a contingent and situated articulation of modernity in a fluid field of production regimes (Foucault 1980; Deleuze 1992). In explicit response to Foucault’s work, Michel de Certeau’s book *The Practice of Everyday Life* provides a point of departure for thinking about the agency of individuals and groups within disciplinary power structures. For de Certeau (1984), the practices of the dominant dancer clearly would be strategic ones of building control structures to regulate the activities of those in the field of power, whereas the practices of the defter dancer would be much more tactical, poaching-off the existing structures to create new meanings and possibilities. The two dancers may be in opposition, but that does not change the fact that they are engaged in a reciprocal relationship and collective activity but*/importantly*/without comparable degrees of power. It is this tense connection that is worth probing, even if there is never an embrace or a union, because after all the exchanges of strategic structuring and tactical appropriation the dance has

moved somewhere across the floor and created a pattern, or a logic, or a world that was not there before.⁷



Metadata not necessary

Metadata collection of phone records are used to circumvent warrants – leads to warrantless surveillance.

Cahall et al 13 (Bailey Cahall writer for New America, David Sterman is a program Associate for the International Security Program, Emily Schneider is a Senior Program Associate, International Security Program, Peter Bergen Vice President, Director of Studies, Director, International Security, Future of War, and Fellows Programs, 6-5-2013, "Do NSA's Bulk Surveillance Programs Stop Terrorists?," New America, <https://www.newamerica.org/international-security/do-nsas-bulk-surveillance-programs-stop-terrorists/> //Colt45

Surveillance of American phone metadata has had no discernible impact on preventing acts of terrorism and only the most marginal of impacts on preventing terrorist-related activity, such as fundraising for a terrorist group. Furthermore, our examination of the role of the database of U.S. citizens' telephone metadata in the single plot the government uses to justify the importance of the program – that of Basaaly Moalin, a San Diego cabdriver who in 2007 and 2008 provided \$8,500 to al-Shabaab, al-Qaeda's affiliate in Somalia – calls into question the necessity of the Section 215 bulk collection program.

According to the government, the database of American phone metadata allows intelligence authorities to quickly circumvent the traditional burden of proof associated with criminal warrants, thus allowing them to "connect the dots" faster and prevent future 9/11-scale attacks. Yet in the Moalin case, after using the NSA's phone database to link a number in Somalia to Moalin, the FBI waited two months to begin an investigation and wiretap his phone. Although it's unclear why there was a delay between the NSA tip and the FBI wiretapping, court documents show there was a two-month period in which the FBI was not monitoring Moalin's calls, despite official statements that the bureau had Moalin's phone number and had identified him. , This undercuts the government's theory that the database of Americans' telephone metadata is necessary to expedite the investigative process, since it clearly didn't expedite the process in the single case the government uses to extol its virtues.

Circumvention Causes Trade Backlash

Other countries trying to circumvent the NSA violates international trade law.

(Bysarah **Lazare**, a staff writer for Common Dreams., 4-10-2014, "US: EU Circumvention of NSA Spying Would Violate Trade Law," Common Dreams, <http://www.commondreams.org/news/2014/04/10/us-eu-circumvention-nsa-spying-would-violate-trade-law>)//Colt45

Following Edward Snowden's revelations that the U.S. is spying on people and governments across the world, European Union countries have floated proposals to build a Europe-centric communications system designed to bypass NSA surveillance. But on Friday, the top U.S. trade negotiating body charged that such a move would violate international trade law. "Recent proposals from countries within the European Union to create a Europe-only electronic network (dubbed a 'Schengen cloud' by advocates) or to create national-only electronic networks could potentially lead to effective exclusion or discrimination against foreign service suppliers that are directly offering network services, or dependent on them," states a report released Friday by the office of U.S. Trade Representative Michael Froman. The USTR takes aim at the German state-backed Deutsche Telekom for advocating laws to stop European electronics data from being routed outside the EU in a bid to protect privacy. The report slams this approach as "draconian" and charges that it "appears to be a means of providing protectionist advantage to EU-based ICT suppliers."

AT: Circumvention- Michigan 7

AT: Circumvention – reform good

Reform will snowball

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

Last week, former National Security Agency Director Michael Hayden declared that he was “cool” with the recently enacted USA Freedom Act, which reined in government bulk collection of Americans’ phone records. His characterization of that program as “little” is no doubt accurate. Information from the archive of documents released by NSA whistleblower Edward Snowden has revealed many other programs that pose equal or greater risks to Americans’ privacy. But Hayden is too quick to assume that the phone records program will be the only reform. The passage of the USA Freedom Act is the first curtailment of intelligence authorities since the 9/11 attacks and should mark the beginning — not the end — of reform. It’s no surprise that Congress chose to tackle the phone record program first. It is relatively straightforward for people to understand, and its goal of amassing a vast database of information about Americans is patently difficult to square with our constitutional values. Two review boards found it to be of minimal counterterrorism value, and a federal appeals court declared it illegal. Even the intelligence community and the president were amenable to reform. But Congress is well aware that this reform is insufficient. Many of the votes against the act in the House and Senate came from lawmakers who believe it didn’t go far enough.

AT Fill in: Corporations/Other countries spy

Government surveillance is unique and invites tyranny

Robertson 2015 (James [served on the FISC from 2002 to 2005, resigning the day after warrantless wiretaps were exposed]; Forward of What went wrong with the FISA court; https://www.brennancenter.org/sites/default/files/analysis/What_Went_%20Wrong_With_The_FISA_Court.pdf; kdf)

Many people are surprised to learn that there is no “right to privacy” in the Constitution. Privacy is more of a cultural construct than a legal one in this country, and we are aiding and abetting its steady erosion with our dependence on the Internet, our credit cards and smartphones, our flirtation with social media, and our capitulation to commercial exploitation of Big Data. In a sense, **we are all under surveillance, all the time** — our whereabouts, activities, and transactions reduced to metadata and available to anyone who can break the code — and we have brought it upon ourselves. Surveillance by the government, however, is another matter. Distrust or at least wariness of a government that collects data about us lies deep in the amygdala of our civic consciousness. This administration may be operating lawfully and with full regard to our rights and privileges, but what about that one? Have we been reading too many novels, or is there a real threat of tyranny? Here, of course, is where the Constitution comes in, with the Fourth Amendment’s guarantee of “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” I have no criticism of the FISA Court. I know and deeply respect every one of its presiding judges for the last 30 years, and I am well acquainted with many of the other FISA judges who have served. They are, every one of them, careful and scrupulous custodians of the extraordinary and sensitive power entrusted to them. The staff that supports the FISA Court, the Justice Department lawyers who appear before the FISA Court, and the FBI, CIA and NSA personnel who present applications to the FISA Court are superb, dedicated professionals. What I do criticize is the mission creep of the statute all of those people are implementing.

No Circumvention

Circumvention won't happen if surveillance is prohibited

Ackerman, 15 --- American national security reporter and blogger, national security editor for the Guardian (6/1/2015, Spencer, The Guardian, "Fears NSA will seek to undermine surveillance reform; Privacy advocates are wary of covert legal acrobatics from the NSA similar to those deployed post-9/11 to circumvent congressional authority," Lexis, JMP)

Despite that recent history, veteran intelligence attorneys reacted with scorn to the idea that NSA lawyers will undermine surveillance reform. Robert Litt, the senior lawyer for director of national intelligence, James Clapper, said during a public appearance last month that creating a banned bulk surveillance program was "not going to happen".

"The whole notion that NSA is just evilly determined to read the law in a fashion contrary to its intent is bullshit, of the sort that the Guardian and the left - but I repeat myself - have fallen in love with. The interpretation of 215 that supported the bulk collection program was creative but not beyond reason, and it was upheld by many judges," said the former NSA general counsel Stewart Baker, referring to Section 215 of the Patriot Act.

This is the section that permits US law enforcement and surveillance agencies to collect business records and expired at midnight, almost two years after the whistleblower Edward Snowden revealed to the Guardian that the Patriot Act was secretly being used to justify the collection of phone records from millions of Americans.

With one exception, the judges that upheld the interpretation sat on the non-adversarial Fisa court, a body that approves nearly all government surveillance requests and modifies about a quarter of them substantially. The exception was reversed by the second circuit court of appeals.

Baker, speaking before the Senate voted, predicted: "I don't think anyone at NSA is going to invest in looking for ways to defy congressional intent if USA Freedom is adopted."

AT: Internet Freedom Impacts – Defense

Zero chance of solving internet freedom

Morozov 15 [Evgeny Morozov, Who's the true enemy of internet freedom - China, Russia, or the US?, The Guardian, <http://www.theguardian.com/commentisfree/2015/jan/04/internet-freedom-china-russia-us-google-microsoft-digital-sovereignty>]

Given that Russia and China are not known for their commitment to freedoms of expression and assembly, it is tempting to view their quest for information sovereignty as yet another stab at censorship and control. In fact, even when the far more benign government of Brazil toyed with the idea of forcing American companies to store user data locally – an idea it eventually abandoned – it was widely accused of draconian overreach. However, Russia, China and Brazil are simply responding to the extremely aggressive tactics adopted by none other than the US. In typical fashion, though, America is completely oblivious to its own actions, believing that there is such a thing as a neutral, cosmopolitan internet and that any efforts to move away from it would result in its “Balkanisation”. But for many countries, this is not Balkanisation at all, merely de-Americanisation. US companies have been playing an ambiguous role in this project. On the one hand, they build efficient and highly functional infrastructure that locks in other countries, creating long-term dependencies that are very messy and costly to undo. They are the true vehicles for whatever is left of America's global modernisation agenda. On the other hand, the companies cannot be seen as mere proxies for the American empire. Especially after the Edward Snowden revelations clearly demonstrated the cosy alliances between America's business and state interests, these companies need to constantly assert their independence – occasionally by taking their own government to court – even if, in reality, most of their interests perfectly align with those of Washington. This explains why Silicon Valley has been so vocal in demanding that the Obama administration do something about internet privacy and surveillance: if internet companies were seen as compromised parties here, their business would collapse. Just look at the misfortunes of Verizon in 2014: uncertain of the extent of data-sharing between Verizon and the NSA, the German government ditched its contract with the US company in favour of Deutsche Telekom. A German government spokesman said at the time: “The federal government wants to win back more technological sovereignty, and therefore prefers to work with German companies.” However, to grasp the full extent of America's hypocrisy on the issue of information sovereignty, one needs to look no further than the ongoing squabble between Microsoft and the US government. It concerns some email content – relevant to an investigation – stored on Microsoft's servers in Ireland. American prosecutors insist that they can obtain such content from Microsoft simply by serving it a warrant – as if it makes no difference that the email is stored in a foreign country. In order to obtain it, Washington would normally need to go through a complex legal process involving bilateral treaties between the governments involved. But now it wants to sidestep that completely and treat the handling of such data as a purely local issue with no international implications. The data resides in cyberspace – and cyberspace knows no borders! The government's reasoning here is that the storage issue is irrelevant; what is relevant is where the content is accessed – and it can be accessed by Microsoft's employees in the US. Microsoft and other tech giants are now fighting the US government in courts, with little success so far, while the Irish government and a handful of European politicians are backing Microsoft. In short, the US government insists that it should have access to data regardless of where it is stored as long as it is handled by US companies. Just imagine the outcry if the Chinese government were to demand access to any data that passes through devices manufactured by Chinese companies – Xiaomi, say, or Lenovo – regardless of whether their users are in London or New York or Tokyo. Note the crucial difference: Russia and China want to be able to access data generated by their citizens on their own soil, whereas the US wants to access data generated by anybody anywhere as long as American companies handle it. In

opposing the efforts of other countries to reclaim a modicum of technological sovereignty, Washington is likely to run into a problem it has already encountered while promoting its nebulous “internet freedom” agenda: its actions speak louder than its words. Rhetorically, it is very hard to oppose government-run digital surveillance and online spin in Russia, China or Iran, when the US government probably does more of it than all of these countries combined. Whatever motivates the desire of Russia and China to exert more control over their digital properties – and only the naive would believe that they are not motivated by concerns over domestic unrest – their actions are proportional to the aggressive efforts of Washington to exploit the fact that so much of the world’s communications infrastructure is run by Silicon Valley. One’s man internet freedom is another man’s internet imperial.

Squo solves—net neutrality

Garside March 3, 2015 (Juliette; Net neutrality is like free speech – and the internet needs rules, says FCC boss; www.theguardian.com/technology/2015/mar/03/net-neutrality-free-speech-fcc-tom-wheeler; kdf)

The US’s top media regulator hit back at critics of new net neutrality rules voted into law last week, comparing them to the first amendment and saying neither government nor private companies had the right to restrict the openness of the internet. The Federal Communications Commission chairman, Tom Wheeler, was speaking in Barcelona at Mobile World Congress, the world’s largest telecoms trade show, just as European governments are meeting to thrash out their own principles for keeping the internet open. “This is no more regulating the internet than the first amendment regulates free speech in our country,” Wheeler said. “If the internet is the most powerful and pervasive platform in the history of the planet, can it exist without a referee? There needs to be a referee with a yardstick, and that is the structure we have put in place. A set of rules that say activity should be just and reasonable, and somebody who can raise the flag if they aren’t.” Telecoms companies across Europe and America have railed against Wheeler’s reforms, saying they will discourage investment in better cable and wireless networks and simply benefit bandwidth-hungry services like Netflix and YouTube, which do not normally pay for their content to be carried across the internet. In the US, Verizon and AT&T, the two largest mobile operators, have said they will try to reverse the new rules in the courts. Meanwhile, Wheeler told conference attendees in Barcelona: “Those who were opposed to the open internet rules like to say this is Depression-era monopoly regulation. We built our model for net neutrality on the regulatory model that has been wildly successful in the US for mobile.” The FCC rules will treat telecoms companies in a similar way to utilities such as electricity. Internet Service Providers will be explicitly prohibited from blocking, throttling or prioritising internet traffic for commercial reasons. Where complaints are raised, the FCC will decide on a case-by-case basis whether what network owners are doing is “fair and just”. The FCC has said it would not intervene areas such as pricing, network unbundling and technical operating requirements. The European parliament is in the midst of negotiations with member states and network operators over final net neutrality rules, which could be published later this spring. A source at one of Europe’s largest mobile carriers said the fear was that Europe would introduce similar rules, only to find itself out of step when the FCC is forced to back down by a legal challenge or a change of president.

AT: Internet k2 economy

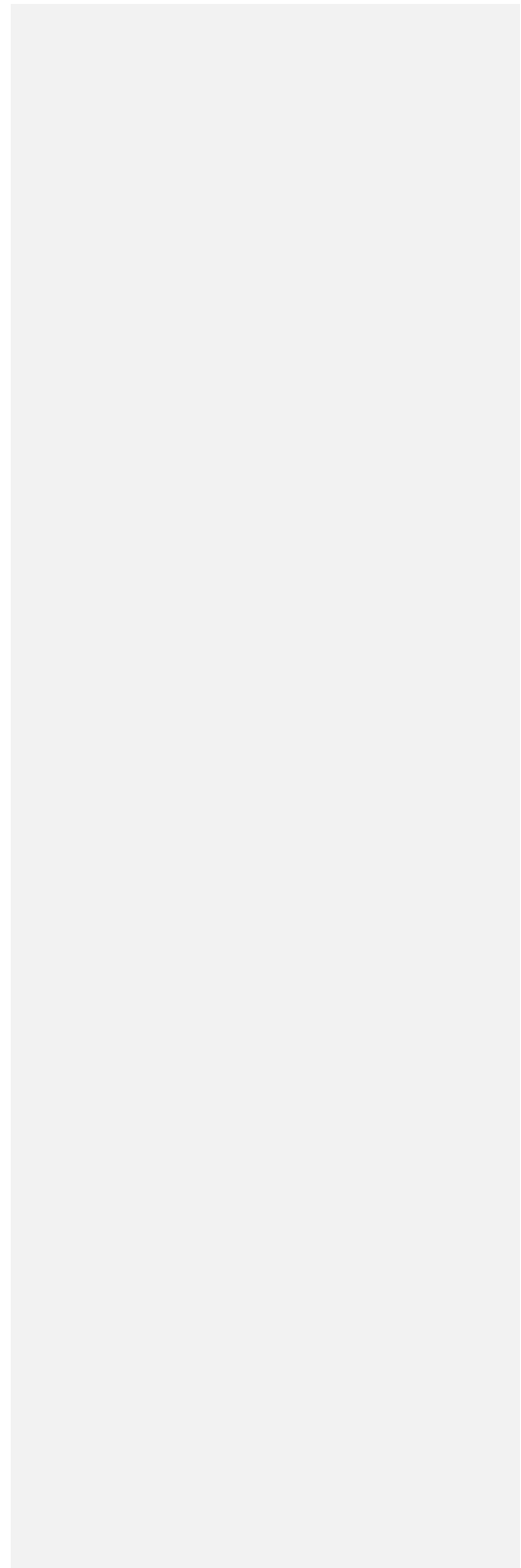
Internet not key to growth

Lowrey 2011 (Annie; Freaks, geeks, and the GDP; Mar 8;

www.slate.com/articles/business/moneybox/2011/03/freaks_geeks_and_gdp.html; kdf)

If you have attended any economists' cocktail parties in the past month or so—lucky you!—then you have probably heard chatter about Tyler Cowen's e-book, *The Great Stagnation*. The book seeks to explain why in the United States median wages have grown only slowly since the 1970s and have actually declined in the past decade. Cowen points to an innovation problem: Through the 1970s, the country had plenty of "low-hanging fruit" to juice GDP growth. In the past 40 years, coming up with whiz-bang, life-changing innovations—penicillin, free universal kindergarten, toilets, planes, cars—has proved harder, pulling down growth rates across the industrialized world. But wait! you might say. In the 1970s, American businesses started pumping out amazing, life-changing computing technologies. We got graphing calculators, data-processing systems, modern finance, GPS, silicon chips, ATMs, cell phones, and a host of other innovations. Has the Internet, the most revolutionary communications technology advance since Gutenberg rolled out the printing press, done nothing for GDP growth? The answer, economists broadly agree, is: Sorry, but no—at least, not nearly as much as you would expect. A quarter century ago, with new technologies starting to saturate American homes and businesses, economists looked around and expected to find computer-fueled growth everywhere. But signs of increased productivity or bolstered growth were few and far between. Sure, computers and the Web transformed thousands of businesses and hundreds of industries. But overall, things looked much the same. The GDP growth rate did not tick up significantly, nor did productivity. As economist Robert Solow put it in 1987: "You can see the computer age everywhere but in the productivity statistics." An overlapping set of theories emerged to explain the phenomenon, often termed the "productivity paradox." Perhaps the new technologies advantaged some firms and industries and disadvantaged others, leaving little net gain. Perhaps computer systems were not yet easy enough to use to reduce the amount of effort workers need to exert to perform a given task. Economists also wondered whether it might just take some time—perhaps a lot of time—for the gains to show up. In the past, information technologies tended to need to incubate before they produced gains in economic growth. Consider the case of Gutenberg's printing press. Though the technology radically transformed how people recorded and transmitted news and information, economists have failed to find evidence it sped up per-capita income or GDP growth in the 15th and 16th centuries. At one point, some economists thought that an Internet-driven golden age might have finally arrived in the late 1990s. Between 1995 and 1999, productivity growth rates actually exceeded those during the boom from 1913 to 1972—perhaps meaning the Web and computing had finally brought about a "New Economy." But that high-growth period faded quickly. And some studies found the gains during those years were not as impressive or widespread as initially thought. Robert Gordon, a professor of economics at Northwestern, for instance, has found that computers and the Internet mostly helped boost productivity in durable goods manufacturing—that is, the production of things like computers and semiconductors. "Our central theme is that computers and the Internet do not measure up to the Great Inventions of the late nineteenth and early twentieth century, and in this do not merit the label of Industrial Revolution," he wrote. Gordon's work leads to another theory, one espoused by Cowen himself. Perhaps the Internet is just not as revolutionary as we think it is. Sure, people might derive endless pleasure from it—its tendency to improve people's quality of life is undeniable. And sure, it might have revolutionized how we find, buy, and sell goods and services. But that still does not necessarily mean it is as transformative of an economy as, say, railroads were. That is in part because the Internet and computers tend to push costs toward zero, and have the capacity to reduce the need for labor. You are, of course, currently reading this article for free on a Web site supported not by subscriptions, but by advertising. You probably read a lot of news articles online, every day, and you probably pay nothing for them. Because of the decline in subscriptions, increased competition for advertising dollars, and other Web-driven dynamics, journalism profits and employment have dwindled in the past decade. (That Cowen writes a freely distributed blog and published his ideas in a \$4 e-book rather than a \$25 glossy airport hardcover should not go unnoted here.) Moreover, the Web- and computer-dependent technology sector itself does not employ that many people. And it does not look set to add workers: The Bureau of Labor Statistics estimates that employment in information technology, for instance, will be lower in 2018 than it was in 1998. That the Internet has not produced an economic boom might be hard to believe, Cowen admits. "We have a collective historical memory that technological progress brings a big and predictable stream of revenue growth across most of the economy," he writes. "When it comes to the web, those assumptions are turning out to be wrong or misleading. The revenue-intensive sectors of our economy have been slowing down and the big technological gains are coming in revenue-deficient sectors." But revenue is not always the end-all, be-all—even in economics. That brings us to a final explanation: Maybe it is not the growth that is deficient. Maybe it is the yardstick that is deficient. MIT professor Erik Brynjolfsson * explains the idea using the example of the music industry. "Because you and I stopped buying CDs, the music industry has shrunk, according to revenues and GDP. But we're not listening to less music. There's more music consumed than before." The improved choice and variety and availability of music must be worth something to us—even if it is not easy to put into numbers. "On paper, the way GDP is calculated, the music industry is disappearing, but in reality it's not disappearing. It is disappearing in revenue. It is not disappearing in terms of what you should care about, which is music." As more of our lives are lived online, he wonders whether this might become a bigger problem. "If everybody focuses on the part of the economy that produces dollars, they would be increasingly missing what people actually consume and enjoy. The disconnect becomes bigger and bigger." But providing an alternative measure of what we produce or consume based on the value people derive from Wikipedia or Pandora proves an extraordinary challenge—indeed, no economist has ever really done it. Brynjolfsson says it is possible, perhaps, by adding up various "consumer surpluses," measures of how much consumers would be willing to pay for a given good or service, versus how much they do pay. (You might pony up \$10 for a CD, but why would you if it is free?) That might give a rough sense of the dollar value of what the Internet tends to provide for nothing—and give us an alternative sense of the value of our technologies to us, if not their ability to produce growth or revenue for us. Of course, if our most radical and life-altering technologies are not improving incomes or productivity or

growth, then we still have problems. Quality-of-life improvements do not put dinner on the table or pay for Social Security benefits. Still, even Cowen does not see all doom and gloom ahead, with incomes stagnating endlessly as we do more and more online and bleed more and more jobs and money. Who knows what awesome technologies might be just around the bend?



AT: Circumvention -Georgetown

2AC Frontline – (Specific to the Packet Aff Act)

() Zero link – the version of the plan we wrote is designed to end a practice – not just an authority.

() We get permanent fiat – any other interpretation turns debate from a “should” question to a “will question”. Neg would always win and we’d also learn a lot less.

() We still solve perception. Independently, plan’s language makes circumvention far tougher.

Shackford ‘15

Scott Shackford is an associate editor at Reason. This article is internally quoting Mark Jaycox, a legislative analyst for the Electronic Frontier Foundation - “Is the USA Freedom Act the Best We Can Expect Right Now?” - Reason - 5/20 <http://reason.com/blog/2015/05/20/is-the-usa-freedom-act-the-best-we-can-e>

It doesn't appear to be easy to support the USA Freedom Act. The Act's full real name is the "Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-Collection, and Online Monitoring Act." Knowing the full name of the act helps explain why privacy supporters aren't shouting from the rafters over the legislation, even if they are supporting it. As is the case with many other bills with elaborate names, the USA Freedom Act doesn't actually do what its name states. The USA Freedom Act (H.R. 2048) is Congress' response to the public revelation and the following outrage that the National Security Agency (NSA) has been for years secretly collecting mass amounts of domestic metadata from virtually all Americans as part of its goal of sniffing out terrorists. It has been doing so under the aegis of Section 215 of the PATRIOT Act, which allows the NSA and FBI to collect all sorts of data and records that are relevant to an ongoing investigation. But the NSA and the Foreign Intelligence Surveillance (FISA) Court that oversaw approval of records collection requests took a very, very wide view of what was "relevant," and that included, among other things, the phone records of every single American. There was an awareness among privacy experts that this was happening, but because the entire process was classified, the ability for anybody, even members of Congress, to do much about it was limited. Then Edward Snowden came around and released information showing how remarkably expansive the NSA surveillance actually was. This all came as a surprise to Rep. James Sensenbrenner (R-Wis.), who introduced the PATRIOT Act in 2001. He said it was never his intent to authorize mass collection of the data of Americans in the first place. The USA Freedom Act, which Sensenbrenner has also sponsored, is intended to reform these procedures. But what the USA Freedom Act actually does is fairly modest compared to the amount of surveillance authority the NSA had claimed for itself. It will end the bulk collection of phone metadata collection under Section 215, but that's not the only avenue by which the federal government claims authority to collect huge amounts of private information. Furthermore, right now we're seeing the third attempt to get the act passed, and the strength of the reforms has been watered down along the way. Indeed, some of the reforms called for in the act (storing the telecommunications data with the companies rather than the government and requiring the government to request it) came from former NSA Director Keith Alexander. The support of the Obama Administration has itself given some pause, due to its role in fighting lawsuits against the program and the blatant deception of current Director of Intelligence James Clapper before the Senate about the existence of mass phone record collection. What the USA Freedom Act is intended to do is end mass domestic data collection through Section 215, as well as in the secretive National Security Letters, and require "specific selection terms" to limit mass records requests. It also reforms the FISA court to designate several independent advisors to the court to help provide "legal arguments that advance the protection of individual privacy and civil liberties," making the FISA court a slightly more adversarial place rather than the apparent rubber stamp factory it had been. It will also mandate a declassification review process for FISA court decisions. But it's also really hard to try to gauge the impact of the bill as written, and that's coloring perceptions of its value. Making the situation more complicated is a federal court ruling that is actually friendly to privacy reformers. On May 7, the Second Circuit Court of Appeals ruled that Section 215 never actually authorized the NSA to engage in mass phone metadata collection in the first place. The court ruled that the NSA had stretched the definition of "relevance" and "investigation" too far by scooping up pretty

much everything and storing it just in case it might be useful later. But the court also did not demand any immediate changes, partly because it knew Congress was already working on legislation to deal with the pending sunset of Section 215, which expires June 1. This ruling prompted some rethinking of the USA Freedom Act by the Electronic Frontier Foundation (EFF). The group had previously endorsed each iteration of the act, increasingly reluctantly as it was watered down with each session. In response to the court ruling, though, EFF withdrew its support and went neutral, calling for legislators to now strengthen the act. Mark Jaycox, a legislative analyst for EFF who has been writing about the USA Freedom Act, still has positive things to say about it, but doesn't want Congress to settle for less than it has to. It's the first reform of NSA surveillance since the 1970s. There should be more to it. **"The USA Freedom Act should be stronger,"** Jaycox says. **"Congress should** be pushing for more control for themselves and more for the public." **EFF would like Congress to return to the first iteration of the act that called for** a stronger adversarial position within the FISA court, not just an adviser. They want **Congress to address other authorizations used to justify bulk metadata collection, not just Section 215** and National Security Letters. **They want better "minimization" procedures to make sure information that isn't directly connected to an investigation is properly purged. And they want to remove an "emergency exception"** that allows the government to snoop on any "non-United States person" for 72 hours without any court authorization at all. Given that the court ruling determined that the NSA had been operating outside of the law's intent, should we be concerned that **any attempt to partly rein in surveillance powers without completely eliminating them will ultimately lead back to more abuse?** Who gets to decide what a "specific selection term" is? The same people who determined that every single phone record of every American was "relevant" to investigating potential terrorist attacks on Americans? Jaycox is aware that this abuse concern helps feed the belief **the USA Freedom Act doesn't go nearly far enough. We've seen the intelligence community and the administration stretch definitions,** Jaycox says. "We've seen them come up to the line and cross it completely. Section 215 is an example. I think that's where the hesitancy comes from." It's the FISA court that was supposed to stand in the way of the NSA abusing the language, but that clearly didn't happen. Congress can legislate words to be as narrow as they like, Jaycox notes, "But at the end of the day it's going to be a judge that's reviewing these orders." And thus, there's the push for more transparency and declassification of FISA court decisions, in the hopes of making it more clear how the judges themselves are interpreting the law. The modest reforms weren't enough for some privacy-minded House members like Rep. Justin Amash (R-Mich.), Rep. Thomas Massie (R-Ky.), and Rep. Jared Polis (D-Colo.). They all voted no. Amash later explained on Facebook that he feared passing the USA Freedom Act in the wake of the court ruling would have the impact of authorizing bulk data collection rather than restricting it: "H.R. 2048 falls woefully short of reining in the mass collection of Americans' data, and it takes us a step in the wrong direction by specifically authorizing such collection in violation of the Fourth Amendment to the Constitution. Americans, and members of **Congress, should** demand that Congress **instead pass the original, bipartisan version of the USA FREEDOM Act** from 2013, **which strengthened—not weakened—Section 215's relevance standard to end bulk collection while still allowing the government the flexibility it needs to pursue genuine threats against the United States.**" And this morning Amash posted a letter signed by him and 58 others in the House who voted no, explaining that their opposition to the USA Freedom Act was that the surveillance reforms did not go far enough.

() Extend our Greene ev – it's great at proving plan's language reduces circumvention risks.

() Plan restores strong language – that's sufficient to end circumvention.

Granick '14

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

The initially promising USA Freedom Act could have ended the previously secret government practices of **collecting Americans'** calling records, internet transactional **information** and who knows what else **in bulk. Today's version would allow**

broad collection to continue under the guise of reform. The initial version of the bill would have reinforced existing statutory language requiring a showing of “relevance to an authorized investigation” before agents can get an order requiring production of business records, dialing and routing information, and other data, and would have added other limits to ensure massive collection would stop. It also would have implemented reforms to content surveillance under section 702 of the FISA Amendments Act, stopping “back door” searches for Americans’ communications. Last week, a Managers’ Amendment watered those provisions down, substituting new language that would allow agents to use a “specific selection term” as the “basis for production”. The bill defined “specific selection term” as something that “uniquely describe[s] a person, entity, or account.” Given the intelligence community’s success at getting FISA judges to reinterpret obvious language — e.g. “relevance” — in counter-intuitive ways, people wondered what this new language might mean. There’s deep public mistrust for the intelligence community and for the FISA court, which conspired to allow bulk collection under spurious legal justifications for years. Worse, there’s deep public mistrust for the law itself, since the intelligence community’s “nuanced” definitions of normal words have made the public realize that they do not understand the meaning of words like “relevance”, “collection”, “bulk”, or “target”.

AT: Noncompliance — General

Court ruling on Section 215 covers other bulk surveillance programs — it will be enforced.

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

Jameel Jaffer, the deputy legal director of the ACLU, expressed confidence that the second circuit court of appeals’ decision last month would effectively step into the breach. The panel found that legal authorities permitting the collection of data “relevant” to an investigation cannot allow the government to gather data in bulk – setting a potentially prohibitive precedent for other bulk-collection programs.

“We don’t know what kinds of bulk-collection programs the government still has in place, but in the past it’s used authorities other than Section 215 to conduct bulk collection of internet metadata, phone records, and financial records. If similar programs are still in place, the ruling will force the government to reconsider them, and probably to end them,” said Jaffer, whose organization brought the suit that the second circuit considered.

Noncompliance isn’t a reason not to do the plan — the real problems are the laws that authorize the surveillance.

Jaffer 13 — Jameel Jaffer, ACLU Deputy Legal Director and Director of ACLU Center for Democracy, 2013 (““There Have Been Some Compliance Incidents”: NSA Violates Surveillance Rules Multiple Times a Day,” ACLU Blog, August 16th, Available Online at <https://www.aclu.org/blog/there-have-been-some-compliance-incidents-nsa-violates-surveillance-rules-multiple-times-day?redirect=blog/national-security/nsa-privacy-violations-even-more-frequent-we-imagined>, Accessed 06-05-2015)

One final note: The NSA’s noncompliance incidents are a big deal, but we **shouldn’t let them become a distraction.** The **far bigger problem** is with the law itself, which gives the NSA almost unchecked authority to monitor Americans’ international calls and emails. The problem arises, in other words, not just from the NSA’s non-compliance with the law, but from its compliance with it.

AT: NSA Noncompliance

The NSA and FBI will now have to abide by Congressional mandate — the era of looking the other way on surveillance has ended.

Buttar 15 — Shahid Buttar, constitutional lawyer and executive director of the Bill of Rights Defense Committee, 2015 ("Senate Moves to Check Executive Spying Power," The Progressive, May 27th, Available Online at <http://progressive.org/news/2015/05/188151/senate-moves-check-executive-spying-power>, Accessed 06-07-2015)

The political shift indicates a direction for future reform.

Who Wins and Who Loses?

The most obvious losers are the NSA and FBI. After 15 years of breaking already permissive laws, yet not congressional blank checks, the agencies must finally start complying with constitutional limits.

Within the agencies, senior leaders of the intelligence establishment also emerge looking like clowns. Section 215 survived this long only because agency officials—including Director of National Intelligence James Clapper and former NSA Director Michael Hayden—lied under oath to evade oversight. The Senate's decision to end a program that senators learned about from whistleblowers, instead of those officials, further discredits their legacies.

Even if they remain above the law by evading the prosecution for perjury sought by multiple members of Congress, their careers will be defined by congressional and judicial rejection of illegal programs they built in secret.

To the extent intelligence officials are clowns, the many congressional leaders from both parties who supported them are stooges. Establishment Democrats and Republicans alike uncritically accepted lies, deferred to them and went along with the Beltway consensus - in sharp contrast to their populist colleagues who proved willing to uphold their oath of office to "defend the Constitution against all enemies, foreign and domestic."

Several winners also emerged from this drama.

Congressional rejection of mass spying vindicates several principles at once, including transparency, oversight, checks and balances, the separation of powers and constitutional rights enshrined in the First and Fourth Amendments. Each of those values is cherished across the political continuum, making them especially powerful during a presidential election year.

Senator Paul is another clear winner. He demonstrated leadership, surged among the crowded GOP field of 2016 presidential hopefuls and effectively seized control of the Senate from the majority leader. With its senators leading both the surveillance/secretcy/corruption caucus, as well as the competing constitutional/privacy/accountability caucus, Kentucky could also claim victory.

The US Constitution may be the most important winner. By proxy, "We the People of the United States" actually scored two victories at once.

Narrowly, the expiration of Patriot Act Section 215 advances Fourth Amendment privacy interests. Even though mass surveillance will continue for now under other legal authorities, one program through

which our government monitors phone calls and tracks everyone's behavior, regardless of wrongdoing, will end.

More broadly, this vote begins a long-overdue process of limiting executive powers, expanded during a period of seeming emergency, which grew entrenched despite proving ineffective as well as constitutionally offensive. In this sense, congressional assertiveness supports democracy in a long-running battle to avoid the erosion from within foreseen by both Alexis de Tocqueville and President and Supreme Allied Commander Dwight Eisenhower.

What Comes Next?

With reformers having triumphed in Congress, the debate over surveillance reform must expand. Further reforms are necessary to enable an adversarial process and greater transparency at the secret Foreign Intelligence Surveillance Court, and also to limit other legal authorities - like Executive Order 12333 and FISA Section 702 - used to justify unconstitutional domestic surveillance.

It's a good thing that a bipartisan measure, the Surveillance State Repeal Act (HR 1466), is poised to do exactly that. Rep. Mark Pocan (D-Wisconsin) and Rep. Thomas Massie (R-Kentucky) introduced the SSRA to force the agencies to justify the expansion of any powers from a constitutional baseline, rather than one contrived by a decade of executive lies.

Congress has long abandoned its role of checking and balancing runaway executive power, but the Senate's recent vote suggests an overdue awakening. Members should heed the political wind, and embrace bipartisan calls for aggressive limits as the starting point for comprehensive surveillance reform.

NSA noncompliance is genuine error, not deliberate avoidance — and mistaken surveillance data is purged.

BloombergBusiness 14 — BloombergBusiness, Byline David Lerman, 2014 (“U.S. Spy Agency Reports Improper Surveillance of Americans,” BloombergBusiness Online, December 24th, Available Online at <http://www.bloomberg.com/news/articles/2014-12-24/spy-agency-to-release-reports-documenting-surveillance-errors>, Accessed 06-05-2015)

After foreign intelligence is acquired, “it must be analyzed to remove or mask certain protected categories of information, including U.S. person information, unless specific exceptions apply,” the NSA said in a statement before posting the documents.

The extent of that collection has never been clear.

The agency said today it has multiple layers of checks in place to prevent further errors in intelligence gathering and retention.

“The vast majority of compliance incidents involve unintentional technical or human error,” NSA said in its executive summary. “NSA goes to great lengths to ensure compliance with the Constitution, laws and regulations.”

Report Violations

The intelligence community is required to report potential violations to the oversight board, as well as the Office of the Director of National Intelligence.

In some cases, surveillance of foreign targets continued even when those targets were in the U.S., although such “non-compliant data” were later purged, according to the reports released today.

Some analysts sent intelligence information to other analysts who weren't authorized to receive it, according to the documents. That information was deleted from recipients' files when discovered.

Congress Checks

Congressional action on Section 215 demonstrates that Congress has stepped up to the plate to enforce anti-surveillance measures — prefer the most recent evidence. This is a sea change in behavior that will lead to aggressive enforcement on other Executive surveillance issues.

Buttar 15 — Shahid Buttar, constitutional lawyer and executive director of the Bill of Rights Defense Committee, 2015 (“Senate Moves to Check Executive Spying Power,” The Progressive, May 27th, Available Online at <http://progressive.org/news/2015/05/188151/senate-moves-check-executive-spying-power>, Accessed 06-07-2015)

A revolution came to Washington in the wee hours of Saturday morning, just after the stroke of midnight. After 15 years of congressional deference to mass surveillance, Congress finally took action— ironically, by failing to take action—and did its job to check and balance executive power.

On May 23, after a hard-fought congressional debate, the Senate effectively allowed portions of the notorious Patriot Act to expire as previously scheduled, appropriately rejecting a compromise branded as the Freedom Act.

It is the first time Congress has meaningfully checked and balanced the national security agencies since 2001. It will not be the last.

Where Did This Come From?

Congress approved the Patriot Act in 2001 with neither debate nor an understanding of what it entailed. Since then, it has accepted—from both the Bush and the Obama administrations—secret legal interpretations contorting statutes into mass surveillance programs recently held illegal by a federal appellate court, as well as lies under oath by senior officials aiming to hide domestic spying programs from congressional and public oversight.

The American people have never gone along quietly.

During the Bush administration, years before the Edward Snowden revelations amplified mass outrage in 2013, nearly 500 cities and eight states issued official declarations decrying mass surveillance. Cities from Lexington, Massachusetts to Bisbee, Arizona (including others in between like New York City, Los Angeles and Dallas), and states as politically diverse as California and Idaho raised their voices.

Since the Snowden revelations, Americans from coast to coast have taken action to challenge domestic spying. We have taken action online, from online petitions shaming the absent chair of a crucial congressional oversight committee, to campaigns promoting mass encryption to force constitutional compliance on the agencies technologically, despite their disdain for legal limits. We have taken action in the streets, outside NSA headquarters, outside the White House, at rallies on Capitol Hill and in our state legislatures. We have fought back with music, sculpture, DJ mixes, poetry and comedy.

While the domestic phone metadata program's days may be numbered, this drama is just beginning.

Hawks may force another Senate vote on Section 215 on the eve of the phone dragnet's expiration. Beyond their desperate effort to save the program, the Freedom Act's rejection paves the way for

further surveillance reform to address other legal authorities under which unconstitutional and ineffective domestic spying will continue even after this authority finally expires.

Congress is willing to enforce —they’ve taken up the issue of surveillance. Prefer the most recent evidence.

Yahoo News 15 — Yahoo News, Byline Scott Bomboy, 2015 (“USA Freedom Act signed, so what’s next for NSA spying?,” Yahoo News, June 3rd, Available Online at <http://news.yahoo.com/usa-freedom-act-signed-next-nsa-spying-111450759.html>, Accessed 06-08-2015)

Surveillance will certainly continue under other parts of the act and under other government programs designed to combat terrorism. But the fight in Congress may just be getting started.

The New York Times says that Senator Mike Lee and Senator Pat Leahy are moving on to targeting the government program that allows e-mails older than six months to be read by investigators. Congressional reformers may also seek to limit the Foreign Intelligence Surveillance Act.

And there is debate in the House and Senate about other spying provisions.

“Some of us don’t think USA Freedom sufficiently ends bulk metadata collection. In fact, [the government] will still contend after the act passes that they can bulk collect all of the websites and emails and all that content,” said Representative Thomas Massie. “Read it closely, it’s only about your phone calls.”

Congress is prepared to enforce surveillance legislation — debate over USA Freedom Act proves.

Buffalo News 15 — Buffalo News Editorial Board, 2015 (“Freedom Act recognizes privacy rights without endangering national security,” Buffalo News, June 5th, Available Online at <http://www.buffalonews.com/opinion/buffalo-news-editorials/freedom-act-recognizes-privacy-rights-without-endangering-national-security-20150605>, Accessed 06-08-2015)

The ensuing debate was appropriately loud and passionate. The main problems with the program were determined to be its secrecy and lack of sufficient oversight to ensure that the NSA was not overstepping its legal bounds. The collection of metadata, itself, was also troubling, even though the NSA wasn’t listening to the content of calls. Rather the agency was analyzing the data and attempting to match it with known or suspected terrorist activities. In that, there may be value. The sifting of data can still take place, as long as the NSA gets a court order to access records held by the phone companies.

The continuing need for aggressive government action against terrorism should, at this point, go without saying. The important point was to determine how government surveillance should work, not whether it was needed. It was also true, though, that the Patriot Act was passed during the post-9/11 fever that gripped the country, including government. Nearly 14 years later, it was time to consider the issue at least somewhat more dispassionately.

The change seems to be a plausible one, though the test of that is yet to come. The United States has not suffered a single foreign-born terrorist attack since 2001 and it is fair to conclude that the telephone surveillance program may have played some role in that.

The Patriot Act escaped close scrutiny until the Snowden revelations. That's just one of the reasons that the USA Freedom Act needs to be closely monitored. Congress needs to satisfy itself that the NSA and any other agencies involved are **complying with the new law**, which President Obama signed on Tuesday night, but it also needs to verify with those agencies that the law is doing the job intended and in a way that serves the legitimate interests of national security.

Still, it's good to see that Congress was able to evaluate the Patriot Act in a way that was inclusive of all interested parties and to produce what looks like a workable compromise. **It's what Congress is supposed to do and what it hasn't done for far too long.**

FISA Court Checks

FISA Court solves — the USA Freedom Act removes the secrecy.

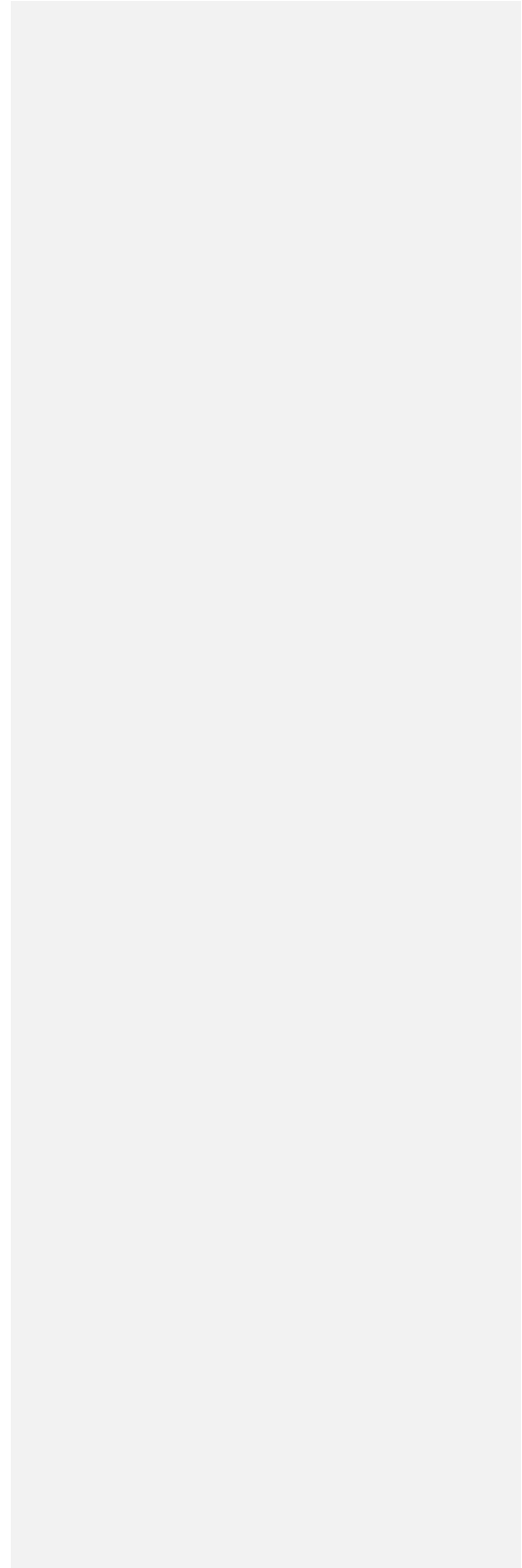
AP 15 — Associated Press, Byline Ken Dilanian, 2015 (“Questions and answers about newly approved USA Freedom Act,” Yahoo News, June 3rd, Available Online at <http://news.yahoo.com/questions-answers-newly-approved-usa-freedom-act-072501403.html>, Accessed 06-08-2015)

Q: What else will change under the USA Freedom Act?

A: The new law gives private companies more leeway to **publicly report information** about the number of national security surveillance demands they receive. And it requires **declassification of FISA Court opinions containing significant legal decisions**, or a summary if declassification is not possible. That is designed to prevent secret interpretations such as the one that allowed bulk collection of U.S. phone records.

**AT: Compliance and Circumvention Core-
HSS**

Top Level



AT: Noncompliance — General

No circumvention – bureaucratic forces and leaks

William Saletan **13**, writes about politics, science, technology, and other stuff for Slate and the author of Bearing Right, The Taming of the Spook, 6/1/2013, The Slate, http://www.slate.com/articles/news_and_politics/frame_game/2013/07/nsa_history_how_bureaucrats_leaks_and_courts_tamed_government_surveillance.html ||RS

In January 2007, the President's Surveillance Program officially ceased. At that point, according to the report, "delivery of email and phone-call content to NSA from the major telecom companies ended." In 2008, Congress passed the FISA Amendments Act. That law, as the Guardian and other critics note, facilitated NSA surveillance. But it also mandated the NSA Inspector General's report. In 2009, Obama took over the White House and began to tighten the oversight. Briefings were extended more widely to Congress. In 2011, bulk collection of Internet metadata stopped. That doesn't mean phone or Internet surveillance has ended altogether. It hasn't. It doesn't mean such programs won't be abused or that they're sufficiently supervised. But it does suggest two things. First, contrary to libertarian dogma, government surveillance doesn't always expand. Bureaucratic forces—rules, politics, personal integrity, and finite resources—tend to impose limits and layers of oversight. Second, contrary to government dogma, leaks are a crucial part of this ecosystem of restraint. Without that December 2005 Times story, there's no January 2006 briefing of the full FISC, and the program's reliance on presidential rather than court approval surely would have continued for more than a year. Without Snowden, Congress wouldn't be reexamining the NSA or filing bills to keep the agency in check. And we wouldn't be able to read the inspector general's report in the Guardian. That's what I learned from reading this history of the surveillance program. For the most part, the government has tried to do the right thing. Little by little, it has made progress in cleaning itself up. And Snowden, for all his flaws, is part of the cleansing.

Agencies comply with Section 702 and the FISA courts—no circumvention

Chong 13 – Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney's Office for the Southern District of New York. She graduated from Duke University in 2009. ("The NSA Documents, Part VII: The Compliance Report," Lawfare, <http://www.lawfareblog.com/nsa-documents-part-vii-compliance-report>, August 24, 2013, Quay)

Some undisclosed portion of the tasking incidents described in the report "involved facilities where at the time of tasking the Government knew or should have known that one of the users of the selector was a United States person." Details of one cited example of such an incident have been redacted. In another incident, the NSA failed to prevent a pending Section 702 tasking request "from being effectuated," although DHS had informed the NSA that the target of the request was "an LPR" (likely stands for "lawful permanent resident"). All Section 702-acquired data was purged in the cited incidents. The Joint Assessment concludes that these incidents are "isolated instances of insufficient due diligence." Most detasking incidents in the reporting period involved non-U.S. persons who had traveled to the U.S.; only one of the detasking delays involved a U.S. person who had been erroneously assessed and targeted as non-U.S. person. The NSA detasked several selectors used by the individual based on the revised assessment, but did not detask one of the individual's telephone numbers for three weeks due to a "miscommunication within an NSA targeting office." The Joint Assessment concludes that better records and additional detasking procedures could prevent such detasking delays from occurring in the future. An undisclosed number of NSA noncompliance incidents involved using U.S. person identifiers to query Section 702 repositories. The Joint Assessment notes that the FISC's October 3, 2011 and November 30, 2011 orders approved modifications to NSA's modification procedures permitting the agency to use U.S. person identifiers to query telephony and non-upstream acquired electronic communications data. The query terms must be approved according to internal NSA procedures, and must be designed to yield foreign intelligence information. In each of the incidents, an NSA analyst made one of two errors: either conducting a query that the NSA had previously determined was a U.S. person identifier, or forgetting to filter out Section 702-acquired data while conducting a federated query ("a query using the same term or terms in multiple NSA databases") using a known U.S. person identifier. The Joint Assessment notes that none of the analysts involved in the incidents were unaware that only approved U.S. person identifiers may be used to query Section 702-acquired data. Although "few" compliance incidents resulted from technical issues in the reporting period, the Joint Assessment notes that "technical issues can have larger implications" because they frequently involve multiple selectors. Thus all Section 702 agencies devote "substantial resources" toward preventing, identifying and remedying such issues. Collection equipment and other systems are tested before deployment, monitoring programs are employed to detect anomalies, joint oversight team members participate in technical briefings to better understand the impact of technical system development on information collection and processing. Some undisclosed number of the compliance incidents during the reporting period caused the NSA systems to overcollect data in violation of what had been authorized under the Section 702 certifications. Further details on particular incidents involving overcollection have been redacted. Two system errors in the reporting period led to delays in detasking

facilities. In one such incident, an adjustment made in the NSA's system during transition between certifications resulted in unauthorized targeting of users in the U.S. for up to three days. The Joint Assessment begins its subsection on the NSA's human errors with the observation that **human errors are the cause of many compliance incidents**. Some human errors are isolated events; others represent a pattern that suggests the need for new training or procedures. As in "the last several reporting periods," the report notes, one of the most common errors in this reporting period involved selectors that were missed in the detasking process, and which were among those used by a target discovered to be in or traveling to the U.S. Subsections on the causes of CIA and FBI noncompliance are heavily redacted. The Joint Assessment describe two types of FBI noncompliance incidents: those concerning errors in the processing of requests and those involving improper targeting. In one processing incident, involving an individual located in the U.S., an FBI supervisory agent intended to reject an acquisition instead accidentally approved it, and the system fail-safe malfunctioned. Information on incidents involving FBI noncompliance with targeting procedures has been substantially redacted. Lastly, an undisclosed number of incidents involved data overproduction by an electronic communication service provider with a Section 702(h) directive. The report states that all of the incidents had different causes, but in each case agency personnel identified the overproduction through automated systems or by properly reporting within their agencies that the acquired data did not match the authorized scope of collection. The Joint Assessment concludes with the general observation "that the agencies have continued to implement the procedures and to follow the guidelines in a manner that reflects a focused and concerted effort by agency personnel to comply with the requirements of Section 702." Although reiterating that no intentional violations or circumventions of the FISA were identified, and that the number of compliance incidents is small, particularly when compared to total collection efforts, the joint oversight team emphasizes the importance of and its own role in continued noncompliance investigation and monitoring of collection activity.

Court ruling on Section 215 covers other bulk surveillance programs — it will be enforced.

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

Jameel Jaffer, the deputy legal director of the ACLU, expressed confidence that the second circuit court of appeals' decision last month would effectively step into the breach. The panel found that legal authorities permitting the collection of data "relevant" to an investigation cannot allow the government to gather data in bulk – setting a potentially prohibitive precedent for other bulk-collection programs.

"We don't know what kinds of bulk-collection programs the government still has in place, but in the past it's used authorities other than Section 215 to conduct bulk collection of internet metadata, phone records, and financial records. If similar programs are still in place, the ruling will force the government to reconsider them, and probably to end them," said Jaffer, whose organization brought the suit that the second circuit considered.

The DOJ solves circumvention

Bennett 13 – Wells C. Bennett is Managing Editor of Lawfare and a Fellow in National Security Law at the Brookings Institution. Before coming to Brookings, he was an Associate at Arnold & Porter LLP. ("The Latest NSA Documents VI: Non-Compliance Redux, With More DOJ," Lawfare, <http://www.lawfareblog.com/latest-nsa-documents-vi-non-compliance-redux-more-doj>, September 13, 2013, Quay)

Some examples of the new marching orders for minimization and oversight: at least twice during the September 3 Order's authorizing period, NSA must perform a "spot check" of a sample of call detail records, so as to ensure that the agency isn't scooping up any content. The Justice Department also figures prominently here. DOJ attorneys must review, again on no less than two times during the authorization period, NSA metadata query activities, including the justifications given for queries. NSA also must provide copies of all briefing and training materials to the Justice Department Moreover, prior to reporting back the FISC on compliance activities, NSA and Justice personnel must meet, a week before the FISC authorization's expiry, and discuss NSA's conformity with FISC orders. The outcome of that meeting must be reduced to writing and submitted to the court, when the NSA seeks to renew the

metadata authorization. Justice Department personnel likewise must, a week prior to any authorization's lapse, meet with the NSA Inspector General and review oversight and compliance matters. Finally, any proposed automated metadata query processes must be vetted and approved by NSA, the Justice Department, and the FISC. The outlines of a theme can be made out: **DOJ oversight is on the rise**. So query subject to strict rules? Yes. But ask the FISC each time whether it is okay to query? No. Perhaps this marked a modest thaw, in that the FISC restored to the NSA some unilateral—if quite controlled, more heavily DOJ-supervised—authority to consult its vast caches of telephony metadata.

Noncompliance isn't a reason not to do the plan — the real problems are the laws that authorize the surveillance.

Jaffer 13 — Jameel Jaffer, ACLU Deputy Legal Director and Director of ACLU Center for Democracy, 2013 ("There Have Been Some Compliance Incidents": NSA Violates Surveillance Rules Multiple Times a Day," ACLU Blog, August 16th, Available Online at <https://www.aclu.org/blog/there-have-been-some-compliance-incidents-nsa-violates-surveillance-rules-multiple-times-day?redirect=blog/national-security/nsa-privacy-violations-even-more-frequent-we-imagined>, Accessed 06-05-2015)

One final note: The NSA's noncompliance incidents are a big deal, but we **shouldn't let them become a distraction. The far bigger problem is with the law itself, which gives the NSA almost unchecked authority** to monitor Americans' international calls and emails. The problem arises, in other words, not just from the NSA's non-compliance with the law, but from its compliance with it.

Freedom Act the stage for broader oversight reform – the plan generates compliance

HRW 6/3, Internally quoting Cynthia M. Wong is the senior researcher on the Internet and human rights for Human Rights Watch, US: Modest Step to Curb Spy Excesses, 6/3/15, <http://www.hrw.org/news/2015/06/03/us-modest-step-curb-spy-excesses> || RS

(Washington, DC) – The United States Congress has taken a first small step toward curbing excessive government surveillance by passing the USA Freedom Act. The law imposes long overdue limits on the scope of records collection and new measures to increase transparency and oversight of surveillance by the National Security Agency (NSA).

"The USA Freedom Act's passage marks what could be a turn of the tide against mass surveillance in the US," said Cynthia Wong, senior Internet researcher at Human Rights Watch. "Although the bill's reforms are only a modest first step, this is the first time Congress has affirmatively restrained the NSA since the attacks of September 11, 2001."

Intelligence agency compliance is inevitable – they are just slow

Soufan 14 (Ali Soufan, reporter and book reviewer for Wall Street Journal, "The Shadow Lawmakers"- review of Michael Glennon's book – National Security and Double Government, Wall Street Journal, 12/30/14, <http://www.wsj.com/articles/book-review-national-security-and-double-government-by-michael-j-glennon-1419983619>)

Ultimately, though, the flaw with the book is that Mr. Glennon is too enamored of his thesis of an unchanging government. "Few who follow world events can doubt that the Obama administration's approach to multiple national security issues has been essentially the same as that of the Bush administration," he writes. Yes, both administrations were forced to contend with ground wars in Afghanistan and Iraq, and the ongoing war on terrorism. But those aren't examples of Trumanite control. They were, and to a large extent continue to be, unavoidable realities. Yes, the high-risk detention facility at Guantanamo remains open despite Mr. Obama's campaign promises to close it. But the president has been stymied on this front not by a shadowy national-

security apparatus, but by the very public face of government that Mr. Glennon claims is hors de combat in these matters: Congress. In fact, policies have shifted significantly under Mr. Obama in some of the most controversial areas of national security. The current administration, for example, had already halted the “enhanced interrogation techniques” described in the recently released Senate report. It’s true that no one has been held accountable for these abhorrent abuses. But the president closed secret prisons, or so-called Black Sites, and abolished waterboarding and other acts of abuse. These were significant decisions and not mere political theater. The same is true of the Obama administration’s determination to bring accused foreign terrorists back to face U.S. civilian courts. We can debate the merits of the action, but there’s no doubt it was a substantive change. None of this negates Mr. Glennon’s thesis or mutes the warning bell he sounds in these pages. Bureaucrats can and do go wild: Witness the recent IRS scandals. But in my experience inside government and out of it, the system catches up eventually, and the change that really matters flows from the top down, implemented by the private, second government that Mr. Glennon depicts so effectively.

AT: NSA Noncompliance

No circumvention – prefer legal experts

Spencer **Ackerman 6/1**, the national security editor for Guardian US, a former senior writer for Wired, and he won the 2012 National Magazine Award for Digital Reporting, Fears NSA will seek to undermine surveillance reform, 6/1/2015 The Guardian, <http://www.theguardian.com/us-news/2015/jun/01/nsa-surveillance-patriot-act-congress-secret-law> ||RS

Despite that recent history, veteran intelligence attorneys reacted with scorn to the idea that NSA lawyers will undermine surveillance reform. Robert Litt, the senior lawyer for director of national intelligence, James Clapper, said during a public appearance last month that creating a banned bulk surveillance program was “not going to happen”. “The whole notion that NSA is just evilly determined to read the law in a fashion contrary to its intent is bullshit, of the sort that the Guardian and the left – but I repeat myself – have fallen in love with. The interpretation of 215 that supported the bulk collection program was creative but not beyond reason, and it was upheld by many judges,” said the former NSA general counsel Stewart Baker, referring to Section 215 of the Patriot Act. This is the section that permits US law enforcement and surveillance agencies to collect business records and expired at midnight, almost two years after the whistleblower Edward Snowden revealed to the Guardian that the Patriot Act was secretly being used to justify the collection of phone records from millions of Americans. With one exception, the judges that upheld the interpretation sat on the non-adversarial Fisa court, a body that approves nearly all government surveillance requests and modifies about a quarter of them substantially. The exception was reversed by the second circuit court of appeals. Baker, speaking before the Senate voted, predicted: “I don’t think anyone at NSA is going to invest in looking for ways to defy congressional intent if USA Freedom is adopted.”

No NSA noncompliance – leaks

William **Saletan 13**, writes about politics, science, technology, and other stuff for Slate and the author of Bearing Right, The Taming of the Spook, 6/1/2013, The Slate, http://www.slate.com/articles/news_and_politics/frame_game/2013/07/nsa_history_how_bureaucrats_leaks_and_courts_tamed_government_surveillance.html ||RS

In June 2005, DOJ and NSA began to plan the transfer of other NSA surveillance authorities to the court. Six months later, that process was blown open: The New York Times exposed Bush’s “warrantless eavesdropping.” The Times story ignited an outcry and forced NSA to open the program to broader review. One communications company that had been giving the NSA its metadata under presidential authorization told the government to get a court order. In January 2006, the new NSA director, Keith Alexander, finally briefed all members of the FISC, not just the chief judge. In May 2006, the court agreed to authorize NSA collection of “business records” (phone metadata) but “limit[ed] the number of people that could access the data and required more stringent oversight by and reporting to DOJ.” The court caused a 73 percent reduction in the number of foreign targets scrutinized by the NSA, and it rejected the agency’s request for broad collection of domestic communications content.

NSA’s non-compliance rates are low

Chong 13 – Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney’s Office for the Southern District of New York. She graduated from Duke University in 2009. (“The NSA Documents, Part VII: The Compliance Report,” Lawfare, <http://www.lawfareblog.com/nsa-documents-part-vii-compliance-report>, August 24, 2013, Quay)

Section 4 summarizes the oversight team’s findings as to underlying causes of compliance incidents and its assessment of the involved agency’s attempts to prevent recurrences. Again, numbers have been largely redacted from this section of the Joint Assessment. For example, the total number of compliance incidents that involved noncompliance with the targeting and/or minimization procedures of any particular agency remains classified. But the report reveals that the compliance incident rate is 0.49%, described as a “low” rate that nonetheless represents an increase from compliance incident rate in the prior reporting period. Many of these incidents are trivial, involving only the NSA’s failure to notify the NSD and ODNI of certain facts within the timeframe stipulated in the NSA targeting procedures—a median delay of about one business day. Eliminating these particular compliance incidents yields what the reports

describes as a "better measure of substantive compliance with the applicable targeting and minimization procedures." Thus adjusted, the compliance incident rate for this reporting period drops from 0.49% to 0.20%.

Non-compliance incidents are usually trivial

Chong 13 – Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney's Office for the Southern District of New York. She graduated from Duke University in 2009. ("The NSA Documents, Part VII: The Compliance Report," Lawfare, <http://www.lawfareblog.com/nsa-documents-part-vii-compliance-report>, August 24, 2013, Quay)

The report lists six separate types of compliance incidents involving the NSA's targeting or minimization procedures. Tasking issues involve "incidents where noncompliance with the targeting procedures resulted in an error in the initial tasking of the selector." Detasking issues involves "errors in the detasking of the selector." Notification delays occur when "a notification requirement contained in the targeting procedures was not satisfied." Documentation issues involve "incidents where the determination to target a selector was not properly documented." Overcollection occurs when the NSA's collection systems acquire data regarding untasked selectors while in the process of acquiring communications of properly tasked selectors. Minimization issues simply refer to problems with NSA's compliance with its own minimization procedures. The vast majority of compliance incidents during the reporting period—212 out of 338—were notification delays. There were also 48 tasking incidents, 51 detasking incidents, 2 incidents of overcollection, 15 minimization incidents and 10 documentation incidents. The report redacts a chart that depicts the compliance incident rates of previous reporting periods. Most noncompliance incidents in the reporting period did not involve U.S. persons but involved, for example, typographical errors in tasking that resulted in no collection, detasking delays with respect to facilities used by non-U.S. persons who had entered the country, or notification errors regarding similar detaskings that were not delayed. However, several incidents involved U.S. persons. These involved (1) tasking errors that led to the tasking of facilities used by U.S. persons, (2) delays in tasking facilities after the NSA determined the user of the selector was a U.S. person, and (3) unintentional querying of Section 702 repositories using a U.S. person identifier.

Oversight of the NSA is effective—solves circumvention

DeLong 13 – John M. DeLong is the Director of Compliance for the National Security Agency. He's not biased because he's the leader of compliance, not an employee of the NSA that has an incentive in covering up secrets. ("For Agencies, the Intersection of Technology and Compliance Is Complex," FedTech, <http://www.fedtechmagazine.com/article/2013/02/agencies-intersection-technology-and-compliance-complex>, Winter 2013, Quay)

As almost every chief compliance officer would attest, technology is both a risk and a benefit. But beneath the surface of that maxim lies an even greater truth: Changes in technology often carry the most risk. The National Security Agency is increasingly leveraging technology throughout its compliance program, which allows us to augment — not wholly replace — human safeguards. We use technology to maintain the continuity of our external authorizations, from signed paperwork down to the bits and bytes. We also use technology to record and review our activities, making sure that we follow the laws and policies that guide NSA's operations. Sometimes, where appropriate, we even embed legal and policy guidance directly into our IT architecture. Implementing overlapping safeguards is almost always a good thing in this arena. And technology is a huge multiplier in the agency's compliance program, for quality control and for the good of the nation. Before I discuss how changes in technology can affect compliance, I'm compelled to explain generally, how NSA's operational activities are governed. If the process were a sewing needle, it would have to be threaded at least four times before the first stitch — and this process would often repeat itself. Like all government agencies, NSA's activities are governed by external authorizations. Often, the first step in obtaining such authorizations is for NSA to describe proposals to its overseers. Not surprisingly, this requires us to explain the relevant technology as well as its anticipated interaction with the global technology environment. We must also discuss how the proposed activities would advance national security without sacrificing privacy protections. Next, external entities — such as the Justice Department, the Office of the Director of National Intelligence and the Foreign Intelligence Surveillance Court — review and, as appropriate, approve proposed activities and the procedures that NSA must follow. After that, the agency's compliance program works to keep employees, operations and technology aligned with these procedures, through change and over time.

NSA and FBI will now have to abide by Congressional mandate — the era of looking the other way on surveillance has ended.

Buttar 15 — Shahid Buttar, constitutional lawyer and executive director of the Bill of Rights Defense Committee, 2015 ("Senate Moves to Check Executive Spying Power," The Progressive, May 27th, Available Online at <http://progressive.org/news/2015/05/188151/senate-moves-check-executive-spying-power>, Accessed 06-07-2015)

The political shift indicates a direction for future reform. Who Wins and Who Loses? The most obvious losers are the NSA and FBI. After 15 years of breaking already permissive laws, yet not congressional blank checks, the agencies must finally start complying with constitutional limits. Within the agencies, senior leaders of the intelligence establishment also emerge looking like clowns. Section 215 survived this long only because agency officials—including Director of National Intelligence James Clapper and former NSA Director Michael Hayden—lied under oath to evade oversight. The Senate's decision to end a program that senators learned about from whistleblowers, instead of those officials, further discredits their legacies. Even if they remain above the law by evading the prosecution for perjury sought by multiple members of Congress, their careers will be defined by congressional and judicial rejection of illegal programs they built in secret. To the extent intelligence officials are clowns, the many congressional leaders from both parties who supported them are stooges. Establishment Democrats and Republicans alike uncritically accepted lies, deferred to them and went along with the Beltway consensus - in sharp contrast to their populist colleagues who proved willing to uphold their oath of office to "defend the Constitution against all enemies, foreign and domestic." Several winners also emerged from this drama. Congressional rejection of mass spying vindicates several principles at once, including transparency, oversight, checks and balances, the separation of powers and constitutional rights enshrined in the First and Fourth Amendments. Each of those values is cherished across the political continuum, making them especially powerful during a presidential election year. Senator Paul is another clear winner. He demonstrated leadership, surged among the crowded GOP field of 2016 presidential hopefuls and effectively seized control of the Senate from the majority leader. With its senators leading both the surveillance/secretcy/corruption caucus, as well as the competing constitutional/privacy/accountability caucus, Kentucky could also claim victory. The US Constitution may be the most important winner. By proxy, "We the People of the United States" actually scored two victories at once. Narrowly, the expiration of Patriot Act Section 215 advances Fourth Amendment privacy interests. Even though mass surveillance will continue for now under other legal authorities, one program through which our government monitors phone calls and tracks everyone's behavior, regardless of wrongdoing, will end. More broadly, this vote begins a long-overdue process of limiting executive powers, expanded during a period of seeming emergency, which grew entrenched despite proving ineffective as well as constitutionally offensive. In this sense, congressional assertiveness supports democracy in a long-running battle to avoid the erosion from within foreseen by both Alexis de Tocqueville and President and Supreme Allied Commander Dwight Eisenhower. What Comes Next? With reformers having triumphed in Congress, the debate over surveillance reform must expand. Further reforms are necessary to enable an adversarial process and greater transparency at the secret Foreign Intelligence Surveillance Court, and also to limit other legal authorities - like Executive Order 12333 and FISA Section 702 - used to justify unconstitutional domestic surveillance. It's a good thing that a bipartisan measure, the Surveillance State Repeal Act (HR 1466), is poised to do exactly that. Rep. Mark Pocan (D-Wisconsin) and Rep. Thomas Massie (R-Kentucky) introduced the SSRA to force the agencies to justify the expansion of any powers from a constitutional baseline, rather than one contrived by a decade of executive lies. Congress has long abandoned its role of checking and balancing runaway executive power, but the Senate's recent vote suggests an overdue awakening. Members should heed the political wind, and embrace bipartisan calls for aggressive limits as the starting point for comprehensive surveillance reform.

Let's be realistic—the NSA and FBI aren't rogue agencies and don't do whatever the hell they want to

Wittes 13 – Benjamin Wittes is editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law. ("The NSA, Oversight, the Law, and Why Compliance is the Ball Game," Lawfare, <http://www.lawfareblog.com/nsa-oversight-law-and-why-compliance-ball-game>, September 27, 2013, Quay)

Two big forces constrain the use of Big Data material once collected. The first is law. Unless you believe that the intelligence community is a lawless enterprise that will not follow the rules, this puts a premium on the substantive content of the law Congress writes to govern this area. In other words, the reason it matters what the rules are is that we assume that the law actually will constrain NSA. The second, to return to DeLong's quip, is the compliance regime. How scared should you be of our new model—a model in which we have a wide aperture for collection, really restrictive rules of use, and substantive legal rules as a major force restraining improper use? One can, I believe, only answer that question with reference to how confident you are in the compliance procedures that undergird it. It is really important to distinguish between the technical capacity to do something and whether that thing is actually going to happen. The D.C. police could easily raid my house today. They have the technical capacity to do it. Yet I have near-total confidence that it will not happen. The FBI could wiretap my phone. It certainly has the technical capacity to do so, yet I have a near-total confidence that it will not happen. The reason for my confidence is two-fold: the substantive law would not support either action, and there are robust compliance measures that mean that were lawless action were to take place,

there would be accountability at many levels and I would have a remedy. In the era of Big Data, the compliance regime is a big part of the whole ballgame. If you believe the compliance regime inadequate, after all, the government already has the data. But one thing we have learned an enormous amount about is the compliance procedures that NSA uses. They are remarkable. They are detailed. They produce data streams that are extremely telling—and, to my mind, deeply reassuring.

Yes compliance – internal structures and checks

Dan **Verton 14**, Editorial Director at FedScoop and a former USMC intelligence officer, 5/23/14, Despite political rhetoric, the rules matter at NSA, Fedscoop, <http://fedscoop.com/despite-political-rhetoric-the-rules-matter-at-nsa> | | RS

When the House this week voted in favor of curtailing NSA surveillance activities, few people in the U.S. intelligence community were watching more closely than John DeLong.

That's because DeLong is the agency's rules enforcer. And the USA Freedom Act, which passed by a vote of 303-121, would fundamentally alter the current set of rules governing NSA's bulk collection of telephone metadata. If the measure passes the Senate and becomes law, it will fall to DeLong to ensure NSA employees understand the new legal limits governing their actions. As NSA's director of compliance, DeLong gets paid to worry about the conduct of NSA's estimated 35,000 code-breakers, analysts and staff (the actual number is classified). The 300 members of DeLong's office conduct employee training, staff hotlines to answer questions, develop and test IT systems for privacy compliance and conduct spot-checks on processes and procedures. And contrary to the claims of NSA detractors, the compliance effort at the agency is high-profile and has the attention of the most senior agency leaders. "I work directly for the director [of NSA], so I'm able to walk in and advise and consult and have access to what I need to carryout my functions," said DeLong in an exclusive interview with FedScoop at the National Cryptologic Museum, across from NSA headquarters at Fort Meade, Md. "The inspector general and I are right down the hall from each other — very much peers." DeLong also works closely with the agency's chief counsel and the newly-created Civil Liberties and Privacy Office. "It's really a team approach to keeping NSA accountable and building quality [into the system] and making sure we can prove that we're acting in accordance with the rules, authorities and permissions," DeLong said. A graduate of Harvard with a degree in physics and mathematics, DeLong has served as NSA's compliance director since 2009. The five years he's been at NSA have included some of the most difficult times in the agency's 62 year history. But it was one particular day in 2014 – Jan. 17, to be exact – when the rules changed suddenly. That was the day President Barack Obama responded to the national outcry over the bulk data collection authorities granted to NSA by Congress with an executive order that placed new restrictions on NSA. DeLong remembers the day as an example of NSA's commitment to privacy and accountability. "The next hour, folks were in the conference room next to my office and we implemented those changes that day," DeLong said. "That, I would call an accountable organization. The minute [the rules] change, we're responsive to that change." Many more changes have occurred since then, many of them focused on internal security and protecting privacy. Certain systems now require two person control for access, DeLong said. In addition, the agency has deployed enhanced insider threat monitoring capabilities and developed what DeLong calls a "hierarchy of control" to focus on what system administrators can and cannot do with data. NSA is also actively working with several universities to develop technologies that will enable the agency to integrate privacy protections and compliance controls into the hardware and software used throughout the agency. "If an action is not permitted, or if we're not permitted to collect something, the technology should just not allow that," DeLong said. "We've kind of, I think, hit the sweet spot in many of those areas, figuring out how to make sure the laws and the policies get encoded directly into the machines and the computer systems we have, such that they're as much a part of the compliance team as the people we talk to when they walk in the doors." But that sweet spot isn't only about technology. "We're going to still train people on their obligations," DeLong said. "We're going to do both." He calls it the "belt and suspenders approach" to having overlapping safeguards. As for NSA's ability to stop another Edward Snowden from stealing and exposing tens of thousands of classified documents to the public and to America's enemies, DeLong isn't willing to say every security gap has been eliminated. But he is willing to say NSA employees have options for reporting abuses or privacy violations without having to betray the nation. And those options – reporting it to the compliance office, inspector general and general counsel, among others – were in place when Snowden chose to go to the media, DeLong said. "This is one of those times. It's a dynamic time. There's a lot changing," DeLong said. "What doesn't change is accountability, respect for the law and the rule of law."

There's a culture of trust within the NSA and a comprehensive vetting process

DeLong 13 – John M. DeLong is the Director of Compliance for the National Security Agency. He's not biased because he's the leader of compliance, not an employee of the NSA that has an incentive in covering up secrets. ("For Agencies, the Intersection of Technology and Compliance Is Complex," FedTech, <http://www.fedtechmagazine.com/article/2013/02/agencies-intersection-technology-and-compliance-complex>, Winter 2013, Quay)

Finally, NSA has internal and external oversight mechanisms that evaluate its compliance with the specific procedures in the context of the initial descriptions that led to them. This oversight — some of which is constant, some periodic — includes everything from in-person reviews to written reports. For NSA, being "compliant" means threading the needle through all four stages. At any of these points, changes in technology certainly may compound risk. It's no secret that technology can rapidly transform or shift, and NSA constantly interacts with all three branches of the federal government at various stages of the process described above. Our initial descriptions must be accurate. The prescribed specific procedures must incorporate those descriptions, whether explicitly or implicitly. Our implementation must be consistent. And when we are evaluated, we must verify that it all worked according to plan — through any changes and over time. The authorities, laws and policies we operate under are a sacred trust between the nation and NSA. We treat compliance with the same respect. We're charged with delivering national security, but not at any price. A compliance program that is well designed and implemented can adapt to today's technology. To be sure, there are numerous best practices and tools in the compliance toolkit that make it possible. In the national security context, with the four-stage process described above, there is an even greater responsibility to operate with rigor, accuracy and precision. It's not just technology itself but the interplay between the process and constantly changing technology that keeps compliance personnel — and everyone else at NSA — ever vigilant.

NSA noncompliance is genuine error, not deliberate avoidance — and mistaken surveillance data is purged.

BloombergBusiness 14 — BloombergBusiness, Byline David Lerman, 2014 ("U.S. Spy Agency Reports Improper Surveillance of Americans," BloombergBusiness Online, December 24th, Available Online at <http://www.bloomberg.com/news/articles/2014-12-24/spy-agency-to-release-reports-documenting-surveillance-errors>, Accessed 06-05-2015)

After foreign intelligence is acquired, "it must be analyzed to remove or mask certain protected categories of information, including U.S. person information, unless specific exceptions apply," the NSA said in a statement before posting the documents. The extent of that collection has never been clear. The agency said today it has multiple layers of checks in place to prevent further errors in intelligence gathering and retention. "The vast majority of compliance incidents involve unintentional technical or human error," NSA said in its executive summary. "NSA goes to great lengths to ensure compliance with the Constitution, laws and regulations." Report Violations The intelligence community is required to report potential violations to the oversight board, as well as the Office of the Director of National Intelligence. In some cases, surveillance of foreign targets continued even when those targets were in the U.S., although such "non-compliant data" were later purged, according to the reports released today. Some analysts sent intelligence information to other analysts who weren't authorized to receive it, according to the documents. That information was deleted from recipients' files when discovered.

The NSA attempts to minimize non-compliance incidents

Chong 13 – Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney's Office for the Southern District of New York. She graduated from Duke University in 2009. ("The November NSA Trove VI: More Congressional Stuff," Lawfare, <http://www.lawfareblog.com/november-nsa-trove-vi-more-congressional-stuff>, November 22, 2013, Quay)

First is a six-page memorandum, dated April 10, 2009 and addressed to the majority staff director of the Senate Select Committee on Intelligence. In it, the NSA updates the Committee on some already-identified compliance issues and informs congressional overseers of one new matter. Of the already-identified batch, the first item is NSA's problematic implementation of a FISC-authorized business records (BR) order, wherein 2,476 telephone numbers determined to be associated with terrorism were prematurely added to a special list for retention and query before undergoing formal NSA review designed to ensure that they met the reasonable articulable suspicion (RAS) standard. Second, the memo notes NSA's attempts to mitigate its inadvertent "overcollection" of data; third, it mentions a joint pilot program between NSA and the DIA's Joint Intelligence Task Force-Combating Terrorism (JITF-CT), under which JITF-CT had been allowed to access

counterterrorism-related SIGINT information. **That database was then shut down, amid compliance concerns** Which brings us to new stuff. For the first time, the memo discloses to the Committee NSA's decision to suspend an entity's access to an NSA system called X-KEYSCORE (XKS); the entity's name is redacted from the memo. Ditto details about the system and the problems that led to its suspension.

The NSA purges unnecessary information

Chong 13 – Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney's Office for the Southern District of New York. She graduated from Duke University in 2009. ("The November NSA Trove VI: More Congressional Stuff," Lawfare, <http://www.lawfareblog.com/november-nsa-trove-vi-more-congressional-stuff>, November 22, 2013, Quay)

Our second oversight document landed in Congress a little more than a month later. The five-page "Notification and Update" memorandum is dated June 29, 2009 and addressed from the NSA's Legislative Affairs Office to the staff director of the House Permanent Select Committee on Intelligence. **The document** is in part a cover letter: it **attaches** (but does not include) **the NSA's so-called "End-to-End Review," its internal evaluation of compliance problems found in Pen Register/Trap & Trace (PR/TT) and BR collection programs.** For its part, **the memo also outlines some of those problems, and reassures the Committee that NSA is taking steps to remediate four compliance issues which had been brought to the attention of Committee staff directors days earlier.** As to those issues, **the June memo first discusses the FISC's approval of NSA's use of a master "defeat" list to purge unwanted information from several NSA data repositories.** Second, it **notes NSA's practice of sharing the unminimized results of queries of Pen Register/Trap & Trace (PR/TT) metadata with non-PR/TT-cleared NSA analysts and the FISC's subsequent order** authorizing this sharing with only specially trained analysts.

Congress knew about Section 215

Wittes and Chong 13 – Benjamin Wittes is editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law. Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney's Office for the Southern District of New York. She graduated from Duke University in 2009. ("Congress is Still Naked," Lawfare, <http://www.lawfareblog.com/congress-still-naked>, September 19, 2013, Quay)

There are really two distinct issues at play here. **The first is whether the intelligence community kept the House and Senate intelligence committees apprised of the program,** as the law requires. **The second is whether other members of the legislature,** who are not members of the intelligence committees but nonetheless had to vote on the reauthorization, **were given relevant information.** As to the first issue, **there really is no question: Both committees were kept fully apprised, as they have both made clear.** At the time the matter first leaked, Senators Dianne Feinstein and Saxby Chambliss, chair and vice-chair of the Senate Intelligence Committee, for example, **issued a statement saying that "[t]he executive branch's use of this authority has been briefed extensively to the Senate and House Intelligence and Judiciary Committees,** and detailed information has been made available to all members of Congress prior to each congressional reauthorization of this law." Representatives Mike Rogers and Dutch Ruppersberger of the House Intelligence Committee, likewise released a statement expressing support for the program and saying that "the Committee routinely reviews all FISA activities." **So the question is really limited to whether non-committee members were kept informed** in advance of their votes. **This is, notably, not a requirement of law. So the question is whether the administration went above and beyond the requirements of the law out of respect for the gravity of what it was asking the legislature to do.** At least in advance of the 2010 reauthorization vote, the answer to this question is also unambiguous. **In December 2009, the executive branch sent a detailed briefing paper to the House and Senate Intelligence Committees.** And Senators Feinstein and Kit Bond wrote a "Dear Colleague" letter inviting all of their colleagues—not just those on the committee—to review the document: Members of the Select Committee on Intelligence have previously requested that the Executive Branch permit each Member of Congress access to information on the nature and significance of intelligence authority on which they are asked to vote. In response to these requests, **the Attorney General and the Director of National Intelligence have provided a classified paper to the House and Senate Intelligence Committees** on important intelligence collection made possible by authority that is subject to the approaching sunset, **and asked for our assistance in making it available, in a secure setting, directly and personally to any interested Member. We would like to invite each Member of the Senate to read this classified paper** in the Intelligence Committee's offices in 211 Hart Senate Office Building. The Attorney General and DNI have offered to make Department of Justice and Intelligence Community personnel available to meet with any Member who has questions. We will be pleased to make members of our staff available for the same purpose. On the House side, Rep. Alcee Hastings, a Member of the intelligence committee, made the following statement on the House floor in February 2010: Mr. Speaker, I rise to inform Members that the Intelligence Committee has received a classified document from the Department of Justice that is related to the PATRIOT Act authorities currently set to expire at the end of the month. The House may consider a 1-year extension of the PATRIOT Act today so the Intelligence Committee will be making this document available for Member review in the committee offices located in HVC-304. Staff from the Intelligence and Judiciary Committees, as well as personnel from the Justice Department and with the Office of the Director of National Intelligence, will be available to answer any questions that Members may have. Members who want to review the document should call the Intelligence Committee to schedule an appointment. (156 Cong. Rec. H838, Feb. 25, 2010) Similarly, **there is no question at all that all senators had access to the 2011 briefing paper.** Another "Dear Colleague" letter informed members that "At the request of our Committee, the Attorney General and DNI have now provided an updated classified report for review by Members in connection with this year's February 28, 2011 sunset. As was requested last year, they have asked that any interested Member review this report in a secure setting." In other words, **in the**

worst case scenario, the intelligence committees were kept fully informed, both houses of Congress received classified briefing papers for all members to see in advance of the 2010 vote and both arranged for all-member access, and both houses received such a paper again in 2011—with one arranging for all-member access and one neglecting to do so.

Congress knew—and if they didn't, it was their fault, not NSA circumvention

Wittes and Chong 13 – Benjamin Wittes is editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law. Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney's Office for the Southern District of New York. She graduated from Duke University in 2009. ("Congress is Still Naked," Lawfare, <http://www.lawfareblog.com/congress-still-naked>, September 19, 2013, Quay)

But here's the thing: not sharing the specific document is not the same thing as not sharing information. And there's every reason to think that, notwithstanding Chairman Rogers's apparent failure to send the 2011 briefing papers to all members of the House, the House Intelligence Committee shared information about the program with members in the run-up to the vote. The committee has said in a statement that "Prior to voting on the PATRIOT Act reauthorization and the FAA reauthorization, Chairman Rogers hosted classified briefings to which all Members were invited to have their questions about these authorities answered." Indeed, the Obama administration provided members of Congress or their staff 13 briefings on telephony metadata surveillance from 2009 on—nine of which took place in 2011. As Politico lists: Feb. 14, 2011: Senate All Senators were offered the opportunity discuss Sec.215 of the Patriot Act in the VPOTUS office off of Senate Floor, Director of National Intelligence James Clapper, FBI Director Robert Mueller, Alexander Feb. 28, 2011: SJC/SSCI Briefing Patriot Act reauthorization (Classified), Feb. 28, 2011: HJC Briefing Patriot Act reauthorization (Classified), March 9, 2011: HJC Hearing Patriot Act reauthorization (Unclassified), Hinnen. March 15, 2011: Meeting Durbin Patriot Act amendment (Classified), March 17, 2011: HPSCI Hearing Patriot Act reauthorization, Hinnen, FBI's Sean Joyce, Alexander. March 30, 2011: HJC Hearing Patriot Act Reauthorization (Unclassified), Hinnen. May 13, 2011: House Rep Conf Patriot Act Reauthorization, Mueller. May 24, 2011: House Dem Caucus Patriot Act Reauthorization, Mueller. We don't know the full range of what was discussed in those briefings. One disadvantage to oral briefings, as opposed to briefing papers, is that there's always room for dispute over how fulsome the briefings were. But it is clear that House members who did not receive the 2011 briefing paper—and were not around for the version that was shared the previous year—were offered alternative means for learning about the programs detailed in those papers. Members of the House claim to have been blindsided by revelations of bulk metadata collection and have complained about these briefings. But all signs suggest that their ignorance was largely of their own making. For example, self-proclaimed PATRIOT Act architect Rep. Jim Sensenbrenner (R-Wis.), among the most prominent critics of NSA surveillance in the wake of the disclosures, did not attend any of the classified briefings on the government's use of Section 215. MSNBC recently reported. And there are reasons to suspect that the briefings may have been more fulsome than members well skilled in butt-covering may choose to remember. For one thing, the administration was pretty candid in public settings about Section 215. On September 22, 2009, in a House Judiciary Subcommittee hearing on the reauthorization of key provisions of the PATRIOT Act, Todd Hinnen, then Deputy Assistant Attorney General for law and policy in DOJ's National Security Division, confirmed that a "sensitive collection program" was being conducted under the provision. The business records provision [Section 215] allows the government to obtain any tangible thing it demonstrates to the FISA court is relevant to a counterterrorism or counterintelligence investigation . . . It also supports an important, sensitive collection program about which many members of the subcommittee or their staffs have been briefed. Later, in March 2011, when testifying before the House Judiciary on the executive's use of Section 215 (during Sensenbrenner's chairmanship), Hinnen expressly stated, "Some orders have also been used to support important and highly sensitive intelligence collection operations, on which this committee and others have been separately briefed." It is telling that Sensenbrenner could not be troubled to describe this testimony accurately. As both Wells and the Estimable Ms. Wheel herself have described, in a letter to the Attorney General this year, Sensenbrenner simply cropped this statement out of Hinnen's testimony and then complained that Hinnen's "testimony left the Committee with the impression that the Administration was using the business records sparingly and for specific materials."

The Obama administration gave information to Congress about Section 215

Wittes and Chong 13 – Benjamin Wittes is editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law. Jane Chong is a 2014 graduate of Yale Law School. She researched national security issues at Brookings as a Ford Foundation Law School Fellow and has previously interned in the narcotics and terrorism units at the U.S. Attorney's Office for the Southern District of New York. She graduated from Duke University in 2009. ("Congress is Still Naked," Lawfare, <http://www.lawfareblog.com/congress-still-naked>, September 19, 2013, Quay)

There's one other reason to believe the administration briefed members in a reasonable fashion: The administration wrote the briefing paper and transmitted it—four times over two years to two different houses of Congress—intending that it be shown widely to members. So we know beyond any shadow of a doubt that the administration wanted members to have certain detailed information about the program. We also know that there were a lot of briefings by that administration concerning this program to those same members in the same time frame as

the administration wanted those members to read that briefing paper. Hmmm. Wonder what they could have been talking about in those briefings.... Ms. Wheel insists that the 65 freshman members of the House who were not provided the 2011 briefing might have swung the 250-153 vote for FISA reauthorization. She's almost certainly wrong. On July 24, 2013, well after the public revelations of Section 215 bulk metadata collection hit the press and the butt-covering had begun, the House had the chance for a do-over. It voted on the Amash-Conyers amendment to halt NSA's "indiscriminate" collection of telephony metadata. The House declined on a 217-to-205 vote to adopt it. To put the matter simply, while Ms. Wheel's specific point about the 2011 briefing paper is correct, the importance she attaches to the point is wildly off. **The administration went way beyond what the law requires in terms of keeping Congress informed** of its activity. It endeavored to make sure individual members knew something about the highly sensitive programs they were voting on. And the committees facilitated access to information for members, many of whom did not avail themselves of the opportunity. As we said yesterday, Congress is naked. Judge Eagan may have erred in implying that members all had access to the 2011 briefing paper, but she's not wrong in her larger insistence that Congress—and its members—knew what 215 was when it reauthorized it.

AT: Executive Noncompliance

Empirics go off – Bush could not circumvent

William Saletan 13, writes about politics, science, technology, and other stuff for Slate and the author of Bearing Right, The Taming of the Spook, 6/1/2013, The Slate, http://www.slate.com/articles/news_and_politics/frame_game/2013/07/nsa_history_how_bureaucrats_leaks_and_courts_tamed_government_surveillance.html ||RS

But in many ways, the story told in the report is really about the mellowing of the surveillance state. An ill-defined, unilaterally imposed, poorly supervised spying operation was gradually brought under control.

The surveillance program didn't just become domestic. It became domesticated. In its early days, the program ran wild. It was authorized solely by the White House. According to the report, "The Vice President's Counsel drafted the Authorizations and personally delivered them to NSA." Crucial conversations about the program's formation and organization were undocumented. Nobody from the Department of Justice was in the loop. Nobody from the Foreign Intelligence Surveillance Court was told until January 2002, and no court personnel other than the chief judge and a single law clerk was informed until four years later. At the outset, only four members of Congress were briefed. The NSA's own inspector general didn't find out about the program until August 2002, because, as the agency's counsel explained, "the President would not allow the IG to be briefed sooner." Why was this project unchecked? Some of the blame lies with Dick Cheney's authoritarian protector complex and his obsessive secrecy. But much of the chaos, the report suggests, arose from the panicked intensity of the 9/11 aftermath. Another attack was feared at any moment.

Expanded surveillance, in hopes of stopping it, was assumed to be short-term. Everyone was worried about security, not privacy. Within days after 9/11, major communications companies, on their own initiative, began contacting NSA to offer help. The program's first authorization, signed by Bush on Oct. 4, 2001, specified that the surveillance would be permitted "during a limited period." At that time, nobody expected it to be continuously reauthorized. According to then-NSA director Michael Hayden, that's one reason why, for nearly a year, the NSA's inspector general wasn't told about the program: It wasn't really perceived as a program. Over time, the surveillance expanded in some ways. It was used against the Iraq Intelligence Service in 2003 and was later extended, through "contact chaining," to some Americans. But the larger trend was restraint. First came internal worries. Hayden accepted the program's legality but didn't like its hyper-secrecy. He pressed the White House to inform Congress and the FISC. According to the report, "By August 2002, General Hayden and the NSA General Counsel wanted to institutionalize oversight of the Program by bringing in the IG." Surveillance of Iraqi intelligence officials, initiated in 2003, was halted after the collapse of Saddam Hussein's regime. The first big blow came in March 2004, when DOJ's Office of Legal Counsel concluded that one of the program's collection methods, involving bulk Internet metadata, was illegal. When the White House tried to circumvent that finding, several DOJ officials, including then-Deputy Attorney General James Comey, threatened to quit. At that point, Bush backed down. According to the report, "the President rescinded the authority to collect bulk Internet metadata and gave NSA one week to stop collection and block access to previously collected bulk Internet metadata." The Guardian cautions that ultimately, the DOJ rebellion "did not end the IP metadata collection ... It simply brought it under a newly created legal framework." That's true. But the new framework made a difference. By forcing NSA to involve the FISC, DOJ brought a judicial overseer to the table. NSA had to answer questions from the court's advisers. When the court wasn't satisfied, it could veto or restrict the surveillance. The court's initial order, issued in July 2004, for the first time "specified the datalinks from which NSA could collect, and it limited the number of people that could access the data." Thereafter, the court, not the president, had the power to let the authorization expire every 90 days.

Executive Checks

Executive checks bad practices

Soufan 14 (Ali Soufan, reporter and book reviewer for Wall Street Journal, “The Shadow Lawmakers”- review of Michael Glennon’s book – National Security and Double Government, Wall Street Journal, 12/30/14, <http://www.wsj.com/articles/book-review-national-security-and-double-government-by-michael-j-glennon-1419983619>)

Ultimately, though, the flaw with the book is that Mr. Glennon is too enamored of his thesis of an unchanging government. “Few who follow world events can doubt that the Obama administration’s approach to multiple national security issues has been essentially the same as that of the Bush administration,” he writes. Yes, both administrations were forced to contend with ground wars in Afghanistan and Iraq, and the ongoing war on terrorism. But those aren’t examples of Trumanite control. They were and to a large extent continue to be, unavoidable realities. Yes, the high-risk detention facility at Guantanamo remains open despite Mr. Obama’s campaign promises to close it. But the president has been stymied on this front not by a shadowy national-security apparatus, but by the very public face of government that Mr. Glennon claims is hors de combat in these matters: Congress. In fact, policies have shifted significantly under Mr. Obama in some of the most controversial areas of national security. The current administration, for example, had already halted the “enhanced interrogation techniques” described in the recently released Senate report. It’s true that no one has been held accountable for these abhorrent abuses. But the president closed secret prisons, or so-called Black Sites, and abolished waterboarding and other acts of abuse. These were significant decisions and not mere political theater. The same is true of the Obama administration’s determination to bring accused foreign terrorists back to face U.S. civilian courts. We can debate the merits of the action, but there’s no doubt it was a substantive change. None of this negates Mr. Glennon’s thesis or mutes the warning bell he sounds in these pages. Bureaucrats can and do go wild: Witness the recent IRS scandals. But in my experience inside government and out of it, the system catches up eventually, and the change that really matters flows from the top down, implemented by the private, second government that Mr. Glennon depicts so effectively.

Courts Check

Federal Agencies will comply with the Supreme Court

Spriggs 97 (James F. Spriggs, II, Associate Professor of Political Science at the University of California-Davis, "Explaining Federal Bureaucratic Compliance with Supreme Court Opinions," Political Research Quarterly, Volume 50, September 1997, Jstor Accessed]

Federal government agencies complied with 93.2 percent of the Supreme Court's opinions and narrowly complied with 6.8 percent of opinions. Also, bureaucracies never defied nor evaded any of the Court's decisions, meaning that agencies never failed to incorporate at least some aspect of the Court's legal rules into their implementations. The agency responses that manifested narrow compliance did not flout the Court's authority but they interpreted its opinions in self-interested ways. This is an interesting and important empirical finding because it demonstrates that agencies, contrary to some speculation, are not engaging in much noncompliance. When the Court writes legal rules adverse to agency interests, government bureaucracies usually faithfully interpret and implement them.

Courts decisions ensure agency compliance especially in the context of privacy- prefer studies without systemic case selection

Matthew E. K. **Hall 11**, an assistant professor of Political Science and Law at Saint Louis University, earned his Ph.D. in political science, with distinction, from Yale University. His work has appeared in American Politics Review, the Journal of Empirical Legal Studies, and the Journal of Law and Policy, The Nature of Supreme Court Power, Cambridge University Press, 2011, p 160-163, https://books.google.com/books?id=bLDmbwUTm0wC&dq=%22bureaucratic+compliance%22+AND+%22Supreme+Court%22&source=gbs_navlinks_s ||RS

The Supreme Court as a Mechanism for Social Change My assessment of the Supreme Court's power to initiate social change runs counter to the conclusions of most empirical studies on this topic. My findings directly contradict assertions that "litigation is ineffectual" (Scheingold 1974, 130), that "U.S. courts can almost never be effective producers of significant social reform" (Rosenberg 2008, 422), that "the Court is quite constrained in its ability to secure social change" (Baum 2003), and that "the Court is almost powerless to affect the course of national policy" (Dahl 1957, 293). In direct contrast to these claims, I find that the Court possesses remarkable power to alter the behavior of state and private actors in a wide range of policy issues. In those situations in which its rulings can be directly implemented by lower-court judges, the Court commands impressive powers even when facing "serious resistance" (Rosenberg 2008, 420) "[w]ithout the support of real power holders" (Scheingold 1974, 130). Some scholars insist that when the Court has the support of these "real power holders ... litigation is unnecessary" (Scheingold 1974, 130); my findings also contradict this claim. In those cases in which the Court could not implement its rulings through lower courts, it was only the combination of Court action with public support that induced change. Although public pressure may have eventually initiated reform without Court action, it is highly unlikely that this change would have occurred as quickly as it did without intervention from the Court in issue areas such as reapportionment, public aid to religious schools, and minority set-aside programs. In some situations, the Court is able to achieve what even broad national majorities could not accomplish through other political institutions. Of course, the Court is not always successful at initiating change, nor would any reasonable student of the American political system expect it to be. Any statement about the Court's power is relative to the expectations of the reader; those who previously understood Court rulings to be universally implemented may be struck by the relative weakness of the Court in my study. Nonetheless, when compared to the prevailing view of the Court's power in the judicial politics literature, my study depicts the Court as a remarkably powerful institution, capable of

enhancing or inhibiting political reform, enshrining or dismantling social inequalities, and expanding or suppressing individual rights. More importantly, my study highlights an important distinction between those Court rulings that can be directly implemented by lower courts and those that cannot. This distinction, though simple and intuitive, explains vastly different behavior outcomes in different types of Court rulings. It also suggests why other empirical studies of judicial power may have been led astray; without systematic case selection procedures to ensure avoiding selection bias, other studies of judicial power may have tended to place too much emphasis on unpopular lateral issues. Although some scholars have hinted at particular elements of the distinction between vertical and lateral issues, none have fully explored the concept or suggested the significance of its many repercussions.⁵ Accordingly, I must respectfully disagree with Rosenberg's assertion that "courts act as 'fly-paper' for social reformers who succumb to the 'lure of litigation'" (2008, 427). Instead, I find that social reformers have achieved great success by turning to the courts in their quest for privacy rights, free speech rights, states' rights, religious freedom, and the rights of criminal defendants. Admittedly, social reformers should think carefully about the relative advantages and disadvantages of a litigation strategy, compared to a legislative or electoral strategy for reform. My findings suggest that reformers should consider whether the institutional situation and public opinion surrounding their cause would make it likely for any favorable court ruling to be implemented. If the reform sought could be directly implemented by lower courts or if the reformers face no strong opposition from the public, the courts may offer a highly effective route to social change. If, however, reformers hope for a change that cannot be implemented by lower courts and that faces strong opposition, a litigation strategy may indeed be unwise. Finally, it should be emphasized that the Court is not especially equipped to advance a conservative or liberal political agenda.⁶ The Court's unique power to nullify legal sanctions will sometimes aid liberal movements, by protecting abortionists or flag burners. Other times, this power will be used to promote conservative causes, by shielding states from federal law suits and gun owners from federal prosecution. Nor does the Court's tendency to enact popular rulings advance one ideology over another: Whereas the reapportionment and public aid to religious schools rulings probably helped liberal causes, the affirmative action and minimum wage rulings likely promoted a conservative agenda.

Congress Checks

Congressional action on Section 215 demonstrates that Congress has stepped up to the plate to enforce anti-surveillance measures — prefer the most recent evidence. This is a sea change in behavior that will lead to aggressive enforcement on other Executive surveillance issues.

Buttar 15 — Shahid Buttar, constitutional lawyer and executive director of the Bill of Rights Defense Committee, 2015 (“Senate Moves to Check Executive Spying Power,” The Progressive, May 27th, Available Online at <http://progressive.org/news/2015/05/188151/senate-moves-check-executive-spying-power>, Accessed 06-07-2015)

A revolution came to Washington in the wee hours of Saturday morning, just after the stroke of midnight. After 15 years of congressional deference to mass surveillance, Congress finally took action— ironically, by failing to take action—and did its job to check and balance executive power.

On May 23, after a hard-fought congressional debate, the Senate effectively allowed portions of the notorious Patriot Act to expire as previously scheduled, appropriately rejecting a compromise branded as the Freedom Act.

It is the first time Congress has meaningfully checked and balanced the national security agencies since 2001. It will not be the last.

Where Did This Come From?

Congress approved the Patriot Act in 2001 with neither debate nor an understanding of what it entailed. Since then, it has accepted—from both the Bush and the Obama administrations—secret legal interpretations contorting statutes into mass surveillance programs recently held illegal by a federal appellate court, as well as lies under oath by senior officials aiming to hide domestic spying programs from congressional and public oversight.

The American people have never gone along quietly.

During the Bush administration, years before the Edward Snowden revelations amplified mass outrage in 2013, nearly 500 cities and eight states issued official declarations decrying mass surveillance. Cities from Lexington, Massachusetts to Bisbee, Arizona (including others in between like New York City, Los Angeles and Dallas), and states as politically diverse as California and Idaho raised their voices.

Since the Snowden revelations, Americans from coast to coast have taken action to challenge domestic spying. We have taken action online, from online petitions shaming the absent chair of a crucial congressional oversight committee, to campaigns promoting mass encryption to force constitutional compliance on the agencies technologically, despite their disdain for legal limits. We have taken action in the streets, outside NSA headquarters, outside the White House, at rallies on Capitol Hill and in our state legislatures. We have fought back with music, sculpture, DJ mixes, poetry and comedy.

While the domestic phone metadata program's days may be numbered, this drama is just beginning.

Hawks may force another Senate vote on Section 215 on the eve of the phone dragnet's expiration. Beyond their desperate effort to save the program, the Freedom Act's rejection paves the way for

further surveillance reform to address other legal authorities under which unconstitutional and ineffective domestic spying will continue even after this authority finally expires.

Congress is willing to enforce —they’ve taken up the issue of surveillance. Prefer the most recent evidence.

Yahoo News 15 — Yahoo News, Byline Scott Bomboy, 2015 (“USA Freedom Act signed, so what’s next for NSA spying?,” Yahoo News, June 3rd, Available Online at <http://news.yahoo.com/usa-freedom-act-signed-next-nsa-spying-111450759.html>, Accessed 06-08-2015)

Surveillance will certainly continue under other parts of the act and under other government programs designed to combat terrorism. But the fight in Congress may just be getting started.

The New York Times says that Senator Mike Lee and Senator Pat Leahy are moving on to targeting the government program that allows e-mails older than six months to be read by investigators. Congressional reformers may also seek to limit the Foreign Intelligence Surveillance Act.

And there is debate in the House and Senate about other spying provisions.

“Some of us don’t think USA Freedom sufficiently ends bulk metadata collection. In fact, [the government] will still contend after the act passes that they can bulk collect all of the websites and emails and all that content,” said Representative Thomas Massie. “Read it closely, it’s only about your phone calls.”

Congress is prepared to enforce surveillance legislation — debate over USA Freedom Act proves.

Buffalo News 15 — Buffalo News Editorial Board, 2015 (“Freedom Act recognizes privacy rights without endangering national security,” Buffalo News, June 5th, Available Online at <http://www.buffalonews.com/opinion/buffalo-news-editorials/freedom-act-recognizes-privacy-rights-without-endangering-national-security-20150605>, Accessed 06-08-2015)

The ensuing debate was appropriately loud and passionate. The main problems with the program were determined to be its secrecy and lack of sufficient oversight to ensure that the NSA was not overstepping its legal bounds. The collection of metadata, itself, was also troubling, even though the NSA wasn’t listening to the content of calls. Rather the agency was analyzing the data and attempting to match it with known or suspected terrorist activities. In that, there may be value. The sifting of data can still take place, as long as the NSA gets a court order to access records held by the phone companies.

The continuing need for aggressive government action against terrorism should, at this point, go without saying. The important point was to determine how government surveillance should work, not whether it was needed. It was also true, though, that the Patriot Act was passed during the post-9/11 fever that gripped the country, including government. Nearly 14 years later, it was time to consider the issue at least somewhat more dispassionately.

The change seems to be a plausible one, though the test of that is yet to come. The United States has not suffered a single foreign-born terrorist attack since 2001 and it is fair to conclude that the telephone surveillance program may have played some role in that.

The Patriot Act escaped close scrutiny until the Snowden revelations. That's just one of the reasons that the USA Freedom Act needs to be closely monitored. Congress needs to satisfy itself that the NSA and any other agencies involved are **complying with the new law**, which President Obama signed on Tuesday night, but it also needs to verify with those agencies that the law is doing the job intended and in a way that serves the legitimate interests of national security.

Still, it's good to see that Congress was able to evaluate the Patriot Act in a way that was inclusive of all interested parties and to produce what looks like a workable compromise. **It's what Congress is supposed to do and what it hasn't done for far too long.**

FISA/FISC Checks

FISA Court solves — the USA Freedom Act removes the secrecy.

AP 15 — Associated Press, Byline Ken Dilanian, 2015 ("Questions and answers about newly approved USA Freedom Act," Yahoo News, June 3rd, Available Online at <http://news.yahoo.com/questions-answers-newly-approved-usa-freedom-act-072501403.html>, Accessed 06-08-2015)

Q: What else will change under the USA Freedom Act?

A: The new law gives private companies more leeway to publicly report information about the number of national security surveillance demands they receive. And it requires declassification of FISA Court opinions containing significant legal decisions, or a summary if declassification is not possible. That is designed to prevent secret interpretations such as the one that allowed bulk collection of U.S. phone records.

No rubber stamp arguments – ACLU lawyer agrees

Evan **Perez 13**, a reporter in the Washington bureau of The Wall Street Journal where he covers the Justice Department, 6/9/13, Secret Court's Oversight Gets Scrutiny, Wall Street Journal, www.wsj.com/articles/SB10001424127887324904004578535670310514616 ||RS

Timothy Edgar, who was a top lawyer with the American Civil Liberties Union, said he believed the FISA court was a rubber stamp until he saw the process firsthand when he became a senior civil-liberties official in the Office of the Director of National Intelligence in 2006. "It's definitely not a rubber stamp," he said in an interview Sunday. "On a very superficial level, they tend to approve pretty much everything that comes before them. They do meet in secret. It's just more complicated than that." The reason so many orders are approved, he said, is that the Justice Department office that manages the process vets the applications rigorously. The lawyers there see themselves not as government advocates so much as neutral arbiters of the law between the executive branch and the courts, he said, so getting the order approved by the Justice Department lawyers is perhaps the biggest hurdle to approval. The culture of that office is very reluctant to get a denial," he said. The last known conflict between the FISA court and the executive branch occurred during the Bush administration's warrantless program. President George W. Bush bypassed the court for what he called the Terrorist Surveillance Program. Judges scolded the Justice Department after it told the court that it had used information collected under the warrantless program to obtain FISA court orders. Criticism from the court, along with pressure from Congress and the public, prompted the Bush administration to submit that program to the court's oversight.

FISC Courts are not rubber stamps – judicial and congressional oversight

Evan **Perez 13**, a reporter in the Washington bureau of The Wall Street Journal where he covers the Justice Department, 6/9/13, Secret Court's Oversight Gets Scrutiny, Wall Street Journal, www.wsj.com/articles/SB10001424127887324904004578535670310514616 ||RS

In trying to reassure the public about NSA data-gathering programs, Mr. Obama has cited the FISA court's role, and that of Congress, which in 2011 reauthorized the Patriot Act to allow the records collection. Mr. Obama said on Friday the public doesn't have to take his word that the programs are being conducted with restrictions to respect privacy, because "we've got congressional oversight and judicial oversight. And if people can't trust not only the executive branch but also don't trust Congress and don't trust federal judges to make sure that we're abiding by the Constitution, due process and rule of law, then we're going to have some problems here." Ben Rhodes, Mr. Obama's deputy national security adviser, on Saturday rejected criticism of the

programs, saying they are "rigorously overseen by all three branches of government." Speaking to reporters in California for Mr. Obama's meeting with Chinese leader Xi Jinping, Mr. Rhodes said that "the executive branch has built-in procedures for reviewing these programs through inspector generals and other mechanisms to make sure that there's not abuse, and to make sure they were putting in place appropriate safeguards to protect the privacy and civil liberties of the American people."

No rubber stamp – warrants are vetted through the DOJ and executive branch

Matthew C. **Waxman 13**, Adjunct Senior Fellow for Law and Foreign Policy, Has the FISA Court Gone Too Far?, July 12, 2013, Council on Foreign Relations, <http://www.cfr.org/intelligence/has-fisa-court-gone-too-far/p31095> | |RS

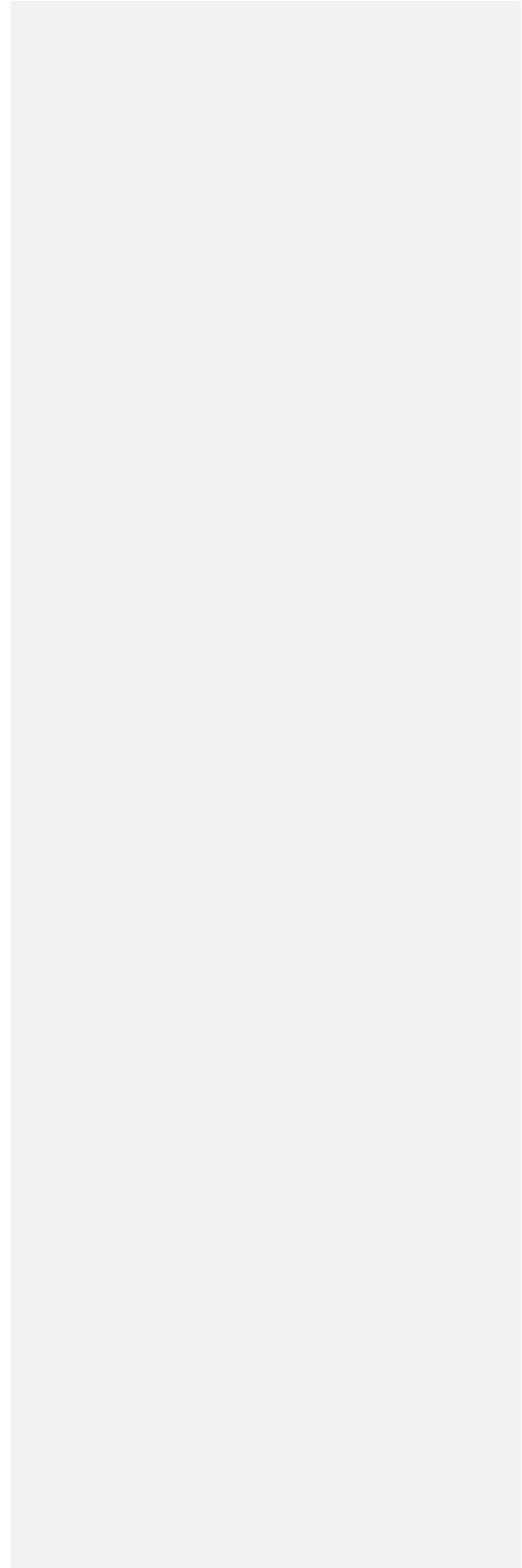
Some critics have characterized FISC as a rubber stamp, citing the fact that the overwhelming majority of surveillance requests by the Justice Department have been approved, reportedly all requests were approved last year. Given that this is a non-adversarial system--no one arguing the other side--do you think this is balanced, workable? I don't think the characterization of the FISA process as a "rubber stamp" is accurate for several reasons. First of all, warrant requests are always ex parte (i.e., non-adversarial), and most regular warrants are approved in the criminal justice context as well. The reason being that government agents don't usually go to a judge at all unless they are quite confident that they have solid grounds for a warrant. Second, most of the scrutiny of FISA warrant requests occurs well before they even go to the Foreign Intelligence Surveillance Court, in the form of intense and high-level vetting within the executive branch and the Justice Department. And third, the government is able to maintain a high success rate of approvals in the Foreign Intelligence Surveillance Court because it protects its credibility with that court by not bringing weak applications.

FISC requests are vetted down to the last detail

Wittes 13 – Benjamin Wittes is editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law. ("The NSA, Oversight, the Law, and Why Compliance is the Ball Game," Lawfare, <http://www.lawfareblog.com/nsa-oversight-law-and-why-compliance-ball-game>, September 27, 2013, Quay)

Sen. Feinstein asked both me and Edgar to write up our oral presentations to the extent they differed from our prepared statements. Since mine involves one major substantive point I did not make in the written statement, I thought I would do so in the form of a Lawfare post adapted from my oral statement yesterday and making the same two broad, high-altitude points about the stakes involved in this discussion of FISA reform. When I was walking into the hearing yesterday afternoon, I had a conversation, standing in the aisle, with DeLong and Edgar about the coming hearing. Edgar informed us that he had been annoyed to find four typos in his written testimony. DeLong, without missing a beat, jokingly but quite aptly responded: "You know, if that were us, we would have to notify the FISA Court about each of them and the committee about each of them." It was an amusing quip, but also an informative and telling one, which captures something deep and important about two key aspects of the current debate. The first involves the integrity of the oversight structures. The second involves the extent to which our comfort level with data acquisition and exploitation in the era of Big Data needs to depend pervasively on the compliance regime that undergirds it. Compliance is not a sexy subject. But in this context, it is a big part of the whole ball game.

Packet Aff Specific



2AC Frontline – (Specific to the Packet Aff Act)

() Zero link – the version of the plan we wrote is designed to end a practice – not just an authority.

() We get permanent fiat – any other interpretation turns debate from a “should” question to a “will question”. Neg would always win and we’d also learn a lot less.

() We still solve perception. Independently, plan’s language makes circumvention far tougher.

Shackford ‘15

Scott Shackford is an associate editor at Reason. This article is internally quoting Mark Jaycox, a legislative analyst for the Electronic Frontier Foundation – “Is the USA Freedom Act the Best We Can Expect Right Now?” - Reason - 5/20
<http://reason.com/blog/2015/05/20/is-the-usa-freedom-act-the-best-we-can-e>

It doesn't appear to be easy to support the USA Freedom Act. The Act's full real name is the "Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-Collection, and Online Monitoring Act." Knowing the full name of the act helps explain why privacy supporters aren't shouting from the rafters over the legislation, even if they are supporting it. As is the case with many other bills with elaborate names, the USA Freedom Act doesn't actually do what its name states. The USA Freedom Act (H.R. 2048) is Congress' response to the public revelation and the following outrage that the National Security Agency (NSA) has been for years secretly collecting mass amounts of domestic metadata from virtually all Americans as part of its goal of sniffing out terrorists. It has been doing so under the aegis of Section 215 of the PATRIOT Act, which allows the NSA and FBI to collect all sorts of data and records that are relevant to an ongoing investigation. But the NSA and the Foreign Intelligence Surveillance (FISA) Court that oversaw approval of records collection requests took a very, very wide view of what was "relevant," and that included, among other things, the phone records of every single American. There was an awareness among privacy experts that this was happening, but because the entire process was classified, the ability for anybody, even members of Congress, to do much about it was limited. Then Edward Snowden came around and released information showing how remarkably expansive the NSA surveillance actually was. This all came as a surprise to Rep. James Sensenbrenner (R-Wis.), who introduced the PATRIOT Act in 2001. He said it was never his intent to authorize mass collection of the data of Americans in the first place. The USA Freedom Act, which Sensenbrenner has also sponsored, is intended to reform these procedures. But what the USA Freedom Act actually does is fairly modest compared to the amount of surveillance authority the NSA had claimed for itself. It will end the bulk collection of phone metadata collection under Section 215, but that's not the only avenue by which the federal government claims authority to collect huge amounts of private information. Furthermore, right now we're seeing the third attempt to get the act passed, and the strength of the reforms has been watered down along the way. Indeed, some of the reforms called for in the act (storing the telecommunications data with the companies rather than the government and requiring the government to request it) came from former NSA Director Keith Alexander. The support of the Obama Administration has itself given some pause, due to its role in fighting lawsuits against the program and the blatant deception of current Director of Intelligence James Clapper before the Senate about the existence of mass phone record collection. What the USA Freedom Act is intended to do is end mass domestic data collection through Section 215, as well as in the secretive National Security Letters, and require "specific selection terms" to limit mass records requests. It also reforms the FISA court to designate several independent advisors to the court to help provide "legal arguments that advance the protection of individual privacy and civil liberties," making the FISA court a slightly more adversarial place rather than the apparent rubber stamp factory it had been. It will also mandate a declassification review process for FISA court decisions. But it's also really hard to try to gauge the impact of the bill as written, and that's coloring perceptions of its value. Making the situation more complicated is a federal court ruling that is actually friendly to privacy reformers. On May 7, the Second Circuit Court of Appeals ruled that Section 215 never actually authorized the NSA to engage in mass phone metadata collection in the first place. The court ruled that the NSA had stretched the definition of "relevance" and "investigation" too far by scooping up pretty much everything and storing it just in case it might be useful later. But the court also did not demand any immediate changes, partly because it knew Congress was already working on legislation to deal with the pending sunset of Section 215, which expires June 1. This ruling prompted some rethinking of the USA Freedom Act by the Electronic Frontier Foundation (EFF). The group had previously endorsed each iteration of the act, increasingly reluctantly as it was watered down with each session. In response to the court ruling, though, EFF withdrew its support and went neutral, calling for legislators to now strengthen the act. Mark Jaycox, a legislative analyst for EFF who has been writing about the USA Freedom Act, still has positive things to say about it, but doesn't want Congress to settle for less than it has to. It's the first reform of NSA surveillance since the 1970s. There should be more to it. "The USA Freedom Act should be stronger,"

Jaycox says, "Congress should be pushing for more control for themselves and more for the public." EFF would like Congress to return to the first iteration of the act that called for a stronger adversarial position within the FISA court, not just an adviser. They want Congress to address other authorizations used to justify bulk metadata collection, not just Section 215 and National Security Letters. They want better "minimization" procedures to make sure information that isn't directly connected to an investigation is properly purged. And they want to remove an "emergency exception" that allows the government to snoop on any "non-United States person" for 72 hours without any court authorization at all. Given that the court ruling determined that the NSA had been operating outside of the law's intent, should we be concerned that any attempt to partly rein in surveillance powers without completely eliminating them will ultimately lead back to more abuse? Who gets to decide what a "specific selection term" is? The same people who determined that every single phone record of every American was "relevant" to investigating potential terrorist attacks on Americans? Jaycox is aware that this abuse concern helps feed the belief the USA Freedom Act doesn't go nearly far enough. "We've seen the intelligence community and the administration stretch definitions," Jaycox says. "We've seen them come up to the line and cross it completely. Section 215 is an example. I think that's where the hesitancy comes from." It's the FISA court that was supposed to stand in the way of the NSA abusing the language, but that clearly didn't happen. Congress can legislate words to be as narrow as they like, Jaycox notes, "But at the end of the day it's going to be a judge that's reviewing these orders." And thus, there's the push for more transparency and declassification of FISA court decisions, in the hopes of making it more clear how the judges themselves are interpreting the law. The modest reforms weren't enough for some privacy-minded House members like Rep. Justin Amash (R-Mich.), Rep. Thomas Massie (R-Ky.), and Rep. Jared Polis (D-Colo.). They all voted no. Amash later explained on Facebook that he feared passing the USA Freedom Act in the wake of the court ruling would have the impact of authorizing bulk data collection rather than restricting it: "H.R. 2048 falls woefully short of reining in the mass collection of Americans' data, and it takes us a step in the wrong direction by specifically authorizing such collection in violation of the Fourth Amendment to the Constitution. Americans, and members of Congress, should demand that Congress instead pass the original bipartisan version of the USA FREEDOM Act from 2013, which strengthened—not weakened—Section 215's relevance standard to end bulk collection while still allowing the government the flexibility it needs to pursue genuine threats against the United States." And this morning Amash posted a letter signed by him and 58 others in the House who voted no, explaining that their opposition to the USA Freedom Act was that the surveillance reforms did not go far enough.

() **Extend our Greene ev – it's great at proving plan's language reduces circumvention risks.**

() **Plan restores strong language – that's sufficient to end circumvention.**

AT: Circumvention- SDI

AT: Circumvention – General

The president perceives legal constraints as working.

Prakash, University of Virginia law professor, and Ramsey, University of San Diego law professor, 2012

[Saikrishna and Michael, “The Goldilocks Executive” <http://www.texasrev.com/wp-content/uploads/Prakash-Ramsey-90-TLR-973.pdf>, p.994-5, accessed 9-30-13, TAP]

6. The Executive’s Perception of Legal Constraint.—A final feature of a modern practice that is inconsistent with Posner and Vermeule’s description is that the Executive Branch feels constrained by law. In part this can be seen from the way it behaves. As discussed above, the Executive Branch asks Congress to enact legislation and make appropriations rather than doing so independently. The Executive Branch brings alleged wrongdoers before courts for punishment rather than punishing independently. The Executive Branch obeys court orders to act or refrain from acting, as implicitly required by the Constitution.

But also of significance is the Executive Branch’s internal recognition of legal constraints. The President employs an enormous and growing staff of lawyers spread among all executive offices and agencies.

Anecdotal evidence suggests that legal determinations made within the Executive Branch have the effect of constraining Executive Branch action. In one particular episode in the Bush Administration, the Office of Legal Counsel (OLC) reportedly refused to approve the legality of a surveillance program strongly favored by the White House, culminating in a showdown in the Attorney General’s hospital room.⁹⁷ Apparently, when the Attorney General backed the OLC conclusions, the President acquiesced. More generally, Trevor Morrison argues that OLC legal conclusions are reached with a sense of independence from presidential policy preferences and have substantially influenced presidential decision making.⁹⁸ To be sure, Executive Branch lawyers often may seek to justify presidential actions under law. They may identify with the Executive and hope to expand its legal discretion. But that role in itself undermines Posner and Vermeule’s claims, for if the President is truly unbound by law, why expend resources dealing with the law’s nonexistent bounds?

We accept that the President’s lawyers search for legal arguments to justify presidential action, that they find the President’s policy preferences legal more often than they do not, and that the President sometimes disregards their conclusions. But the close attention the Executive pays to legal constraints suggests that the President (who, after all, is in a good position to know) believes himself constrained by law. Perhaps Posner and Vermeule believe that the President is mistaken. But we think, to the contrary, it represents the President’s recognition of the various constraints we have listed and his appreciation that attempting to operate outside the bounds of law would trigger censure from Congress, courts, and the public.

AT: Circumvention – Court

Courts solve – deter presidential indiscretion.

Prakash, University of Virginia law professor, and Ramsey, University of San Diego law professor, 2012

[Saikrishna and Michael, “The Goldilocks Executive” <http://www.texasrev.com/wp-content/uploads/Prakash-Ramsey-90-TLR-973.pdf>, p.990-2, accessed 9-30-13, TAP]

3. The Courts.—The courts constrain the Executive, both because courts are necessary to the Executive imposing punishments and because ¶ courts can enforce the Constitution and laws against the Executive. It is true, ¶ as Posner and Vermeule say, that courts often operate ex post and that they may defer to executive determinations, especially in sensitive areas such as ¶ national security. But these qualifications do not render the courts meaningless as a Madisonian constraint.

First, to impose punishment, the Executive must bring a criminal case ¶ before a court. If the court, either via jury or by judge, finds for the ¶ defendant, the Executive does not suppose that it can nonetheless impose ¶ punishment (or even, except in the most extraordinary cases, continue ¶ detention). This is so even if the Executive is certain that the court is ¶ mistaken and that failure to punish will lead to bad results. As a result, the ¶ Executive’s ability to impose its policies upon unwilling actors is sharply ¶ limited by the need to secure the cooperation of a constitutionally independent branch, one that many suppose has a built-in dedication to the rule of ¶ law.⁸⁴ And one can hardly say, in the ordinary course, that trials and convictions in court are a mere rubber stamp of Executive Branch conclusions.

Second, courts issue injunctions that bar executive action. Although it ¶ is not clear whether the President can be enjoined,⁸⁵ the rest of his branch ¶ surely can and thus can be forced to cease actions that judges conclude violate federal law or the Constitution.⁸⁶ As a practical matter, while courts ¶ issue such injunctions infrequently, injunctions would be issued more often if ¶ an administration repeatedly ignored the law.

Third, courts’ judgments sometimes force the Executive to take action, ¶ such as adhering to a court’s reading of a statute in areas related to benefits, ¶ administrative process, and even commission delivery. Though the claim in ¶ *Marbury v. Madison*⁸⁷ that courts could issue writs of mandamus to executive ¶ officers was dicta,⁸⁸ it was subsequently confirmed in *Kendall v. United ¶ States ex rel. Stokes*,⁸⁹ a case where a court ordered one executive officer to ¶ pay another.⁹⁰

Finally, there is the extraordinary practice of the Executive enforcing ¶ essentially all judgments. The occasions in which the Executive has refused ¶ to enforce judgments are so few and far between that they are the stuff of ¶ legend. To this day, we do not know whether Andrew Jackson said, “John ¶ Marshall has made his decision, now let him enforce it.”⁹¹ Lincoln’s ¶ disobedience of Chief Justice Taney’s writ of habeas corpus is so familiar ¶ because it was so singular.

Yet to focus on actual court cases and judgments is to miss the broader ¶ influence of the courts. Judicial review of executive action matters because ¶ the knowledge of such review affects what the Executive will do. Executives ¶ typically do not wish to be sued, meaning that they often will take measures ¶ designed to stave off such suits and avoid actions that raise the risk of ¶ litigation. The ever-present threat that someone will take a case to court and ¶ defeat the Executive acts as a powerful check on

executive decision making. ¶ The Executive must take account of law, including law defined as what a ¶ court will likely order.

AT: Circumvention – Congress

Structural reform like the plan is able to reign in the executive branch.

Quirk, University of British Columbia U.S. politics and representation professor with the Phil Lind Chair, and Bendix, Keene State College political science assistant professor, 2015

[Paul and William, No. 68, March 2015, "Secrecy and negligence: How Congress lost control of domestic surveillance" <http://www.brookings.edu/~media/research/files/papers/2015/03/02-secrecy-negligence-congres-surveillance-bendix-quirk/ctibendixquirksecrecyv3.pdf>, p.1-2, accessed 7-15-15, TAP]

We describe and explain Congress's deliberative failure on phone and Internet surveillance policy. We show that along with a lack of consistent public concern for privacy, and the increasing tendency toward partisan gridlock, Congress's institutional methods for dealing with secret surveillance programs have undermined its capacity to deliberate and act effectively with respect to those programs. Although the current political environment is hardly conducive to addressing such problems, we discuss long-term goals for institutional reform to enhance this capacity. We see no easy or decisive institutional fix. But **without some structural change, the prospects look dim for maintaining significant limitations** on investigatory intrusion in an era of overwhelming concern for security.

**AT: Circumvention and Gradualism-
Northwestern**

Doesn't Turn Perception Adv-- AT: leaks inevitable

The NSA is cracking down on and deterring new whistleblowers

CF 14 [The Courage Foundation. International non-profit organization supporting whistleblowers/provides legal counsel and funds. 7/28/14 "CIA spying on its own "internal channels" for whistleblowers" <https://couragefound.org/2014/07/cia-spying-on-its-own-internal-channels///jweideman>]

From internal channels to insider threats **It is already difficult enough for government employees in the US to come forward with their concerns. If intelligence community officials fear reprisal, they have even less incentive to expose wrongdoing through internal channels.** US Senators Chuck Grassley and Ron Wyden have publicly warned that if public employees are committed to blowing the whistle and internal channels are compromised, it is to be expected that some will anonymously seek other ways to voice their misgivings. Truly meaningful whistleblower protections need to include the option of a legitimate channel for confidential disclosures... **However, if potential whistleblowers believe that disclosing waste, fraud or abuse means putting a target on their backs for retaliation, they will be intimidated into silence.** The failure to provide such protected alternatives could result in whistleblowers choosing to make unprotected disclosures in public forums, with potential negative consequences for national security. **The CIA's illegal monitoring of whistleblower communications has been seen as part of the Obama Administration's Insider Threat programme,** which categorically treats leaks of classified information about wrongdoing as aiding America's enemies. Introduced in an October 2011 executive order as a **direct response to US Army whistleblower Chelsea Manning's disclosures, the programme covers "virtually every federal department and agency"**, including those who are not concerned with national security matters. A series of reports by McClatchy over the past year describe a range of measures designed to encourage public officials to report on colleagues who they perceive to be exhibiting unusual behaviour. The programme has taken profiling to extreme lengths: late last year it was revealed that the personal details of 5,000 US citizens who had purchased a book on defeating polygraph tests had been retained on the off-chance that they might apply for a job in a federal agency at some point in the future. This new controversy about the Insider Threat programme exacerbates an already deeply problematic situation for potential whistleblowers within the US intelligence community. **Recent public statements by officials responsible for whistleblower protection within the NSA display a reluctance to take complaints seriously, suggesting that within that agency at least, officials see their role as containing rather than engaging with the concerns of employees.**

Obama's cracking down

Currier 13 [Cora Currier was a reporting fellow at ProPublica and previously on the editorial staff of the New Yorker. ProPublica, July 30, 2013, "Charting Obama's Crackdown on National Security Leaks" <https://www.propublica.org/special/sealing-loose-lips-charting-obamas-crackdown-on-national-security-leaks//jweideman>]

Bradley **Manning's conviction under the Espionage Act is the latest development in the Obama administration's push to prosecute leaks.** We've updated our timeline with the most recent events. **Despite promises to strengthen protections for whistleblowers, the Obama administration has launched an aggressive crackdown on government employees who have leaked national security information to the press.** With charges filed against NSA leaker Edward Snowden this June, the administration has brought a total of seven cases under the Espionage Act, which dates from World War I and criminalizes disclosing information "relating to the national defense." Prior to the current administration, there had been only three known cases resulting in indictments in which the Espionage Act was used to prosecute government officials for leaks. The administration has also targeted journalists. In May, it was revealed that **the Department of Justice had secretly seized AP reporters' phone records while investigating a potential CIA leak and targeted a Fox News reporter as part of a criminal leak case (outlined below).** No

journalist has been charged with a crime. But the news prompted an outcry that Obama's hard line on leaks could have a "chilling effect" on investigative reporting that depends on inside sources. (In response, the Justice Department issued new guidelines limiting when journalists' records can be sought.) A spokesman for the Department of Justice told us the government "does not target whistleblowers." (Read their full statement.) As they point out, government whistleblower protections shield only those who raise their concerns through the proper channels within their agency—not through leaks to the media or other unauthorized persons. Director of National Intelligence James Clapper summed up the government's approach in a 2010 memo: "people in the intelligence business should be like my grandchildren—seen but not heard."

AT: Circumvention—FISC Checks

FISC isn't a rubber stamp

Modification orders

Call out unlawful surveillance

Want greater limits

Gallagher 13 [Ryan Gallagher is a journalist who reports on surveillance, security, and civil liberties. SLATE. OCT. 16 2013. "Secret Surveillance Court Insists It's Not a Rubber Stamp"
http://www.slate.com/blogs/future_tense/2013/10/16/fisc_judge_reggie_walton_says_secret_surveillance_court_isn_t_a_rubber_stamp.html//jweideman]

Since it was founded in 1979, the secret court that signs off on NSA spying has rejected just 11 of the 34,000 surveillance requests it has received. But now the Foreign Intelligence Surveillance Court is attempting to shoot down the suggestion that it is merely a rubber stamp. In a letter sent to senators and published online Tuesday, FISC Judge Reggie Walton attempts to quash the idea that the court is a pushover. Walton says that before signing off on government spying requests, the court sometimes orders changes to be made to the proposed surveillance. The FISC has begun monitoring these changes and says that from July-September, "24.4% of matters submitted ultimately involved substantive changes to the information provided by the government or to the authorities granted as a result of Court inquiry or action." What qualified as a "substantive change" isn't explained, but Walton says "typographical corrections" did not count. The judge adds that the 24.4 percent figure is likely "typical in terms of the historic rate of modifications." In other words, this means that about three-quarters of the government's surveillance requests to the FISC are signed off with minor changes, if any at all. The FISC was formed under the Foreign Intelligence Surveillance Act following a series of domestic spying scandals in the 1970s. It is often referred to as the "FISA court" and is believed to be located in a secretive high-security room at the Prettyman Courthouse in Washington, D.C. The court plays an important role in overseeing NSA spy initiatives but did not receive national scrutiny until recent leaks of secret surveillance documents by former NSA contractor Edward Snowden. In June, the FISC was thrust into the spotlight when the first of a series of scoops published by the Guardian revealed that it had signed off on an order compelling a business subsidiary of Verizon to turn over millions of Americans' phone records on a daily basis. In the fallout from the Snowden leaks, the FISC has been repeatedly slammed for its apparent deference to sweeping and controversial government demands. But documents declassified following Snowden's disclosures have shown that the secret court's judges have sometimes called out unlawful NSA surveillance and in at least one case threatened senior officials with contempt charges for repeatedly providing false information to the court. The declassified documents have shown that the judges sometimes appear highly frustrated at the government's conduct and their lack of power to fully rein in abuses. Indeed, as the Washington Post reported in August, Judge Walton has acknowledged that the court's power to carry out critical oversight "is limited and that it must trust the government to report when it improperly spies on Americans." Several lawmakers are currently pushing for reforms to the FISC, with proposed bills in the House and Senate aiming to address concerns about how it functions. The court hears only the government's side of the argument, but there is bipartisan support behind the idea of bringing in a constitutional or civil liberties advocate to the court in a bid to ensure that the balance between security and privacy is more evenly weighed.

AT: Circumvention—Statutory Limits Solve

Statutory limits are effective—they won't try to find alternative legal reasoning

Ackerman 7/13 [Spencer Ackerman is an American national security reporter and blogger. He began his career at The New Republic and wrote for Wired magazine's national security blog, works at the Guardian. 7/13/15, "Fears NSA will seek to undermine surveillance reform; Privacy advocates are wary of covert legal acrobatics from the NSA similar to those deployed post-9/11 to circumvent congressional authority"]

<http://go.galegroup.com/turing.library.northwestern.edu/ps/i.do?id=GALE|A416089653&v=2.1&u=northwestern&it=r&p=AONE&sw=w&authCount=1//jweideman>

Privacy advocates fear the National Security Agency will attempt to weaken new restrictions on the bulk collection of Americans' phone and email records with a barrage of creative legal wrangles, as the first major

reform of US surveillance powers in a generation looked likely to be a foregone conclusion on Monday. Related: Bush-era surveillance powers expire as US prepares to roll back NSA power The USA Freedom Act, a bill banning the NSA from collecting US phone data in bulk and compelling disclosure of any novel legal arguments for widespread surveillance before a secret court, has already been passed by the House of Representatives and on Sunday night the Senate voted 77 to 17 to proceed to debate on it. Between that bill and a landmark recent ruling from a federal appeals court that rejected a longstanding government justification for bulk surveillance, civil libertarians think they stand a chance at stopping attempts by intelligence lawyers to undermine reform in secret. Attorneys for the

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

collection into the Patriot Act. Rand Paul, the Kentucky senator and Republican presidential candidate who was key to allowing sweeping US surveillance powers to lapse on Sunday night, warned that NSA lawyers would now make mincemeat of the USA Freedom Act's prohibitions on bulk phone records collection by taking an expansive view of the bill's definitions, thanks to a pliant, secret surveillance court. "My fear, though, is that the people who interpret this work at a place known as the rubber stamp factory, the Fisa [Court]," Paul said on the Senate floor on Sunday. Paul's Democratic ally, Senator Ron Wyden, warned the intelligence agencies and the Obama administration against attempting to unravel NSA reform. "My time on the intelligence committee has taught me to always be vigilant for secret interpretations of the law and new surveillance techniques that Congress doesn't know about," Wyden, a member of the intelligence committee, told the Guardian. "Americans were rightly outraged when they learned that US intelligence agencies relied on secret law to monitor millions of law-abiding US citizens. The American people are now on high alert for new secret interpretations of the law, and intelligence agencies and the Justice Department would do well to keep that lesson in mind." The USA Freedom Act is supposed to prevent what Wyden calls "secret law". It contains a provision requiring congressional notification in the event of a novel legal interpretation presented to the secret Fisa Court overseeing surveillance. Yet in recent memory, the US government permitted the NSA to circumvent the Fisa Court entirely. Not a single Fisa court judge was aware of Stellar Wind, the NSA's post-9/11 constellation of bulk surveillance programs, from 2001 to 2004. Energetic legal tactics followed to fit the programs under existing legal authorities after internal controversy or outright exposure. When the continuation of a bulk domestic internet metadata collection program risked the mass resignation of Justice Department officials in 2004, an internal NSA draft history records that attorneys found a different legal rationale that "essentially gave NSA the same authority to collect bulk internet metadata that it had". After a New York Times story in 2005 revealed the existence of the bulk domestic phone records program, attorneys for the US Justice Department and NSA argued, with the blessing of the

Fisa Court, that Section 215 of the Patriot Act authorized it all along -- precisely the contention that the 2nd circuit court of appeals rejected in May. Despite that recent history, veteran intelligence attorneys reacted with scorn to the idea that NSA lawyers will undermine surveillance reform. Robert Litt, the senior lawyer for director of national intelligence James Clapper, said during a public appearance last month that creating a banned bulk surveillance program was "not going to happen". "The whole notion that NSA is just evilly determined to read the law in a fashion contrary to its intent is bullshit, of the sort that the Guardian and the left -- but I repeat myself --

have fallen in love with. The interpretation of 215 that supported the bulk collection program was creative but not beyond reason, and it was upheld by many judges," said former NSA general counsel Stewart Baker, referring to Section 215 of the Patriot Act.

They won't circumvent legal limits

Risen 14 [Tom Risen is a technology and business reporter for U.S. News & World Report. 7/2/14, "Privacy Watchdog Says NSA Spying Legal, Effective"]

<http://www.usnews.com/news/articles/2014/07/02/privacy-watchdog-says-nsa-spying-legal-effective//jweideman>]

"The program has led the government to identify previously unknown individuals who are involved in international terrorism, and it has played a key role in discovering and disrupting specific terrorist plots aimed at the United States and other countries," the new report says. As part of the report on Section 702 of the Foreign Intelligence Surveillance Act, only two of the five members of the panel backed individual warrants for each time the NSA performs "backdoor" searches of Americans' communications. **The law forbids the targeting of U.S. citizens, but the privacy board's report explains that Americans' communications can be collected when they communicate with or are mentioned in the conversations of non-U. S. citizens.** The Foreign Intelligence Surveillance Court reviews and approves efforts by intelligence agencies to request data from phone or Internet companies. **The Board has seen no trace of any such illegitimate activity associated with the program, or any attempt to intentionally circumvent legal limits,"** the report says. **But the applicable rules potentially allow a great deal of private information about U.S. persons to be acquired** by the government. The Board therefore offers a series of policy recommendations to ensure that the program appropriately balances national security with privacy and civil liberties." The board's 10 recommendations aim to uncover the extent to which communications involving Americans are being collected, and include a request that the NSA should give written statements explaining why it wants certain data.

AT: 12333—Obama Won't Use

Obama won't invoke 12333- too much congressional and civil liberties opposition

Gallagher '14, reporter on government surveillance, technology, and civil liberties

Ryan, "OBAMA FACES CALLS TO REFORM REAGAN-ERA MASS SURVEILLANCE ORDER",
<https://firstlook.org/theintercept/2014/09/02/obama-12333-surveillance-nsa-rights-groups-letter/>, EC

A coalition of civil liberties groups and members of Congress are calling on President Obama to urgently review a controversial executive order being used by the National Security Agency to conduct mass surveillance.¶ Executive Order 12333, a Reagan-era authority, allows the NSA to covertly sweep up vast amounts of private data from overseas communication networks with no court oversight. Last week, The Intercept revealed how 12333 underpins a secret search engine the NSA built to share more than 850 billion records on phone calls, emails, cellphone locations, and internet chats with other U.S. government agencies, including domestic law enforcement. The search system, named ICREACH, contains information on the private communications of foreigners as well as, it appears, millions of Americans not accused of any wrongdoing.¶ Now, more than 40 organizations and rights groups – including Amnesty International, Human Rights Watch, and the American Civil Liberties Union – are calling on Obama and his surveillance review panel to ensure there is no "disproportionate or unnecessary collection" taking place under 12333.¶ In a letter to the President, dated 29 August and released on Tuesday, the groups say that the surveillance undermines "the fundamental rights of internet users everywhere" and demand that secret legal opinions or interpretations that relate to 12333 be declassified by the government. The letter states:¶ We, the undersigned former government officials, organizations, and members of Congress, write to express our concerns about the U.S. government's surveillance activities conducted under the authority of Executive Order 12333. Many involve communications that are protected by the U.S. Constitution, and all implicate international human rights law, including the International Covenant on Civil and Political Rights, to which the United States is a party. These activities undermine the fundamental rights of internet users everywhere.

AT: 12333—SSRA Solves

SSRA bans the use of 12333 for surveillance

O'Donnell 5/27 [Maggie works with Elizabeth Beavers as the Program Assistant for Militarism and Civil Liberties. Lobbyist. 5/27/15, "Essential Reforms to Mass Surveillance"

http://fcnl.org/blog/of_peace_and_politics/essential_reforms_to_mass_surveillance///jweideman]

2) On Executive Order 12333 issued by President Ronald Reagan in 1981, EO 12333 authorizes the collection of the content of communication from Americans. While Americans cannot be individually targeted without a court order, if communication is "incidentally collected," this executive order permits the data to be saved. Widely considered to be a massive legal loophole today, this executive order allows Americans' communications even if they are not suspected of wrongdoing or the subject of an investigation. Reports indicate that these ordinary individuals "incidentally" spied on—Americans and non-Americans—far outnumber foreign nationals that the NSA purposefully targets for surveillance. EO 12333 has never been subject to meaningful debate or oversight from Congress or court. SSRA would ban the use of Executive Order 12333 to conduct warrantless surveillance of Americans

AT: Personnel Impact—Surveillance Worse

Psychological and historical evidence proves mass surveillance enables law enforcement to go “fishing” – exacerbates racism

Rushin 13 — Assistant Professor of Law with a focus on criminal law (Stephen Rushin, 2013, “The Legislative Response to Mass Police Surveillance,” p. 13, http://practicum.brooklaw.edu/sites/default/files/print/pdfs/journals/brooklyn-law-review/volume-79/issue-1/blr_v79i.pdf), acui

Legal scholars and policymakers should look at this trend in policing innovation as a potential tool for both crime control and a source of potential widespread privacy violations. **A growing body of evidence confirms that law enforcement uses these surveillance technologies to target minority groups.** ⁶⁵ **Psychological and historical evidence suggests that the availability of pervasive surveillance tools may facilitate law enforcement corruption.** ⁶⁶ **With the unregulated ability to monitor an entire community, law enforcement may be incentivized to conduct fishing expeditions that “exacerbate racism, stereotyping, or profiling.”** ⁶⁷ This elevates the risk of **false positives** and harms citizens’ perceptions of procedural fairness.⁶⁸ Thus, while the digitally efficient investigative state may be an important development for crime prevention, it also raises numerous privacy concerns.

Psychological and behavioral research proves that mass surveillance allows for abuse

Rushin 11 — Assistant Professor of Law with a focus on criminal law (Stephen Rushin, 2011, “The Judicial Response to Mass Police Surveillance,” p. 299-301, <http://poseidon01.ssrn.com/delivery.php?ID=435099002092126082126083101064115107105086054036036018076005004025123026006111120023119126122100023056020090108127105020102010006074049005029101076084104068020114023022050044089095000126110002021067122074080081069126027123096108113122016094006093068&EXT=pdf&TYPE=2>), acui

The unlimited and unregulated use of surveillance technologies, particularly those that collect vast amounts of data, has several potentially dangerous consequences. Again, given the lack of solid, empirical evidence about this subject matter, **I extrapolate from psychological and behavioral research to predict possible harmful implications of mass police surveillance. First, there is mounting evidence that law enforcement uses these surveillance tools to target unpopular minorities without particularized suspicion of criminal wrongdoing.** ¹³⁰ In Birmingham, United Kingdom, journalists recently revealed an extensive network of surveillance cameras and ALPR cameras nicknamed “Project Champion,” which were being utilized by police to indiscriminately monitor local Muslims with “virtually no consultation, oversight or regard for the law.” ¹³¹ The project was designed to monitor any individuals entering and leaving a predominantly Muslim suburb.¹³² The data was then to be uploaded to regional and national law enforcement databases.¹³³ Even more disconcerting, police in Birmingham allegedly attempted to conceal the actual purpose of the surveillance cameras and ALPR cameras.¹³⁴ Many advocates have expressed concern over similar programs instituted by law enforcement in the United States.¹³⁵ **The Human Rights Commission claims that Muslims in the San Francisco Bay Area and elsewhere have been subjected to constant surveillance by law enforcement, as part of a broader pattern of racial profiling and discrimination.** ¹³⁶ **And there are growing allegations that the FBI targeted Muslim Americans for surveillance simply because of their religious beliefs.** ¹³⁷ **Absent legislative regulation, there is a grave risk that police may use these emerging technologies for the dragnet surveillance of unpopular minorities.** ¹³⁸ **Second, the unregulated collection of extensive surveillance data of the innocent increases the likelihood of abuse and corruption.** This is a particularly relevant concern to the **digitally efficient investigative state**, as the unregulated use of ALPR, surveillance cameras, and facial recognition can lend themselves to vast data collection. If nothing else, **the collection of extensive personal data may incentivize law enforcement to conduct “fishing expeditions” that directly gainsay the purpose of the Fourth Amendment.** ¹³⁸ At its core, the Fourth Amendment is a tool to “police the police.” ¹³⁹ The Fourth Amendment “positively invites constructions that change with changing circumstances,” ¹⁴⁰ but fishing expeditions have consistently and uniformly been viewed as among the most blatant and unreasonable forms of Fourth Amendment violations.¹⁴¹ **With extensively collected personal data, law enforcement can engage in pervasive searches without any**

particularized suspicion. Daniel Solove has gone as far as to suggest that these fishing expeditions could include automated searches that would exacerbate racism, stereotyping, or profiling.¹⁴² The availability of expansive amounts of personal data can also facilitate the use of that information for other dishonest purposes. It is not implausible that the State could “amass data for use in silencing or attacking enemies, critics, undesirables, or radicals.”¹⁴³ The Federal Bureau of Investigation’s (FBI) use of data collected about Martin Luther King, Jr. serves as a poignant reminder of the potential for law enforcement abuse. Some scholars have suggested that the FBI first investigated King for potential links to communism, but once these ties were discredited, several prominent FBI leaders used the collected data to expose King’s private sexual behavior in an effort to discredit and attack his beliefs.¹⁴⁴ President Richard Nixon also notoriously used his powerful political position to collect “embarrassing information to discredit the former Defense Department analyst [Daniel Ellsberg],” and of course “break in to the Democratic National Committee headquarters in the Watergate office building in Washington, D.C.”¹⁴⁵ In addition, the Nixon Administration worked closely with then FBI Director Herbert Hoover to wiretap governmental employees and members of the press deemed to be potential adversaries by the President.¹⁴⁶ The King and Nixon incidents underscore the possibility that law enforcement can selectively and surreptitiously collect information to calumniate critics and political adversaries.¹⁴⁷ The digitally efficient investigative state collects copious amounts of data on individual movement through the use of ALPR, surveillance cameras, and facial recognition. This amplifies concerns that if not properly regulated, the collection of personal surveillance data could present two unique threats of police abuse: the potential for unscrupulous fishing expeditions and the use of data for ulterior, nefarious purpose.

AT: Court Capital D.A- Wake

Thumpers

Obamacare Decision thumps the DA

Edson 6/4- Rich Edson is a Washington correspondent for Fox News Channel. Prior to that, he served as Fox Business Network's Washington correspondent. ("No Plan B? White House, states in bind if Supreme Court strikes ObamaCare subsidies", <http://www.foxnews.com/politics/2015/06/04/no-plan-b-white-house-states-in-bind-if-supreme-court-strikes-obamacare/>)

With a major Supreme Court decision on ObamaCare potentially just days away, neither the Obama administration nor state governments seem to have a comprehensive plan in place in the event the court strikes down a key component of the law. Rather than offering a plan B, the White House is only giving assurances of the strength of its legal case. "Our message to the American people is that they should be confident in their health care they have now because it is rooted in a sound legal basis," said Josh Earnest, the White House press secretary. The Supreme Court is expected this month to deliver its decision in King v. Burwell. That ruling will decide whether Americans can receive Affordable Care Act tax subsidies in states that use the federal exchange known as HealthCare.gov -- as opposed to states that use their own exchanges. Those challenging the subsidies point to a section in the ACA that specifies tax subsidies can come through an "Exchange established by the State." Opponents argue that language requires those seeking tax subsidies to do so only through state-based health insurance exchanges. Yet 34 states are using the federal exchange, having failed to set up their own. A ruling against them could have severe consequences. The Kaiser Family Foundation estimates a ruling banning subsidies for Americans in those 34 states would cost more than 6 million people about \$1.7 billion in monthly health-care tax credits. Some state governments relying on the federal exchange say they are planning for that possibility. "I am continuing to take steps, as part of my contingency plan, in order to protect 382,000 Pennsylvanians from potentially losing subsidies that help them afford health care coverage," said Pennsylvania Gov. Tom Wolf. "[M]y administration submitted an application to set up a State-Based Marketplace to ensure Pennsylvanians do not lose coverage in the event of an adverse Supreme Court decision." Michigan and Texas say they're watching the case closely, as are dozens of other potentially affected states. But absent a fix from a divided Congress, states without them may have to create their own exchanges, investing significantly in establishing them with no guarantee of their success. States with exchanges already spent billions of federal dollars establishing them to mixed results. That money is gone. States without exchanges would have to create ones using their own funding, if the court rules against the subsidies. Some exchanges have done well, like in Connecticut. Maryland scrapped its initial system and replaced it with a better one. Others, like Oregon, have failed. "The state of Oregon's exchange has just completely collapsed and they're giving up and they're going to let the federal government take over. But in the process they've wasted \$300 million of taxpayer money and the same thing may happen in Rhode Island," said John C. Goodman, an economist and the president of the Goodman Institute for Public Policy Research. "The federal government is threatening to take over the exchange in Hawaii. At least half the state exchanges are having serious financial problems." Of the state exchanges' performances, the administration will only say it is committed to their success. "We remain committed to working with states to ensure that all Americans have the ability to shop for quality, affordable health coverage," said Meaghan Smith, the director of communications for health care at the Department of Health and Human Services. "CMS continues to work with states on the options and steps they need to take to best serve their state's consumers in 2016 and beyond," she said of the Centers for Medicare and Medicaid Services. Republicans in Congress,

meanwhile, say they're crafting a plan B. Rep. Paul Ryan, R-Wis., said Thursday "we will be ready with an alternative plan" if the court strikes down the subsidies.

Gay Marriage Decision Thumps the DA

Rothfield 6/4- Reporter for WOWK-TV the West Virginia Media station in Huntington, West Virginia. Broadcasting on channel 13, it is the CBS affiliate ("Couples wait for U.S. Supreme Court gay marriage ruling", Ariel, <http://www.wowktv.com/story/29244166/couples-wait-for-us-supreme-court-gay-marriage-ruling>)

June is national pride month and as many in the tri-state region prepare to celebrate with parades and festivals, many eyes will also be focused on Washington D.C. **The U.S. Supreme Court is expected to hand down a landmark decision any day, answering whether or not states like Ohio and Kentucky have to allow same sex marriages.** "It never even occurred to us that this would probably be possible in our lifetime," said Ellen Allen. Nearly three years into Allen's relationship with her partner Sue, the two decided they wanted to get married. At the time, however, West Virginia did not allow same-sex couples to marry so Ellen and her bride-to-be traveled to Massachusetts to tie the knot legally. "Not so long ago, inter-racial marriage was not allowed and that's hard for us to even fathom. This is a similar situation of denying people their basic civil rights," said Allen. Since Allen and her partner tied the knot, **37 states, including West Virginia, gave same-sex marriages the green light.** Now, **the U.S. Supreme Court is expected to make a historical ruling by the end of the month.** **"We'll be watching. Everybody will be on Twitter, we'll be on Facebook. We're all connected and watching,"** said Allen. The nine justices must decide if states, particularly Kentucky and Ohio, have to allow same-sex marriages and if it's not required, whether all states must recognize same-sex marriages performed in other states. They're heavy questions Ellen said could change her and Sue's entire world. "The cascade of benefits, the protections, the legal protections," she said. "If it ends up being a state-decided issue, I think we'll see people going to places like any of us go. We go to places we are welcomed." **The high court has until the end of the month,** which also happens to be Pride Month, to issue it's decision.

Redistricting Thumps

Desilver 6/3- Drew DeSilver is a senior writer at Pew Research Center. ("Supreme Court could reshape voting districts, with big impact on Hispanics", <http://www.pewresearch.org/fact-tank/2015/06/03/supreme-court-could-reshape-voting-districts-with-big-impact-on-hispanics/>)

Last week, the U.S. Supreme Court decided to take up a Texas case that challenges the way nearly every U.S. voting district – from school boards to Congress – is drawn. The case, in essence, asks the court to specify what the word "person" means in its "one person, one vote" rule. **The outcome of the case could have major impacts on Hispanic voting strength** and representation from coast to coast. Ever since a series of landmark rulings in the 1960s, districts have been drawn "as nearly of equal population as is practicable." (As Supreme Court Chief Justice Earl Warren wrote for the majority in Reynolds v. Sims, "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.") The high court didn't directly say what "equal population" meant, but states and localities have almost invariably used total population figures. And that population is determined by the decennial census. However, the appellants in the Texas case, Evenwel v. Abbott, argue that districts

instead should be drawn to have equal numbers of eligible voters. (The case involves redistricting within states, not reapportioning congressional seats among states.) Congressional Districts by Share Eligible to Vote and Share Hispanic That's a big distinction, because in many states, districts with nearly equal total populations can have dramatically different numbers of eligible voters (that is, U.S. citizens ages 18 and older). We approximated the disparity using 2013 demographic data for all 435 U.S. House districts from the Census Bureau's American Community Survey: Eligible voters ranged from 81.3% of the population (Florida's 11th District, located north of the Tampa Bay area) to 42.9% (California's 40th District, comprising East Los Angeles and adjacent communities). California's 40th, in fact, has barely half as many voting-age citizens (308,276) as Oregon's 4th District (597,613, the most of any district). As the map (above) and chart (right) might suggest, there's a strong negative correlation between share of eligible voters and share of Hispanic population. Of the 25 districts with the highest Hispanic population shares, 19 also are among the 25 districts with the lowest eligible-voter share. This is because so many Hispanics aren't eligible to vote, either because they're not U.S. citizens or because they're younger than 18. By our calculations, only about 45% of the nation's nearly 54 million Hispanics are eligible to vote. There also are clear partisan differences between districts with high and low shares of eligible voters. Of the 35 districts where less than 60% of the population are voting-age citizens, 29 are held by Democrats; Democrats represent 19 of the lowest-ranking 20. On the other end, Republicans represent 31 of the 42 districts where 77% or more of the population are voting-age citizens, and 16 of the highest 20. What would happen if the Supreme Court were to rule in favor of the Texas appellants (who, it should be noted, already have lost at the district-court level) is unknown. One possibility is that districts with relatively few eligible voters would be redrawn to include more of them – that could mean bringing more whites and Republicans into what are now largely Hispanic, Democratic-voting districts, or combining such districts to bring up the eligible-voter population. And that, in turn, could affect Hispanic representation in the House, which has risen from five in 1973 to 17 in 1993 and 28 in 2013. All of this should be taken as illustrative rather than definitive. There are factors beyond age and U.S. citizenship that affect eligibility. Our data do not reflect other aspects, such as residency rules, imprisonment, prior felony convictions and mental incompetency. Americans living overseas may be eligible to vote but aren't covered by the American Community Survey. (Two political scientists, Samuel Popkin and Michael McDonald, addressed those issues in their influential 2001 paper on turnout rates.) Most important, while the American Community Survey asks about immigration and U.S. citizenship status, the decennial census does not. And because the decennial census counts everyone (which the ACS, being a sample-based survey, does not), it has been the only source of data for drawing district lines. That means that if the Supreme Court requires districts to be drawn with equal numbers of eligible voters, it may also have to decide just how those eligible-voter numbers are to be determined.

Obstension Scenarios

Judicial abstention props up military adventurism and illegal arms sales

Scales and Spitz 12 (Ann Scales, prof at U Denver law school. Laura Spitz, prof at U Colorado Law School. The Jurisprudence of the Military-Industrial Complex Seattle Journal for Social Justice Volume 1 | Issue 3 Article 51 10-11-2012)

First, our nation's history and legitimacy rest upon a separation of military power from democratic governance. For that reason, the armed forces are subject to constitutional constraint. Second, however, as an aspect of separation of powers, courts try not to interfere in areas of foreign policy and military affairs. Often this is referred to as the "political question" doctrine, a determination that a matter is beyond the capabilities of judges. The strongest argument for this deference is that the political branches—or the military itself—have superior expertise in military matters. That may be true in some situations. I am not sure, for example, the Supreme Court would have been the best crowd to organize the invasion of Normandy. But what we now have is an increasingly irrational deference.⁷ Consider three cases: a. In *Korematsu v. United States*,⁸ the Supreme Court said the internment of Japanese-Americans at the beginning of 1942 was constitutional, based upon a military assessment of the possibility of espionage in preparation for a Japanese invasion of the United States. It turns out that the information provided by the military to the Supreme Court was falsified.⁹ But note two things: (1) the nation was in the midst of a declared world war, and (2) in subsequent less urgent circumstances, *Korematsu* would seem to argue strongly for military justifications to have to be based upon better, more reliable information than was offered there. b. In the 1981 case of *Rostker v. Goldberg*,¹⁰ the Supreme Court decided that it was constitutional for Congress to exclude women from the peacetime registration of potential draftees, even though both the Department of Defense and the Army Chief of Staff had testified that including women would increase military readiness. But Congress got the benefit of the military deference doctrine as a cover for what I think was a sinister political purpose—to protect the manliness of war—and the Supreme Court felt perfectly free to ignore what those with the real expertise had to say. c. Most recently, in *Hamdi v. Rumsfeld*,¹¹ the Fourth Circuit held that a U.S. citizen who had been designated an "enemy combatant"¹² could be detained indefinitely without access to counsel. In this case, however, not only is there no declared war,¹³ but also, the only evidence regarding Mr. Hamdi was a two-page affidavit by a Defense Department underling, Mr. Mobbs. Mobbs stated that Mr. Hamdi was captured in Afghanistan, and had been affiliated with a Taliban military unit. The government would not disclose the criteria for the "enemy combatant" designation, the statements of Mr. Hamdi that allegedly satisfied those criteria, nor any other bases for the conclusion of Taliban "affiliation."¹⁴ And that is as good as the evidence for life imprisonment without trial has to be. Deference to the military has become abdication. In other words, what we presently have is not civilian government under military control, but something potentially worse, a civilian government ignoring military advice,¹⁵ but using the legal doctrine of military deference for its own imperialist ends. Third, the gigantic military establishment and permanent arms industry are now in the business of justifying their continued existences. This justification is done primarily, as you know, by retooling for post-Cold War enemies—the so-called "rogue states"—while at the same time creating new ones, for example by arming corrupt regimes in Southeast Asia.¹⁶ I was reminded of this recently when we went to see comedian Kate Clinton. She thought Secretary Powell had taken too much trouble in his presentation

attempting to convince the Security Council that Iraq had weapons of mass destruction.¹⁷ Why not, she asked, “just show them the receipts?” Fourth, **we have seen the exercise of extraordinary influence by arms makers on both domestic and foreign policy.** For domestic pork barrel and campaign finance reasons, **obsolete or unproven weapons systems continue to be funded even when the military does not want them!**¹⁸ And, **just when we thought we had survived the nuclear arms race nightmare, the United States has undertaken to design new kinds of nuclear weapons,**¹⁹ even when those designs have little military value.²⁰ Overseas, **limitations on arms sales are being repealed, and arms markets that should not exist are being constantly expanded**²¹ for the sake of dumping inventory, even if those weapons are eventually used for “rogue” purposes by rogue states. **This system skews security considerations, and militarizes foreign policy.** Force has to be the preferred option because other conduits of policy are not sufficiently well-funded. Plus, those **stockpiled weapons have got to be used or sold so that we can build more.** Fifth, enlarging upon this in a document entitled The National Security Policy of the United States, **we were treated last September to “the Bush doctrine,” which for the first time in U.S. history declares a preemptive strike policy.** This document states, “America will act against emerging threats before they are fully formed.”²² If they are only emerging and not fully formed, you may wonder, how will we know they are “threats”? Because someone in Washington has that perception, and **when the hunch hits, it is the official policy of this country to deploy the military.**²³ **All options—including the use of nuclear weapons—are always on the table.**

Presidential adventurism causes nuclear war

Symonds 4-5-13 [Peter, leading staff writer for the World Socialist Web Site and a member of its International Editorial Board. He has written extensively on Middle Eastern and Asian politics, contributing articles on developments in a wide range of countries, “Obama’s “playbook” and the threat of nuclear war in Asia,” <http://www.wsws.org/en/articles/2013/04/05/pers-a05.html>]

The **Obama** administration **has engaged in reckless provocations against North Korea** over the past month, **inflaming tensions in North East Asia and heightening the risks of war.** Its campaign has been accompanied by the relentless demonising of the North Korean regime and claims that the US military build-up was purely “defensive”. However, the Wall Street Journal and CNN revealed yesterday that the Pentagon was following a step-by-step plan, dubbed “the playbook”, drawn up months in advance and approved by the Obama administration earlier in the year. The flights to South Korea by nuclear capable B-52 bombers on March 8 and March 26, by B-2 bombers on March 28, and by advanced F-22 Raptor fighters on March 31 were all part of the script.¶ There is of course nothing “defensive” about B-52 and B-2 nuclear strategic bombers. The flights were designed to demonstrate, to North Korea in the first instance, the ability of the US military to conduct nuclear strikes at will anywhere in North East Asia. The Pentagon also exploited the opportunity to announce the boosting of anti-ballistic missile systems in the Asia Pacific and to station two US anti-missile destroyers off the Korean coast.¶ According to CNN, the “playbook” was drawn up by former defence secretary Leon Panetta and “supported strongly” by his replacement, Chuck Hagel. The plan was based on US intelligence assessments that “there was a low probability of a North Korean military response”—in other words, that Pyongyang posed no serious threat. Unnamed American officials claimed that Washington was now stepping back, amid concerns that the US provocations “could lead to miscalculations” by North Korea.¶ However, having deliberately ignited one of the most dangerous flashpoints in Asia, **there are no signs that the Obama administration is backing off.** Indeed, on Wednesday, Defence Secretary Hagel emphasised the military threat posed by North Korea, declaring that it presented “a real and clear danger”. The choice of words was deliberate and menacing—an echo of the phrase “a clear and present danger” used to justify past US wars of aggression.¶ The unstable and divided North Korean regime has played directly into the hands of Washington. Its bellicose statements and empty military threats have nothing to do with a genuine struggle against imperialism and are inimical to the interests of the international working class. Far from opposing imperialism, its Stalinist leaders are looking for a deal with the US and its allies to end their decades-long economic blockade and open up the country as a new cheap labour platform for global corporations.¶ As the present standoff shows, Pyongyang’s acquisition of a few crude nuclear weapons has in no way enhanced its defence against an American attack. The two B-2 stealth bombers that flew to South Korea could unleash enough nuclear weapons to destroy the country’s entire industrial and military capacity and murder even more than the

estimated 2 million North Korean civilians killed by the three years of US war in Korea in the 1950s.¶ North Korea's wild threats to attack American, Japanese and South Korean cities only compound the climate of fear used by the ruling classes to divide the international working class—the only social force capable of preventing war.¶ Commentators in the international media speculate endlessly on the reasons for the North Korean regime's behaviour. But the real question, which is never asked, should be: why is the Obama administration engaged in the dangerous escalation of tensions in North East Asia? The latest US military moves go well beyond the steps taken in December 2010, when the US and South Korean navies held provocative joint exercises in water adjacent to both North Korea and China.¶ Obama's North Korea "playbook" is just one aspect of his so-called "pivot to Asia"—a comprehensive diplomatic, economic and military strategy aimed at ensuring the continued US domination of Asia. **The US has stirred up flashpoints throughout the region and created new ones, such as the conflict between Japan and China over the disputed Senkaku/Diaoyu islands** in the East China Sea. Obama's chief target is not economically bankrupt North Korea, but its ally China, which Washington regards as a dangerous potential rival. Driven by the deepening global economic crisis, **US imperialism is using its military might to assert its hegemony over Asia and the entire planet.**¶ The US has declared that its military moves against North Korea are designed to "reassure" its allies, Japan and South Korea, that it will protect them. Prominent figures in both countries have called for the development of their own nuclear weapons. US "reassurances" are aimed at heading off a nuclear arms race in North East Asia—not to secure peace, but to reinforce the American nuclear monopoly.¶ **The ratcheting-up of tensions over North Korea places enormous pressures on China** and the newly-selected leadership of the Chinese Communist Party. An unprecedented public debate has opened up in Beijing over whether or not to continue to support Pyongyang. The Chinese leadership has always regarded the North Korean regime as an important buffer on its northeastern borders, but now fears that the constant tension on the Korean peninsula will be exploited by the US and its allies to launch a huge military build-up.¶ Indeed, all of the Pentagon's steps over the past month—the boosting of anti-missile systems and practice runs of nuclear capable bombers—have enhanced the ability of the US to fight a nuclear war against China. Moreover, the US may not want to provoke a war, but **its provocations always run the risk of escalating dangerously out of control.**

Undoubtedly, Obama's "playbook" for war in Asia contains many more steps beyond the handful leaked to the media. **The Pentagon plans for** all eventualities, including the possibility that a Korean crisis could bring the US and China head to head **in a catastrophic nuclear conflict.**

Arms sales increase the probability of regional conflict and leads to US-Russia-China escalation

Klare 13 (Michael Klare is a professor of peace and world security studies at Hampshire College The Booming Global Arms Trade Is Creating a New Cold War
<http://www.motherjones.com/politics/2013/05/global-arms-trade-new-cold-war>)

These are just some examples of **recent arms deals** (or ones under discussion) that **suggest a fresh willingness** on the part of the major powers **to use weapons transfers as instruments of geopolitical intrusion and competition.** **The reappearance of such behavior suggests a troubling resurgence of Cold War-like rivalries.** Even if senior leaders in **Washington, Moscow, and Beijing** are not talking about resurrecting some twenty-first-century version of the Cold War, **anyone with a sense of history can see that they are headed down a grim, well-trodden path toward crisis and confrontation.** What gives this an added touch of irony is that **leading arms suppliers and recipients, including the United States,** recently **voted** in the U.N. General Assembly **to approve the Arms Trade Treaty** that was meant to impose significant constraints on the global trade in conventional weapons. Although **the treaty has many loopholes, lacks an enforcement mechanism, and will require years to achieve full implementation,** it represents the first genuine attempt by the international community to place real restraints on weapons sales. "This treaty won't solve the problems of Syria overnight, no treaty could do that, but it will help to prevent future Syrias," said Anna MacDonald, the head of arms control for Oxfam International and an ardent treaty supporter. "It will help to reduce armed violence. It will help to

reduce conflict." This may be the hope, but such **expectations will quickly be crushed if the major weapons suppliers, led by the US and Russia, once again come to see arms sales as the tool of choice to gain geopolitical advantage in areas of strategic importance.** Far from bringing peace and stability—as the proponents of such transactions invariably claim—**each new arms deal now holds the possibility of taking us another step closer to a new Cold War with all the heightened risks of regional friction and conflict that entails.** Are we, in fact, seeing a mindless new example of the old saw: that those who don't learn from history are destined to repeat it?

US-Russia miscalculation causes extinction

Barrett et al. 1/6 (Anthony M. Barrett- Global Catastrophic Risk Institute, Seth D. Baum- Center for Research on Environmental Decisions, Columbia University, Kelly R. Hostetler- Department of Geography, Pennsylvania State University, 2013, "Analyzing and Reducing the Risks of Inadvertent Nuclear War Between the United States and Russia", http://sethbaum.com/ac/fc_NuclearWar.pdf)

War involving significant fractions of the U.S. and Russian nuclear arsenals, which are by far the largest of any nations, **could have globally catastrophic effects such as severely reducing food production for years,** 1,2,3,4,5,6 potentially **leading to collapse of modern civilization worldwide and even the extinction of humanity.** 7,8,9,10 **Nuclear war between the US and Russia could occur by various routes, including accidental or unauthorized launch;** deliberate first attack by one nation; **and inadvertent attack.** In an accidental or unauthorized launch or detonation, system safeguards or procedures to maintain control over nuclear weapons fail in such a way that a nuclear weapon or missile launches or explodes without direction from leaders. In a deliberate first attack, the attacking nation decides to attack based on accurate information about the state of affairs. **In an inadvertent attack, the attacking nation mistakenly concludes that it is under attack and launches nuclear weapons in what it believes is a counterattack.** 11,12 **Brinkmanship strategies incorporate elements of all of the above, in that they involve deliberate manipulation of the risk of otherwise unauthorized or inadvertent attack as part of coercive threats that "leave something to chance,"** i.e., **"taking steps that raise the risk that the crisis will go out of control and end in a general nuclear exchange."** 13,14) Over the years, nuclear strategy was aimed primarily at minimizing risks of intentional attack through development of deterrence capabilities, though numerous measures were also taken to reduce probabilities of accidents, unauthorized attack, and inadvertent war. 15,16,17 For purposes of deterrence, both U.S. and Soviet/Russian forces have maintained significant capabilities to have some forces survive a first attack by the other side and to launch a subsequent counter-attack. However, concerns about the extreme disruptions that a first attack would cause in the other side's forces and command-and-control capabilities led to both sides' development of capabilities to detect a first attack and launch a counter-attack before suffering damage from the first attack. 18,19,20 Many people believe that with the end of the Cold War and with improved relations between the United States and Russia, the risk of East-West nuclear war was significantly reduced. 21,22 However, it has also been argued that **inadvertent nuclear war between the United States and Russia has continued to present a substantial risk.** 23,24,25,26,27,28,29,30,31,32,33 **While the United States and Russia are not actively threatening each other with war, they have remained ready to launch nuclear missiles in response to indications of attack.** 34,35,36,37,38 **False indicators of nuclear attack could be caused in several ways.** First, a wide range of events have already been mistakenly interpreted as indicators of attack, including weather phenomena, a faulty computer chip, wild animal activity, and control-room training tapes loaded at the wrong time. 39 Second, terrorist groups or other actors might cause attacks on either the United States or Russia that resemble some kind of nuclear attack by the other nation by actions such as exploding a stolen or improvised nuclear bomb, 40,41,42 especially if such an event occurs during a crisis between the United States and Russia. 43 A variety of nuclear terrorism scenarios are possible. 44 Al Qaeda has sought to obtain or construct nuclear weapons and to use them against the United States. 45,46,47 Other methods could involve attempts to circumvent nuclear weapon launch control safeguards or exploit holes in their security. 48,49 **It has long been argued that the probability of inadvertent nuclear war is significantly higher during U.S.-Russian crisis conditions,** 50,51,52,53 **with the Cuban Missile Crisis being a prime historical example of such a crisis.** 54,55,56,57,58 **It is**

possible that U.S.-Russian relations will significantly deteriorate in the future, increasing nuclear tensions.⁵⁹ There are a variety of ways for a third party to raise tensions between the United States and Russia, making one or both nations more likely to misinterpret events as attacks.^{60,61,62,63}

Nuclear conflict with China is an EXISTENTIAL risk – causes nuclear winter

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

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

Arms sales rapidly escalate Middle East war

Cunningham 12 (Erin, Erin Cunningham is GlobalPost’s editor for the Middle East, Africa, Afghanistan and Pakistan. Erin has reported from the Middle East, South Asia and the Balkans for five years, covering Kosovo's independence, the military surge in Afghanistan, protests in Cairo's Tahrir Square, the first democratic elections in Tunisia, and Israeli military operations in Gaza. Small arms fuel Middle East conflicts <http://www.globalpost.com/dispatch/news/regions/middle-east/121128/small-arms-middle-east-conflict-weapons>)

From Libya to Syria, Yemen and the Gaza Strip, everything from shotguns and semi-automatic rifles to anti-tank and anti-aircraft weapons are making local and regional conflicts more lethal, scarring the societies where the weapons end up. And analysts say the problem is only getting worse. “Things have intensified since the Arab Spring,” said Martin Butcher, arms policy adviser at London-based Oxfam, about the region’s weapons trade. “There were particularly troubled hotspots in the Middle East, where illegal or grey market transfers were the norm,” he said, referring to a type of weapons transaction that may begin as legal but diverts arms to illegal end-markets. As the unrest spread, he said, so did the illicit weapons flows. “It’s starting to get worse,” he concluded. Long-term conflicts in the Middle East have helped flood the region with small arms. Some of the weapons arrive as bribes from Western governments to oppressive regimes for maintaining peace with Israel or are acquired by armed groups

challenging state power, such as Kurdish separatists in Turkey and Iraq. Gathering comprehensive, accurate data on the region's small arms trade is difficult because regional governments lack transparency. But according to the Congressional Research Service, the US Congress's public policy research arm, **the Middle East is the developing world's largest arms market. The United States is the leading exporter of legal small arms to governments across the region.** It sold \$1.1 billion of weapons to Bahrain, Egypt and Yemen from 2005 to 2010. Some of the arms have ended up on the black market and in the hands of smugglers like Abu Ibrahim. His Bedouin kin in Sinai's north have engaged in a low-intensity conflict with heavy-handed security forces for years. The conflict is fueled largely by the presence of illicit small arms, including recent shipments from post-Gaddafi Libya, where ordinary people joined rebels pillaging arsenals during the civil war. During the tumult that accompanied the Arab Spring, weakened or toppled governments in Egypt, Libya and Syria withdrew from borders and other guarded areas, giving up weapons stocks as they fled rebel fighters. Across the Sinai Peninsula — where police and intelligence forces recently retreated under fire from armed protesters — smugglers, Islamic militants, criminal networks and armed gangs are amassing even more weapons that have poured across Egypt's porous border with Libya. Locals say that in addition to assault rifles, Soviet-made large-caliber machine guns, US-manufactured Glock pistols, Chinese shotguns, anti-tank weapons and rocket-propelled grenade launchers are all feeding the frequent armed confrontations between militants, locals and Egyptian security forces. "This has always been a passageway for wars," Ibrahim said. "We're not treated well by the authorities. If we were, we wouldn't need weapons." **Illegal weapons shipments from Libya and Iran are helping fuel the full-scale civil war in Syria,** where a peaceful uprising developed into an armed conflict that's killed around 30,000 people, according to anti-government activists. Oxfam's Butcher pointed to reports saying weapons are being shipped directly from Benghazi, the cradle of Libya's uprising, to the rebel Free Syria Army via Lebanon. **"It is absolutely clear that the sustained battle in Aleppo couldn't possibly have happened without a large amount of arms coming in from outside,"** he said. Syria's largest city has been at the center of a pitched battle between the Free Syrian Army and the forces of President Bashar al-Assad for months. **"There is a very steady flow of arms going in — from Lebanon, Iraq, Turkey and even Jordan,"** said Nicolas Marsh, an arms researcher at the Norwegian Initiative for Small Arms Transfers, a coalition of civil society groups seeking to reduce armed violence. **"If the opposition in Syria had run out of ammunition, they would have lost right away." Illegal small arms can tilt the balance of power in some conflicts, but they often help entrench stalemates in which the breakdown of infrastructure and services increases perceptions of insecurity — and intensifies violence.**

Middle East wars cause extinction

Russell, 9 (James A. Russell, Senior Lecturer, National Security Affairs, Naval Postgraduate School, '9 (Spring)

"Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East" IFRI, Proliferation Papers//, #26, http://www.ifri.org/downloads/PP26_Russell_2009.pdf)

Strategic stability in the region **is** thus **undermined by** various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) **the presence of non-state actors that introduce unpredictability into relationships between the antagonists;** (3) **incompatible assumptions about the structure of the deterrent relationship** that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that

Iran's response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

AT Executive Recognition Authority

President doesn't have exclusive recognition authority

Grand 15- Cara J. JD Candidate Duke University Law School 2016 ("ZIVOTOFSKY V. KERRY: OF PASSPORTS, POLITICS, AND FOREIGN POLICY POWERS", Duke Journal of Constitutional Law, lexis)

Even if the Supreme Court does find sufficient basis to conclude that section 214(d) constitutes an amendment to United States foreign recognition policy toward Jerusalem, there is currently a dearth of evidence demonstrating that the executive has broad exclusive authority to set foreign recognition policy, and as such, that section 214(d) would violate separation of powers. While Secretary Kerry never asserts that there is any explicit foundation for an exclusive presidential recognition power in the Constitution, he continues to argue that the "primary source" of this power is the "receive ambassadors" clause of Article II. n133 He explains that because the President's exclusive power to receive an ambassador includes the power to decide whether to establish diplomatic relations with that ambassador's countries of origin, "the recognition power is vested solely in the President." n134 This argument is logically flawed, because it incorrectly assumes that receiving ambassadors is the only means of recognizing a foreign nation. Kerry himself seems to admit this later on in the same argument, when he explains, "[s]imilarly, the President has the power to 'make Treaties' with the advice and consent of the Senate . . . in a manner that fully accords with his recognition policy." n135 Here, the Secretary appears to acknowledge another form of recognition decision, while simultaneously admitting that the President cannot act unilaterally in implementing it. [*56] The Secretary's principal remaining arguments for exclusive executive recognition power are that Congress is not equipped to handle recognition decisions, n136 and that several Supreme Court justices has spoken to this effect. n137 These arguments are tenuous at best. While the many historical examples he cites of early constitutional interpretations make a strong case that the President does have some inherent foreign recognition power, n138 they fail to establish that this power is exclusive. In addition, by criticizing Zivotofsky's position because "the Constitution's text prescribes no role for the Congress in recognition decisions," the Secretary places a higher burden upon Zivotofsky than upon himself, because he does not allege any explicit constitutional support for his argument either. The D.C. Circuit, which ultimately sided with the Secretary, did acknowledge that "[n]either the text of the Constitution nor originalist evidence provides much help in answering the question of the scope of the President's recognition power." n139 However, it adopted the Secretary's interpretations of early post-ratification historical examples, which do nothing to elucidate the full range of the executive's recognition power. n140 As Professor Robert Reinstein has noted, every post-ratification example the D.C. Circuit cited for an exclusive recognition power either proved only that the executive has some non-exclusive recognition power, or even that executive power is subordinate to congressional recognition power. n141 As such, if the Supreme Court does declare an exclusive Presidential foreign recognition power, it will need to draw upon stronger constitutional grounds than the Secretary's constitutional arguments provide. [*57] In rendering its decision, the D.C. Circuit also relied heavily upon Supreme Court dicta, explaining that "carefully considered language of the Supreme Court, even if technically dictum, generally must be treated as authoritative[.]" n142 Despite admitting that the Supreme Court has never held that the President holds exclusive recognition authority, it claimed that Supreme Court has stated such in dicta. n143 However, the court's reliance upon dicta was misplaced. As Judge Tatel noted in his concurrence, neither party, nor any of the amici, have been able to point to a time in our history when the President and Congress have clashed over an issue of recognition. n144 As such, none of the cases the court cited provided any insight as to the scope

of the President's recognition authority within the third category of the Youngstown framework. n145 In fact, of the six Supreme Court opinions that the D.C. Circuit cited, five never stated, even in dicta, that the President's recognition power is exclusive and thus not subject to any contrary acts of Congress. n146 Five of the cases merely asserted the dominance of the President's recognition power over the judiciary, while another explained only that the President could implement recognition decisions in the absence of the Senate's advice and consent. n147 In using this erroneously interpreted dicta as its primary basis for reaching the conclusion that the President holds exclusive recognition authority, the court skirted a necessary discussion regarding where the separation of power actually lies between the executive and legislative branches when it comes to foreign recognition decisions. n148

Decisions Don't Affect Capital

Individual decisions don't affect capital.

Gibson et al., '3

[James (Professor in Political Science at Washington University in St. Louis); Gregory Caldeira (Professor in Political Science at Ohio State University); and Lester Spence (Professor in Political Science at Washington University in St. Louis), "Measuring Attitudes Towards the U.S. Supreme Court", American Journal of Political Science, Vol. 47, No. 2, April 2003]

Perhaps more important is the rather limited relationship between performance evaluations and loyalty to the Supreme Court. These two types of attitudes are of course not entirely unrelated, but commitments to the Supreme Court are not largely a function of whether one is pleased with how it is doing its job. Even less influential are perceptions of decisions in individual cases. When people have developed a "running tally" about an institution—a sort of historical summary of the good and bad things an institution has done—it is difficult for any given decision to have much incremental influence on that tally. Institutional loyalty is valuable to the Court^{precisely} because it is so weakly related to actions the Court takes at the moment.

Courts Rule on Ideology

Justices rule based on ideology and personal considerations.

Pacelle, Prof PoliSci Georgia Southern, **2002**

[Richard L. Pacelle, Jr., Prof of Poli Sci @ Georgia Southern University, The Role of the Supreme Court in American Politics: The Least Dangerous Branch? 2002 p 140-1]

Every decision that a Supreme Court justice makes is inherently political. The Court hears a small number of cases, focusing on the most important issues of the times. Accepting that the Court's decisions are political and have important policy consequences does not explain how those decisions were made. As Prankfurter claimed, "Constitutional law is at all not a science, but applied politics" (O'Brien 1997, 137). To at least some degree, justices are making law and making policy. Judicial restraint would minimize the amount of policymaking. How do Supreme Court justices make the individual decisions that lead to a Court opinion? On the most basic grounds, there are two sets of factors or determinants that justices consider when they weigh the alternatives in a case: legal and extralegal. These are sometimes referred to by the unwieldy terms interpretivism and non-interpretivism, respectively Table 6.1 shows the legal and extralegal factors justices typically use in making their decisions. Suffice it to say that 011 normative grounds, the legal factors are considered preferable to the extralegal. Proponents of judicial restraint say that interpretivism is a process of law while non-interpretivism is a process of politics (McKeever 1993, 29). The terms legal and extralegal refer to a variety of modes of judicial interpretation. The legal factors represent a number of approaches that suggest that justices do their utmost to put their policy views, prejudices, and biases aside when they confront an issue, and decide cases by referring to factors that have a grounding in the law. The legal model argues that judges do not have great discretion in deciding cases. A number of analysts reject this formulaic perception of mechanical jurisprudence. The so-called legal realists'* have refuted the idea that judges lack such discretion, arguing, in effect, that judges make law. Extralegal factors, on the other hand, allow the justices to include political considerations in their calculations and to use their ideological views to inform their decisions. While the legal factors may be the desirable ones, it is clear that extralegal factors may be a better practical explanation for judicial decisionmaking. On the simplest, most general level, the differences between legal and extralegal are reflected in the differences between finding the law and making the law.

Capital irrelevant – court votes on ideology.

Cohen, CBS News Chief Legal Analyst, **09**

[Andrew Cohen, CBS News' Chief Legal Analyst and Legal Editor, 6/30/09, "Supreme Court Term in Review" <http://www.cbsnews.com/blogs/2009/06/30/courtwatch/entry5126577.shtml>]

Not that it needs to, but the Supreme Court has not reached a 50 percent approval rating in national polling in quite some time. And this phenomenon is not likely to change even if (or when) Judge Sotomayor replaces Justice Souter and the Court begins to look more like the rest of America. The sad fact is that a great majority of Americans have no real clue about how the Justices reach their decisions, how they should reach their decisions, or why they rule the way they rule. Compared with the Congress, the Court is a big hit. But compared with the Congress virtually anything this side of Bernard Madoff is a big hit. Nothing the Court did this past term, and nothing it is likely to do in the coming term, is likely to change this dynamic. The Supreme Court proved again in its 2009-2010 that its partisan divides are firmly entrenched. Gone is the Chief Justice's early fantasy of more unanimous rulings in more diverse cases. Gone is the illusion, often recited like a mantra at confirmation hearings, that the Justices will necessarily respect precedent and revere consensus. We should stop fooling ourselves into thinking that things will be different. They never are.

Capital irrelevant - Consensus shows decisions based on ideology, not capital.

Cross and Nelson, '1

[Frank (Professor of Business Law at UT Austin) and Blake (Assistant Professor of Political Science at Penn State, "STRATEGIC INSTITUTIONAL EFFECTS ON SUPREME COURT DECISIONMAKING" 95 Nw. U.L. Rev. 1437, 2001)]

The normative political model, sometimes called the attitudinal model, contends that judges make decisions so as to advance their political or ideological [*1444] policy ends, without regard to either the demands of the normative legal model or the concerns of other institutions.ⁿ³⁹ It is normative in that it assumes that judges are unconstrained and have single-peaked utility functions. In this model, judges decide so as to advance their ideological policy ends, without regard for the formal requirements of law (e.g., constraining precedents and text) and without concern for the reaction of external entities. The political model may find support in legal sources beyond the legal realists and the contemporary critical legal theorists.ⁿ⁴⁰ Supreme Court Justices are commonly characterized as "liberal" or "conservative" - political terms describing the ideological import of their decisions. Significantly, this model of decisionmaking does not necessitate an extremely cynical view of judges, as the political model may reflect subconscious psychology and cognitive dissonance.ⁿ⁴¹ With the growth of clerk populations, it is easy for "the appellate judge to determine a result based on personal notions of fairness and right, and then to leave to the staff attorney the task of constructing reasons to support that result."ⁿ⁴² The political model can be descriptively accurate, even absent conscious judicial policymaking. In contrast to the normative legal model, considerable empirical data supports the claims of the political model of judicial decisionmaking. Many studies have already been described in the legal literature.ⁿ⁴³ Some prominent judges have taken issue with these studies and raised some methodological challenges,ⁿ⁴⁴ though the challenges are readily answered.ⁿ⁴⁵ Perhaps [*1445] the most persuasive evidence can be found in a meta-analysis of studies on judicial decisionmaking conducted by Dan Pinello.ⁿ⁴⁶ He identified 140 research papers that empirically analyzed judicial decisionmaking by party affiliation. A majority of these papers reported data in a manner that could be incorporated in his meta-analysis, and he found that virtually every study showed a positive association between judicial voting and judicial ideology.ⁿ⁴⁷ The studies together contained over 222,000 judicial votes, and the judges' political party explained thirty-eight percent of the variance in their voting.

Overruling Bad Decisions Boosts Capital

Overruling doesn't cost capital – overruling bad decisions boosts capital.

Linton, assoc general counsel Americans United for Life, **1993**

[Paul Benjamin Linton, Associate General Counsel for Litigation, Americans United for Life, 1993, "PLANNED PARENTHOOD V. CASEY: THE FLIGHT FROM REASON IN THE SUPREME COURT" 13 St. Louis U. Pub. L. Rev. 15]

The Court describes this first circumstance as "hypothetical."ⁿ²⁷² The distinct impression left by this passage is that decisions of the Supreme Court overruling earlier decisions on matters of constitutional interpretation are rare and thus should not be too readily emulated, lest the "legitimacy" of the Court be called into question. But this impression is wrong. On more than 200 occasions, the Court has overturned previous decisions, and in nearly three-fourths of those cases, the Court overruled because the earlier decision had wrongly interpreted the Constitution.ⁿ²⁷³ What does this remarkable track record of "judicial correction" mean? At the very least, that the "legitimacy" of the Court is not affected by its acknowledgement of prior error, even when that error involved an interpretation of the Constitution. Indeed, as in Brown and West Coast Hotel, the Court has often enhanced its credibility by overruling decisions that were wrong when originally decided. One more overruling decision, if otherwise appropriate, could not reasonably be expected to damage that credibility.

Overruling bad decisions boosts capital.

Peters, Assis. Prof of Law Wayne State U Law School, **2K**

[Christopher Peters, Assistant Professor of Law, Wayne State University Law School, October 2000, "Assessing the New Judicial Minimalism" 100 Colum. L. Rev. 1454]

Might there be some tension in extolling the connection between rights and the continuity of the common law method, as I did in Part III.C, while at the same time appealing to the adaptability of the common law method, as I have just done in responding to the inertia objection? In the context of overrulings of precedent, this tension may indeed exist. When the Court overrules its own precedent - at least when it does so in fairly short order, as in Adkins and West Coast Hotel - it acts like a legislature repealing a statute, and thus arguably forfeits some of its credibility as a trustworthy decisionmaker about rights.ⁿ³⁰³ Of course, it can also be argued that the Court bolsters its credibility by quickly repudiating decisions that are obviously wrong.ⁿ³⁰⁴

Judicial Capital Doesn't Spillover

Capital doesn't spill over to other decisions.

Redish, Professor of Law and Public Policy at Northwestern, '97

[Martin "'Federalist Society Symposium: Washington, D.C.: November 14 - November 16, 1996: Panel Three: Disciplining Congress: The Boundaries of Legislative Power", 13 J. L. & Politics 585, 1997]

The limited pie theory associated with Professor Choper,ⁿ³⁹ is that the Supreme Court has a limited pie of institutional capital, of institutional goodwill, and if it spends some of that on constitutional federalism, it will be deprived of its opportunity to use that for where it really is needed - individual rights. The reason institutional capital is really needed in individual rights is [*604] primarily that the states can protect themselves in the jungles of the political process, while individuals cannot. To that, my colleague Michael Perry and others have added what implicitly underlies this: that individual rights are simply more important than constitutional federalism.ⁿ⁴⁰ I like to take the position that a true constitutional liberal should strongly believe in adherence to constitutional, not just political, limits on federalism, because federalism serves an important function as a buffer between the government and the individual. The whole idea, the genius of the structure set up by the Framers, was that the system of separation of powers, the system of federalism, and the system of individual rights would all interlock as different fail-safe mechanisms. If federalism and separation of powers are working properly as divisions of government power, tyranny would be prevented, and presumably the number of instances where individuals and government conflict over their rights would be reduced. The story that best illustrates how constitutional federalism can protect against tyranny is the story that I gather is true about Mussolini when he was given a copy of the National Recovery Act, which ultimately was held unconstitutional, and he looks at it and he says in Italian, "Ah, now there's a dictator." And I think that illustrates how dangerous it is in terms of the values of our constitutional system to vest full power within the federal government. The limited pie theory, as a justification, makes no sense because it assumes a kind of fungibility of institutional capital that just doesn't comport with reality. How people feel about individual rights decisions will not be determined by whether the Supreme Court has said anything about constitutional federalism. Reactions to *Roe v. Wade*ⁿ⁴¹ or *Miranda v. Arizona*ⁿ⁴² are based on people's concerns about those decisions. What the Supreme Court says or doesn't say about constitutional federalism will have little, if any, effect on reactions to those decisions. [*605]

Judicial Capital Doesn't Affect Rulings

No clear connection between capital and decisionmaking.

Grosskopf and Mondak, '98

[Anke (Assistant Prof of Political Science @ Long Island University) and Jeffrey (Professor of Political Science @ U of Illinois), 1998, "Do attitudes toward specific supreme court decisions matter? The impact of Webster and Texas v Johnson on Public Confidence in the Supreme Court" Political Research Quarterly, vol. 51 no 3 633-54]

Some evidence supports our political capital perspective, but **the empirical record remains unsatisfying**. Tanenhaus and Murphy (1981) found that approval of Supreme Court rulings accounted for roughly 15 percent of the little variance in diffuse support they detected. However, due to the nine-year gap between the waves of their panel survey, the authors could not attribute change in support to any specific court rulings. **Caldeira (1986) showed that aggregate confidence in the Court varies in response to judicial actions**, such as support for defendants' rights, **but** Caldeira also could **not trace this effect to specific decisions**. Caldeira subsequently (1987) demonstrated that public response to Supreme Court decisions affected aggregate support for Franklin Roosevelt's court-packing plan. However, because the dependent variable was not support for the Court, these results speak only indirectly to the political capital thesis. Unlike survey-based research, **laboratory experiments** (Mondak 1991, 1992) **provide** direct **support for the claim that attitudes toward decisions affect assessments of the Court**. Unfortunately, the generalizability of such findings is uncertain due to the use of hypothetical scenarios, specialized research contexts, and nonrepresentative (i.e., college student) samples.

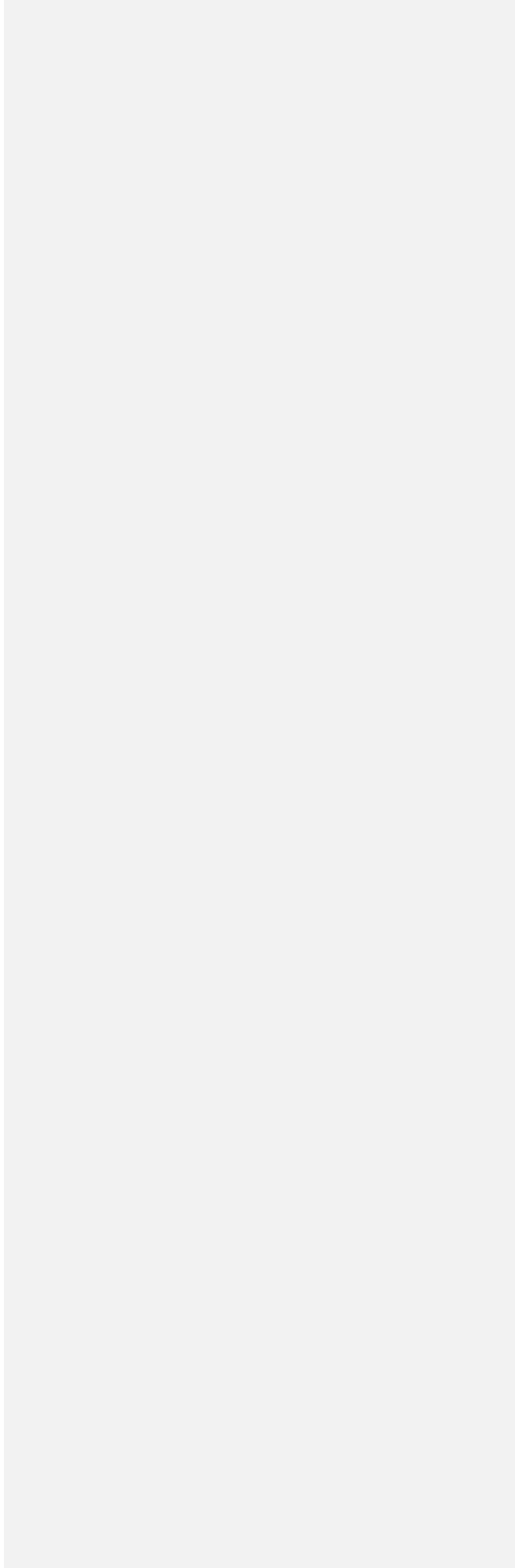
Judges don't consider capital when deciding.

Landau, JD Harvard and clerk to US CoA judge, 2005

[David Landau, JD Harvard Law, clerk to Honorable Sandra L. Lynch, U.S. Court of Appeals for the First Circuit, 2005, "THE TWO DISCOURSES IN COLOMBIAN CONSTITUTIONAL JURISPRUDENCE: A NEW APPROACH TO MODELING JUDICIAL BEHAVIOR IN LATIN AMERICA" 37 Geo. Wash. Int'l L. Rev. 687]

Theoretically, **attitudinalists could argue that judges rule in accordance with their own ideological preferences** honestly, **rather than strategically**, because for some reason judges simply are not capable of, or prefer not to, act strategically. In practice, however, **this is not what they say. Attitudinalists instead say that the factual environment renders strategic action unnecessary**, at least **for U.S. Supreme Court justices, because**, for example, federal judges have life tenure, **U.S. Supreme Court justices have no real ambition for higher office, and congressional overrides are rarely a realistic danger**.ⁿ²⁵ **The Supreme Court's rules** and structures, along with those of the American political system in general, **give** life-tenured **justices** [ⁿ²⁶ **enormous latitude to reach decisions based on their personal policy preferences**].ⁿ²⁶ In other words, **both** strategic and attitudinal **models**, in practice, **assume that judges are willing and able to act strategically**. Where the two theories differ is in their factual assumptions: Strategic models support the belief that judges face various types of constraints that force them to support decisions that differ from their preferred policy points, while attitudinalists believe that **the institutional environment leaves** at least those judges that they study - generally **U.S. Supreme Court justices - free to make decisions that are exactly in accord with their preferred policies**. Similarly, followers of strategic theory could theoretically believe that judges act strategically to maximize achievement of some set of goals other than their ideological policy preferences. For example, perhaps judges could prefer "legalistic" goals like adherence to precedent, but would have to defect strategically from absolute adherence to those goals given the presence of other institutions with some clout, like the U.S. Congress. In practice, however, this is not what happens. Instead, strategic theorists virtually always model judges as strategically furthering sets of ideological policy goals, which are the exact same goals modeled by the attitudinal theorists.ⁿ²⁷ What we have, then, are **two theories that in practice tend to collapse into one**. In both theories, actors are assumed: (1) to have preferences; and (2) to act strategically for the maximization of those preferences.ⁿ²⁸ In addition, attitudinalists and strategic theorists both believe in a particular kind of rational choice theory: Specifically, the **actors' preferences are assumed to be solely ideological, policy-based goals** derived from the political realm. It is important to emphasize that both theories also believe that

the [*697] proper way to test judicial behavior is to look at what judges actually do, not at what they say: Thus, what matters is the outcome, not the reasoning of the case.



Judicial Capital is Resistant

Court decisions do not burn capital – strong presumption that decisions should be accepted.

Fontana, associate professor of law at George Washington University Law School, '8

[David, "The Supreme Court: Missing in Action", Dissent, Vol. 55, No. 2, Spring 2008, RSR]

Second, Court decisions do not necessarily create the backlash that many on the left fear. If the Court had decided cases in favor of rights before the tide had turned against the Bush administration, its decisions might have elicited formulaic and near-obligatory compliance. There is considerable evidence suggesting a strong presumption in American public opinion that the Court's decisions should be widely accepted and then complied with by the other branches of government. Even when citizens disagree with Supreme Court decisions, an overwhelming majority of them are loyal to the Court and inclined to think that the less popular branches of government should fall into line—even when the Court issues controversial decisions such as Bush v. Gore.

Judicial capital is resistant – one controversial decision won't destroy it.

Grosskopf and Mondak, '98

[Anke (Assistant Prof of Political Science @ Long Island University) and Jeffrey (Professor of Political Science @ U of Illinois), 1998, "Do attitudes toward specific supreme court decisions matter? The impact of Webster and Texas v Johnson on Public Confidence in the Supreme Court" Political Research Quarterly, vol. 51 no 3 633-54]

Opinion about the Supreme Court may influence opinion about the Court's decisions, but is the opposite true? Viewed from the perspective of the Court's justices, it would be preferable if public reaction to rulings did not shape subsequent levels of support for the Court. If opinion about the Court were fully determined by early political socialization and deeply rooted attachments to democratic values, then justices would be free to intervene in controversial policy questions without risk that doing so would expend political capital. Consistent with this perspective, a long tradition of scholarship argues that the Supreme Court is esteemed partly because it commands a bedrock of public support, or a reservoir of goodwill, which helps it to remain legitimate despite occasional critical reaction to unpopular rulings (Murphy and Tanenhaus 1968; Easton 1965, 1975; Caldeira 1986; Caldeira and Gibson 1992). The sources of this diffuse support are usually seen as rather stable and immune from short-term influences, implying that evaluations of specific decisions are of little or no broad importance. For instance, Caldeira and Gibson (1992) find that basic democratic values, not reactions to decisions, act as the strongest determinants of institutional support.

Middle East War Impact D

It will fail regardless of presidential action – multiple reasons

Black '11 (4/16 (Conrad, National post, (f/k/a The Financial Post) (Canada), Lexis, "A recipe for peace; We know what a future Israeli-Palestinian peace deal will look like. The question is: When will the Arabs say yes?", April 16, 2011,

There is something faintly nostalgic about former U.S. national security advisor Brent Scowcroft's Financial Times op-ed, published Wednesday, calling for Barack Obama to "broker a new Mideast Peace." The man, the media and the message are all, as Hillary Clinton would say, "so yesterday." It's a little like watching vintage films from the era when American leaders were first "brokering peace" in the Mideast, such as American Graffiti or The Graduate. Brent Scowcroft was the U.S. national security advisor to President Gerald Ford, and he returned to the post under President George H.W. Bush. He is a distinguished foreign-policy and strategic policy specialist, but has never been considered overly original, a reputation that will not be shaken by his new suggestion. is a justly respected newspaper, but its editorial line is always the urbane, gentlemanly, British impulse to speak softly, move in increments, generally advance the conventional wisdom; and don't stretch the imagination, catch a cold thinking outside the box, or get seriously riled up over anything short of a genuine outrage. In this case, however, the conventional wisdom is nonsense. The counsel for President Obama to "broker peace" is on par with Pakistani President Musharraf's advice to Tony Blair to "do Palestine." The Palestinians could have peace with Israel tomorrow if they wanted it. In any event, Barack **Obama is not trusted by Israel.** His chief initiative in the area to date has been to deny the existence of the agreement George W. Bush made with Ariel Sharon, whereby Israel would vacate Gaza, would dismantle some West Bank settlements, and would confine extensions of other settlements in contested areas to natural population growth. (The world's obsession with **settlement abandonment as the key to peace** -which Obama seems to share -**is foolish: If Israel dismantled every settlement,** or even turned them over for occupation by returning Palestinians, **a new pretext to keep the pot boiling would be devised.**) **The larger,** more basic, **problem is rooted in history.** Amid the desperate conditions of the First World War, the British sold the same real estate twice: to the Jews to promote pro-Allied opinion in the United States and the international Jewish community, and to the Arabs to incite rebellion against the occupying Ottoman Turks. The predictable happened when both buyers tried to take possession, and there has never been any answer except to divide the diminutive space in two. This has been the subject of three wars, all of them sparked by the Arabs, and none successfully (although the intervention of Richard Nixon in the 1973 war -after he had supplied the Israelis with a virtually new air force -enabled the Egyptians to claim a partial success). Always, it is claimed that a return to the 1967 borders is the basis of peace, although those borders would leave Israel nine miles wide on its Mediterranean shore, and the West Bank and Gaza sections of Palestine separated by 50 miles. The Arabs effectively had those borders, under the control of Jordan and Egypt, in 1967. Yet they went to war and and lost -events that would not normally be expected to generate reverence for the status quo ante. The facts, which must be perfectly well-known to Brent Scowcroft, are that **it is impossible to deal with the Palestinians while Hamas controls Gaza and the PLO the West Bank;** that **it is impossible to broker anything while the surrounding Arab powers are in turmoil;** that **this U.S. administration is not taken seriously by anybody in the area after the denial of the Bush-era settlements arrangement** and the failure of its Iran policy; and the solution, when the Palestinians are ready, has, as Scowcroft himself notes, largely been identified already. There will have to be some exchanges of territory, to make Israel wider between the Mediterranean and the West Bank. Scowcroft envisions a united Jerusalem serving as the capital of both countries. I don't think so; I think side-by-side Jerusalems, with the Arabs controlling their area beyond Orient House and a special arrangement and assured access to designated holy sites for all faiths throughout both countries. The Palestinian right of return would be to Palestine, and this fairy tale of one big happy Holy Land where all would be brothers, but in fact the Muslims would outnumber the Jews and expel or massacre them yet again, should finally have a silver stake driven through its heart. A clairvoyant is not required to see that this is where it will end up. Nor is one required to see that, as Arab populations have begun to stop being distracted by the red herring of Israel and have focused on the misgovernment from which they have suffered, no Israeli flags have been burned nor Palestinian flags waved about by non-Palestinians. Israel is absolutely legitimate as a Jewish state, and was so constituted by the unanimous permanent members of the United Nations Security Council, on the motion of Stalin's ambassador, seconded by Truman's. The borders have been open to legitimate debate. But when the Palestinians determine that they will no longer be used as cannonfodder, a cause célèbre that enables the leaders of the Muslim powers to misgovern, oppress and pillage their countries, and deflect discontent by waving the bloody shirt of Palestine, the borders could be quickly established along the lines mentioned. If the Palestinians could draw the lesson of the spectacular economic growth of the West Bank, which Israel has assisted, and where Prime Minister Salam Fayyad favours peace and is the first Palestinian leader whose CV does not contain a long stint as an extremist or terrorist; and of the contrast with the collapsed economy in Gaza, which has happily served as a launch-site for rockets aimed at Israeli civilians since Sharon vacated it; then peace would be imminent. **For a sensible and experienced man such as** Brent **Scowcroft to suggest** that President **Obama is in any position to broker anything** in a Middle East where the Arab governments are fighting for their lives with their own people and Hamas is still trying to kill

all the Jews, **is disconcerting**. Even Richard Goldstone, the token anti-Israel Jew recruited by the United Nations to write a smear job on Israel's hugely provoked reprisals against Gaza, has recanted his fraudulent report. Israel has its faults, but it is a legitimate Jewish state, a successful society of laws and enterprise. The Palestinians have grievances, but a **remedy is at hand**. Israel will take half a loaf. If Palestine would also, there would be peace. **But it won't happen until it is clear what Egypt, Syria and Lebanon will look like, and whether anything will be done to curb** the baleful influence in the area of **Iran**. If he was minded to, President could do something about that, but it isn't a matter of brokerage and there is no sign of it coming.

No Israel conflict- no side wants to go to war

Sappenfeld '6 [Mark, "Wider war in Middle East? Not likely." Christian Science Monitor]

Of the dangers presented by the conflict between Israel and Hizbullah in southern Lebanon, **the possibility of a broader Middle East war is among the less likely**. In the 1967 Arab-Israeli war – and repeatedly since – **Israel has shown its clear military supremacy. So dominant has been Israel's advantage in both technology and tactics that former foes such as Jordan and Egypt sued for peace in those wars, while Tel Aviv's avowed enemies – Syria and Iran – have turned to backing terrorists. At this moment, the calculus doesn't appear to have changed.** There is no coalition of Arab governments willing to unite militarily against Israel. Syria's military prowess has crumbled since the fall of the Soviet Union – its greatest benefactor – while Iran remains too geographically remote to strike effectively. The result is a new paroxysm of the proxy war that has existed in the region for a generation – ebbing and flowing as Hizbullah, armed and financed by Iran and Syria, harass Israel without provoking a major Middle East war, military analysts say. **"No state is willing to deal with Israel conventionally," says Seth Jones, a terrorism expert at the RAND Corp.** The shape of the conflict so far – sparked by Hizbullah's raid into northern Israel and capture of two Israeli soldiers – reveals both the capabilities and limitations of each side. Historically, Hizbullah has been able to do little more than nip at Israel's northern border with incursions and sporadic rocket attacks. By and large, its arsenal is primitive, comprising various short-range rockets that can destroy buildings only with a direct hit, yet are difficult to aim with any precision. It has continually fired rockets into northern Israel. Hizbullah's longer-range rockets Yet there are signs of increasing sophistication, perhaps due to help from Iran, experts say. On Friday, Hizbullah launched a more advanced missile, which struck an Israeli warship. Hizbullah rockets are also penetrating deeper into Israel than ever before, with several striking Haifa, Israel's third-largest city, on Sunday. Israel claims that four of the missiles were the Iranian-made Fajr-3, with a 28-mile range. For its part, Israel has so far relied mostly on air strikes as its military response. Monday, Israel acknowledged that its forces had invaded Lebanon, though they returned shortly after. Israel invaded southern Lebanon in 1982. Its army occupied the territory for three years, then withdrew because of the strain of the occupation and broad international condemnation. History also offers a note of caution to Israel's foes. In 1967, Israel responded to Egyptian aggression by taking the Sinai Peninsula and the Gaza Strip from Egypt, the West Bank from Jordan, and the Golan Heights from Syria. Years later, when Syria and Israel fought over control of Lebanon in 1982, Israeli jet fighters reportedly shot down 80 Syrian planes without losing any of its own. Israel's military superiority is built on American support and a skill honed by decades of fighting for the very existence of the nation. Israel receives the best equipment that the United States can offer its allies. **"They have some of the most highly advanced weapons systems in the world," says Dr. Jones. Israel's air force, in particular, has no rival in the region,** which makes air strikes the most effective – and most probable – means of Israeli retaliation and aggression. **Yet Israel has so far focused most of its attacks on Lebanon,** despite Hizbullah's links to Syria and Iran. Indeed, both sides have long used Lebanon as a way to harass the other, since Lebanon's military is almost irrelevant, analysts say. **Even though Israel accuses Syria and Iran of backing Hizbullah's attacks, it hesitates to attack them directly.** The reason is simple: Though Syria's aging military is no match for Israel's, it has missiles that could strike any part of Israel, as well as stocks of chemical weapons. Moreover, the 60 miles from the Israeli border to the Syrian capital of Damascus is one of the most heavily fortified zones in the world. "Syria doesn't have the capacity to win [a war against Israel], but it can cause lots of suffering," says Nadav Morag, former senior director for domestic policy in the Israel National Security Council. Iran more formidable than Syria By contrast, Iran presents a far more formidable challenge – but one that is so remote from Israel geographically as to make hostilities difficult. As with Syria, Iran's greatest threat lies in its missiles. Yet the prospect of firing missiles at America's greatest ally – at a time when it is surrounded by American forces in Iraq and Afghanistan – is decidedly risky. Likewise, **the notion of an Israeli air strike against Iran presents enormous**

logistical hurdles. Although Iran does not possess a credible air force and has only mid-grade Russian air-defense systems to contend with Israeli jets, **Israel would surely be denied overfly rights by the Arab countries that surround them**, meaning it would have to take a circuitous and difficult oversea route to Iran. It would probably be a measure taken only as a last resort., Mr. Morag says.

Israel faces no threat and nobody will provoke them to lashout

Cetron and Davies '7 (Cetron, Marvin J. is president of Forecasting International ; and Davies, Owen former senior editor at Omni magazine and is a freelance writer The Futurist 9-1-07

if Israel ever needed America's unquestioning patronage, it no longer does, despite its embarrassing inability to defeat Hezbollah in the Lebanon conflict of July 2006. **Prime Minister Ehud Olmert made that clear when** (apparently inadvertently) **he admitted** in December 2006 **that his country does indeed possess nuclear weapons. Israel's neighbors may be hostile, but if they sometimes are suicidal as individuals, as nations they are not. Even if they are capable of destroying Israel, as Iran may soon be, they will take no action against it that would provoke a nuclear response.**

No spillover – self-interest overwhelms

Satloff '6 (Satloff, Washington Institute for Near East Policy, executive director, 2006, Robert Satloff, "Forget the Domino Theories," 12/9/06

Linkage also has its more ominous side. **The most common is the fear** that, left unresolved, **the Israeli-Palestinian conflict could explode into a Middle East-wide war**. A second variation locates the epicenter of regional instability in the Persian Gulf. A generation ago the fear was that the export of Iran's Islamic revolution would undermine pro-West Arab states. Today, as Defense Secretary Robert Gates said during his confirmation hearings, the fear is that Sunni-Shiite violence in Iraq will spread like a contagion through the region, leaving ethnic bloodletting in its wake. **The problem** with all these theories **is that after a generation of theorizing about Middle East dominoes, the evidence is piling up: The linkages simply don't exist**. First, military success in the Gulf does not translate into diplomatic success in the region. The Madrid process, a regional initiative, may have had a promising opening session, but once it got down to real bargaining, it ran up against the stark realities of the Israeli-Palestinian and Israeli-Syrian divides. And the idea of building on Saddam Hussein's demise to promote change on the Israeli-Palestinian front may have hastened Yasser Arafat's movement into irrelevance, but it ran aground on the dismal intra-Palestinian political realities of what followed him. Second, local disasters do not translate into regional disasters. **Despite Iran's subversion, terrorism, bullying and threats, every Arab state survived the export of the Islamic revolution**. And despite the near unanimity of received wisdom about the Middle East, **there is no evidence to support the proposition that Israeli-Palestinian violence has substantial regional repercussions, let alone that it could lead to regional war. The best evidence for this counterintuitive conclusion comes from the Palestinian uprising** that began after the collapse of the Camp David summit **in 2000**. With more than 3,000 Palestinian and 1,000 Israeli fatalities, the bloodshed in the subsequent three years was the worst in the history of the Israeli-Palestinian conflict. Yet **the regional impact was virtually zero. Not one Arab state threatened to fight alongside the Palestinians, and none even came to their aid militarily**; indeed, only faraway Iran tried to send weapons. The Arab "street" did not rise in protest. **Neither Jordan nor Egypt severed its peace treaty with Israel, and no Arab state faced significant protests. The conflict -- certainly a horrible experience for Israelis and Palestinians -- was contained. The lesson of the past generation is that** most states in **the Arab Middle East have grown stronger, not weaker. Arab leaders**

are interested first and foremost in survival, which means protecting their national interests not subscribing to romantic notions of ethnic or religious ideology. That is why, for example, Gates's warning about Arab states intervening in Iraq to defend fellow Sunni Arabs from Shiite ethnic cleansing is far-fetched.

Threats of regional spillover are hollow

Westbrook 2 (Bob, "Middle East War Scenario", 2-19, <http://www.trumpetsounds.com/warscenario.html>)

Though these actions would trigger an Israel/Palestinian war, it would not necessarily initiate a broader Middle East war. You may have noticed that until now, most of the major players among the Arab nations have been content to make a lot of noise but do little on behalf of the Palestinians. Whether the Arab/Muslim nations would take up arms against Israel to "protect" the Palestinians is debatable.

Peace has no impact on regional stability

Luttwak 7 (Edward, Senior Associate – Center for Security and International Studies, "The Middle of Nowhere", Prospect Magazine, May, http://www.prospect-magazine.co.uk/article_details.php?id=9302)

Yes, it would be nice if Israelis and Palestinians could settle their differences, but it would do little or nothing to calm the other conflicts in the middle east from Algeria to Iraq, or to stop Muslim-Hindu violence in Kashmir, Muslim-Christian violence in Indonesia and the Philippines, Muslim-Buddhist violence in Thailand, Muslim-animist violence in Sudan, Muslim-Igbo violence in Nigeria, Muslim-Muscovite violence in Chechnya, or the different varieties of inter-Muslim violence between traditionalists and Islamists, and between Sunnis and Shia, nor would it assuage the perfectly understandable hostility of convinced Islamists towards the transgressive west that relentlessly invades their minds, and sometimes their countries. Arab-Israeli catastrophism is wrong, twice over, first because the conflict is contained within rather narrow boundaries, and second because the Levant is just not that important any more.

AT: Court Legitimacy D.A- Michigian 7

N/U Generic

No Trust in Supreme Court

Agiesta 15, (Jennifer Agiesta, CNN polling director, Poll: Trust Lacking in Supreme Court over handling of key issues, CNN Politics, June 8, 2015, <http://www.cnn.com/2015/06/08/politics/cnn-poll-supreme-court-health-care-same-sex-marriage/>)

With major Supreme Court decisions on health care and same-sex marriage expected this month, many lack trust in the Supreme Court's handling of those two issues, according to a new CNN/ORC poll. Yet most approve of the way the court is handling its job generally. A majority, 52%, say they approve of the way the court is handling its job, while 41% disapprove. That's an improvement from an even 48% to 48% split two years ago. Still, when Americans are asked how much they trust the court on a range of issues it will be considering this term or the next, the worst ratings come on health care and same-sex marriage. Only about half say they have at least a moderate amount of trust in the court on health care (50%) or same-sex marriage (49%). There is more faith in the Supreme Court on other key issues on the docket, with most saying they trust the court at least a moderate amount on freedom of speech (69%), voting rights (65%) and the death penalty (60%). ¶

Lack of Public Confidence in Supreme Court

AP 15, (Associated press, 5 things to know about American public opinion on the Supreme Court's health care case, Fox Business, June 24, 2015, <http://www.foxbusiness.com/markets/2015/06/24/5-things-to-know-about-american-public-opinion-on-supreme-court-health-care/>)

LITTLE CONFIDENCE IN COURT'S OBJECTIVITY ¶ Nearly half of Americans are not too confident or not confident at all that the Supreme Court can rule objectively in the case, according to the April AP-GfK poll. Just 1 in 10 are very or extremely confident, while another 4 in 10 are moderately confident. ¶ Six in 10 opponents of the law, compared with 44 percent of the law's supporters, are not confident in the court's ability to rule objectively. ¶ A CBS News-New York Times poll released Monday found that three-quarters of Americans think that the justices sometimes let their personal or political views influence their decisions rather than deciding solely based on their legal analysis. ¶

Status-Quo policies will never have any legitimacy – the programs are perceived to contradict the constitution.

Judis 13 (John Judis, senior editor of the New Republic, June 10, 2013, "The Constitutional Amnesia of the NSA Snooping Scandal", <http://carnegieendowment.org/2013/06/10/constitutional-amnesia-of-nsa-snooping-scandal>)

President Barack Obama has assured us that we need not be worried about the National Security Agency listening to our phone calls or monitoring our Internet use. The NSA's programs, he said, represent "modest encroachments on privacy" that are "worth us doing" to protect the country from terrorists. Count me among those who are not reassured by Obama's statement. I know better—from my schoolboy knowledge of the Constitution and from my own experience during the '60s with unwarranted government surveillance. I don't usually

like to base moral judgments on what the Constitution does or does not allow, but in this case, it makes sense to do so. The Constitution had two very different purposes: One was to create a functioning government; the other, forged in the wake of the American revolution, was to establish constraints that would prevent the abuse of state power. The First Amendment was designed to do the latter; and so was the Fourth, which prohibits “unreasonable searches and seizures.” The administration’s obsessive pursuit of press leaks threatens the First Amendment’s freedom of the press; and the NSA’s surveillance violates the Fourth Amendment’s ban on general warrants—on indiscriminate searches without probable cause. The administration claims that these actions were approved by Congress and authorized by the courts. But I am not impressed that some senators and judges approved these efforts. American history is littered with bad decisions from narrowed minded, short-sighted legislators and jurists. I’ll take my stand with senators Wyden, Udall, Durbin, and Paul on these issues rather than with Senator Lindsay Graham or Roger Vinson, the judge who signed off on the NSA’s surveillance and who also ruled that the Affordable Care Act was unconstitutional. One reason that I am particularly angry about what the administration has done is that I’ve seen it all before. In the wake of the Cold War, both the Federal Bureau of Investigation and Central Intelligence Agency acquired tremendous power to investigate and deter what Washington believed was political subversion. There was little oversight of either agency. In the late ‘40s and ‘50s, the FBI identified and monitored domestic Communists, whom its director J. Edgar Hoover believed to be under every bed sheet, while the CIA operated abroad. Then, in the 1960s, both agencies turned their considerable power and attention to the domestic threat to official Washington posed by opponents of the Vietnam War. Some of what they looked at it was genuine criminal activity—people planting bombs or kidnapping newspaper heiresses—but most of it had nothing to do with criminal activity or with any foreign directed subversion. It simply consisted of determined dissent from what the Johnson and Nixon administrations were doing. Take my own case. I was a politically active radical and socialist during much of the ‘60s and the first half of the ‘70s. I got started in the civil rights and anti-war movements; I was a member of Students for a Democratic Society, although in northern California that didn’t mean much. I was an editor of a theoretical journal euphemistically titled Socialist Revolution (at a time when the real hardliners described themselves as small-c communists), and I was a leader of a nationwide socialist organization called the New American Movement, which tried to pick up where the less crazy parts of SDS left off. I had my own vague vision of what a socialist America would look like, but almost everything that I did was directed at immediate issues like ending the Vietnam War or later impeaching Richard Nixon. I was not a bomb thrower. I advocated running candidates in elections. I taught classes on Marx’s Capital and American history at a school we organized in Oakland. But during this period, I was under almost constant surveillance by the FBI and by other intelligence or police agencies. I received regular visits from the FBI (I told them I wouldn’t talk to them), and they also visited my parents and friends. As my FBI file, which I later obtained, attested, my movements were being monitored even when I didn’t know it. (Most of it is, unfortunately, blacked out.) In organizing demonstrations, I encountered people who turned out to be government agents. I was pulled over by the police with guns drawn for no apparent reason. And I also received inquiries about my tax returns from the IRS even though I was living on about \$3000 a year during much of this period. These inquiries, which to this day may or may not have had something to do with my politics, certainly make me sympathetic to the rightwing groups who were barraged by inquiries from the IRS—whether or not these inquiries were directed by higher-ups in the administration. There were, obviously, people who were subject to far greater harassment than I was, and who played a much greater role in the new left. But that’s what makes my case interesting. I can pretty safely say that there was no good reason to put me under surveillance. After the Watergate scandal, Congress finally recognized that the FBI and CIA had widely overstepped their Constitutional bounds. In 1978, Congress passed the Foreign Intelligence Surveillance Act. It was supposed to limit agency surveillance to people whom the agency suspected, on sufficient grounds to convince a judge, were actually agents of a foreign power. The government agencies weren’t supposed to fool with anybody else. But 35 years later, we learn a government agency has been empowered to monitor all of us all the time. That indiscriminate power, like the power that the CIA and FBI held after World War II, can be directed against domestic dissent. Obama says that the debate over the NSA’s activities is “healthy for our democracy” and a “sign of maturity.” But I think it’s a sign of forgetfulness—of Constitutional amnesia—on the part of Obama and his Attorney General Eric Holder, not to mention the administration’s vaunted intelligence chiefs who want to divert attention from the subject of the leaks, which is their own behavior, onto the leaker. I am hoping Democrats as well as Republicans in Congress remind the administration what the Constitution was designed to do and what the original FISA legislation was meant to do, but judging from the performance of most congressional leaders so far, I am not holding my breath.

Even justices on the Supreme Court say it's illegitimate

Michaelson 6/27 (Dr. Jay Michaelson, writer of five books with topics relating to gay rights, June 27 2015, "Did The Four Dissenting Justices In Gay Marriage Case Just Suggest Treason?", <http://www.thedailybeast.com/articles/2015/06/27/did-dissenting-justices-suggest-treason.html>)

In controversial cases, is the role of jurist to inflame controversy, or quell it? In *Loving v. Virginia*, the 1967 case which found race-based marriage bans unconstitutional, Chief Justice Earl Warren built a 9-0 consensus—just as he'd done years earlier in *Brown vs. Board of Education*. He knew that a country divided by race ought to be united, if possible, by a Supreme Court mindful of fundamental values—even if the Court was, as the constitution requires, overturning the will of the majority. The four dissents in the landmark case on same-sex marriage, *Obergefell v. Hodges*, one by each of the conservative justices on today's Supreme Court, take a very different view. With invective and hyperbole, they pour fuel on the fire of the controversy over same-sex marriage. Rather than merely state their views and disagreements, they use heated language to accuse the five-person majority of imperialism, a "putsch," and worse. Thus, the unprecedented calls of elected officials for open revolt against the Supreme Court—a shocking display of treason—are now accompanied by calls from within the Court itself that *Obergefell* is illegitimate, and the Supreme Court itself no longer worthy of full respect. Ironically, in alleging a new law for the Court, these four justices have brought one into being. Justice Scalia has, as usual, grabbed the spotlight with juvenile taunting usually reserved for the playground. But in fact, all four opinions are shocking. Chief Justice Roberts (joined by Scalia and Thomas) makes a solid, and unsurprising, substantive case. There is, after all, no explicit right to marriage (for gays or anyone else) in the Constitution; it is, rather, a fundamental right inferred into the Fourteenth Amendment's guarantees of due process and equal protection. Thus, one might expect a judicial conservative like Roberts to be suspicious of expanding it, particularly when doing so runs against the expressed will of a majority of state legislatures. But the way he chose to cast his argument ill befits his status as chief justice. "The majority's decision is an act of will, not legal judgment," he writes. That is absurd: the court's decision runs thirty pages, full of all the legal judgments, precedents, and statements of principle one would expect. But that's just the beginning. Across four pages, Chief Justice Roberts analogizes *Obergefell* to the *Lochner v. New York* decision, one of the most notoriously wrongheaded in Supreme Court history. *Lochner* means nothing to most people, but to anyone who's finished the first year of law school, it's a swear word. He's still not done. The Chief Justice of the United States then states (quoting a concurring opinion by Justice Kennedy) that "the legitimacy of this Court ultimately rests 'upon the respect accorded to its judgments.' That respect flows from the perception—and reality—that we exercise humility and restraint in deciding cases according to the Constitution and law. The role of the Court envisioned by the majority today, however, is anything but humble or restrained. Over and over, the majority exalts the role of the judiciary in delivering social change." In other words, the majority is arrogant, unrestrained, and thus not to be respected. It has an "extravagant conception of judicial supremacy." "Those who founded our country would not recognize the majority's conception of the judicial role." And "The Court's accumulation of power does not occur in a vacuum. It comes at the expense of the people. And they know it." Why not just tell the Religious Right to buy pitchforks and blowtorches? Chief Justice Roberts' ironic opinion is immoderate in alleging immoderacy, extreme in alleging extremism. Justice Scalia came next. And he begins thus: "I join THE CHIEF JUSTICE's opinion in full. I write separately to call attention to this Court's threat to American democracy." It seems inevitable that rhetoric like this will stir the next Confederate flag-waving zealot to an act of, if not domestic terrorism, at least outrageous revolt. How could it be otherwise? And yet this, too, was only the first line. The next line is, at best, disingenuous: "The substance of today's decree is not of immense personal importance to me." As if. This from the man who, 12 years ago, wrote in his *Lawrence v. Texas* dissent that the Court "has largely signed on to the so-called homosexual agenda promoted by some homosexual activists directed at eliminating the moral opprobrium that has traditionally attached to homosexual conduct." Is that what the LGBT equality movement is about? Throughout Justice Scalia's hysterical writing in LGBT-related cases, he has doggedly maintained that their subjects are merely "homosexual conduct" and "homosexual sodomy." That there are, in fact, gay and lesbian people is not part of Justice Scalia's worldview, as he has shown time and time again. There is only homosexual conduct. And yet he says, like a "no homo" jock in a locker room, "Hey, I don't care if you're gay." Once again, just getting started. Today's decree says that my

Ruler, and the Ruler of 320 million Americans coast-to-coast, is a majority of the nine lawyers on the Supreme Court. That is outrageous rhetoric and an outrageous sentiment. The decision is not a “decree.” The Court is not a “Ruler”—it is an Article III interpreter of the Constitution, at its most important when it protects minorities against the will of the majority. Even demeaning Supreme Court justices as “lawyers” is a sign of disrespect. Other statements are similar. “This is a naked judicial claim to legislative—indeed, super-legislative—power; a claim fundamentally at odds with our system of government.” “What really astounds is the hubris reflected in today’s judicial Putsch.” And, “With each decision that is unabashedly based not on law, but on the ‘reasoned judgment’ of a bare majority of this Court—we move one step closer to being reminded of our impotence.” Others have already quoted Justice Scalia’s rhetoric—“jiggery-pokery” and the rest—at length, so I won’t spend much time with it here. Because in fact, his jurisprudence is far more shocking. Watch this: When the Fourteenth Amendment was ratified in 1868, every State limited marriage to one man and one woman, and no one doubted the constitutionality of doing so. That resolves these cases. When it comes to determining the meaning of a vague constitutional provision—such as “due process of law” or “equal protection of the laws”—it is unquestionable that the People who ratified that provision did not understand it to prohibit a practice that remained both universal and uncontroversial in the years after ratification. We have no basis for striking down a practice that is not expressly prohibited by the Fourteenth Amendment’s text, and that bears the endorsement of a long tradition of open, widespread, and unchallenged use dating back to the Amendment’s ratification. I have quoted this passage at length so there is no misunderstanding. What Justice Scalia is saying here is that if it was “universal and uncontroversial” in 1868, it’s obviously okay now. That principle, of course, would allow states to ban interracial marriages, including that of Justice Thomas. It would allow states to bring back the doctrine that a woman surrenders all her rights to her husband upon marriage. It is shocking. To be sure, it is also of a piece with Justice Scalia’s “originalism” and is not, as such, novel. But its strict application here places Justice Scalia in a bizarre twilight-zone of 19th century values. Likewise, Justice Thomas’s description of “the dangerous fiction of treating the Due Process Clause as a font of substantive rights.” That “fiction” has protected rights to contraception, to abortion, and to all kinds of intimate family matters. Justice Thomas’s reactionary jurisprudence would erase half a century of gains in the area of civil rights. And likewise Justice Alito’s talking-point dictum that the opinion will be “used to vilify Americans who are unwilling to assent to the new orthodoxy.” This, of course, is a commonplace on the Religious Right—but its appearance in a Supreme Court opinion is nonetheless shocking. But it is Justice Alito’s parting jab which resonates the most. Obergefell, he writes, evidences “the deep and perhaps irredeemable corruption of our legal culture’s conception of constitutional interpretation.” This from someone who joined an opinion overturning fifty years of due process jurisprudence, and another arguing a return to 1868’s family values. “All Americans,” he concludes, “should worry about what the majority’s claim of power portends.” Claim of power—as if the Constitution does not empower the Court to do exactly what it has done: use reasoning and interpretation to defend constitutional rights against laws that would abridge them. These are, as the saying goes, fighting words, and more importantly, they are words that will inspire others to fight. They are what some call “stochastic terrorism,” the broadcasting of a message so incendiary as to inspire some “lone wolf” to violence—if not actual violence, then precisely the kinds of anti-democratic, anti-American defiance we have already seen among some politicians. Were the targets of such acts only gays and lesbians, it would be bad enough. But these four dissents have encouraged disrespect of the Supreme Court itself. Agree or disagree with the Court’s method of interpreting the Constitution, they are acts of vandalism against one of the foundations of our democracy.

Court legitimacy down now – conservatives are calling for the ruling to still be challenged up until the 2016 election

Ring 6/26 (Trudy Ring, journalist for [advocate.com](http://www.advocate.com), June 26 2015, “Right Wing Vowing to Refuse and Resist”, <http://www.advocate.com/politics/marriage-equality/2015/06/26/right-wing-vowing-refuse-and-resist>)

Antigay activists have begun responding to this morning’s marriage equality ruling, and their responses are full of comparisons to the Dred Scott decision of 1857, which ruled that African-Americans had no citizenship rights, and 1973’s Roe v. Wade, which legalized abortion nationwide. They’re talking a lot about disenfranchisement of citizens who voted for marriage bans. They are also not conceding defeat. Some are making general statements about not obeying the decision, although it’s unclear what form that will take. But the National Organization for Marriage is again calling for a federal constitutional amendment to ban same-sex marriage, something endorsed by Republican presidential hopefuls including Mike Huckabee and Bobby Jindal. It’s also promoting the First

Amendment Defense Act, which has been introduced in Congress and would prohibit federal agencies from denying grants, tax exemptions, certifications or licenses because of a business or individual's belief that marriage should be limited to heterosexual couples, and similar state-level bills. Other efforts to block marriage equality include a bill proposed in the U.S. House by Rep. Steve King of Iowa, which would strip the federal courts of jurisdiction over marriage. None of these efforts are likely to succeed, at least at the federal level; in some states, "license to discriminate" legislation may have a chance. **The right wing is also calling for marriage to be an issue in the 2016 presidential election.** Herewith, some reactions, with written statements styled as the authors wrote them: "Just as with Roe v. Wade in 1973, the courts will not have the final say on this profound social matter. The American people will stand up for their right to have a voice and a vote, especially as they experience the ways in which redefining marriage fundamentally impairs their freedom to live and work in accordance with their beliefs. With this ruling, the Supreme Court has set our government on a collision course with America's cherished religious freedoms, explicitly guaranteed in the First Amendment of the Constitution. Americans will not stop standing for transcendent truth, nor accept the legitimacy of this decision. Truth is not decided by polls or the passage of time, but by the One who created time and everything that exists therein. We will not lapse into silence but will continue to speak uncompromisingly for the truth about what marriage is, always has been, and always will be: the union of one man and one woman." — Tony Perkins, president, Family Research Council "This is not the first time that the Supreme Court has issued an immoral and unjust ruling. In 1857, the Court ruled in the infamous Dred Scott v. Sandford case that African-Americans could not become citizens of the United States and determined that the government was powerless to reject slavery. In 1927 the Court effectively endorsed eugenics by ruling that people with mental illness and other 'defectives' could be sterilized against their will, saying 'three generations of imbeciles are enough.' And in Roe v. Wade, the Court invented a constitutional right to abortion by claiming it was an integral element of the right to privacy. Over 55 million unborn babies have died as a result. We urge the American people and future presidents to regard today's decision just as President Abraham Lincoln regarded the Dred Scott ruling when he said in his first inaugural address that 'if the policy of the government upon vital questions, affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made ... the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal. Today's decision is by no means the final word concerning the definition of marriage; indeed it is only the beginning of the next phase in the struggle. NOM is committed to reversing this ruling over the long term and ameliorating it over the short term." — Brian Brown, president, National Organization for Marriage "This decision not only denies reality but also robs citizens of their right to self-government. From the gaseous emanations of their own imaginations, five of our supremacist justices have discerned a heretofore nonexistent constitutional requirement that homoerotic unions be recognized as 'marriages.' Just as Dred Scott and Roe v. Wade gave birth to relentless cultural turmoil, division, and suffering, so too will the Obergefell decision. By imposing on the country a deceit buttressed by false allegations that opposition to the legal recognition of non-marital unions as marriages is motivated by 'animus,' these five judges have watered the seeds of strife planted by sexual anarchists. ... This pernicious SCOTUS decision also provides evidence that the moral arc of America—at least with regard to marriage — bends not toward justice, wisdom, or morality but, rather, toward perversity and injustice. Liberals are once again on the shameful side of history and will once again foment cultural conflict and human suffering." — Laurie Higgins, cultural analyst, Illinois Family Institute "**This morning's ruling rejects not only thousands of years of time-honored marriage but also the rule of law in the United States. In states across the nation, voters acted through the democratic process to protect marriage and the family.** Yet, courts around the country chose to disregard the will of the people in favor of political correctness and social experimentation. And we witnessed firsthand the consequences, as individuals were repeatedly targeted by the government for not actively supporting homosexual marriage. **Sadly, our nation's highest Court, which should be a symbol of justice, has chosen instead to be a tool of tyranny, elevating judicial will above the will of the people.** There is no doubt that this morning's ruling will imperil religious liberty in America, as individuals of faith who uphold time-honored marriage and choose not to advocate for same-sex unions will now be viewed as extremists. But to the Court, we send this unequivocal message: We will continue to uphold God's plan for marriage between one man and one woman, and we call on all Christians to continue to pray for the nation, and for those whose religious liberties will be directly impacted by this ruling." — Tim Wildmon, president, American Family Association "This case is about much more than marriage and will go down in history alongside other appalling Supreme Court rulings, like Dred Scott and Roe. Just as the lives of more than 55 million babies lost through abortion echo through the chambers of the Court every day, so the negative impact of this illegitimate decision will sound before the Court for years to come. **The Court solves nothing with this ill-advised ruling, but only intensifies the culture wars,** as it did in Roe, **by cutting short a healthy debate about the definition of marriage, family, and sexuality that our country is having. All Americans should stand against such overreach,** whatever their views on marriage. ... Concerned Women for America will continue to work to support marriage in all areas,

including combating the harmful effects of cohabitation, divorce, and the redefinition of marriage.” — Penny Nance, CEO and president, Concerned Women for America “Although this result was predicted by many observers, the action of the Court is nonetheless startling in its rejection of a societal understanding of marriage that goes back to the dawn of civilization. It tramples on the democratic process by overturning the will of more than 60 percent of American voters and creates a new federal constitutional right in an area where our founding document is silent. We are also concerned that this decision will fan the flames of government hostility against individuals, businesses and religious organizations whose convictions prevent them from officiating at, participating in, or celebrating such unions. We’ve already watched this hostility operate against wedding vendors, military chaplains, and others, and anticipate that today’s decision will open the door to an unwelcome escalation of this problem. Ultimately, however, no court can change the eternal truth that marriage is, and always has been, between a man and a woman. Regardless of today’s decision, Focus on the Family will continue to address the importance of one man, one woman marriage to families, society and especially for children who have a right to both a mother and a father.” — Jim Daly, president, Focus on the Family “While there are many things we can endure any attempt to redefine marriage is a line we cannot and will not cross. That’s why we cannot obey. We just simply have no choice in this matter. ... It matters nothing about how many justices of the Supreme Court think they can change the natural created order. ... If they are that removed from reality that they think they can write an opinion and somehow constitutionalize something that is contrary to the natural created order then that’s a decision we can’t respect, and there have been significant decisions by the Supreme Court in its history that fall in that category, like the Dred Scott decision, and that’s a decision that Abraham Lincoln advocated that there should be no respect for.” — Mat Staver, founder and chairman, Liberty Counsel “We of course are concerned about the freedom of conscience of millions of Americans who continue to believe that marriage is the union of one man and one woman and that both mothers and fathers are important and essential for children. ... We hope that millions of Americans who still believe a marriage is between one man and one woman will continue to proclaim that truth today.” — Austin Nimocks, Alliance Defending Freedom

Red states have had a history of not obeying court rulings they view as “illegitimate”

Culhane 6/26 (John Culhane, professor of law and co-director of the Family Health Law and Policy Institute at Widener Law, June 26 2015, “Beware the red state backlash against today’s historic ruling.”, http://www.politico.com/magazine/story/2015/06/gay-marriage-legal-backlash-119468.html?m=m_t1_2h#.VY2XXvm4TIV)

Justice Anthony Kennedy, as the crucial fifth vote in favor of a constitutional right to marry for gay and lesbian couples, has just cemented his legacy as the Thurgood Marshall of the LGBT movement. In an opinion of astonishing breadth and rhetorical eloquence, he led the Supreme Court through a decision rich in its description of the importance of marriage to the dignity and equality of all couples—and their families. “It is now clear that the challenged laws burden the liberty of same-sex couples, and...they abridge central precepts of equality,” he wrote. No laws thus described could possibly stand. But the Supreme Court’s historic decision in Obergefell v. Hodges can’t mask this reality: In many states, gay and lesbian couples will have great difficulty exercising their newfound marriage rights. In some ways, this new chapter of the gay marriage fight will likely mirror abortion rights in the wake of Roe v. Wade—a right technically legal but frustratingly difficult to exercise in many corners of the country. It’s too simple to see this decision as bringing down the curtain on the national debate over marriage equality, especially since almost two-thirds of Americans now feel that same-sex couples should have a constitutional right to marry. The debate is indeed now largely over in blue states. But today’s decision will supply a hefty dose of oxygen to efforts already underway in red state legislatures to continue to deny marriage rights to gay couples. This won’t be a full-on “Jim Crow Redux.” For one thing, the long struggle to defeat segregation and disenfranchisement laws itself led the Supreme Court to develop a robust doctrine of equality. The LGBT rights movement has benefited from that legacy, and the Court can be expected to continue using it to police efforts to compromise marriage equality. But make no mistake: In certain corners of the country, it’s only going to get tougher for gay and lesbian couples to exercise their now-legal right to wed. And the motivation of lawmakers is the same—to take away constitutional rights. North Carolina laid down an early marker with the recent enactment—over Governor Pat McCrory’s veto—of a law that allows public employees to refuse to participate in the steps needed to make a same-sex marriage valid. In sweeping language, the law allows the clerks who issue the licenses and the magistrates who perform the marriages to opt out performing their duties “based upon any sincerely held religious exemption.” The law isn’t limited to same-sex weddings—a racist magistrate could also refuse to perform an interracial or interfaith wedding—but it’s abundantly clear that same-sex unions were the motivation for this ill-considered measure. The North Carolina law makes clear that someone has to issue a marriage license to a same-sex couple, but there’s no provision requiring the refusenik to state any religious objection beforehand. This lack of notice is sure to lead to some couples suffering public embarrassment upon having a clerk turn and walk away rather than processing their license application. And even though the law tries to ensure that the couple can proceed through the required steps, it’s possible that all the magistrates in a particular county could refuse to perform a wedding, thereby touching off a scramble to

find a magistrate from another county willing to do so. How can such a law be permissible? Don't public officials have a duty to carry out their jobs? Usually, yes. And this law might well be unconstitutional, as it burdens what the Court has just found to be same-sex couples' fundamental right to marry. But establishing the law's unconstitutionality will take time and money. Meanwhile, other conservative states can be expected to follow suit, or take even more radical steps, in short order. After all, North Carolina—which, remember, cast its electoral votes for Obama in 2008—is hardly the most conservative state. Here's an example: the Alabama Senate recently passed a bill that would express the lawmakers' disdain for same-sex marriages by getting the state out of the marriage licensing business entirely. Although the measure stalled in the House, Obergefell could reignite efforts to move it forward. The law would replace licenses with private contracts that would then be filed with the state—a rash move that would destabilize all gay and straight marriages within the state (since contracts can be varied) and create enormous problems for interstate recognition of marriages. Other laws don't as directly block access to marriage for gay and lesbian couples, but are designed to make life harder for same-sex couples. The blowback against Indiana's religious freedom law—which would have allowed businesses to refuse to provide wedding-related services to same-sex couples—was essentially repealed after public outcry. Soon thereafter, though, Mississippi put a similar law in place, without a specific reference to the right of private businesses to discriminate. But it effectively allows discrimination to happen by stating that no one's religious freedom can be substantially burdened without a "compelling reason." Isn't the right to marry a "compelling reason"? After today's decision, yes, but a private business's decision not to provide services to same-sex couples doesn't directly affect their right to marry. The couple would be forced to argue more broadly about the right to be free from discrimination. That argument is hard to make in Mississippi—and in a majority of other states—where anti-discrimination laws don't cover sexual orientation. In many of these states, a similar combination of religious freedom protections and a gap in the anti-discrimination laws will allow religious liberty to trump gay couples' interests. For example, Michigan just passed a law that allows adoption agencies to refuse to provide services to any prospective parents if placing a child with those parents would violate the organization's "sincerely held religious beliefs." This one isn't as likely to prove a real barrier to same-sex couples seeking to adopt, because the law also requires a declining agency to refer the prospective parents to another agency, or to the state's website listing other agencies that will work with the couple. Yet the law is another important case of marriage equality pushback. It puts the state on the side of anti-gay discrimination, because the agencies refusing gay couples receive state money. It segments the adoption market, by ghettoizing same-sex couples. And it furthers the narrative that gay and lesbian couples lack a necessary ingredient—either a mother or a father—that Obergefell effectively rejects in finding that the marriages of same- and opposite-sex couples are equal. These and other initiatives are dramatic illustration of the fact that the people and lawmakers in conservative states won't give up so easily on gay rights. The more interesting question is how widespread and long-lasting the backlash will be.

Conservatives mounting backlash against court on same-sex marriage decision

(Tess, journalist and temporary editorial assistant at Vice News, 06/29/15, Vice News, "Conservatives Prepare Backlash Against US Supreme Court's Same-Sex Marriage Decision", <https://news.vice.com/article/conservatives-prepare-backlash-against-us-supreme-courts-same-sex-marriage-decision>, 06/29/15)

As landmarks and businesses across the country were emblazoned in rainbows celebrating the historic Supreme Court ruling last Friday that made same-sex marriage legal in all 50 states, some conservatives began plotting their backlash. ¶ The 5-4 ruling in favor for same-sex marriage sparked an outcry from some members of the GOP and conservative leaders who claim that religious beliefs are under attack. ¶

Republican presidential contender Sen. Ted Cruz of Texas described the stretch from Thursday to Friday, which included a Supreme Court ruling favorable to President Obama's Affordable Care Act, as "some of the darkest 24 hours in our nation's history." ¶

Cruz said that the rulings on Obamacare, as the ACA is popularly known, and against state bans on same-sex marriage constituted "naked and shameless judicial activism" that has "undermined the fundamental legitimacy of the United States Supreme Court." ¶ He also announced a plan to introduce a constitutional amendment that would subject "lawless" Supreme Court justices to intermittent re-election. ¶ In order to provide the people themselves with a constitutional remedy to the problem of judicial activism and the means for throwing off judicial tyrants, I am proposing an amendment to the United States Constitution that would subject the justices of the Supreme Court to periodic judicial-retention elections," Cruz wrote in the National Review. "Every justice, beginning with the second national election after his or her appointment, will answer to the American people and the states in a retention election every eight years. Those justices deemed unfit for retention by both a majority of the American people as a whole and by majorities of the electorates in at least half of the 50 states will be removed from office and disqualified from future service on the Court." ¶ Wisconsin Gov. Scott Walker, who is expected to soon declare his candidacy for the Republican presidential nomination, also slammed the ruling and called for the passage of a constitutional amendment that would allow states to define marriage. ¶ Walker urged Obama and political leaders across the country "to join me in reassuring millions of Americans that the government will not force them to participate in activities that violate their deeply held religious

beliefs." Following Friday's decision, former Arkansas governor and Republican presidential candidate Mike Huckabee's campaign posted a video of his infant grandson that compares his soiled diapers to the recent rulings. Huckabee released a statement calling the SCOTUS ruling on gay marriage "judicial tyranny." ¶ "I will not acquiesce to an imperial court any more than our Founders acquiesced to an imperial British monarch," he said. "The Supreme Court can no more repeal the laws of nature and nature's God on marriage than it can the law of gravity." ¶ Huckabee also suggested that Christians will resist the court's decision with widespread civil disobedience, comparing the effort to Dr. Martin Luther King's fight against racial discrimination. ¶ "They will go the path of Dr. Martin Luther King, who in his brilliant essay the letters from a Birmingham jail reminded us, based on what St. Augustine said, that an unjust law is no law at all," he said. "And I do think that we're going to see a lot of pastors who will have to make this tough decision." ¶ Rick Santorum, a former Republican senator of Pennsylvania who is running for the presidency, also struggled to come to terms with the ruling. ¶ "What this court said is that anybody who does not toe the line is going to be viewed the same way as someone who doesn't support other civil rights, which is you will be a bigot," he told the Washington Examiner. "Every institution that stands by any type of biblical world view is going to have to deal with the reality that the government is going to tell you that you can no longer believe this and get any accommodation from the government." ¶ "We're losing," he added, "because we're not trying to win." ¶ Jeb Bush, former Republican governor of Florida, and the Sunshine State's junior Republican Sen. Marco Rubio both took more measured approaches, coming short of calling for constitutional amendments, but they upheld the value of "traditional marriage." ¶ "I believe the Supreme Court should have allowed the states to make this decision," Bush said. "In a country as diverse as ours, good people who have opposing views should be able to live side by side. It is now crucial that as a country we protect religious freedom and the right of conscience and also not discriminate." ¶ Rubio echoed this relatively moderate spirit. ¶ "While I disagree with this decision, we live in a republic and must abide by the law," Rubio declared. "A large number of Americans will continue to believe in traditional marriage," and a large number of Americans will be pleased with the Court's decision today. In the years ahead, it is my hope that each side will respect the dignity of the other." ¶ Campaign watchdogs had earlier speculated that Bush might possibly emerge as the first serious pro-gay Republican candidate after he appointed a number of Republican advocates for gay rights to his inner advisory circle. ¶ In some states, political leaders have suggested that Friday's historic ruling could be circumvented or obstructed, at least for a time. ¶ Texas Gov. Greg Abbott released a statement on Friday underscoring the government's "constitutional duty" to protect the religious liberty of Texans. Texas Attorney General Ken Paxton announced on Sunday that county clerks could deny same-sex couples marriage licenses, they will probably be sued for doing so, he said, but noted that "numerous lawyers stand ready to assist clerks defending their religious beliefs." ¶ Officials in Louisiana and Mississippi initially argued that the Supreme Court's decision would not be effective in their states until the Fifth Circuit Court of Appeals ruled on another gay marriage case, which it had deferred to wait for the Supreme Court's judgment. But Louisiana Gov. Bobby Jindal indicated that his state would eventually comply with the ruling, and on Monday it was reported that his state had issued its first marriage license to a same-sex couple after local attorneys determined that there was no reason for a delay. In Mississippi, the state attorney general also issued a letter on Monday informing clerks that they could issue such licenses. ¶ In Alabama, two counties have flatly refused to issue marriage licenses to anyone, and Roy Moore, the chief justice of the Alabama Supreme Court, has made no secret of his resistance to gay marriage. ¶ In Tennessee, two state legislators are working on a bill that would protect religious clergy who refuse to perform same-sex marriages, while a lawmaker in Utah is reportedly preparing legislation that would end the issuing of marriage licenses by the state, ¶ Frank S. Page, president of the Southern Baptist Convention Executive Committee, said that the Supreme Court's decision heralds "a time of deep, spiritual darkness." Mississippi talk radio host Bryan Fischer posted an opinion piece on the American Family Association website with the headline: "Rainbow Jihadists of SCOTUS Blow Up Twin Towers of Truth and Righteousness." ¶

N/U Legitimacy Low

The Supreme Court's legitimacy is low and declining

Jost 14 (Kenneth, professor of law at Georgetown University and Supreme Court editor of CQ Press with a JD from Georgetown University, 2014, "The Court's Ideological Blocs", pg. 1, <http://library.cqpress.com.proxy.lib.umich.edu/scc/document.php?id=ctreprts-jost-2014-1619-93697-2634288&type=hitlist&num=0,06/24/15>)

The decisions of the U.S. Supreme Court are seldom without controversy, and American history has seen fierce public debate over the Court's proper role in the democracy. With lifetime tenure, justices are in principle immune from the vagaries of public opinion. But new issues inevitably come to the Court because of emerging trends in society, and evolving norms and values have always been part of these cases.[¶] As the Court continues to weigh momentous cases on important social issues, the history of past decisions, such as *Roe v. Wade*, continue to be contemplated by legal scholars. Did the Court move too "fast"? How should decisions on evolving social issues be adjudicated in light of prevailing views in society? In 2012, the landmark ruling on the Affordable Care Act was handed down. Many legal scholars noted that the Court's standing with the public and perceived legitimacy was part of the calculus, as 2012 polling data suggested that the Court's traditionally high approval ratings had declined considerably. In advance of the ruling, the American people were divided over how the Court should handle the issue.[¶] Scholars are now trying to make sense of the Court's 2013 decisions — on gay marriage, the Voting Rights Act, affirmative action, and much more — and to see how public opinion might have affected the legal rulings. Writing at the political science blog "The Monkey Cage," Erik Voten of Georgetown examines the various academic hypotheses and some of the relevant research literature; he concludes that applying an "attitudinal model" helps explain certain judicial decisions.[¶] For background research perspective on the gay marriage case, see this reading list, compiled by George Washington University political scientist John Sides. Emory University political scientist Tom Clark also notes in a useful recent blog post that "the justices are indeed sensitive to the dynamics of public opinion on important issues in society. The Court's responsiveness to public opinion is something that political scientists have long studied."

N/U Supreme Court Biased

Supreme Court is biased towards cooperation's

Farganis 12 (Dion, political scientist specializing in Constitutional Law and Judicial Politics, JD candidate at the University of Minnesota Law School, 01/20/12, "Do Reasons Matter? The Impact of Opinion Content on Supreme Court Legitimacy", pg. 206, <http://prq.sagepub.com/content/65/1/206.full.pdf+html>, 06/24/15)

What would have happened if the Supreme Court's opinion in Bush v. Gore had been based on polling data instead of legal arguments? How might the public have reacted to the decision in Brown v. Board of Education if the justices had said that integration was "simply the right thing to do," rather than relying on constitutional provisions and case law? Conventional wisdom certainly holds that neither of these scenarios would have ended well for the Court. Indeed, commentators have long maintained that there are certain types of arguments that justices can legitimately use to defend their rulings and certain types that they cannot (Bobbitt 1982; Chemerinsky 2002; Marmor 2005; Wells 2007). Written opinions that rely on factors such as constitutional text and precedent are thought to help secure the Court's legitimacy; personal beliefs, political ideology, and a host of other "extraconstitutional" justifications, most observers contend, do not (Baker 2004; also see Baird and Gangl 2006; Casey 1974). But are these assumptions well founded? Do the ways in which justices explain their decisions actually affect the Court's legitimacy? Previous studies have focused on other factors affecting the Court's institutional standing, such as public response to specific decisions (Grosskopf and Mondak 1998; Hoekstra and Segal 1996; Nicholson and Howard 2003) or general perceptions of procedural fairness (Baird and Gangl 2006; Casey 1974; Gibson 1989, 1991; Petrick 1968; Scheb and Lyons 2000, 2001; Tyler and Rasinski 1991). However, the extent to which legitimacy can be shaped by the actual arguments and justifications in the Court's opinions themselves remains somewhat unclear (but see Hume 2006). Does the content of the Court's rulings—the rationales that justices provide to explain their votes—influence the Court's institutional well-being? That is, when it comes to Supreme Court legitimacy, do reasons matter?

N/U Drones

The US already has low legitimacy due to the controversies surrounding the drone program

Kennedy 13 (Greg Kennedy, PhD supervision in the areas of American Foreign Policy and Intelligence Studies, 2013, "Drones: Legitimacy and Anti-Americanism",

http://www.strategicstudiesinstitute.army.mil/pubs/Parameters/Issues/WinterSpring_2013/3_Article_Kennedy.pdf)

The appearance of new weapons' technologies often gives rise to questions of legitimacy. The use of missile weapons against armored knights was considered illegitimate and unchivalrous by some, as well as a destabilizing influence on the conduct of civilized warfare. An acknowledged and accepted set of rules, designed to limit the vulnerability of the ruling elite in combat, made longbow and crossbow technology illegitimate in the eyes of that warrior-class.¹ German U-boat actions against commerce in World War I, the use of aerial bombardment against civilian populations, and defoliation agents in Vietnam, are modern examples of new technologies whose legitimacy was contested in times of conflict.² Questions of legitimacy, however, have not always been linked to the condition of war or to a specific technology. British concentration camps during the Boer War were examples of illegitimate policies related to warfare devoid of any specific technological change. Their illegitimacy came not from technology but from the legal and ethical questions raised by the implementation of those methods of waging war.³ Throughout these debates over technology and policies, the term legitimacy seldom meant the same thing. Legitimacy has been used in such circumstances interchangeably with concepts such as proportional, moral, ethical, lawful, appropriate, reasonable, legal, justifiable, righteous, valid, recognized, and logical. The recent phenomena of using unmanned vehicles, or drones, to deliver lethality in situations of conflict is yet another instance in which a type of technology has proliferated before considerations of its legitimacy have been agreed upon: The exponential rise in the use of drone technology in a variety of military and non-military contexts represents a real challenge to the framework of established international law and it is both right as a matter of principle, and inevitable as a matter of political reality, that the international community should now be focusing attention on the standards applicable to this technological development, particularly its deployment in counterterrorism and counter-insurgency initiatives, and attempt to reach a consensus on the legality of its use, and the standards and safeguards which should apply to it.⁴ The current debate over the legitimacy of America's use of drones to deliver deadly force is taking place in both public and official domains in the United States and many other countries.⁵ The four key features at the heart of the debate revolve around: who is controlling the weapon system; does the system of control and oversight violate international law governing the use of force; are the drone strikes proportionate acts that provide military effectiveness given the circumstances of the conflict they are being used in; and does their use violate the sovereignty of other nations and allow the United States to disregard formal national boundaries? Unless these four questions are dealt with in the near future the impact of the unresolved legitimacy issues will have a number of repercussions for American foreign and military policies: **Without a new doctrine for the use of drones that is understandable to friends and foes, the United States risks achieving near-term tactical benefits in killing terrorists while incurring potentially significant longer-term costs to its alliances, global public opinion, the war on terrorism and international stability.**⁶ This article will address only the first three critical questions. The question of who controls the drones during their missions is attracting a great deal of attention. The use of drones by the Central Intelligence Agency (CIA) to conduct "signature strikes" is the most problematic factor in this matter. Between 2004 and 2013, CIA drone attacks in Pakistan killed up to 3,461—up to 891 of them civilians.⁷ Not only is the use of drones by the CIA the issue, but subcontracting operational control of drones to other civilian agencies is also causing great concern.⁸ Questions remain as to whether subcontractors were controlling drones during actual strike missions, as opposed to surveillance and reconnaissance activities. Nevertheless, the intense questioning of John O. Brennan, President Obama's nominee for director of the CIA in February 2013, over drone usage, the secrecy of their controllers and orders, and the legality of their missions confirmed the level of concern America's elected officials have regarding the legitimacy of drone use. Furthermore, perceptions and suspicions of illegal clandestine intelligence agency operations, already a part of the public and official psyche due to experiences from Vietnam, Iran-Contra, and Iraq II and the weapons of mass destruction debacle, have been reinforced by CIA management of drone capability. Recent revelations about the use of secret Saudi Arabian facilities for staging American drone strikes into Yemen did nothing to dissipate such suspicions of the CIA's lack of legitimacy in its use of drones.⁹ The fact that the secret facility was the launching site for drones used to kill American citizens Anwar al-Awlaki and his son in September 2011, both classified by the CIA as al-Qaeda-linked threats to US security, only deepened such suspicions. Despite the fact that Gulf State observers and officials knew about American

drones operating from the Arabian peninsula for years, the existence of the CIA base was not openly admitted in case such knowledge should “. . . damage counter-terrorism collaboration with Saudi

Arabia.”¹⁰ The fallout from CIA involvement and management of drone strikes prompted Senator Dianne Feinstein, Chairwoman of the Senate Intelligence Committee, to suggest the need for a court to oversee targeted killings. Such a body, she said, would replicate the Foreign Intelligence Surveillance Court, which oversees eavesdrop-ping on American soil.¹¹ Most importantly, such oversight would go a long way towards allaying fears of the drone usage lacking true political accountability and legitimacy. In addition, as with any use of force, drone strikes in overseas contingency operations can lead to increased attacks on already weak governments partnered with the United States. They can lead to retaliatory attacks on local governments and may contribute to local instability. Those actions occur as a result of desires for revenge and frustrations caused by the strikes. Feelings of hostility are often visited on the most immediate structures of authority—local government officials, government buildings, police, and the military.¹² It can thus be argued that, at the strategic level, drone strikes are fuelling anti-American resentment among enemies and allies alike. Those reactions are often based on questions regarding the legality, ethicality, and operational legitimacy of those acts to deter opponents. Therefore, specifically related to the reaction of allies, the military legitimacy question arises if the use of drones endangers vital strategic relationships.¹³ One of the strategic relationships being affected by the drone legitimacy issue is that of the United States and the United Kingdom. Targeted killing, by drone strike or otherwise, is not the sole preserve of the United States. Those actions, however, attract more negative attention to the United States due to its prominence on the world’s stage, its declarations of support for human rights and democratic freedoms, and rule-of-law issues, all which appear violated by such strikes. This complexity and visibility make such targeted killings important for Anglo-American strategic relations because of the closeness of that relationship and the perception that Great Britain, therefore, condones such American activities. Because the intelligence used in such operations is seen by other nations as a shared Anglo-American asset, the use of such intelligence to identify and conduct such killings, in the opinion of many, makes Great Britain culpable in the illegality and immorality of those operations.¹⁴ Finally, the apparent gap between stated core policies and values and the ability to practice targeted killings appears to be a starkly hypocritical and deceitful position internationally, a condition that once again makes British policymakers uncomfortable with being tarred by such a brush.¹⁵ The divide between US policy and action is exacerbated by drone technology, which makes the once covert practice of targeted killing commonplace and undeniable. It may also cause deep-rooted distrust due to a spectrum of legitimacy issues. Such questions will, therefore, undermine the US desire to export liberal democratic principles. Indeed, it may be beneficial for Western democracies to achieve adequate rather than decisive victories, thereby setting an example of restraint for the international order.¹⁶ The United States must be willing to engage and deal with drone-legitimacy issues across the entire spectrum of tactical, operational, strategic, and political levels to ensure its strategic aims are not derailed by operational and tactical expediency.

N/U Race surveillance

Courts are perceived to be racist – hurts legitimacy

HRW 08 (Human Rights Watch, international NGO that researches and advocates for human rights, March 7, 2008, “UN Faults US on Racism”, <http://www.hrw.org/news/2008/03/06/un-faults-us-racism>)

The UN’s Committee on the Elimination of Racial Discrimination harshly criticized the US record on race after considering oral and written testimony submitted by the US government. In its conclusions issued today, the committee urged the US to rectify the “stark racial disparities” in criminal justice systems throughout the country. The United States should immediately adopt the UN’s recommendations to alleviate the widespread racial bias it found in the criminal justice system. Human Rights Watch said today. “The UN is telling the US that it needs to deal with an ugly aspect of its criminal justice system,” said Alison Parker, deputy director of the US Program at Human Rights Watch. “The committee outright rejected the government’s claim that more black kids get life without parole sentences because they commit more crimes.” The UN committee condemned what it found to be racial disparities in the death penalty and in the sentencing of youth to life without parole for crimes committed when they were under 18, a practice the committee wants stopped. Further, the committee called on authorities to take steps, including a moratorium on the death penalty, to root out racial bias. The committee also dismissed claims by the US government that it did not have the power to examine the detention of non-citizens at Guantanamo. It urged the US to guarantee “enemy combatants” judicial review of the lawfulness and conditions of their detention. “Once again, the Bush administration has been told by a major human rights body that it is not above the law when it comes to the war on terrorism,” Parker said. “The US should reverse its decision to deny judicial review to non-citizen enemy combatant detainees.” The committee criticized US practices in numerous other areas, including: The Bush administration’s view that its human rights treaty obligations do not apply to laws or practices that are race-neutral on their face but discriminatory in effect; Racial segregation in housing and in public schools; Systemic inadequacies in indigent criminal defense, which have a disproportionate impact on racial minorities; The disenfranchisement of millions of US citizens because they have been convicted of a felony, even though they have fully served their sentences or have been released on parole. The Committee on the Elimination of Racial Discrimination is the UN body of experts responsible for monitoring countries’ compliance with the Convention on the Elimination of all Forms of Racial Discrimination, a human rights treaty ratified by the United States in 1994. The committee’s comments and responses to state party reports are authoritative interpretations of states’ obligations under the treaty. As is its regular practice, the committee considered US compliance with the treaty following the government’s submission of a report, due in November 2003 but finally submitted by the US in April 2007. A US delegation participated in the committee’s meeting to examine the report on February 21 and 22, 2008 in Geneva, and responded to questions.

N/L- Generic

Public approval doesn't influence the legitimacy of the court, neither do Partisan bills Rosen'12[Jeffery, legal affairs editor at The New Republic and president and CEO of the National Constitution Center, "The Supreme Court Has a Legitimacy Crisis, But Not For the Reason You Think:" the New Republic 6/11/2012 <http://www.newrepublic.com/article/politics/103987/the-supreme-court-has-legitimacy-crisis-not-the-reason-you-think> LM]

Last week, a New York Times/CBS poll found that only 44 percent of Americans approve of the Supreme Court's job performance and 75 percent say the justices are sometimes influenced by their political views. But although the results of the poll were striking, commentators may have been too quick to suggest a direct link between the two findings. In the Times article on the poll, for example, Adam Liptak and Allison Kopicki suggested that the drop in the Court's 66 percent approval ratings in the late 1980s "could reflect a sense that the court is more political, after the ideologically divided 5-to-4 decisions in Bush v. Gore and Citizens United." At the beginning of his tenure, Chief Justice John Roberts said that he subscribed to a similar theory. "I do think the rule of law is threatened by a steady term after term after term focus on 5-4 decisions," Roberts told me. But a new study by Nathaniel Persily of Columbia Law School and Stephen Ansolabehere of Harvard suggests that the relationship between the Court's declining approval ratings and increased perceptions of the Court's partisanship may be more complicated than the New York Times and the Chief Justice suggest. According to the study, Americans already judge the Court according to political criteria: They generally support the Court when they think they would have ruled the same way as the justices in particular cases, or when they perceive the Court overall to be ruling in ways that correlate with their partisan views.⁵ If this finding is correct, the most straightforward way for the Court to maintain its high approval ratings is to hand down decisions that majorities of the public agree with. And, like its predecessors, the Roberts Court has, in fact, managed to mirror the views of national majorities more often than not. In a 2009 survey, Persily and Ansolabehere found that the public strongly supported many of the Supreme Court's recent high-profile decisions, including conservative rulings recognizing gun rights and upholding bans on partial birth abortions, as well as liberal rulings upholding the regulation of global warming and striking down a Texas law banning sex between gay men. But if the public agrees with most of the Court's decisions, why is it more unpopular than ever? Part of the answer has to do with the fact that there are a handful of high profile decisions on which the Court is out of step with public opinion, including the Kelo decision allowing a local government to seize a house under eminent domain and the Boumediene case extending habeas corpus to accused enemy combatants abroad, and recent First Amendment decisions protecting unpopular speakers, such as funeral protesters, manufacturers of violent video games, and corporations (in the Citizens United case.) All of these decisions were unpopular with strong majorities of the public. But Persily and Ansolabehere also found that even decisions that closely divide the public can lead to a decrease in the Court's approval rating over time, by increasing the perception among half the public that the Court is out of step with its partisan preferences. Bush v. Gore is perhaps the clearest example. In the short term, the Court's overall approval ratings didn't suffer: Republicans liked the decision, while Democrats didn't, and the two effects canceled each other out. But Persily and his colleagues found that ten years later, Bush v. Gore continues to define the Court for many citizens, destroying confidence in the Court among Democrats while reinvigorating it among Republicans. Since an important component of the Court's overall approval rating is whether Americans perceive themselves to be in partisan agreement with the Court as an institution, Bush v. Gore has led to a statistically significant decline in approval among Democrats as a whole. At the beginning of his tenure, Chief Justice Roberts said he wanted to avoid 5-4 decisions because if people perceived the Court as a partisan institution, they would lose confidence in the institution more generally. But Persily and Ansolabehere's study suggests a more complicated reality: Americans support the Court when they perceive themselves to be in partisan agreement with it, and they lose confidence when they perceive the justices to be moving in a different partisan direction than their own. The study found that most Americans either don't know or guessed wrong about which party's presidents appointed the majority of justices: only a third knew that a majority of justices were appointed by Republican presidents. And the study also found that Republicans who can correctly identify the fact that Republican presidents appointed a majority of justices tend to support the Court, while Democrats who can correctly identify the fact that Democrats appointed a minority of justices express less support. That means that the conservative justices would be wrong to conclude that just because two thirds of the country wants the Court to strike down part of the health care law, similar numbers of Americans

would rally around a 5-4 decision against it. Over the long term, 5-4 decisions along party lines tend to decrease support for the Court among Democrats and increase support among Republicans, simply by reminding Americans of the partisan composition of the Court. If President Obama and other Democrats attack a 5-4 decision striking down health care as an act of Republican partisanship, this would increase the perception among Democrats that the Court doesn't share their partisan views. And Democrats who currently oppose the mandate may come to oppose the conservative justices' overturning of the mandate even more. "If the court strikes down the mandate, and elites, including the President, frame the decision in partisan terms, the decision will reinforce the roots of partisanship that many Americans see in the Court's recent decisions," Persily told me. Given that reality, Chief Justice Roberts may have been too quick to conclude that 5-4 partisan divisions would decrease the Court's legitimacy over time. The decrease in confidence among Democrats may be offset by the increase in confidence among Republicans. But Roberts was certainly correct that the Court should be held to different standards. As Roberts suggested, in an age when the White House and Congress are increasingly viewed as partisan institutions, avoiding polarization on the Supreme Court is a "special opportunity." It is also a defining test of his leadership. Jeffrey Rosen is the legal affairs editor of The New Republic.

The recent Obamacare ruling still hurts legitimacy – While Obamacare may be popular, the process of the ruling hurts the court's credibility.

Suderman 6/25 (Peter Suderman, senior editor at reason.com who writes regularly on healthcare and the federal government, June 25 2014, "In Upholding Obamacare's Subsidies, Justice Roberts Rewrites the Law—Again" <http://reason.com/blog/2015/06/25/in-upholding-obamacares-subsidies-justic>)

Supreme Court Chief Justice John Roberts has rewritten the law to save Obamacare—again. Roberts' majority opinion today in King v. Burwell, which ruled that the Obama administration's decision to allow health insurance subsidies flow through the law's federal exchanges, leaves no doubt that Roberts considers it his duty to keep the law afloat. "Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them," he writes. "If at all possible, we must interpret the Act in a way that is consistent with the former, and avoids the latter." And so Roberts decided that a law which explicitly and repeatedly states that subsidies are limited to exchanges "established by a State," and which defines "State" as one of the 50 states or the District of Columbia, actually allows subsidies in exchanges established by a State or the federal government. Roberts' decision does not interpret Obamacare; it adds to it and reworks it, and in the process transforms it into something that it is not. Roberts has not merely tweaked the law; he has rewritten it to mean the opposite of what it clearly means. Why include the phrase "established by a State under Section 1311"—the section dealing with state-based exchanges—except to limit the subsidies to those particular exchanges? Roberts' opinion reconceptualizes this limiting language as inclusive. The Chief Justice frames his decision as a form of respectful deference to congressional intent. As my colleague Damon Root noted earlier, his opinion cautions that in "every case we must respect the role of the Legislature, and take care not to undo what it has done. A fair reading of legislation demands a fair understanding of the legislative plan." But Roberts' opinion is far more than a fair reading of the legislative plan; it is a Court-imposed decision as to what that plan must be. As Justice Antonin Scalia writes in a scathing dissent, Roberts presumes, with no definitive evidence, that his interpretation is the one that Congress intended. "What makes the Court so sure that Congress 'meant' tax credits to be available everywhere?" Scalia asks. "Our only evidence of what Congress meant comes from the terms of the law, and those terms show beyond all question that tax credits are available only on state Exchanges." Roberts' opinion declares its intent to uphold the law's basic policy scheme, arguing that there would be adverse insurance market effects to a decision in favor of the challengers. In other words, there would have been policy implications to a ruling for the plaintiffs. That is almost certainly true, but it is not an excuse to rewrite the clear language of the law. As Scalia says in the dissent, "The Court protests that without the tax credits, the number of people covered by the individual mandate shrinks, and without a broadly applicable individual mandate the guaranteed-issue and community-rating requirements 'would destabilize the individual insurance market.' If true, these projections would show only that the statutory scheme contains a flaw; they would not show that the statute means the opposite of what it says." The majority has decided how Obamacare's policy scheme should work, and redrafted the statute accordingly. If Roberts had truly wanted to defer to Congress, he could have ruled that the law means what says rather than what it does not, and effectively handed the issue back to the legislature, letting Congress decide whether and how to update the law in accordance with its own wishes. Instead, Roberts made the choice for Congress—taking its power to

craft law for itself. As Scalia writes, "the Court's insistence on making a choice that should be made by Congress both aggrandizes judicial power and encourages congressional lassitude." This is not the first time that Roberts has rewritten the law in order to uphold it. In 2012, he declared that the law's individual mandate to purchase insurance was unconstitutional under the Constitution's Commerce Clause—and yet upheld it by declaring that the law's penalty was instead permissible as a tax. In the same decision, he also found that the law's threat to revoke all federal Medicaid funding from states that decline to participate in Obamacare's expansion of the program was unconstitutionally coercive. But rather than strike the whole thing down, Roberts rewrote it, allowing the Medicaid expansion, and the rest of the law, to continue but without the same threat to state budgets. In his dissent, Scalia argues that there's a pattern to these rulings. "Under all the usual rules of interpretation, in short, the Government should lose this case. But normal rules of interpretation seem always to yield to the overriding principle of the present Court: The Affordable Care Act must be saved." If anything, it's even worse. What Roberts has saved is not the law so much as the Obama administration's dubious, textually unsupported interpretation and implementation of Obamacare. This is not judicial restraint. It is judicial hubris. And while it would be overstatement to say that this damages the legitimacy of the Court, it certainly reflects on the legacy and status of the law. As even Roberts admits in his opinion, the law "contains more than a few examples of inartful drafting" and generally "does not reflect the type of care and deliberation that one might expect of such significant legislation." It is a shoddy, messy piece of legislation, held together, barely, by Supreme Court duct tape. At this point, then, the law is as much a joint project between the administration and the Roberts court as it is a creation of Congress. As Scalia snarks at the end of his dissent, "we should start calling this law SCOTUScare." Regardless of what we call it, that's effectively what it has become.

AT- Legitimacy is constant

No change in court legitimacy – support usually returns back to normal levels and change is only gradual.

Gibson & Nelson 14 (James L. Gibson, Professor of Government at Washington University in St. Louis, and Michael J. Nelson, Ph.D. Candidate at Washington University in St. Louis, February 7, 2014, “The Legitimacy of the U.S. Supreme Court: Conventional Wisdoms, and Recent Challenges Thereto”, <http://mjnelson.org/papers/AnnualReview.pdf>)

One of the current key controversies in the literature concerns the theoretical and empirical connection between diffuse and specific support. The conventional view of the Court’s legitimacy suggests that levels of diffuse support are relatively immune to short-term changes in specific support (Caldeira and Gibson 1992; Gibson and Caldeira 1992). Empirically, fundamental political values— particularly support for democratic institutions and processes—serve as the most important predictors of diffuse support; because these fundamental values tend to be formed early in life and are obdurate, an individual’s level of diffuse support for the Court tends to remain relatively stable over time (Caldeira and Gibson 1992). Moreover, existing theoretical and empirical evidence suggests that most individual-level change in the Court’s support is temporary due to a process of regeneration. Mondak and Smithey (1997) suggest that the deleterious effect of dissatisfaction with a singular decision on individual-level support for the court is short-lived; after a shock, diffuse support gradually increases, eventually returning to its equilibrium level, as democratic values regenerate support for the Court. This claim has been validated empirically using representative, national samples; Durr, Martin, and Wolbrecht (2000) show that short term disruptions in an individual’s support for the Court have effects that only last for a short period. Still, this is not to say that the U.S. Supreme Court is invincible. Baird (2001) suggests that the relationship between specific and diffuse support is a gradual, incremental one. Individuals seem to keep a “running tally” of decisions, crediting the Court when it makes a pleasing decision and subtracting from the tally when the Court makes a disagreeable decision. This running tally theory suggests that the Court’s diffuse support could suffer once some accumulated threshold level of dissatisfaction is reached. Conversely, specific support can be transformed into obdurate diffuse support through a string of pleasing policy decisions; such a change is gradual, underscoring the varied and varying relationships observed between indicators of the two concepts (Gibson, Caldeira, and Baird 1998; Baird 2001). Thus, the relationship between diffuse and specific support is “sticky,” and is far from a one-to-one correlation. This theory is one way to account for variation in levels of diffuse support for the Court among African Americans. Gibson and Caldeira (1992) show that diffuse support for the Court is comparatively lowest among those African Americans who grew up before the Court acted to remedy civil rights violations against them, and among those growing up after the civil rights revolution. Post-civil rights African Americans provide some of the only evidence to date that accumulated grievances can undermine diffuse support in the institution. Yet the relationship is “sticky” inasmuch as the civil rights generation of African Americans did not adjust its attitudes toward the Court as the justices turned away from the expansion of civil rights. However, new research on the Court’s public support has challenged this conventional view, suggesting that individual-level performance dissatisfaction with the Court translates directly and simultaneously into a decrease in diffuse support. The strongest empirical support for this theory comes in a recent article by Bartels and Johnston (2013), who claim that “[c]ontrary to conventional wisdom, a potent ideological foundation underlies Supreme Court legitimacy vis-à-vis subjective ideological disagreement with the Court’s policy-making” (Bartels and Johnston 2013, 197, emphasis in original). Relying on a nationally-representative survey, Bartels and Johnston present empirical evidence that, as individuals’ disagreement with the ideological direction of the Court’s decisions increases, their diffuse support for the Court decreases. Moreover, Bartels and Johnston report data from a survey experiment whose results suggest that even a singular unpopular decision can result in a decrease in individual-level diffuse support. Similarly, Christenson and Glick (2013), analyzing responses to the U.S. Supreme Court’s important 2012 Affordable Care Act decision, found that both exposure to information about the case and individual-level agreement or disagreement with the decision affect change in levels of diffuse support among respondents. These are important empirical findings from the standpoint of legitimacy theory. If each individual decision issued by the Court has the potential to imperil its legitimacy, then we should expect the Court to change its behavior in order to protect the institution. Indeed, a Court whose public support rests on popular approval of its decisions, rather than a long-standing deep pool of public esteem, should be less likely to issue decisions that protect the rights of minorities, to exercise the power of judicial review to check the popularly-elected branches of

government, and to issue decisions that counter the wishes of a majority of Americans. Given the important constitutional and political role of the Court in the American democratic system of governance, it is nearly impossible to overstate the importance of this theoretical and empirical contention.¹ We hesitate to accept this revisionist theory, noting that neither the Bartels and Johnston nor the Christenson and Glick studies include in their analyses measures of democratic values, which existing research has shown to be the single most important predictor of institutional support, nor traditional measures of specific support. In a recent paper, Gibson and Nelson (forthcoming (b)) demonstrate that, once we account for these two factors, individual evaluations of the Court's performance have some independent effect on support for the Court, though the magnitude of that effect is dwarfed by the effect of an individual's democratic values. Thus, it seems that, while specific support may have some direct relationship with diffuse support, that relationship is, at best, a small one.¹² But even if the revisionist view is the correct one, a cascade effect resulting in a permanent diminution of the Court's support is unlikely to occur in practice in the contemporary era. As Gibson and Nelson (forthcoming (b)) note, the current U.S. Supreme Court is balanced ideologically, both in terms of the alignment of the Court's justices and the composition of its decisions; in fact, the distribution of the Court's decisions in recent terms have been nearly half liberal and half conservative, giving everyone—regardless of their ideology—some decisions to disagree with and about the same number to like. Scholars who focus only on the negative effects of unwanted decisions, without also taking into account the positive effects of decisions viewed favorably, overestimate the volatility in institutional legitimacy, and their alarmist views about the consequences of the Court deviating from the preferences of the majority are over-stated. Ironically perhaps, an ideologically divided Court most likely has some benefits for the legitimacy of the institution. As this discussion suggests, ascertaining the relationship between specific and diffuse support is a key unresolved area in the literature, with enormous substantive importance for our understanding of both the Court's role in the political system and its decision making. Crucial to this effort will be the use of panel data to observe within-individual change in diffuse and specific support over time, allowing researchers to move beyond studies of aggregate change to a more nuanced understanding of how individual-level dissatisfaction with the Court's decision affects its diffuse support immediately and the extent to which that effect persists over time. Building this understanding is essential in order to create a complete understanding of the Court's place in American democracy

Legitimacy can't change – even if a judge's political ideology is questioned, Americans believe that their decisions are still based primarily on the constitution.

Gibson & Nelson 14 (James L. Gibson, Professor of Government at Washington University in St. Louis, and Michael J. Nelson, Ph.D. Candidate at Washington University in St. Louis, February 7, 2014, "The Legitimacy of the U.S. Supreme Court: Conventional Wisdoms, and Recent Challenges Thereto", <http://mjnelson.org/papers/AnnualReview.pdf>)

Even if attitudes toward the Supreme Court as an institution are not polarized, there can be little debate over the proposition that the U.S. Supreme Court is today deeply embedded in American politics. When Americans cast their votes for a presidential candidate, many are explicitly thinking about how their vote might shape the make-up of the Supreme Court (e.g., Stolberg 2012 – see also Ross 2012). The Court makes decisions on issues of momentous importance (e.g., Obamacare) for American politics. Moreover, the Court is often divided in its decisions, on occasion, bitterly so, and for the first time in ages, the partisan attachments of the justices line up perfectly with their ideological predilections (e.g., Liptak 2011). That the U.S. Supreme Court is a supremely politicized institution in contemporary American politics is undeniable. But how is this fact of politicization compatible with the view that the American people subscribe to the "myth of legality" – "the belief that judicial decisions are based on autonomous legal principles" and "that cases are decided by application of legal rules formulated and applied through a politically and philosophically neutral process of legal reasoning" (Scheb and Lyons 2000, 929; see also Casey 1974)? If the public believes that judges do nothing more than interpret and apply law through the discretionless processes of syllogisms and stare decisis (sometimes referred to as "mechanical jurisprudence" – see Pound 1908), many threats to judicial legitimacy dissipate. By this view, judges are legal technicians simply doing what they are supposed to do in an objective and value-free manner (see Dworkin 2009).¹³ Denying judicial discretion pre-empts the need for direct political accountability, and thereby enhances judicial legitimacy.¹⁴ But what if the public, like scholars, understands the Court's decision-making process as ideological in nature? What if the American people agree with two of the most prominent analysts of the U.S. Supreme Court in their observation that: "Simply put, Rehnquist votes the way he does because he is extremely conservative; Marshall voted the way he did because he was extremely liberal" (Segal and Spaeth 2002, 86).¹⁵ If it is true that Legal Realism has carried the day¹⁶ – indeed, as Packer (2006, 83) and others (e.g., Peller 1985, Singer

1988) have put it: "We are all realists now."¹⁷ – then how can the Court's legitimacy survive? As Bybee (2012, 750) put it: "... perceptions that judges may be deciding cases on the basis of personal political convictions raises questions about the legitimacy of the system. Where the public confronts a judicial process that always speaks in terms of legal principle and yet is sometimes governed by policy preferences, suspicions of judicial hypocrisy may easily arise, fueling the belief that judges are willfully affecting an air of legal impartiality in order to disguise their pursuit of political goals." Thus, public beliefs that justices decide cases on the basis of ideology, rather than law, raise a potential threat to the legitimacy of the institution. But is the realist model of judicial decision making, in which judicial ideologies and values play a large role in policy making, really incompatible with the popular legitimacy of the U.S. Supreme Court? Although this seems like a simple question, little extant empirical research has attempted to provide answers. And the American people's views of how Supreme Court justices make their decisions are likely more complicated than simply specifying the answer as "yes, they rely on their own values, and are therefore not legitimate" or "no, they strictly follow the law, ignoring their own values, and therefore are legitimate." Moreover, the empirical literature presents us with some important puzzles and unexplained findings and processes, suggesting that the views of the American people are more complex and perhaps even more sophisticated than typically imagined. From existing research on public attitudes toward law and courts, we know that, generally, to know more about courts is to hold them in higher esteem. This finding holds in many parts of the world (e.g., Gibson, Caldeira, and Baird 1998), including the American states (Benesh 2006). It seems that knowing about courts often means knowing that courts are special institutions, different from ordinary political institutions, and, as such, that they are worthy of the esteem of the citizenry. However, the meaning of this simple empirical relationship is far from simple to understand. The puzzle is this: Presumably, those who know more about courts also know more about the realities of how courts actually operate and how judges actually make decisions, and they therefore accept some version of Legal Realism because it is a veridical description of decision making. Yet, if realism undermines legitimacy, why do the most knowledgeable citizens extend greater legitimacy to the Court while simultaneously believing in some version of realism? Put statistically, if (1) increased awareness of courts is positively correlated with a more realistic understanding of how judges make decisions and (2) the realist reality is that judges are policy makers who rely on their own values in making decisions, then (3) awareness should be negatively correlated with institutional support. That positive correlations are so routinely found must indicate some sort of breakdown in the presumed causal chain. Either knowledge does not produce a realistic understanding of decision making, or legitimacy does not depend upon citizens being duped into believing in theories of mechanical jurisprudence and the myth of legality. This conundrum was directly addressed by Gibson and Caldeira (2011) with nationally representative data. The most certain and important conclusion of their analysis is that the legitimacy of the U.S. Supreme Court does not depend on the perception that judges merely "apply" the law in some sort of mechanical and discretionless process. It seems that the American people know that the justices of -18- the Supreme Court exercise discretion in making their decisions. They are also aware that the justices' discretion is guided to at least some degree by ideological and even partisan considerations. None of these understandings seem to contribute to undermining the legitimacy of the Supreme Court. Instead, legitimacy seems to flow from the view that discretion is being exercised in a principled, rather than strategic, way. These findings do not mean that the American people reject the rule of law (indeed, empirical evidence indicates that Americans are unusually strongly attached to the rule of law – Gibson 2007b); nor that judicial legitimacy would be maintained were the Court to eschew the trappings of law. Indeed, it seems likely that a key source of the belief that judges engage in principled decision making is the association of courts with symbols of fairness and legality (Gibson, Lodge, and Woodson 2014; see also Gibson and Caldeira 2009). Just as revisionist judicial scholars (e.g., Bailey and Maltzman 2011; Black and Owens 2009; Richards and Kritzer 2002) are today challenging the extreme variant of the Attitudinal Model by suggesting ways in which law is important to decision making, we suspect neither that the American people view law as irrelevant to judging, nor that judges engage in completely unconstrained policy making. The empirical evidence Gibson and Caldeira adduce suggests that being informed about courts may mean that one understands that judges make decisions in a principled fashion; they are not merely politicians in robes. The mistake of some research might be to assume that principled decision making can only be understood as mechanical decision making. The most important argument these authors make is that the American people seem to accept that judicial decision making can be discretionary and grounded in ideology, while simultaneously principled and sincere. Judges differ from ordinary -19- politicians in acting sincerely, and their sincerity adds tremendously both to their legitimacy and the legitimacy of their institution.¹⁸ Baird and Gangl (2006) also investigate this hypothesis, although their analysis is based on the judgments of college students. They posit that perceptions of legalistic decision-making enhance the perceived fairness of the decision-making process, a key underpinning of judicial legitimacy. In their experiment, they used media reports to try to convince the students that a Court decision was based more on political (legal realism) than legal (mechanical jurisprudence) considerations. Tellingly, the experiment failed on this score, with a majority of the students believing that the justices followed legalistic

considerations even when told about the role of ideological factors (2006, 602). Although this result limits the value of the experiment, it does demonstrate the powerful framing effects of the belief in legalistic decision making and how deeply embedded it is among the political beliefs of many Americans. Importantly, their analysis also demonstrates that greater belief in the myth of legality is associated with greater perceptions of fairness (see also Baird 2001). Baird and Gangl also report an unexpected finding for which they have no explanation. Perceptions of legalistic decision making enhance fairness judgments, but perceptions of political decision making do not detract from fairness. Political decision making is portrayed in their experiment by the belief that the “members of the Court engaged in bargaining and compromise to reach this decision.” Whether the student believed that bargaining was involved had no impact on perceived procedural fairness (2006, 605).¹⁹ What Baird and Gangl may not have appreciated, however, is that two forms of political decision making exist: principled and strategic. Bargaining and compromise can be principled; this process of decision making can focus on real issues and legitimate ideological and legal disagreement. But bargaining and compromise can also be strategic, especially when the actors are attempting to maximize their self-interest (e.g., political ambition) rather than reach a negotiated solution to the issue at hand. We suspect that to the extent that the American people view discretionary and ideologically based decision making as principled, those views will not undermine the Supreme Court’s legitimacy.²⁰ So, in the end, the generation of political scientists and journalists who have propounded Legal Realism and the Attitudinal Model seems to have done little to undermine the legitimacy of the Supreme Court. The American people seem to understand the true nature of decision making in the third branch, but at the same time regard courts as highly legitimate within the American political scheme. Judges are certainly politicians, but what distinguishes judges in the minds of the American people is that judges exercise discretion in a principled fashion. Were other politicians to act more like judges, perhaps the legitimacy of all American political institutions would be elevated.

N/L- PRISM

Prism is uncontroversial- no backlash

Logiurato 13' [Brett, M.A political science & Politics Editor, "The NSA's PRISM Program Is Shockingly Uncontroversial with the American Public, Business Insider, 6/17/13 <http://www.businessinsider.com/prism-surveillance-poll-nsa-obama-approval-2013-6> LM]

President Barack Obama's approval rating is sinking like a stone in a new CNN/ORC poll — but it's not because of Americans' reactions to the National Security Agency surveillance program known as "PRISM." In fact, **the public overwhelmingly approves of the program.** The poll found that 66 percent of Americans say the Obama administration was right to gather and analyze information from major internet companies to help locate suspected terrorists. Here's the full wording of the question posed in the poll: [F]or the past few years the Obama administration has reportedly been gathering and analyzing information from major internet companies about audio and video chats, photographs, e-mails and documents involving people in other countries in an attempt to locate suspected terrorists. The government reportedly does not target internet usage by U.S. citizens and if such data is collected, it is kept under strict controls. Do you think the Obama administration was right or wrong in gathering and analyzing that internet data? Overall, according to the poll, the public has exhibited a collective shrug to new revelations detailing the scope of the NSA's surveillance efforts. On its collection of phone data, the public is less gung-ho about the program, but still supportive — 51 percent say the Obama administration is right, while 48 percent say it's wrong. Incidentally, **partisans on both sides of the aisle are most likely to support the programs.** Self-identified Republicans and Democrats approve of both programs, while Independents are much less enthusiastic.

Courts have low legitimacy with PRISM – the program is seen as a violation of current laws

Alford and Ullman 13 (Gigi Alford, Senior Program Officer for Internet Freedom, and Ilana Ullman, Program Associate for Internet Freedom, June 12 2013, "Private Data, Secret Surveillance, and the Need for Public Debate", <https://freedomhouse.org/blog/private-data-secret-surveillance-and-need-public-debate#.VYsKtvViko>)

Almost as troubling as the recent revelations about the U.S. government's sweeping collection and analysis of the personal information of law-abiding internet and phone users are the inadequate "just trust us" response to the outrage and the administration's lack of decisive action to regain the faith of a tense American public and wary netizens abroad. Under the U.S. constitution, citizens are guaranteed protection from unreasonable searches and seizures by their government. Violent events, such as the Boston Marathon bombings, leave no question about the serious need for strong security measures. However, maintaining an appropriate balance between security and privacy requires constant public vigilance. Any state surveillance of personal communications is an intrusion into the private domain. While exceptional circumstances may render this intrusion necessary and justified, it is only permissible when associated with a targeted investigation, conducted according to a court-supervised and transparent process, and guided by fundamental human rights principles. Freedom House outlined its views on this subject last week in its oral statement at the UN Human Rights Council session on freedom of expression. Unfortunately, it appears that the requirements for permissible surveillance were not met in the instances of secret U.S. court orders that have recently come to light— both the large-scale seizure of Verizon customers' metadata and the secret internet data collection

operation code-named PRISM—which appear to involve incredibly broad data gathering and storage by the National Security Agency (NSA) and the Federal Bureau of Investigation (FBI). **These examples raise concerns that current legal and judicial protections are no longer sufficient to prevent government spying from creeping into the private lives of law-abiding individuals.** Technology has evolved significantly, with new applications and means of communication being developed on an almost daily basis, including new modalities for surveillance. **These changes demand public debate and consensus on new limits and laws to prevent the abuse of novel technologies.** It is unsettling that the evidence that has surfaced of late appears to contradict past and current statements and sworn testimony by government officials, including Director of National Intelligence James Clapper's testimony before the Senate Intelligence Committee in March 2013. When asked, "Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?" Clapper responded, "No, sir.... Not wittingly. There are cases where they could, inadvertently perhaps, collect—but not wittingly." **These inconsistencies damage public faith in government leaders and undermine confidence in the constitutional system of checks and balances.** The administration should, without delay, work toward restoring this trust and its moral authority at home and abroad by fully explaining its current surveillance policies and their justification, including the risks and benefits. Meanwhile, **Congress should hold hearings to shed more light on what has happened to date and reassess these policies for the future.** While various official and external responses to the leaked information have offered assurances that safeguards are in place and rigorous procedures are followed by the Foreign Intelligence Surveillance Act (FISA) court, these assurances cannot be independently verified. It is relevant to note that in 2012, the court did not deny even one of 1,856 FISA applications from the Justice Department. **Other defenses that have been articulated on behalf of the surveillance programs are not only impossible to corroborate, but also misleading or misguided.** For example: Content vs. metadata: Much of the argument in defense of the FISA-authorized telephone metadata collection has focused on the assertion that the NSA is not listening in on phone calls, but rather capturing "metadata," such as phone numbers, call duration, and phone location history. Metadata are ultimately personal information, which many individuals don't and shouldn't want the U.S. government—or any government—to vacuum up without their consent. **Collecting metadata is a significant violation of privacy,** as much can be inferred, **whether correctly or incorrectly,** about individuals' private lives based on metadata alone, including their religious beliefs, political affiliations, social contacts, medical issues, and so forth. Only foreign nationals targeted: There are numerous problems with this claim, not the least of which is its incongruence with the borderless nature of the internet. Foreign government leaders, including democratic U.S. allies, are rightly making the case that their citizens are stunned by this defense. And dissidents in nondemocratic countries are left to wonder whether U.S. agencies share their information with local authorities. Meanwhile, **U.S. citizens are stunned that NSA agents are required to have a mere 51 percent confidence in a person's "foreignness" to search and store their personal internet communications data.** Even if the program only targets non-U.S. citizens, **data about U.S. citizens are still caught in the trowl.** It is time for a serious, open, and public debate on government surveillance that goes beyond pat assurances and partial revelations. **The only way for this debate to lead to transparent and effective lawmaking is for the U.S. government to officially disclose to the public the existing laws and procedures surrounding its surveillance programs.** A free country does not need to become a surveillance state to maintain public safety and carry out legitimate investigations of criminals online. President Obama and Congress must take a principled stand and heed public calls for a frank and unfettered conversation about what has happened and how to move forward.

LT- Plan Creates Legitimacy

No decision by the Supreme Court is more illegitimate than any decision- Supreme Court acting on any surveillance policy gains them legitimacy

Fisher 13' [Daniel, Senior editor at Forbes, covering legal affairs, "After PRISM: How Much Surveillance Is Too Much? The Supreme Court Has To Decide", 6/7/13 <http://www.forbes.com/sites/danielfisher/2013/06/07/the-supreme-court-has-to-decide-how-much-information-is-too-much/2/> LM]

One question for U.S. courts will be whether that is a more acceptable approach than collecting the data on government computers like the ones at NSA center in Utah my colleague Kashmir Hill had an entertaining time visiting earlier this year. The Supreme Court has also outlawed placing hidden GPS receivers to track the cars of suspects, under the 18th-century concept that physically attaching the device to the car constituted an invasion of the owner's property. Scalia cobbled together a majority to ban such GPS trafficking using the outmoded property doctrine last year, but the liberal justices who joined him, and even conservative Justice Samuel Alito, criticized the decision as being hopelessly behind the times. "In the pre-computer age, the greatest protections of privacy were neither constitutional nor statutory, but practical," Alito wrote. But in an era where the government can access all manner of electronic signals, and store them for future use, people are no longer secure in their movements. What happens when the government can stitch together the images from thousands of outdoor video cameras and use computer algorithms to identify and track a suspect just as reliably as if he had a GPS unit hidden in his backpack? My suspicion is the court will have to consider the legality of virtual searches eventually, as some advocates proposed in the GPS case when they said police shouldn't be able to track anybody for 30 days straight because of the higher level of information they gain from the practice. **Privacy scholars say the biggest question is whether the Supreme Court eventually will embrace the view that simply watching, when done to excess, violates the Fourth Amendment.** One protection for citizens emerged this week as the U.K. newspaper The Guardian released the secret court order requiring Verizon to turn over daily calling records of its customers. Programs this massive can't remain secret. In the wake of the Verizon disclosure, Richards said, privacy advocates will be working on new lawsuits to try and overturn the reasoning in Clapper, which made secret data-collection programs practically immune to suit because they are secret. "It's inevitable," he said. "A lot of people are preparing to bring privacy suits to force a judicial resolution of this question."

Link turn – Americans actually support reducing surveillance

Newport 13 (Frank Newport, Gallup poll Editor in Chief, June 12 2013, "Americans Disapprove of Government Surveillance Programs", <http://www.gallup.com/poll/163043/americans-disapprove-government-surveillance-programs.aspx>)

More Americans disapprove (53%) than approve (37%) of the federal government agency program that as part of its efforts to investigate terrorism obtained records from U.S. telephone and Internet companies to "compile telephone call logs and Internet communications." These results are from a June 10-11 Gallup poll. Although the current survey context was different, these results are similar to those obtained in a May 2006 Gallup poll measuring support for a government program that "obtained records from three of the largest U.S. telephone companies in order to create a database of billions of telephone numbers dialed by Americans." In that survey, 43% approved and 51% disapproved. There are significant partisan differences in views of the government's program to obtain call logs and Internet communication. Democrats are more likely to approve, by 49% to 40%. Independents (34% vs. 56%) and Republicans (32% to 63%) are much more likely to disapprove than approve. In 2006, when Gallup asked the similar question about a program that came to light at that point, Republicans were significantly more likely to approve than Democrats. The differences in partisan reaction between 2006 and 2013 reflect the party of the president under whose watch the programs were carried out at those two points in time. Twenty-one percent of Americans disapprove of the government's

actions, but say there could be circumstances in which it would be right for the government to carry out such a program, yielding a combined total of 58% of all Americans who either approve or could theoretically approve under certain circumstances. A June 9-10 CBS News poll also found a majority (58%) of Americans disapproving of the government "collecting phone records of ordinary Americans." A June 6-9 survey conducted by Pew Research Center and The Washington Post found that 56% of Americans said a program in which the National Security Agency "has been getting secret court orders to track telephone call records of millions of Americans in an effort to investigate terrorism" was "acceptable." The combined 58% in the Gallup survey who either approve or say there might be circumstances in which such a program would be right is similar to the acceptable percentage in the Pew/Post wording. Thirty-Five Percent of Americans Very Concerned About Violation of Their Privacy Rights A separate question included in Gallup's survey found that 35% of Americans said they would be "very concerned" about violation of their own privacy rights if the government had computerized logs of their telephone calls or Internet communications. Another 22% said they would be "somewhat concerned." Sixty-four percent of Americans are following news about this issue very or somewhat closely, which is slightly above average for all news stories tested by Gallup over the past two decades. Mixed Sentiment About the Leaker's Action U.S. officials are engaged in a manhunt for Edward Snowden, the former U.S. government contractor who claimed to be the source of the leak. Americans break roughly even when asked if it was right (44%) or wrong (42%) for Snowden to share that information with the press. A plurality of Republicans said he did the right thing in leaking the news of the surveillance programs, while a plurality of Democrats said he did the wrong thing. Americans are more positive about the media's actions in this matter, with 59% saying it was right for The Guardian and The Washington Post newspapers to publish the information once they received it. Implications Results from the Gallup poll indicate that Americans have somewhat flexible views about the government's surveillance program and/or that they are still forming their opinions on the issue. A majority of Americans say that they might find the type of government surveillance program that has come to light in recent days as acceptable under some circumstances, but less than half say they approve of the program as it stands. The reactions to these types of government programs have remained constant over the past seven years, although Republicans and Democrats have essentially flipped their attitudes over that time period, reflecting the change from Republican President George W. Bush to Democratic President Barack Obama. Americans are divided as to whether the self-confessed leaker, Edward Snowden, is a hero or a villain, while one-third of Americans fault the press for advancing the story.

So does the international community.

Vincent 5/15 (Sarah Vincent, CDT's Human Rights and Surveillance Fellow, May 15 2015, "UN Member States Call for US Surveillance Reforms", <https://cdt.org/blog/un-member-states-call-for-us-surveillance-reforms/>"

On Monday, US officials went before the gathered United Nations Member States in Geneva and were greeted with a message that was loud and clear: all surveillance, no matter where it takes place or whose data it involves, must comply with human rights law. As Congress and the Executive Branch continue to face urgent demands from the American public to reform surveillance, they would do well to heed this global call for change as well. In particular, the Administration should give immediate and serious consideration to countries' recommendations to recognize that human rights apply to all surveillance; that any surveillance program must be subject to adequate judicial, congressional, and independent oversight; and that anyone whose fundamental rights are violated by surveillance activities must have access to effective redress. As CDT explained last week, the UN Human Rights Council conducted the Universal Periodic Review ("UPR") of the United States, which occurs once every four and a half years and entails a public review of the country's compliance with all of its obligations under human rights law. Every UN Member State had the right to participate in the US' review, and Monday's session demonstrated a remarkable cohesiveness among the serious issues that were raised—and showed that NSA surveillance remains a matter of strong and detailed concern to the global community. Among the 17 countries that commented on US surveillance (or privacy rights more broadly), several emphasized something the Administration has thus far refused to acknowledge: namely, that the US must respect human rights whenever it conducts surveillance operations, including surveillance of people who are outside the United States and are not Americans. As CDT and the ACLU observed in a report to the Human Rights Council prior to the session, the Snowden documents indicate that the NSA has been intercepting the private data of hundreds of millions of people around the world every day,

and the Administration's failure to recognize that these activities give rise to human rights obligations remains a conspicuous and grave one. In addition to this general critique, several countries specifically indicated that the US must adopt better judicial, legislative, and independent oversight of its surveillance programs. Such oversight is an essential element of the right to privacy, and is a basic safeguard that CDT has been working hard to promote both within the US and internationally. A number of countries also highlighted the fact that US surveillance places a burden on individual rights from the moment the NSA acquires private data, regardless of whether analysts later view or use it—a point that echoes a similar finding by a US Second Circuit Court of Appeals last week in a case concerning the agency's bulk collection of records of phone calls to, from, and within the US. Next month, the US is expected to state publicly whether it accepts these and other surveillance-related recommendations. We believe the Administration should accept the following obligations, among others, as a matter of official policy: Respect and protect the human rights of all people when conducting surveillance: "Ensure that all surveillance policies and measures comply with international human rights law, particularly the right to privacy, regardless of the nationality or location of those affected, including through the development of effective safeguards against abuses" (recommendation made by Brazil). Do the same when requiring companies to disclose users' data: "Respect international human rights obligations regarding the right to privacy when intercepting digital communications of individuals, collecting personal data or requiring disclosure of personal data from third parties" (recommendation made by Germany). Conduct surveillance only on the basis of clear, comprehensive, non-discriminatory laws, and review existing laws accordingly: Review US federal laws and policies "in order to ensure that all surveillance of digital communications is consistent with its international human rights obligations and is conducted on the basis of a legal framework which is publicly accessible, clear, precise, comprehensive and non-discriminatory" (recommendation made by Liechtenstein). Restrict large-scale global surveillance, ensure sufficient oversight, and provide redress for violations: "Take all necessary measures to ensure an independent and effective oversight by all Government branches of the overseas surveillance operations of the National Security Agency, especially those carried out under Executive Order 12333, and guarantee access to effective judicial and other remedies for people whose right to privacy would have been violated by the surveillance activities of the United States" (recommendation made by Switzerland; similar recommendation made by Hungary). Take proactive measure to prevent abuses: "Take adequate and effective steps to guarantee against arbitrary and unlawful acquisition of [private] data" (recommendation made by Kenya; similar recommendation made by Costa Rica). It is to the Administration's credit that (as several participating countries noted) it has taken the Human Rights Council's review of its human rights record with evident seriousness thus far. US Ambassador Keith Harper remarked before the assembled delegates that "every nation benefits from having a mirror held before it," and the US' decision to send a high-level delegation representing a range of federal agencies reflects the sincerity of that view. In the case of surveillance, however, there's no escaping the fact that the mirror has revealed profound flaws. It is imperative for the Executive Branch to take action accordingly by formally declaring that it will accept and uphold the positions described above.

Courts actually change the public's perception to support the ruling – any increase in distrust is nonexistent

Zilis 14 (Michael Zilis, Adjunct Professor of Political Science at DePaul University who holds a Ph.D. in Political Science from the University of Michigan, August 29 2014, "Investigating the Effects of Judicial Legitimacy on Micro-Level Opinion", http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2453199)

In order to explore the relationship between institutional legitimacy and policy support – the relationship that defines the endorsement effect – I begin with two assumptions, both buttressed by a wealth of research (see Baird and Gangl 2006; Clawson and Waltenburg 2003; Gibson and Caldeira 2009a, 2009b; Gibson, Caldeira, and Spence 2003a, 2003b; Gibson and Nelson 2014a, 2014b; Linos and Twist 2013; Woodson, Gibson, and Lodge 2011). (1) The Court's legitimacy is both strong and durable. (2) The Court can influence popular support for policies when it rules, but its influence is context-dependent; the degree and substance of media coverage moderates Court influence. These assumptions raise a puzzle that becomes more apparent when one considers two possible, albeit simplified, realities. The first involves a high profile ruling that receives largely supportive media coverage, which I define as coverage that emphasizes procedural fairness (Baird and Gangl 2006), reviews in detail the findings of the Court, 8 and minimizes the attention it pays to critics of a decision, including dissenting justices. Many cases receive coverage that can be characterized as supportive (Zilis 2014). In such a scenario, the public response will largely depend on what an individual thinks about the Court (Mondak 1990). For the strongest supporters of the

institution, its decision, filtered through the lens of a sympathetic press, should bolster approval of a policy. The link between credible institution and policy is quite clear in such a scenario. For those that place less trust in the Court, support for the policy may also increase due to the institution's power of persuasive legitimacy (Bartels and Mutz 2009; Mondak 1994), but distrust of the source will limit the magnitude of this effect (e.g. symbolic legitimation will fail to materialize). Nonetheless, when a high salience ruling meets with supportive press coverage, we should observe a robust endorsement effect, with the strongest supporters of the Court offering the most positive views of the policy it upholds. What about when a decision garners unsupportive press coverage? Evidence suggests that popular approval of the ruling will be low but, if Gibson, Caldeira, and colleagues are to be believed, that the Court's reputation itself will not suffer. Which raises the question: what is the relationship between legitimacy and policy approval in such a scenario? If a high credibility institution offers a high profile endorsement of a policy, by what mechanism would support for that policy fail to materialize? To explore this question more fully, consider two individuals: one expressing a low degree of confidence in the Court, another expressing a high degree. There are two potential explanations that could capture the responses of these individuals to a much criticized ruling. On the one hand, institutional legitimacy may function as a type of political capital, causing the high trust individual to express more support for the decision, relative to the low trust individual, in spite of her alarm about it (Mondak 1992). This scenario, which we will call the Endorsement Effect Hypothesis, suggests that the judiciary has the ability to draw from its reservoir of support when its decisions come under attack as a means of increasing support for them. Unfavorable media coverage would be most damaging to the Court when it reaches individuals who already express low level of trust in the institution. This response pattern is exactly what has been implied (but rarely tested) in much of the existing research on the endorsement effect. On the other hand, the process may be reversed entirely. It may be that trust in the institution has a comparatively small effect on policy approval in a complex media environment. Rather, individuals who evince both strong and weak loyalty to the Court should express similar levels of approval for rulings when they come under attack. Behind this process is a relevance mechanism. There is evidence that people evaluate the relevance of messages when forming their attitudes (Chong and Druckman 2007a). Furthermore, research demonstrates that complex or contested messages can foster elaboration, causing individuals to engage in a greater degree of relevant thought. Thus, "the role of source credibility may depend on how closely a message is scrutinized" (Mondak 1990). Mondak's early work on judicial persuasion is particularly relevant here, both for the attention it pays to legitimacy issues and media context and for the questions it leaves unresolved. His findings regarding source effects come from comparisons of the Supreme Court with other, less credible actors. But building on his insights, as well as those of Chong and Druckman (Druckman 2001; Chong and Druckman 2007a), we can hypothesize that criticism of Court decisions paves the way for Americans to evaluate the merits of the criticism while at the same time making the endorsement cue irrelevant (the Relevance Hypothesis). Though it is not the case that the Court will suffer a reputational cost when its decisions are depicted in unfavorable terms, it may lose the ability to increase policy approval based on its reputation alone. To explore questions about the effect of institutional support on policy approval more fully, I next offer data that is uniquely situated to trace micro level opinion and, more importantly, causality. A panel study of reactions to the Supreme Court's 2012 Affordable Care Act ruling allows me to examine whether an individual's views about the Court before the decision influenced the degree of support he or she offered for the law after the Court had ruled.

AT: Courts Politics D.A- Northwestern

Yes Favor Plaintiffs

A violation of the fourth amendment means that the Supreme Court will rule in favor of the plaintiff in Evenwel v. Abbott

Shapiro 15 (Ilya, senior fellow in the constitutional studies at the Cato Institute “Symposium: Taking voter equality seriously” 7/29/15 <http://www.scotusblog.com/2015/07/symposium-taking-voter-equality-seriously/>) Foronda

Instead, OPOV solves the old “rotten borough” problem, where some British parliamentarians represented constituencies where very few – or no! – people lived. This became an issue in the United States as the country urbanized but depopulated rural areas maintained disproportionate voting power in state legislatures and congressional delegations. The Supreme Court ruled in the 1964 case of Reynolds v. Sims that political map-designers can’t dilute the franchise that way and instead must draw districts with roughly equal numbers of people.^a In other words, each person’s vote should be equal, as guaranteed by the Constitution; nobody gets more votes based on wealth, education, occupation, sex, race, or geography. None of this is or should be controversial.^a But a funny thing happened on the way to electoral utopia: just as the Industrial Revolution fomented radical population shifts, modern immigration patterns have created disparities in the number of voters per district. Just as it was intolerable for a rural district with 500 voters to have the same representation in a state legislature as an urban district with 5000 voters, it’s now constitutionally suspect to have that disparity between a heavily (non-citizen) foreign-born district and one with mostly native-born citizens. In each case, the Supreme Court must intervene to maintain voter equality.^a While the specific case now before the Court, Evenwel v. Abbott, doesn’t present the stark 10:1 ratio in voting power I just stylized, the disparities are nonetheless significant: as detailed by the challengers to Texas’s districting map detail (see tables on pages 8-10 of their jurisdictional statement), some state senate districts deviate by as much as fifty percent from the ideal. That means that twice as many voters may elect a state senator in one district as in the smallest district.^a In sum, regardless of one’s views of Evenwel’s particular facts, it has to be the case that disparities between the number of voters in state districts raises a constitutional issue. Otherwise, even 10:1 or 100:1 ratios wouldn’t be a problem. And if all we’re talking about here is line-drawing rather than first principles, then the challengers win.^a Cato’s briefing^a I don’t want to simply summarize the challengers’ arguments, so let me focus instead on two points that Cato is developing for our Evenwel merits brief: (1) the inaptness of the so-called “federal analogy” (which I’ll explain); and (2) that when the Voting Rights Act (VRA) conflicts with the Constitution, the latter trumps.^a The federal analogy^a When the Supreme Court was asked more than fifty years ago to uphold grossly disproportionate state legislative districts, Alabama argued that states should be allowed to implement a “little federal system” that would be “framed after the Federal System of government—namely one senator in each county of the state.”^a The Court correctly realized then that “the federal analogy [is] inapposite and irrelevant to state legislative districting schemes.” After all, the states are “separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single national government,” whereas “[p]olitical subdivisions of States—counties, cities, or whatever—never were and never have been considered as sovereign entities, [but rather] have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of state governmental functions.” Further, because “[t]he system of representation in the two Houses of the Federal Congress . . . [arose] from unique historical circumstances,” “the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in state legislatures when the system of representation in the Federal Congress was adopted.”^a The Court is now presented with a new, twenty-first-century federal analogy, this time relating to the other chamber of Congress. Texas and its supporters are arguing that because the Constitution allocates congressional representatives by total population rather than voter population, states should be able to do the same for their own legislative districts.^a This federal analogy works no better than the last one. Careful study of the original public meaning and history of both Section 2 of Article I and Section 2 of the Fourteenth Amendment show that the rule they established is one for dealing with separate states that possess a great deal of legal autonomy – first and foremost in defining for themselves who shall have the right to vote. Once again, states are asking that they be allowed to treat their legislative districts as if they were separate states.^a Since the federal rule provides no support for state inequalities, we’re left back at the same simple principle the Court has consistently upheld, that “[t]he conception of political equality from the Declaration of

Independence, to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote.^a The Voting Rights Act vs. the Constitution^a Another argument has been put forward to justify violating OPOV – that Section 2 of the VRA requires gerrymandering state legislative districts to create majority-Hispanic districts where possible, and that this “compelling interest” justifies the effect of unequal voter strength. This argument fails because even if the VRA does ask states to do such gerrymandering, such legislation can’t trump the Constitution.

Where the VRA conflicts with the Fourteenth Amendment, the VRA must give way.^a Let me explain. States are now caught in the inevitable trap of (1) maintaining majority-minority districts under complex, overlapping legal precedents and (2) administering electoral schemes that do little to advance racial equality while doing much to undermine voter equality. In the background of this conflict, there lurks a cacophony of precedent and oft-conflicting court-administered standards that have arisen from cases interpreting Section 2 of the VRA. **Basic constitutional guarantees of equal protection inherent in the Fourteenth**

Amendment – such as OPOV – get lost in this thicket.^a Avoiding racial discrimination is particularly difficult in jurisdictions where “total population” and “citizens of voting age population” (CVAP) – standard metrics for evaluating whether a district violates OPOV – diverge due to varied concentration of non-citizens. As I’ve described before, jurisdictions navigating between the VRA’s Scylla and the Constitution’s Charybdis are bound to wreck individual rights – here, voter equality – on judicial shoals.^a Over the years, the Supreme Court has repeatedly recognized the potential for devaluing individual votes by drawing majority-minority districts in a manner that accords greater weight to minority votes in protected districts and diminishes the relative weight of voters elsewhere. In 2000, in *Chen v. City of Houston*, the Fifth Circuit also recognized this danger while ultimately ruling the other way. Nevertheless, here the special district court adhered to that flawed lower-court precedent – refusing to acknowledge CVAP as integral to OPOV and thus a required element of equal protection.^a At least one Justice – Justice Clarence Thomas, dissenting from the denial of certiorari in the *Chen* case in 2001 – has already recognized the urgency of the problem: “Having read the Equal Protection Clause to include a ‘one-person, one-vote’ requirement, and having prescribed population variance that, without additional evidence, often will satisfy the requirement, we have left a critical variable in the requirement undefined.”^a The VRA’s Section 2 and the Fourteenth Amendment have thus reached an impasse that has been highlighted by a conflict among lower courts’ application of OPOV. (The Fifth Circuit has held that states can choose either total population or CVAP on the grounds that the Equal Protection Clause is ambiguous, the Fourth Circuit reached the same conclusion but through the “political question” doctrine, and the Ninth Circuit held that states can only use total population, in a split 2-1 decision that provoked a strong dissent by Judge Kozinski.) It’s thus heartening that **the Court** took up *Evenwel* – and hopefully it **will resolve that conflict once and for all by explaining the proper use of different population metrics. The noble principle of OPOV needs to be saved from the legal morass of Voting Rights Act jurisprudence.**

Abortion Thumps

SCOTUS planning to revisit abortion for a new ruling in the fall

Lyle **Denniston, 7/23** (Lyle Denniston, Reporter for the Supreme Court of the United States Blog, "Appeals court wants Court to take new look at abortion," <http://www.scotusblog.com/2015/07/appeals-court-wants-court-to-take-new-look-at-abortion/> July 23, 2015) K.GEKKER

A federal appeals court, arguing that the Supreme Court's abortion rights rulings leave too little room for states to limit the procedure to protect fetal life, has urged the Justices to reconsider a basic idea behind Roe v. Wade. The idea, never explicitly abandoned by the Court, is that states are forbidden to ban abortions before a fetus is capable of living outside the woman's body. The U.S. Court of Appeals for the Eighth Circuit, in a new ruling on Wednesday involving the nation's most restrictive abortion control law, argued that the so-called "fetal viability" approach has become "unsatisfactory" because it has not kept pace with changes in fetal medicine. Although the North Dakota law at issue was struck down, the three-judge panel made it clear it ruled that way because the Court had given it no choice, but that it was troubled at having to do so. State legislatures, not courts, should be making decisions about the state of medical science, it said. This marked the second time in recent months that the same three Eighth Circuit judges have raised doubts about using fetal viability as the crucial factor in analyzing state power to curtail or bar abortions. They did so in a ruling in May, striking down a less restrictive Arkansas law. In that case, the state's lawyers had not challenged the testimony on when a developing fetus would be viable. The panel thus said that lawyers, especially for a state defending an abortion ban, had a special duty to put before a court the latest in fetal medicine findings. The three judges had heard the Arkansas and North Dakota cases on the same day, but issued separate rulings, released about two months apart. This time, with North Dakota's lawyers strongly disputing the viability point, those judges moved further in their critique, directly calling on the Supreme Court to reconsider. "Good reasons exist," it said, "for the Court to reevaluate its jurisprudence....To begin, the Court's viability standard has proven unsatisfactory because it gives too little consideration" to a goal that the Justices themselves have said they support, protecting a state's "substantial interest in potential life throughout pregnancy." Those words are a quotation taken from the Court's 1992 decision in a Pennsylvania abortion case (Planned Parenthood v. Casey) partly reaffirming Roe v. Wade. That decision, though, had left in place the view that, before fetal viability, a state could not constitutionally prohibit abortions, although it could impose some forms of regulation. The abortion issue is likely to return to the Court at its next Term, in several cases. Already awaiting the Court's reaction are new cases from Mississippi and Texas testing a state's power to limit abortions by imposing new medical practice standards on clinics and doctors. State lawyers in Arkansas and North Dakota have the option of asking the Court to review their new laws, which are direct rather than indirect measures to stop abortions at earlier stages in pregnancy. The North Dakota law would ban abortions after about six weeks of pregnancy, because it would impose a ban as soon as a fetal heartbeat could be detected, and it is generally understood that this could occur as early as the sixth week. The Arkansas law is also keyed to detection of a fetal heartbeat, but it would not impose a ban until the twelfth week of pregnancy. The Eighth Circuit struck down both, finding that neither could meet the long-standing "fetal viability" test, since the Supreme Court had ruled several times that viability was not likely before the twenty-fourth week. In both of its rulings, the Eighth Circuit panel had credited arguments and evidence which suggested that doctors are now able to keep fetuses alive if they are delivered at earlier

stages of pregnancy than the twenty-fourth week. The panel actually took note of a report of one fetus surviving after being delivered at twenty-one weeks and six days. In the North Dakota case, the panel appeared also to credit the argument of state lawyers that the science of fetal survivability has now advanced to the point that a fetus can be saved, as a “test tube baby,” by being taken out of the woman’s body as early as the sixth day, and then replaced for continued development to childbirth. If a state could act to protect the developing pregnancy at that very early point, it would come close to being able to regulate close to the moment of conception — a long-term goal of abortion opponents. The Eighth Circuit, besides analyzing what it took to be new evidence about the viability issue, interpreted Supreme Court decisions since *Roe v. Wade* as actually recognizing that fetal viability is not a fixed phenomenon, and may be established at earlier points in pregnancy than the twenty-fourth week. That is the kind of policy issue, the panel said in its latest ruling, that the Justices’ abortion rulings have taken away from state legislatures. The Eighth Circuit also interpreted more recent rulings by the Court on abortion rights as being more focused on fetal protection. “The evolution in the Supreme Court’s jurisprudence,” it said, “reflects its increasing recognition of states’ profound interest in protecting unborn children.” North Dakota’s lawyers have the option of asking for en banc rehearing of the case by the full Eighth Circuit, or else taking the case directly on to the Supreme Court. Arkansas’ lawyers failed earlier this month to get en banc rehearing in their case in the Eighth Circuit. The two rulings by the panel were made by Circuit Judges Duane Benton, Bobby E. Shepherd, and Lavenski R. Smith. The Arkansas ruling was issued “per curiam” — that is, for the panel without designating a specific author. Judge Shepherd authored the North Dakota opinion, with support of his two colleagues.

Abortion Top of the Docket

Adler 7/25 (Jonathan, Washington post journalist and author, “ Appeals court to reinstitute constitutional limits on state abortion restrictions”, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/07/25/appeals-court-urges-supreme-court-to-revisit-constitutional-limits-on-state-abortion-restrictions/>)

The Supreme Court is likely to revisit the contentious subject of abortion next term, as lower courts have split over whether various restrictions on abortion and regulations of abortion providers constitute impermissible “undue burdens” on the constitutionally protected abortion right. Under existing precedent, states may regulate and even seek to discourage abortion provided that the “purpose or effect” of the regulations is not to “place a substantial obstacle in the path of a woman seeking an abortion” before the fetus has attained viability. Under this standard, lower courts have split on the permissibility of various rules governing the prescription of abortifacient drugs and regulations governing abortion providers, among other things. One case teed up for Supreme Court review concerns a Texas law that, among other things, requires abortion clinics to meet the same standards as ambulatory surgical centers and requires doctors performing abortions to have admitting privileges at a nearby hospital. It’s estimated these rules would force the closure of half of the existing abortion clinics in Texas. They were nonetheless upheld by a panel of the U.S. Court of Appeals for the 5th Circuit, only to be put on hold by the Supreme Court, pending a petition for certiorari. If a cert petition is filed in the Texas case, it would seem almost certain to be granted. In the meantime, other federal appellate courts continue to consider challenges to state-level abortion restrictions. In one such case, *MKB Management Corp. v. Stenehjem*, the U.S. Court of Appeals for the 8th Circuit urged the Supreme Court to do more than apply its existing “undue burden” standard. Instead, the judges suggested, the high court should reconsider its abortion jurisprudence from the ground up. The law at issue in *MKB* prohibits doctors

from performing abortions if the fetus has a detectable heartbeat. This North Dakota law clearly runs afoul of the current “undue burden” test as it would prohibit some abortions before fetal viability. On this basis, the 8th Circuit panel had no difficulty striking the law down. But the 8th Circuit panel did not stop there. It went on (for five pages) to urge the Supreme Court to revisit existing abortion jurisprudence, expressly citing the criteria the Supreme Court itself identified in *Casey* as valid grounds for reconsidering an existing precedent. Excerpts of the 8th Circuit opinion follow. Although controlling Supreme Court precedent dictates the outcome in this case, good reasons exist for the Court to reevaluate its jurisprudence. . . .

Lethal Injection Thumps

Court faces controversy now- Lethal injects prove

CNA/EWTN, 6/29/15 (CNA/EWTN NEWS, news channel that reports on controversial topics, "Supreme Court Upholds Use of Controversial Lethal-Injection Drug," nregister.com, <http://www.nregister.com/daily-news/supreme-court-upholds-use-of-controversial-lethal-injection-drug/>, accessed date: 7/31/15) Salehitezangi

The Supreme Court has ruled in favor of the continued use of a drug that has been accused of causing excruciating pain in several controversial state executions. The 5-4 ruling in *Glossip v. Gross* was announced June 29. Lawyers for three death-row inmates in Oklahoma had argued before the court that the state's three-drug protocol for executions violated constitutional bans on cruel and unusual punishment. The execution protocol includes the sedative midazolam. The drug's effectiveness was recently called into question when it was used in several unusually prolonged executions in Ohio, Arizona and Oklahoma in which inmates appeared to suffer significantly during their deaths. In the 2014 execution of Oklahoma inmate Clayton Lockett, the sedated man's body writhed, and he breathed heavily for more than 40 minutes until he died of a heart attack. Oklahoma officials had argued that the protocol was consistent with the Supreme Court's previous lethal-injection ruling. In 2008, the court had said that the first drug used in any three-drug execution protocol must prevent inmates from experiencing intense pain. That ruling approved a protocol that used the drug sodium thiopental rather than midazolam. During arguments in May, Supreme Court Justice Elena Kagan had pressed Oklahoma officials defending the law on how a drug with unknown effects could be justified for use in an execution. Justice Samuel Alito suggested that states have been forced to use the drug because death-penalty opponents have pressured drug companies not to produce or sell more reliable drugs. Controversy over the drug had led some states to revisit execution methods such as the electric chair and firing squad. In January, the U.S. bishops' pro-life committee chairman, Cardinal Sean O'Malley of Boston, had prayed that the court's review of death-penalty protocols would "lead to the recognition that institutionalized practices of violence against any person erode reverence for the sanctity of every human life." Archbishop Paul Coakley of Oklahoma City on May 1 told CNA that there are non-lethal ways "to ensure justice and protect society." In the U.S., 32 states and the federal government allow the use of the death penalty.

Controversy Inevitable

Controversy in the court is inevitable

Barry **Friedman**, 7/7/15 (Barry Friedman, American academic with an expertise in federal courts, working at the intersections of law, politics and history. Teaches a variety of courses including Constitutional Law, Federal Courts, and Criminal Procedure, "Great Controversy Is Usually the Exception for the Supreme Court", [The New York Times](http://www.nytimes.com), <http://www.nytimes.com/roomfordebate/2015/07/06/is-the-supreme-court-too-powerful/great-controversy-is-usually-the-exception-for-the-supreme-court>, accessed date: 7/30/15)

"The old chorus rises, as it is rising now," The New York Times editorialized almost 100 years ago, during yet another time of controversy over the Supreme Court. "It will die into silence, as it has died before ... Congresses have their little hour of strut and rave. The court stays." Controversy over the Supreme Court is as inevitable as death and taxes. Still, asking whether we would be better off without the court is like asking whether we would be better off without gravity or rain. It is part of the basic ecosystem of American governance. The court is secure, in part, because it has learned to stay out of trouble. Over the short haul, the ideological left wins some cases, the right others. And so the court is left alone. It's been a long time since there was any serious attack on the justices or their way of doing business. Most cases get decided with little fanfare. They deal with mundane issues that, whatever their legal interest, hardly gain a toehold in the public's short attention span. Don't deceive yourself that the justices stand up for individual rights when the chips are down. Their record in that regard is abysmal. While we wait for the court to come into line, a lot of people can be unhappy, or even harmed, possibly a majority of the country. But like it or not, it's our way of doing business.

Impact Turn

Turn – ruling in favor of plaintiffs is key to uphold the Constitution and rule of law.

Shapiro, 7/29 (Ilya, staff writer for ScotusBlog, a senior fellow in constitutional studies at the Cato Institute, “Symposium: Taking voter equality seriously,” ScotusBlog, 7/29/15, <http://www.scotusblog.com/2015/07/symposium-taking-voter-equality-seriously/#more-230543>) Zhang

The “one person, one vote” standard (OPOV) has become an axiomatic part of election law: Whatever mischief happens during the decennial redistricting process, states can’t draw districts with wildly disproportionate populations, such that a vote in lightly populated districts is worth much more than a vote in heavily populated districts. It’s an easy principle to understand. OPOV solves the old “rotten borough” problem, where some British parliamentarians represented constituencies where very few – or no! – people lived. This became an issue in the United States as the country urbanized but depopulated rural areas maintained disproportionate voting power in state legislatures and congressional delegations. The Supreme Court ruled in the 1964 case of Reynolds v. Sims that political map-designers can’t dilute the franchise that way and instead must draw districts with roughly equal numbers of people. In other words, each person’s vote should be equal, as guaranteed by the Constitution; nobody gets more votes based on wealth, education, occupation, sex, race, or geography. None of this is or should be controversial. But a funny thing happened on the way to electoral utopia: modern immigration patterns have created disparities in the number of voters per district. Just as it was intolerable for a rural district with 500 voters to have the same representation in a state legislature as an urban district with 5000 voters, it’s now constitutionally suspect to have that disparity between a heavily (non-citizen) foreign-born district and one with mostly native-born citizens. In each case, the Supreme Court must intervene to maintain voter equality. While the specific case now before the Court, Evenwel v. Abbott, doesn’t present the stark 10:1 ratio in voting power I just stylized, the disparities are nonetheless significant: as detailed by the challengers to Texas’s districting map detail (see tables on pages 8-10 of their jurisdictional statement), some state senate districts deviate by as much as fifty percent from the ideal. That means that twice as many voters may elect a state senator in one district as in the smallest district. In sum, regardless of one’s views of Evenwel’s particular facts, it has to be the case that disparities between the number of voters in state districts raises a constitutional issue. Otherwise, even 10:1 or 100:1 ratios wouldn’t be a problem. And if all we’re talking about here is line-drawing rather than first principles, then the challengers win. Over the years, the Supreme Court has repeatedly recognized the potential for devaluing individual votes by drawing majority-minority districts in a manner that accords greater weight to minority votes in protected districts and diminishes the relative weight of voters elsewhere. In 2000, in Chen v. City of Houston, the Fifth Circuit also recognized this danger while ultimately ruling the other way. Nevertheless, here the special district court adhered to that flawed lower-court precedent – refusing to acknowledge CVAP as integral to OPOV and thus a required element of equal protection. The VRA’s Section 2 and the Fourteenth Amendment have thus reached an impasse that has been highlighted by a conflict among lower courts’ application of OPOV. (The Fifth Circuit has held that states can choose either total population or CVAP on the grounds that the Equal Protection Clause is ambiguous, the Fourth Circuit reached the same conclusion but through the “political question” doctrine, and the Ninth Circuit held that states can only use total population, in a split 2-1 decision that provoked a strong dissent by Judge Kozinski.) It’s thus heartening that the Court took up Evenwel – and hopefully it will resolve that conflict once and for all by explaining the proper use

of different population metrics. The noble principle of OPOV needs to be saved from the legal morass of Voting Rights Act jurisprudence.

Won't Kill Iran

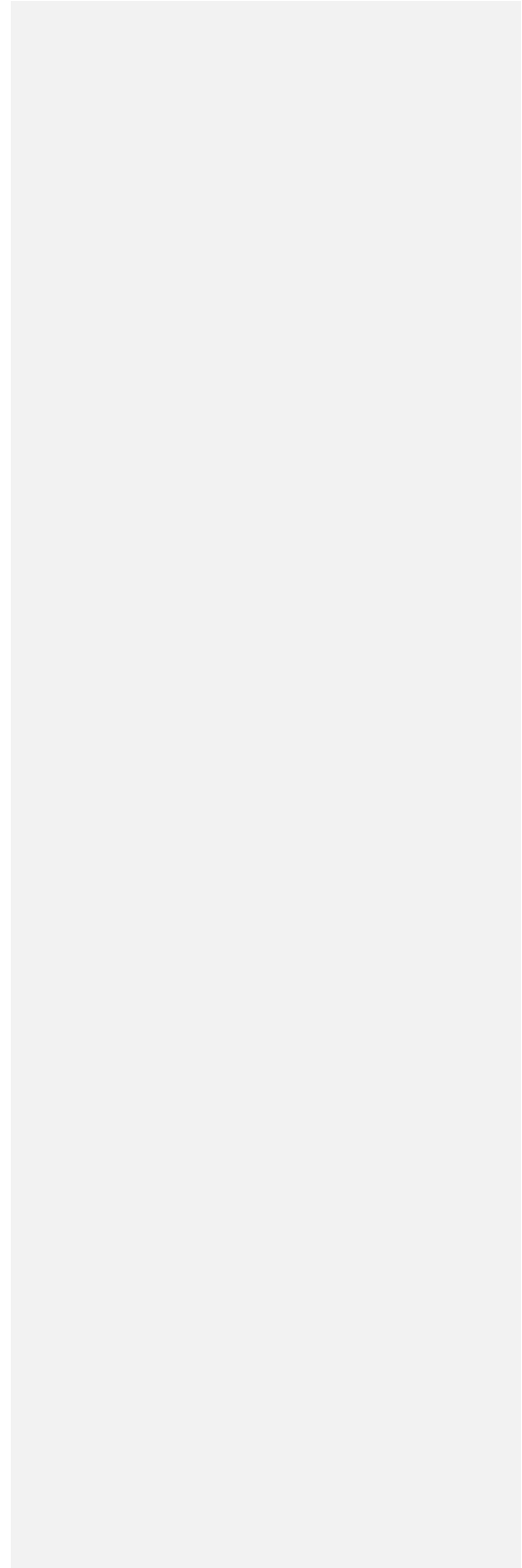
A republican president would not ruin the Iran deal – too many constraints

Cadei 15 (Emily, political correspondent at Newsweek "Could a Republican President Undo an Iran Deal?" 7/7/15 www.newsweek.com/could-republican-president-undo-iran-deal-351127) Foronda

If the United States reaches a nuclear deal with Iran, as negotiators are scrambling to do this week (the deadline has been extended until Friday), the outcry from Republicans on the 2016 campaign trail is likely to be fierce. Some have already promised to undo any agreement reached with Iran, or at least roll it back significantly. "On January 20, 2017, if I were elected president I would pull back from this awful deal on the very first day," Wisconsin Gov. Scott Walker told radio host Lars Larson last week. In reality, that's highly unlikely. Experts on the region and nuclear pacts say unraveling any deal once it goes into force will be fraught with diplomatic, financial and security risks that will make it all but impossible for a Republican president to just scrap it right off the bat. Former Florida Gov. Jeb Bush hinted as much in an op-ed on the conservative web site Townhall.com, though unlike Walker, he did not come out and say he'd rip an agreement on Day One. "Undoing the damage done by a fundamentally flawed nuclear deal will not be easy," wrote Bush. But he insisted doing so is "essential for the security of the United States." It's more likely, however, that moves by Tehran—not Washington, D.C.—will either propel the nuclear deal forward or put it in jeopardy. Iran has a history of testing the limits of its international agreements, particularly when it comes to its nuclear program, points out Ambassador Dennis Ross, counselor at the Washington Institute for Near East Policy. Tensions over implementing the new deal, including different interpretations of the limitations, are inevitable. But "a lot depends on when they test the limits and in what ways they test the limits," Ross says. He says if the Iranians are smart, they won't try and test Washington until after some time into a new administration is in power. At that point, it would be up to the new administration how forcefully to push back. "If we get an agreement that's actually successfully implemented for a year and a half [under Obama], I don't think any Republican president would cut up a deal," says Ilan Goldenberg, director of the Middle East Security Program at the Center for a New American Security, a D.C. think tank. That, Goldenberg notes, would shatter the international consensus reached among the group known as the P5+1, which includes permanent United Nations Security Council members the U.S., France, the United Kingdom, Russia and China, as well as Germany. It would also roil a region already in flames and up the prospects for Iranian reprisals. And it could harm international energy markets, which are eager to get their hands on Iran's significant oil reserves, if and when Western sanctions against the country are lifted under the prospective deal. "I don't think Iran is going to walk away from this quickly," says Goldenberg, previously a senior Middle East policy adviser at the State Department and Pentagon. "I think they'll implement the agreement," at least in the early stages. That would likely force the next administration to hold up its side of the bargain, as well, at least initially. "I can see a Republican administration coming in and holding their nose and implementing it," Goldenberg says. "But not vigorously implementing it." The questions are more likely to come in the ensuing years, as the politics shift and new challenges emerge.

AAT: Crime D.A- MSDI

Defense



UQ: Crimes Rates High / Rising

2015 marks the rise of crime rates

Gold 6/5 (Ashley Gold, 6-5-2015, "Why has the murder rate in some US cities suddenly spiked?," BBC News, <http://www.bbc.com/news/world-us-canada-32995911>) LO

Murder and violent crime rates have risen in multiple US cities since the beginning of 2015, after falling for two decades. Some have put this down to a so-called Ferguson effect, referring to the protests against perceived police brutality, that sometimes became violent. Could that be true? What do the statistics say? There are no national figures on crime in the US available yet for 2015, but some cities have released their own figures. In New York City, the murder rate has gone up by 20% in 2015 compared with the first few months of 2014. Mayor Bill de Blasio called a special news conference at which he acknowledged the increase, but said it could be contained. He said he had faith in the New York Police Department that they will "turn the tide". In other cities, there are similar increases reported. In Baltimore, murders are up 37% and in Los Angeles, violent crime is up by 27% (although murders are down 2%). In Houston, murders are up nearly 50% so far this year. What is the Ferguson effect? This is a term coined by St Louis Police Chief Sam Dotson, whose police officers had been one of the forces dealing with the summer protests and riots in Ferguson, Missouri, following the fatal shooting of black teenager Michael Brown. He said in November his police officers had been drawing back from everyday enforcement due to fears they could be charged. As a result, he said, the "criminal element is feeling empowered". The phrase was repeated recently by Heather MacDonald, a fellow at the US Manhattan Institute, in a piece for the Wall Street Journal. The Ferguson effect, she said, was taking hold across the country "under the onslaught of anti-cop rhetoric". Multiple police officers Ms MacDonald spoke to told her police morale is at an all-time low and they are now worried about being charged, recorded and assaulted while trying to do their jobs and keep communities safe. "Unless the demonisation of law enforcement ends, the liberating gains in urban safety will be lost," she wrote. Baltimore's police boss, Anthony Batts, said the riots had another effect on crime. Scores of pharmacies had been looted and the surge in the supply of drugs has "thrown off the balance" between gangs in the city, he said. "There's enough narcotics on the streets of Baltimore to keep it intoxicated for a year," he said.

US crime rate experiencing sudden spike

Batley 6/4 (Melaine Batley, 6-4-2015, "Sudden Spike in Violent Crime Across US Raises Alarm," Newsmax, <http://www.newsmax.com/US/crime-violent-homicide-cities/2015/06/04/id/648724/>) LO

Major cities across the United States are seeing their crime rates skyrocket, sparking alarm about the causes, particularly given that there had been a two-decade drop in crime. A city-by-city look shows: In Baltimore, shootings are up 82.5 percent, or nearly double from last year, the Baltimore Brew reported. In Chicago, there have been over 900 shootings this year, a 40 percent increase, and a 29 percent increase in homicides in the first three months of the year. USA Today reported. In New York City, murders have increased 20 percent and the mayor has already announced that he will put an additional 330 cops on the street by Monday in response to the spike in homicides and shootings. In Los Angeles, violent crime rates increased by more than 25 percent and the city is also deploying more officers to areas where crime is on the rise, The Los Angeles Times reported. And according to Townhall.com: In St. Louis, there have been 55 murders this year In Dallas, violent crime is up 10 percent In Atlanta, homicides are up 32 percent In Milwaukee, homicides have increased by 180 percent Some attribute the rise in crime to a "Ferguson" effect, or a rise in anti-police sentiment born out of the protests and clashes around the country that followed the deaths of unarmed black men at the hands of police, The Week reported. A dynamic may have emerged in which criminals are more brazen and police are more cautious in fighting crime. "There's a war on cops. Not bad cops, not bad apples, but all cops and the police know it. The conduct of the suspects is never in question — they're always right, it's usually drawn on racial lines. It's a complete, toxic formula to actually do police work," said former Los Angeles Police Department Homicide Detective Mark Fuhrman, according to Townhall.com. The police are simply scaling back, exactly what everybody's chanting for in all of these protests. 'Don't be so aggressive. Don't stop and frisk. Don't stop and ask where people are going. Don't make traffic stops.' So, they are," Fuhrman said, and now crime's skyrocketing. But others say that linking the protests to an increase in crime is misleading. "This is all part of an attempt to tell black people that if we exercise our First Amendment rights, we are somehow now responsible for people who engage in crime," said CNN political analyst Van Jones. "Why should the black community have to choose between police abuse and police neglect? That's a false choice."

Crime rates rising – specifically targeting black and the inner-city poor

Wood 6/6 (Chip Wood, 6-6-2015, "Why Crime Rates Are Soaring," The NewAmerican, <http://www.thenewamerican.com/reviews/opinion/item/21015-why-crime-rates-are-soaring>) LO

It's being called "the Ferguson effect." It's the explosion of violent crimes in major U.S. cities, thanks to the ways police have been demoralized — and criminals have been emboldened — in the aftermath of police shootings of supposedly innocent blacks. In Baltimore, there were 43 homicides in the month of May. This is the highest murder rate there in more than 40 years, when the city's population was almost 50 percent bigger than it is now. This brings the death toll for the year to 116 people, the vast majority of them blacks. Heather Mac Donald, the Thomas W. Smith fellow at the Manhattan Institute, described the situation in a May 29 column, "The New Nationwide Crime Wave." Her piece carried the subtitle, "The consequences of the 'Ferguson effect' are already appearing. The main victims of growing violence will be inner-city poor." Here's how her article began: The nation's two-decades-long crime decline may be over. Gun violence in particular is spiraling upward in cities across America. In Baltimore, the most pressing question every morning is how many people were shot the previous night. Gun violence is up more than 60% compared with this time last year, according to Baltimore police, with 32 shootings over Memorial Day weekend. May has been the most violent month the city has seen in 15 years. But Baltimore isn't the only major city that has seen crime rates soar. Homicides in Atlanta were up 32 percent in the first five months of the year. In Chicago, which already was contending for the title "Murder Capital of the Country" because of the high death rate there, homicides are up 17 percent so far this year. In New York, homicides are up almost 13 percent. In St. Louis, robberies were up 43 percent during the first four months of this year. During the same period, homicides increased by 25 percent. St. Louis Police Chief Sam Dotson said a major reason for the increase is that "the criminal element is feeling empowered." Of course it is! What else would you expect to happen when the media are only too eager to portray police as racist killers and when public officials, from city mayors to the president of the United States, are all too willing to play into this false narrative? Remember the demonization of police that occurred after the shooting of Michael Brown in Ferguson, Missouri? Although it was later proved that Brown attacked police officer Darren Wilson and wasn't standing with his hands up, trying to surrender, the lie that he was doing so led to the slogan "Hands up, don't shoot" being used by demonstrators all over the country. The mainstream media were only too willing to repeat every dishonest smear against the police. Publicity hound and racist agitator Al Sharpton got massive exposure for every scurrilous attack on the police that he uttered. Who cared what the truth was? The real tragedy here is that it is blacks who are the biggest victims of the soaring crime rates. They're being raped, robbed, shot and molested by black criminals in increasing numbers. Before this year, violent crimes in America had been declining for the past two decades. Now, crime rates are soaring. As Mac Donald wrote: If these decriminalization and deincarceration policies backfire, the people most harmed will be their supposed beneficiaries: blacks, since they are disproportionately victimized by crime. Right! But will this be enough to get the Democrats who run virtually every big city in America to change their policies or for the mainstream media to expose the lies that help fuel the mayhem? Not a chance. I'm afraid things will only get worse, especially in our inner cities, before they get better — maybe a lot worse. Until next time, keep some powder dry.

Crime doesn't impact economy much

No clear crime-economy relationship

John Roman 9-23-2013 Urban Institute, Justice Policy Center Sr Fellow

<http://www.citylab.com/work/2013/09/puzzling-relationship-between-crime-and-economy/6982/>The Puzzling Relationship Between Crime and the Economy Criminologists say bad economies create more crime; economists say the opposite. But recent data reveals neither explanation is right.

Looking at the relationship between GDP and crime back to the earliest reliable crime data from 1960 supports both positions, **suggesting there is no relationship between economic growth and crime**. In the first part of the series, rising GDP is associated with rapidly increasing crime. In the second part, it is associated with declining crime. In the middle, there is no relationship at all. **Most macroeconomic data show the same pattern**. Consider consumer confidence data going back to the inception of the University of Michigan Consumer Sentiment data in 1978. Again, the **consumer confidence data show no relationship between consumer sentiment and crime rates**. That, however, is because the relationship was strongly negative prior to 1992 (meaning more confident consumers=less crime). After 1992, the pattern reverses, and the better the economy, the more crime there is. **The bottom line: Crime is episodic and there is no singular effect** of the economy on crime. In order to understand and prevent crime, it is therefore necessary to understand what type of period we are in. It's also necessary to understand what forces are at work locally, rather than focus on the national picture. Next week, I will address that point.

Weak internal link – overall data is mixed

Eleftherios Goulas & Athina Zervoyianni April 2012 University of Patras (Greece) Econ Department

http://www.rcfea.org/RePEc/pdf/wp51_12.pdfWP 12-51 The Rimini Centre for Economic Analysis (RCEA), Italy ECONOMIC GROWTH AND CRIME: DOES UNCERTAINTY MATTER?

Nevertheless, despite the growing literature, empirical studies have not yet produced a definite conclusion regarding the impact of crime on economic growth. **Existing findings are often contradictory, with some estimates suggesting a strong adverse influence of crime on growth while other studies report evidence indicating no effect at all**. For example, Peri (2004) finds crime to have a statistically significant impact in reducing both per capita income growth and employment growth using panel data at provincial level from Italy for 1951-1999. His results, however, indicate the possibility of non-linearities in the crime-growth relationship. Burnham et al. (2004) explore the impact of central-city crime on US county-level per-capita income growth and report results suggesting no clear crime-growth relationship. In particular, while they find a statistically significant adverse violent-crime effect on growth, the impact of property crime is weak and in some specifications perverse. On the other hand, a World Bank study (World Bank, 2006), based on data from 43 countries for 1975-2000, reports results suggesting a strong negative effect of crime on growth even after controlling for human-capital accumulation and income inequality, that is, variables which are likely to be causally linked to crime. Cárdenas (2007) also finds a significantly negative association between crime and per-capita output growth in a panel of 65 countries using homicides data for 1971-1999 and a country-fixed effects specification. **Mauro & Carmeci (2007) find that crime impacts negatively on income levels but exerts no significant long-run adverse influence on growth rates** employing the pooled-mean-group estimator (Pesaran et al. (1999)) and homicides data from 19 Italian regions during the period 1963-1995. Dettoto & Pulina (2009) explore the cointegration status between six types of crime and employment growth using Italian national-level data between 1970 and 2004. Their results indicate that property crime, but not homicides, causes lower long-run employment growth. In a more recent study, Dettoto & Otranto (2010) apply an autoregressive model, in which real GDP growth is explained by past GDP and a crime proxy, to monthly data for Italy during the period 1979-2002 and find only a relatively small annualized real-GDP growth reduction due to crime. **Chatterjee & Ray (2009), based on a large cross-country data set for the period 1991-2005 and controlling for human capital and institutional quality, also find no strong evidence of a uniformly negative association between crime and growth** and this applies both to total crime and to sub-categories of crime.

Their evidence flawed—no systematic study to correlate economy and crime

BY DEBRA RESCHKE A mixed bag of conditions could have various effects on crime RETAIL CRIME IN AN ECONOMIC DOWNTURN National Petroleum News [serial online]. April 2009;101(4):24. Available from: MasterFILE Premier, Ipswich, MA. Accessed July 6, 2015.

Although it is generally assumed that fluctuations in the economy alter crime, evidence that categorically proves it is hard to find. "There's never been a systematic study that shows it," said Peter Manning, Brooks Professor of Criminal Justice at Northeastern University. He explained the lack of proof by echoing Erickson's statement; the lag between the change in the economy and crime rate makes it difficult to predict. Also, according to Manning, several various different political and philosophical opinions tend to go along with these types of studies as well as possibly erroneous ideas. "The idea that people who commit these crimes become more impulsive (in economic downturns) is simply not true," he said. In fact, he added, robbers, in either bear or bull markets, are usually unemployed and, therefore, unrelated to the economy. What has been more widely studied and documented are the characteristics of retail robbers. Findings suggest the people who commit robberies at places like c-stores are usually impulsive by nature, low skilled and fairly young, said Manning

The correlation between crime and the economy is not consistent.

JOHN ROMAN senior fellow in the Justice Policy Center at the Urban Institute, where he focuses on evaluations of innovative crime-control policies and justice programs **Sep 24, 2013** The Puzzling Relationship Between Crime and the Economy
<http://www.citylab.com/work/2013/09/puzzling-relationship-between-crime-and-economy/6982/>

But as the figures below show, the relationship between crime and the economy is not as obvious as it seems, and focusing on that relationship obscures more important predictors. Looking at the relationship between GDP and crime back to the earliest reliable crime data from 1960 supports both positions, suggesting there is no relationship between economic growth and crime. In the first part of the series, rising GDP is associated with rapidly increasing crime. In the second part, it is associated with declining crime. In the middle, there is no relationship at all. Most macroeconomic data show the same pattern. Consider consumer confidence data going back to the inception of the University of Michigan Consumer Sentiment data in 1978. Again, the consumer confidence data show no relationship between consumer sentiment and crime rates. That, however, is because the relationship was strongly negative prior to 1992 (meaning more confident consumers=less crime). After 1992, the pattern reverses, and the better the economy, the more crime there is. The bottom line: Crime is episodic and there is no singular effect of the economy on crime. In order to understand and prevent crime, it is therefore necessary to understand what type of period we are in. It's also necessary to understand what forces are at work locally, rather than focus on the national picture. Next week, I will address that point

Link Defense

Focus on crime reduction doesn't solve

Theo Lorenc (et al), 2014, London School of Hygiene

<http://www.ncbi.nlm.nih.gov/books/NBK262852/> Crime, fear of crime and mental health: synthesis of theory and systematic reviews of interventions and qualitative evidence. Public Health Research, No. 2.2 (Chapt 3) Theo Lorenc (et al),1,* Mark Petticrew,1 Margaret Whitehead,2 David Neary,2 Stephen Clayton,2 Kath Wright,3 Hilary Thomson,4 Steven Cummins,5 Amanda Sowden,3 and Adrian Renton.6. March 2014 1 Department of Social and Environmental Health Research, London School of Hygiene and Tropical Medicine, London, UK 2 Department of Public Health and Policy, University of Liverpool, Liverpool, UK 3 Centre for Reviews and Dissemination, University of York, York, UK 4 MRC Social and Public Health Sciences Unit (SPHSU), University of Glasgow, Glasgow, UK 5 School of Geography, Queen Mary University of London, London, UK 6 Institute for Health and Human Development, University of East London, London, UK * Corresponding author

Broader social interventions appear more promising than crime-focused environmental interventions as a means of improving fear of crime, health and well-being. The qualitative evidence suggests that fear of crime may impact on physical activity. More broadly, crime and fear of crime appear to be linked to health and well-being mainly as aspects of socioeconomic disadvantage. This review indicates the following gaps in the literature: evaluation research on the health impacts of crime reduction interventions; more robust research on interventions to reduce fear of crime; systematic reviews of non-environmental interventions to reduce fear of crime and systematic reviews of qualitative evidence on other crime-related topics.

Surveillance doesn't reduce crime

Ali Winston 9-11-2013 The East Bay Express

<http://www.eastbayexpress.com/oakland/we-are-being-watched/Content?oid=3706988> We Are Being Watched Our fear of another 9/11 resulted in the erosion of our privacy rights. And now our fear of crime is pushing the surveillance state to a whole new level

The Domain Awareness Center -- Oakland's planned surveillance hub that is being designed to collect data from at least 150 city and port cameras, 40 license plate readers, gunshot detectors, alarm notifications, and intelligent video programs -- **is the broadest surveillance project** in the region and has attracted the most criticism. Funded entirely through federal grant money and being built on a contract by Science Applications International Corporation (SAIC) -- a defense contractor with a record of making shoddy products; producing cost overruns; and defrauding municipal, federal, and foreign governments -- the surveillance center has also attracted heavy criticism for its lack of privacy or data retention policies, as well as for its plans to incorporate cameras from the Oakland Unified School District, the Oakland Coliseum, and freeways. **But expanded** electronic **surveillance has also** garnered widespread **support from** city **residents** who are **fed up with crime** and are willing to trade their privacy rights and civil liberties for the chance of being safer -- much as Americans have done throughout the past decade in the fight against terrorism. "People who probably in a 'normal' or less fearful crime-ridden situation would not think about wanting more cameras, but in the reality of today, I'm getting people saying, 'Can't we get more cameras in these places?'" said Dan Kalb, who represents North Oakland (one of the city's less crime-impacted neighborhoods) on the city council. "They want to be able to walk back from BART to their homes -- four blocks -- without fearing having to do it. People are taking cabs from Rockridge BART home. It's a shame that it's gotten to that point." While much of the official rhetoric about the surveillance center has revolved around Oakland's high crime rate, **a substantial body of research reveals that video surveillance does not impact violent crime.** **In London**, where there are 4.2 million surveillance cameras, police studies last decade concluded that the expansion of **the surveillance state had not resulted in decreased crime.** **Furthermore**, video **surveillance** by law enforcement **raises concerns about racial profiling.** In Lansing, Michigan, an independent study of surveillance cameras concluded that black residents were twice as likely to be under continual surveillance than white residents.

No data support surveillance deterrence – it doesn't reduce crime but trades off with more effective approaches

Mark Schlosberg August 2007 The California ACLU Affiliates

https://www.aclunc.org/docs/criminal_justice/police_practices/under_the_watchful_eye_the_proliferation_of_video_surveillance_systems_in_california.pdf Under the Watchful Eye The Proliferation of Video Surveillance Systems in California (and Nicole A. Ozer, co author)

Even in the face of this evidence, **law enforcement** and government officials in California **continue to claim that cameras deter crime**. In San Francisco, for example, the Director of the Mayor's Office of Criminal Justice admitted, at a public hearing on the proposed expansion of the city's video surveillance program, that he was unaware of any studies demonstrating the effectiveness of cameras and that there had been no comprehensive study of San Francisco's system. **Yet**, he continued to assert that cameras would deter crime.⁸¹ Likewise, in Clovis, Police Captain Robert Keyes asserted that cameras contributed to a reduction in crime, despite the fact that **"there's nothing other than anecdotal evidence"** to support that.⁸² **The ACLU survey found** that no California jurisdiction with video surveillance cameras has conducted a comprehensive evaluation of their effectiveness. As **comprehensive studies strongly suggest cameras do not deter crime**, the rationale of deterrence falls short of justifying either the cameras' expense or their intrusion into privacy. Another justification for video surveillance is that its purported ability to capture evidence of criminal activity could potentially increase the success of criminal prosecutions. In London, the role of CCTV cameras in identifying the men involved in the 2005 terrorist attacks has been highly publicized. Cameras undoubtedly capture some evidence of criminal activity, but in the limited studies available, **evidence suggests that the impact of video footage on prosecutions may not be as significant** as policy-makers expect. First, some evidence suggests that cameras make little difference in the number of crimes actually solved. The Glasgow study cited above, for example, found that "the cameras appeared to have little effect on the clearance rates for crimes and offenses generally. Comparing statistics before and after installation of the cameras, the clear-up rate increased slightly, from 62 to 64 percent. Once these figures were adjusted for general trends, however, the research analysts concluded that the clear-up rate fell from 64 to 60 percent."⁸³ Second, while some crimes are certainly captured on film, some **law enforcement agencies appear to overestimate** the degree to which the footage helps law enforcement actually convict criminals. In Maryland, for example, Margaret Burns, a spokesperson for the state attorney's office, told reporters for the Washington Times that the office has not "found them to be a useful tool to prosecutors . . . they're good for circumstantial evidence, but it definitely isn't evidence we find useful to convict somebody of a crime . . . We have not used any footage to resolve a violent-crime case."⁸⁴ According to a study by the Maryland state attorney's office, of the nearly 2,000 arrests made on the basis of video camera footage, the vast majority concluded in an outright dismissal or a conviction for minor crimes. The office is now questioning the large amount of taxpayer money spent on the program. "Do these prosecutorial results support millions of dollars in tax expenditures? There will have to be a public debate about this," Burns said.⁸⁵ In Cincinnati, Ohio, police also found cameras to be ineffective. A University of Cincinnati study found that the city's program, which began in 1998, merely shifted crime beyond the view of the cameras. According to Captain Kimberly Frey, "We've never really gotten anything useful from them . . . we've never had a successful prosecution . . . we're trying to use . . . money for other things. Video surveillance costs more than the cameras alone: The dollars used to buy the system are not spent in a vacuum. **Public safety budgets are stretched very thin**, especially in many urban areas, so money dedicated to video **surveillance often comes at the expense of potentially more effective measures, such as lighting, community policing initiatives, and increased foot patrols. Compare the lack of evidence of video surveillance's ability to reduce crime with the remarkable results that improved lighting produces**. A survey commissioned by the British Home Office looked at 13 lighting studies in Great Britain and the United States and evaluated the cumulative impact. The study found a 20 percent average decrease in crime, with reductions in every area of criminal activity including violent crime. In fact, in two areas "financial savings from reduced crimes greatly exceeded the financial costs of the improved lighting." The report concluded: Street lighting benefits the whole neighborhood rather than particular individuals or households. It is not a physical barrier to crime, it has no adverse civil liberties implications, and it can increase public safety and effective use of neighborhood streets at night. In short, **improved lighting seems to have no negative effects and demonstrated benefits** for law-abiding citizens.⁸⁷ Intensive **foot patrols have shown similar results**—reductions in crime, including violent crime, of 15 to 20 percent.⁸⁸ These findings suggest that from a law enforcement and public safety perspective alone, **the dedication of scarce resources to video surveillance systems may not only be an inefficient and ineffective** use of funds, **it may actually be counterproductive**.

A2 Fear of Crime

Fear of crime impacts are minimal

Theo Lorenc (et al), 2014, London School of Hygiene

<http://www.ncbi.nlm.nih.gov/books/NBK262852/> Crime, fear of crime and mental health: synthesis of theory and systematic reviews of interventions and qualitative evidence. Public Health Research, No. 2.2 (Chapt 3) Theo Lorenc (et al),1,* Mark Petticrew,1 Margaret Whitehead,2 David Neary,2 Stephen Clayton,2 Kath Wright,3 Hilary Thomson,4 Steven Cummins,5 Amanda Sowden,3 and Adrian Renton.6. March 2014 1 Department of Social and Environmental Health Research, London School of Hygiene and Tropical Medicine, London, UK 2 Department of Public Health and Policy, University of Liverpool, Liverpool, UK 3 Centre for Reviews and Dissemination, University of York, York, UK 4 MRC Social and Public Health Sciences Unit (SPHSU), University of Glasgow, Glasgow, UK 5 School of Geography, Queen Mary University of London, London, UK 6 Institute for Health and Human Development, University of East London, London, UK * Corresponding author

As noted earlier (see Emotional response: further considerations), many researchers have called for greater precision in the measurement of fear of crime, on several dimensions. With respect to the distinction between perceived risk and emotional responses, the findings cited earlier may suggest that the latter have a greater impact on health and well-being outcomes although, because of the non-systematic nature of this review, this finding should be regarded as indicative only. With respect to the distinction between dispositional fear and episodic fear, both have been found to be associated with health outcomes; of the studies cited earlier, five use non-time-specific measures^{208,224,226–228} and two measure frequency of worry.^{223,225} With regard to the distinction between functional and pathological fear, limited data are available on health outcomes, although this would be a promising avenue of investigation. Studies have elicited respondents' perceptions of the impact of fear on quality of life^{91,98} and used this to make the distinction between functional and pathological fear, but we did not locate any studies that make the distinction independently and then measure the association with quality of life or other well-being outcomes. Potential differences in the health impacts of fear by type of crime have also, to our knowledge, not been investigated. **The mental health impacts of fear of crime are probably relatively limited** across the population as a whole. **The utility loss has been estimated at 0.00065 of a QALY per person per year** or around one-fifth of the mental health impacts of crime itself,^{122,234} although to our knowledge no modelling work has been carried out on the basis of more in-depth empirical studies such as that by Stafford et al.²²⁷ to provide more accurate estimates.

Fear of crime can't be separated from ACTUAL crime

Theo Lorenc (et al), 2014, London School of Hygiene

<http://www.ncbi.nlm.nih.gov/books/NBK262852/> Crime, fear of crime and mental health: synthesis of theory and systematic reviews of interventions and qualitative evidence. Public Health Research, No. 2.2 (Chapt 3) Theo Lorenc (et al),1,* Mark Petticrew,1 Margaret Whitehead,2 David Neary,2 Stephen Clayton,2 Kath Wright,3 Hilary Thomson,4 Steven Cummins,5 Amanda Sowden,3 and Adrian Renton.6. March 2014 1 Department of Social and Environmental Health Research, London School of Hygiene and Tropical Medicine, London, UK 2 Department of Public Health and Policy, University of Liverpool, Liverpool, UK 3 Centre for Reviews and Dissemination, University of York, York, UK 4 MRC Social and Public Health Sciences Unit (SPHSU), University of Glasgow, Glasgow, UK 5 School of Geography, Queen Mary University of London, London, UK 6 Institute for Health and Human Development, University of East London, London, UK * Corresponding author

As discussed in the theory review, **some form of dualistic distinction between 'rational' and 'irrational' or 'symbolic' fear has been widely utilised as a fundamental distinction in the theoretical literature**. Rational fear would be fear that responds to actual risk (i.e. in which the affective component is purely driven by the cognitive component), whereas all other fear – which has been hypothesised to be driven by a wide range of factors (see following section) – would then be irrational. This framing of the issue has perhaps been a factor in some researchers' and policy-makers' reluctance to separate questions about fear of crime from questions about crime (as we argue is necessary above; see The policy context of fear of crime), from an understandable desire to avoid labelling people's fears as irrational or 'merely' symbolic. However, **many theorists have argued that this distinction is itself an oversimplification**, and fails to take account of how estimations of risk and affective reactions actually inter-relate in the context of lived experience. Some thinkers on fear of crime have attempted to produce revised versions of the distinction between the kind of fear of crime that responds to immediate risk and the kind that expresses broader symbolic resonances, which can take account of these critiques, such as Jackson's¹¹¹ distinction between 'experience' and 'expression'. However, it seems clear that such revisions still face problems in integrating existing theories premised on an absolute distinction between rationality and irrationality with a more critical perspective that would see rationality in more pluralistic or context-sensitive terms. We would argue that the **qualitative evidence tends to show the impossibility of isolating the rational dimension of fear from the symbolic dimension**, for several reasons. One has to do with the complexity of the causal pathways, as discussed in the theory review. Even taking into account the various distortions that may affect cognitive assessments of risk, the latter do not explain more than a small amount of the variation in affective responses, and a wide range of other factors may impact on people's emotional experiences. Some factors (e.g. conditions in the physical environment) may be linked to both the cognitive and the affective aspects of fear in distinct ways, and interact in unpredictable ways depending on contextual or individual-level determinants. The practical difficulty of generalising about these pathways, such that the 'rational' core of fear, represented by

the impact on affective fear from cognitive risk perceptions, could be isolated from the 'irrational' components represented by the impacts of other factors, is highly challenging.

Separating fear and crime risks bad policymaking

Theo Lorenc (et al), 2014, London School of Hygiene

<http://www.ncbi.nlm.nih.gov/books/NBK262832/> Crime, fear of crime and mental health: synthesis of theory and systematic reviews of interventions and qualitative evidence. Public Health Research, No. 2.2 (Chapt 7) Theo Lorenc (et al),^{1,*} Mark Petticrew,¹ Margaret Whitehead,² David Neary,² Stephen Clayton,² Kath Wright,³ Hilary Thomson,⁴ Steven Cummins,⁵ Amanda Sowden,³ and Adrian Renton.⁶ March 2014 ¹ Department of Social and Environmental Health Research, London School of Hygiene and Tropical Medicine, London, UK ² Department of Public Health and Policy, University of Liverpool, Liverpool, UK ³ Centre for Reviews and Dissemination, University of York, York, UK ⁴ MRC Social and Public Health Sciences Unit (SPHSU), University of Glasgow, Glasgow, UK ⁵ School of Geography, Queen Mary University of London, London, UK ⁶ Institute for Health and Human Development, University of East London, London, UK * Corresponding author

In terms of public health and social policy research more generally, the consequence of seeing fear of crime as a dimension of well-being would seem to be to encourage its use as part of a battery of measures examining people's perceptions of the social and physical environments, along with measures such as social cohesion, perceived trust, satisfaction with the environment and so on. Indeed, several of the studies of non-crime interventions in the effectiveness review do exactly this. Further uptake of fear of crime as an outcome measure in evaluations of social and environmental interventions – particularly along with measures of health behaviours and health status – would be a valuable contribution to the evidence base. However, such an increased uptake of **fear of crime as an outcome measure is likely to face a number of challenges**. One is the difficulty of translating between distinct disciplinary 'framings.' As discussed in the review of theory, **the irreconcilability of the different academic discourses** required to understand the impacts of crime on health and well-being corresponds to serious differences between the conceptual frameworks used by different groups of stakeholders. In particular, the relatively narrow range of approaches that predominate in crime- and policing-related fields may pose a problem for communication with decision-makers in other policy and practice areas. This may partly account for the issue identified by Perry¹³⁰ that approaches widely recognised as valuable within public health, such as universal primary prevention, have generally not been taken up within crime-related fields (see Chapter 3, Crime and health). Moreover, as discussed earlier (see Chapter 3, Fear of crime: measures and contexts), **there are serious unanswered questions as to how to interpret fear-of-crime outcomes**. Arguments for the basic incoherence of the concept have been repeatedly made, and do not seem to have become substantially less valid over time. The meaning of even strong trends in the empirical data on fear of crime, such as the substantial and steadily maintained year-on-year decline in worry about crime in the UK over the last 15 or 20 years, remains fundamentally unclear. British Crime Survey data³¹⁰ show worry about burglary declining steadily from a high of 26% in 1994 to 10% in 2010–11, and worry about violent crime declining similarly from 25% in 1998 to 13% in 2010–11. As noted earlier, the utilisation of the concept in the context of policy and practice has also been beset by ambiguities. These apparently insoluble problems have given rise to a widespread sense that the fear-of-crime agenda no longer provides an adequate theoretical framework, and that a transition to a more inclusive concept is required.⁷¹ Thus, **it may be challenging to integrate fear of crime into a more general picture of environmental impacts on well-being**, as it is still unclear what the environmental determinants of fear of crime really are, and what aspects of fear impact on well-being. Although we make a few suggestions below, it seems unlikely that the controversies around this issue will be settled in the foreseeable future. In other words, although there is reason to think that measuring fear of crime can help to access some dimensions of the environment–well-being link, it is far from clear exactly which dimensions these are. To some extent, these questions can be addressed only by further empirical research. However, it must be admitted that **the long but inconclusive history of fear-of-crime research to date does not inspire confidence in the outcome of such a process**.

Offense



Racism Turn

Racism turn

Theo Lorenc (et al), 2014, London School of Hygiene

<http://www.ncbi.nlm.nih.gov/books/NBK262852/> Crime, fear of crime and mental health: synthesis of theory and systematic reviews of interventions and qualitative evidence. Public Health Research, No. 2.2 (Chapt 7) Theo Lorenc (et al),1,* Mark Petticrew,1 Margaret Whitehead,2 David Neary,2 Stephen Clayton,2 Kath Wright,3 Hilary Thomson,4 Steven Cummins,5 Amanda Sowden,3 and Adrian Renton.6. March 2014 1 Department of Social and Environmental Health Research, London School of Hygiene and Tropical Medicine, London, UK 2 Department of Public Health and Policy, University of Liverpool, Liverpool, UK 3 Centre for Reviews and Dissemination, University of York, York, UK 4 MRC Social and Public Health Sciences Unit (SPHSU), University of Glasgow, Glasgow, UK 5 School of Geography, Queen Mary University of London, London, UK 6 Institute for Health and Human Development, University of East London, London, UK * Corresponding author

Integration of fear of crime reduction with broader initiatives Although the effectiveness evidence is inconclusive – and leaving aside the challenges identified in the previous section – the qualitative and theory reviews suggest that narrowly **focused interventions to reduce fear of crime** (such as intensified policing, or the provision of information about crime) **are less likely to be effective than interventions that address either general problems in the environment** (e.g. environmental improvements, housing renewal, and urban regeneration more generally) **or the social, economic and political determinants of fear. The latter might include**, for example, **interventions to** promote social cohesion, reduce alcohol and drug use, **address racism and other forms of discrimination** and promote the empowerment and decision-making capacity of communities. The absence of a clear message from the available data on the effectiveness of these broader interventions is problematic, but the other data considered in this project indicate that such strategies are promising ways to reduce fear of crime, and further evaluation research would be valuable.

Drones Turns

Drones Are Helping Criminals

Jack **Nicas**, 1-28-2015, Aviation journalist, "Criminals, Terrorists Find Uses for Drones, Raising Concerns," WSJ, <http://www.wsj.com/articles/criminals-terrorists-find-uses-for-drones-raising-concerns-1422494268>

Drones are becoming a tool for criminals and terrorists, worrying authorities who say the small unmanned aircraft are difficult to detect and stop, a concern heightened this week by the accidental crash of a drone at the White House. Law-enforcement officials have discovered criminals smuggling drugs and other contraband across the U.S. border and into prisons using the types of consumer drones increasingly popular with entrepreneurs and hobbyists. And authorities in the U.S., Germany, Spain and Egypt have foiled at least six potential terrorist attacks with drones since 2011. U.S. authorities are worried that the problem is growing and that drones could be modified to mount attacks with explosives or chemical weapons, according to a presentation this month by federal intelligence and security officials to their counterparts in law enforcement and people who oversee critical infrastructure.

Criminals Are Using Drones for Spotting Marijuana

Dylan **Love**, 4-23-2014, Tech reporter, "British Criminals Are Using Drones To Steal Marijuana," Business Insider, <http://www.businessinsider.com/british-using-drones-to-steal-marijuana-2014-4>

The latest killer application for drone use seems to be in marijuana reconnaissance, reports ITPortal. Criminal gangs in the UK's rural Shropshire County are reportedly using flying robots equipped with infrared cameras to spot hidden marijuana growing operations from the sky, then blackmailing the growers or downright stealing their crop from the house. In the past, law enforcement has similarly used abnormal infrared heat signatures as a means of prosecuting marijuana cultivators, but these means are being used to a different end by criminal elements in search of drugs or money. One of these fly-by-night marijuana thieves spoke to a local paper about what he does: "[Pot farms] are fair game. It is not like I'm using my drone to see if people have nice televisions. I am just after drugs to steal and sell. If you break the law then you enter me and my drone's world." Drones are only getting more affordable and their use more widespread. The Pocket Drone, a Kickstarter project that successfully raised nearly a million dollars to bring small, affordable drones to the market, offers customers almost everything they need to get flying for \$446. Tom Watson, Shropshire area MP and chairman of the All-Party Parliamentary Group on Drones, said, "It is no surprise enterprising criminals would want to get the upper hand in the criminal underworld by using drones.

Burglars Are Using Drones to Aid Them

David **Barrett**, 5-18-2015, Home Affairs Correspondent, "Burglars use drone helicopters to target homes," Telegraph.co.uk, <http://www.telegraph.co.uk/news/uknews/crime/11613568/Burglars-use-drone-helicopters-to-identify-target-homes.html>

Unmanned drones are being piloted over private homes by burglars in a bid to identify potential targets, police have confirmed. Detectives fear the mini-helicopters, which can be bought for as little as £30, are being deployed to take surveillance photographs from above, posing a brand new threat to home security.

Suffolk Constabulary confirmed it had received at least one report of drones being used by burglars to "case" properties. The drones are highly-maneuverable and – depending on the model – can carry advanced, high definition cameras which can capture video and still images. It is feared that because the technology allows thieves to explore properties from the air they will be used to identify security weak spots, such as older-style patio or French doors which can be easily forced. Because of their abilities to get close-in to potential targets, drones are thought to present an even greater threat than websites such as Google's Street View and Google Earth services, which have previously been accused of assisting thieves with satellite and kerb-side images of properties.

Informant Turns

Informants are unreliable and often commit crimes more serious crimes than the one they are supposed to investigate.

ACLU (American Civil Liberties Union), **No Date** Given <https://www.aclu.org/unnecessary-evil> UNNECESSARY EVIL (ac: 7-6-15)

Unlike witnesses, **informants are motivated by self-advancement. Informants work for the government, often secretly, to gather and provide information or to testify in exchange for cash or leniency in punishment for their own crimes.** Preliminary research indicates that up to 80% of all drug cases in America may be based on information provided by informants. An informant can be a useful law enforcement tool – a necessary evil – if used properly. **But putting police work in the hands of known criminals and blindly trusting that justice will be done is an unnecessary evil. Unfortunately, today's informant system does just that. It lacks the oversight mechanisms and regulations necessary to ensure that informants are telling the truth. Too often, informants are pressured into lying at the expense of innocent people in order to save their own skin. A steady parade of scandals also demonstrates the sad reality that too many times law enforcement has turned a blind eye to the serious, violent crimes being committed by informants while assisting with investigations of less serious crimes, such as non-violent drug offenses. Add to all of this, the vast over-reliance on informants in policing communities of color, and you have a recipe for disaster. Blind trust in the informant system is dangerous. Our public's safety and the integrity of our justice system demand that policymakers put in place strong oversight mechanisms and regulations to ensure informant reliability.**

Informants are unreliable, often continue to commit crime, and being pressured into becoming one can put nonviolent offenders at risk

by Alexandra **Natapoff** JUNE 15, 2010 published in Prison Legal News June, 2010, [https://www.prisonlegalnews.org/news/2010/jun/15/secret-justice-criminal-informants-and-americas-underground-legal-system/From street corners to jails to courthouses to prisons, every year the government negotiates thousands of deals with criminal offenders in which suspects can avoid arrest or punishment in exchange for information. These deals typically take place off-the-record, subject to few rules and little oversight.](https://www.prisonlegalnews.org/news/2010/jun/15/secret-justice-criminal-informants-and-americas-underground-legal-system/From%20street%20corners%20to%20jails%20to%20courthouses%20to%20prisons,%20every%20year%20the%20government%20negotiates%20thousands%20of%20deals%20with%20criminal%20offenders%20in%20which%20suspects%20can%20avoid%20arrest%20or%20punishment%20in%20exchange%20for%20information.%20These%20deals%20typically%20take%20place%20off-the-record,%20subject%20to%20few%20rules%20and%20little%20oversight.) While criminal informants—sometimes referred to as “snitches”—can be important investigative tools, using them has some serious costs: informants often continue to commit crimes, while the information they provide is infamously unreliable. **Taken together, these facts make snitching an important and problematic aspect of the way America does justice. The practice of trading information for guilt is so pervasive that it has literally become a thriving business. For example, Ann Colomb and her three sons were wrongfully convicted in 2006 of running a crack cocaine ring in Louisiana. They were convicted based on the fabricated testimony of dozens of jailhouse informants—participants in a for-profit snitch ring operating in the local federal prison. As part of that ring, prisoners were buying and selling information about pending cases to offer to prosecutors in order to reduce their own sentences. When police rely on criminal informants, innocent people can pay a heavy price. Acting on a bad tip from a local drug dealer-turned-informant, Atlanta police sought a no-knock warrant for the home of Mrs. Kathryn Johnston. In order to get the warrant, the officers invented an imaginary snitch, telling the magistrate judge that a non-existent “reliable confidential informant” had bought crack at Mrs. Johnston's home. While executing the warrant on November 21, 2006, police shot and killed the 92-year-old grandmother. Criminal informants often continue to commit crimes while working for the government. To its embarrassment, the Secret Service discovered that one of their top former informants, Albert Gonzalez, was running one of the largest credit card data theft rings in the country. Gonzalez had used his connections with the government to promote his illegal activities and also to tip off other hackers on how to avoid detection.**

Rules to manage and stop informants from committing crimes aren't followed

Jeff **Donn** 2003 Associated Press Writer for the LA times <http://articles.latimes.com/2003/mar/16/news/adna-danger16> Informants May Get a Pass on Murder

For decades in cities from coast to coast, FBI agents recruited killers and crime bosses as informants and then looked the other way as they continued to commit violent crimes. When the practice first came to light in Boston -- unleashing an ongoing investigation that has already sent one agent to prison for obstruction of justice -- FBI officials in Washington portrayed it as an aberration. But Associated Press interviews with nine former agents -- men with a combined 190 years of experience in more than 25 bureau offices from Los Angeles to Washington -- indicate that the practice was widespread during their years of service between the late 1950s and the 1990s. The former agents, and two federal law enforcement officials who have worked closely with the bureau, said the practice sometimes emboldened informants, leading them to believe that they could get away with almost anything. The degree to which the practice continues today is unclear; current FBI agents and administrators are secretive about the bureau's work with informants. However, a senior FBI official indicated that bureau rules designed to prevent serious crimes by informants may not always be followed by agents in the field.

Immigration Turns

Increasing border security will increase crime

Pia M. **Orrenius** and Roberto **Coronado 2005**, Research Department Federal Reserve Bank of Dallas.
http://ccis.ucsd.edu/wp-content/uploads/WP_131.pdf

Not surprisingly, we find evidence of a positive and significant correlation between the volume of apprehensions of illegal immigrants and the incidence of violent crime. **The underlying relationship is likely one in which the reliance of border crossers on smugglers, and the pervasiveness of drug smuggling, contribute to violent crime along the border. If that is the case, one might expect that enforcement leads to more violent crime, as more border patrol should increase smuggler usage.** We find that yes, **sector increases in enforcement may increase violent crime rates in the own sector as well as the neighboring sectors.** At the same time, higher average enforcement along the border leads to significantly less violence.

Empirically proven-immigration doesn't lead to higher crime rates

Stuart **Anderson 2012**. Anderson is executive director of the National Foundation for American Policy and an adjunct scholar at the Cato Institute.

http://www.arcohistory.org/U.S._History/Assignments/Entries/2014/12/4_Fishbowl__Immigration_files/It%20Is%20a%20Myth%20That%20Illegal%20Immigration%20Leads%20to%20Higher%20Crime%20Rates.pdf

"According to the most recent figures from the U.S. Department of Justice, **the violent crime rate in Arizona in 2008 was the lowest it has been since 1971; the property crime rate fell to its lowest point since 1966.** In the past decade, as illegal immigrants were drawn in record numbers by the housing boom, the rate of violent crimes in Phoenix and the entire state fell by more than 20 percent, a steeper drop than in the overall U.S. crime rate." **National studies have reached the conclusion that foreign-born (both legal and illegal immigrants) are less likely to commit crimes than the native-born.**

Deferred action reduces crime

Max **McClure**, 8-29-2012, Stanford University, "Obama administration's immigration reform initiative could reduce crime, Stanford economist finds,"

<http://news.stanford.edu/news/2012/august/immigration-reform-crime-082912.html>

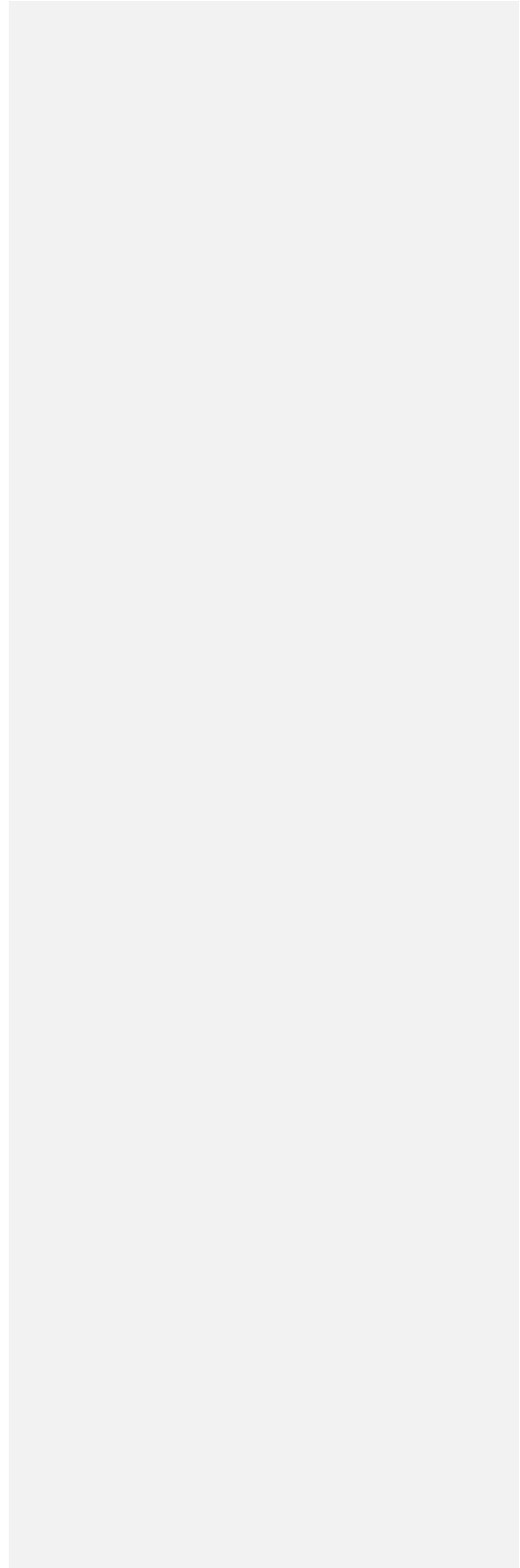
Baker compared IRCA applications with FBI crime statistics on a county-by-county basis, **and found that more legalizations meant less crime.** Legalizing 1 percent of the population in a county corresponded to a 2 percent decrease in crime per capita – around 200,000 fewer crimes every year on a national level. Baker's evidence suggests that this decline is, in fact, directly tied to IRCA-enabled legalizations. The results aren't explained by other factors, like long-term crime trends or an increase in police numbers. There are a number of possible reasons for why legalization might have this effect. Legal immigrants are more likely to cooperate with the police during investigations. The immigrants, primarily men, were also less likely to live alone once they were legalized – an important detail, since family men are less prone to criminal behavior. But, Baker says, the most important change was likely the most direct. "Once these men are legalized, they're essentially granted access to a formal, legal labor market," said Baker. This means more jobs, higher salaries and better opportunities for advancement.

Immigrants key to low crime rates – L.A. proves

Hansen 15 (Matt Hansen, 6-19-2015, "Why immigrants make America's crime rate plunge," No Publication, <http://theweek.com/articles/561334/why-immigrants-make-americas-crime-rate-plunge>)
LO

Hollywood famously envisioned an America free of criminals in 2002's *Minority Report*. But Steven Spielberg didn't need Tom Cruise or his soothsaying mutants to predict what crime would look like in the year 2054: A more accurate prophecy was just outside the set. The way the city of Los Angeles looks today — diverse, with no clear ethnic majority — is likely how the rest of the country will look by 2050, demographic studies from the U.S. Census Bureau have found. And researchers with *Los Angeles 2050*, a study commissioned by the Goldhirsh Foundation, say this could have a real impact on something that preoccupies many Americans: crime. According to the study, **the crime rate in Los Angeles has fallen to historic lows, in line with a nationwide trend. But L.A. — a city in which 35 percent of residents were not born in the U.S. — has actually seen crime rates go down at a faster rate than cities with fewer immigrants.** Other research backs up the link. A 2008 study from the Public Policy Institute of California found that despite comprising 35 percent of the state's population, **only 17 percent of California's prisoners were foreign-born immigrants. This means that adult males born in the United States were jailed nearly 3.3 times more often than men born outside the country.** And a 2009 study from the Rand Corporation found that kids growing up in first-generation immigrant households were less likely to be victims of violence than kids growing up in U.S.-born households, even when they lived in the same low-income neighborhoods. The researchers said their findings indicated that living in an immigrant household was "a protective mechanism even in distressed neighborhoods" where violence was common. The future of America's endangered languages "There are various theories aimed at understanding why we find lower crime rates among the first generation, most are linked to the contention that the process of migrating isn't easy," Bianca Bersani of the University of Massachusetts Boston told *The Week* in an email. She has conducted her own independent studies of individuals, rather than neighborhoods, comparing crime rates across generations, and says her own research supports these findings. First, **migration is difficult**, Bersani noted, **so immigrants are likely self-selecting. Likewise, many immigrants without legal status risk deportation and thus may be more likely to obey the law. First generation immigrants may also have a more positive outlook towards law enforcement and the legal system** than second generation immigrants or native-born Americans. Another thing to consider is **family structure, she said: Immigrant families are often intact, featuring two-parents.** But there's a flip side, too. As immigrants live longer in the United States, research indicates that they catch up to native-born Americans in terms of crime. By that time, second-generation immigrants have become "typical U.S. born youth," Bersani said. Her research shows that "second generation immigrant criminal behavior is no different from typical native-born youth offending," she said, and that when put under the same influences as native-born American kids, second-generation immigrant kids make similar choices. "Looking back 100 years we see a story similar to today whereby first generation immigrants displayed lower levels of offending compared to their second-generation children," she said. "At the same time these children progressed up the social ladder and are now considered part and parcel of mainstream U.S. society." In Los Angeles, at least, the immigration that has made it into one of the country's most diverse cities is seen as an asset, both as a measure against crime and as a driver for tourism and economics. The city is home to the most Mexicans, Filipinos, Iranians, Salvadorans, and Koreans outside of their native countries. The University of Southern California has routinely claimed the most international students in the country. For the researchers at *Los Angeles 2050*, this bodes well for their city. "In the case of public safety, **racial diversity is one of Los Angeles' greatest assets**," they wrote. And perhaps the same will be said of more American cities in the future.

More A2 Terror



Al Qaeda

Al Qaeda has insufficient funds and is too busy watching pornography.

Mueller, 11. (John Mueller; is Professor of Political Science at Ohio State University. He is the author of *Atomic Obsession* and a co-author, with Mark Stewart, of the forthcoming book *Terror, Security, and Money: Balancing the Risks, Benefits, and Costs of Homeland Security*. He is also editor of the webbook *Terrorism Since 9/11: The American Cases*. 8/2/11.) FOREIGN AFFAIRS. "The Truth about Al Qaeda". Retrieved from: <https://www.foreignaffairs.com/articles/2011-08-02/truth-about-al-qaeda>. //JW

The public has now endured a decade of dire warnings about the imminence of a terrorist atomic attack. In 2004, the former CIA spook Michael Scheuer proclaimed on television's 60 Minutes that it was "probably a near thing," and in 2007, the physicist Richard Garwin assessed the likelihood of a nuclear explosion in an American or a European city by terrorism or other means in the next ten years to be 87 percent. **By 2008, Defense Secretary Robert Gates mused that what keeps every senior government leader awake at night is "the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear." Few, it seems, found much solace in the fact that an al Qaeda computer seized in Afghanistan in 2001 indicated that the group's budget for research on weapons of mass destruction** (almost all of it focused on primitive chemical weapons work) **was some \$2,000 to \$4,000.** In the wake of the killing of Osama bin Laden, officials now have more al Qaeda computers, which reportedly contain a wealth of information about the workings of the organization in the intervening decade. **A multi-agency task force** has completed its assessment, and according to first reports, it **has found that al Qaeda members have primarily been engaged in dodging drone strikes and** complaining about how cash-strapped they are. Some reports suggest **they've also been looking at quite a bit of pornography.**

ISIS

ISIS cannot convert ebola into a bioterror weapon

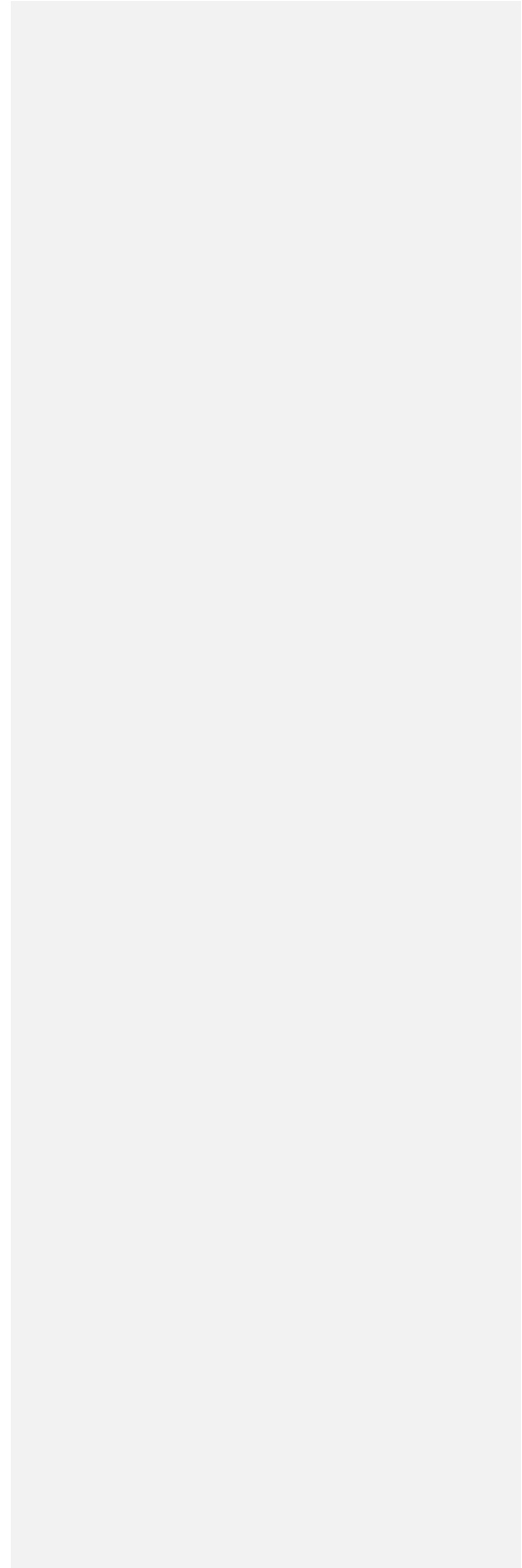
Evans, '14. (Nicholas G. Evans; bioethicist at University of Pennsylvania specializing in biosecurity, bioterrorism and ethics of pandemic disease. 10/10/14.) SLATE. "EBOLA IS NOT A WEAPON". Retrieved from:

http://www.slate.com/articles/health_and_science/science/2014/10/ebola_and_bioterrorism_the_virus_is_not_a_bioweapon_despite_media_myths.html // JW

Stop it. Just stop it. Ebola isn't a potential weapon for terrorists. It isn't as reported by Forbes and the Daily Mail, **a low-tech weapon of bioterror for ISIS. It isn't the final refuge of a lone wolf on a suicide mission**, in the words of Fox News. **It isn't a U.S.-built race-targeting bioweapon**, as the leader of the Nation of Islam declared. **Ebola** is very real, and very scary. But this **outbreak isn't a recipe for a bioweapon. Not unless you want to be the most incompetent bioterrorist in history**. First, **the virus isn't a viable bioweapon candidate**. It doesn't spread quickly—its R0, a measure of how infectious a virus is, is about 2. That means that, in a population where everyone is at risk, each infected person will, on average, infect two more people. But because **someone with Ebola is infectious only when she shows symptoms, we've got plenty of chances to clamp down on an outbreak in a country with a developed public health system.**

AT: Cuba Politics D.A- SDI

Uniqueness



2ac Won't Pass

No Cuba legislation—massive opposition in Congress

Kim 7/2 – Politico

Seung Min, Why the GOP Congress could be trouble for Obama in Cuba, 7/2/15, <http://www.politico.com/story/2015/07/why-the-gop-congress-could-be-trouble-for-obama-in-cuba-119668.html>

President Barack Obama knows he didn't need Congress to formally relaunch a U.S. Embassy in Cuba. But Republicans are already plotting revenge for when Obama does need them down the road. Within hours of Obama's announcement to open an embassy in Cuba, Republicans in Congress were threatening to deny funding to the embassy while blocking any ambassador to lead it — underscoring the deep antipathy toward Obama's Cuba policy on Capitol Hill. And lifting that decades-old embargo? Fat chance, Republicans say. "The support to keep pressure on the Castro regime is stronger now than it has ever been in Congress," Rep. Mario Diaz-Balart (R-Fla.), a Cuban-American lawmaker and one of the most vocal critics of Obama's Cuba policy, said in an interview. Obama has already acted without Congress, easing some trade and travel restrictions to Cuba as well as taking the island nation off the U.S. list of state sponsors of terrorism. But the White House would need lawmakers to green-light funding for an embassy and to officially end the embargo. Though he appears unlikely to nominate a permanent ambassador, that would take Congress' assent, too. Obama has some congressional allies on Cuba, mostly Democrats but also a handful of Republicans. After that, it's a wall of opposition, from GOP leadership that opposes restoring full diplomatic relations, to committee chairs skeptical of the administration's Cuba policy, to a raft of Republican presidential contenders waving a loud megaphone to showcase their Cuba opposition. Sen. Ted Cruz (R-Texas), a 2016 presidential candidate who is of Cuban descent, said in a statement Wednesday that he would work to block funding for a U.S. Embassy in Cuba and any nominee for ambassador Obama recommends, "unless and until the president can demonstrate that he has made some progress in alleviating the misery of our friends, the people of Cuba." The Obama administration doesn't need Congress's approval to simply switch its existing "interests section" in Havana to a full-fledged embassy. But it would need lawmakers to sign off on additional funding. The State Department asked Congress for roughly \$6 million for fiscal 2016 to convert the interests section to an embassy. It's clear the current building would need upgrades: A May 2014 inspector general report said the facility, located on the waterfront Malecón boulevard in Havana, is "subject to high winds and salt air and requires constant attention." Administration officials "believe that they have the resources available in the State Department to at least start the embassy," Sen. Dick Durbin (D-Ill.) said in an interview Wednesday. Republicans "cannot stop the president from his policy change; they can embarrass the United States by limiting investment." But Republicans have already shown plenty of appetite for a Cuba fight. House Republicans have a funding bill for the State Department that restricts money for an embassy or a similar diplomatic facility in Havana, beyond funds already in place before Obama's announcement in December to normalize relations with Cuba. The measure would also bar money from being spent on opening a Cuban embassy in Washington. It's unclear when the State Department appropriations bill, which has already cleared a House committee, would come to the floor. It wasn't on a list of legislation released Wednesday that House Republicans will take up in July. The Senate hasn't yet released its funding bill for the State Department. But the lawmaker who would spearhead it is Sen. Lindsey Graham (R-S.C.), who chairs the panel that oversees

State funding and vowed in December to use every tool in his power to block funds for an embassy in Cuba. Senate aides didn't indicate Wednesday whether the chamber's funding bill for the State Department would include such restrictions. The Senate Appropriations Committee will take up that bill next week. "As president, I would not honor this decision with Cuba and I would close the embassy until the Castro brothers actually change their behavior," Graham, another 2016 contender, said Wednesday. Another key leverage point Republicans would have is if Obama nominates an ambassador to Cuba. But given deep opposition from the likes of Sen. Marco Rubio (R-Fla.), Cruz and others, and the likelihood of a drawn-out nomination battle he might not win, Obama might decide against it. If he choose to not nominate an ambassador, observers have said the U.S. Embassy could function without one. The U.S. currently has a chief of mission at the interests section in Havana: Jeffrey DeLaurentis, who is considered a top contender for the ambassadorship. He'll become the chargé d'affaires as soon as diplomatic relations are normalized. Durbin, a strong advocate of normalizing ties with Cuba, conceded that the prospects for confirming an ambassador were slim in the GOP-led Senate. "We have three Cuban-American senators and any one of them, if they decided to, could be a hold on that ambassador," said Durbin, referring to Rubio, Cruz and Sen. Robert Menendez (D-N.J.). Still, the Obama administration's Cuba overtures have driven a rift through Capitol Hill that doesn't fall neatly along party lines. For instance, some Senate Republicans representing farm states such as Jerry Moran of Kansas favor opening up more relations with Cuba, since more agricultural exports there could be an economic boon back home. Sen. Jeff Flake (R-Ariz.) was part of the congressional mission that rescued Alan Gross, a U.S. contractor held by the Cuban government for five years until his release in December. Flake praised Obama's steps to open an embassy, saying it would lead to more travel and contacts between U.S. citizens and Cubans. "It's long past time for U.S. policy toward Cuba to be associated with something other than five decades of failure," Flake said. Flake is pushing legislation that would end the travel ban on U.S. citizens and legal residents to Cuba; it's backed by more than 40 other senators, including a half-dozen Republicans. Another bill, by Sen. Amy Klobuchar (D-Minn.), that would end the Cuba trade embargo has 17 co-sponsors. Notably, both measures are backed by Sen. Rand Paul (R-Ky.), a 2016 presidential hopeful who sparred with Rubio in December over Cuba, saying the Florida senator was "acting like an isolationist who wants to retreat to our borders and perhaps build a moat." (Rubio has said of Paul: "He has no idea what he's talking about.") But with opposition from Republican leaders and key committee chairs on the administration's Cuba policy, those bills will have little chance of success. The top two Republicans on Capitol Hill are both strong opponents of normalizing relations with Cuba. Speaker John Boehner (R-Ohio) indicated again Wednesday that any conversation in the House about easing relations with Cuba would be a nonstarter.

1ar Won't Pass

Congress won't lift the embargo

Parsons and Wilkinson 7/1 – Los Angeles Times

Christi and Tracy, With embassies to reopen, Obama urges Congress to 'move forward' on Cuba, 7/1/15, <http://www.latimes.com/world/mexico-americas/la-fg-obama-embassy-cuba-20150701-story.html#page=1>

For now, Congress appears unlikely to lift the economic embargo, which was first imposed in the 1960s and stiffened several times, and allow U.S. businesses to invest freely in Cuba. Critics in both parties lined up Wednesday to emphasize their opposition. Rep. Ileana Ros-Lehtinen (R-Fla.), a member of the House Foreign Affairs Committee, said Congress may not approve money for the new embassy or confirm an ambassador after Obama nominates one. Sen. Robert Menendez (D-N.J.), former chairman of the Senate Foreign Relations Committee, also slammed the White House move. "Once again the regime is being rewarded while they jail dissidents, silence political opponents, and harbor American fugitives and cop killers," he said in a statement.

No Republicans support for lifting the embargo

Beam 7/2 – Associated Press

Adam, Mitch McConnell says Senate unlikely to confirm any envoy to Cuba, 7/2/15, <http://www.pressherald.com/2015/07/02/mitch-mcconnell-says-senate-unlikely-to-confirm-any-envoy-to-cuba/>

Senate Majority Leader Mitch McConnell said the Republican majority is unlikely to confirm an ambassador to Cuba, as the United States prepares to reopen its embassy in the communist country after more than 50 years of hostile relations. In a speech to a local chamber of commerce in Kentucky, McConnell called Cuba "a thuggish regime" that is "a haven for criminals" fleeing prosecution in the United States. "I'm having a hard time figuring out what we got out of this, you know? You would think that the normalization of relations with Cuba would be accompanied by some modification of their behavior," McConnell said. "I don't see any evidence at all that they are going to change their behavior. So I doubt if we'll confirm an ambassador, they probably don't need one." President Obama has urged Congress to lift the country's trade embargo with Cuba as part of his effort to re-establish ties. But McConnell noted Thursday that many of the restrictions placed on Cuba would require legislation, "and we're going to resist that." "It is a police state that is mired in the '50s and '60s," he said. "I don't know how it ends, but I do think there is going to be resistance." McConnell's comments were part of a larger criticism of Obama's foreign policy initiatives, saying that he "can't think of a single place, not one, where we're in better shape now than we were when he came into office." But McConnell said he is seeking common ground with Obama to accomplish some things at home, including passing legislation to keep the federal Highway Trust Fund solvent.

2ac PC Thumper

Obama spending PC on a litany of other issues

Kumar 6/30 – McClatchy DC

Anita, Obama: I might walk away from Iran deal, 6/30/15, <http://www.mcclatchydc.com/news/politics-government/white-house/article25839220.html>

Obama said that last week was a good week – which some analysts are calling his best week as president – when the Supreme Court upheld the Affordable Care Act and same-sex marriage, Congress passed hard-fought trade legislation and he delivered a heartfelt eulogy for a slain pastor in Charleston. “Last week was gratifying,” he said. He said he plans to use his political capital to work with Congress to rebuild aging infrastructure, change the criminal justice system and boost job training. “I might see if we can make next week even better.”

2ac Gun Control Thumper

Obama spending PC on gun control

Kumar 7/2 – International Business Times

Kalyan, Obama Turns Gaze On Gun Control Reforms: Survey Shows Slimming Support For Obama Line On Guns, 7/2/15, <http://www.ibtimes.com.au/obama-turns-gaze-gun-control-reforms-survey-shows-slimming-support-obama-line-guns-1454168>

Mr Obama in the past expended much of his political capital by meeting with failure in pursuing gun control reform, after the Connecticut, school shooting in 2012, in which 20 children and six adults were killed. Now the reinvigorated administration, charged up after the Supreme Court victories and broad support for his Charleston eulogy are exuding a bold confidence to act on it. Obama's personal political listserv also sent out an email calling for supporters to "stand against gun violence," reported The Guardian.

1ar Gun Control Thumper

Massive push for gun control

Kumar 7/2 – International Business Times

Kalyan, Obama Turns Gaze On Gun Control Reforms: Survey Shows Slimming Support For Obama Line On Guns, 7/2/15, <http://www.ibtimes.com.au/obama-turns-gaze-gun-control-reforms-survey-shows-slimming-support-obama-line-guns-1454168>

Recent developments in the U.S. have helped president Barack Obama to revisit his unfinished agenda that includes gun control reforms. Among the land mark recent developments that buoyed Mr Obama are Supreme Court decisions on Obamacare and same-sex marriage. Then there was the nation-wide outrage over the Charleston church shootings on nine black parishioners in a South Carolina church, calling for curbs on guns. Mr Obama's efforts to re-emerge as a "full-throated progressive" with the message of hope and change that he oozed at the start of the 2008 presidential campaign is getting a new reinforcement with the president turning his gaze into new areas of reform, including gun control. "In the past 10 days, through the intervention of America's top judges combined with public revulsion towards the murderous actions of a white supremacist, Obama has seen the national mood shift sharply in his direction," the Guardian noted. It said Obama's signature healthcare reform, Obamacare, has been upheld and gay marriage got elevated into a constitutional right and the Confederate flag has been torn down across South.

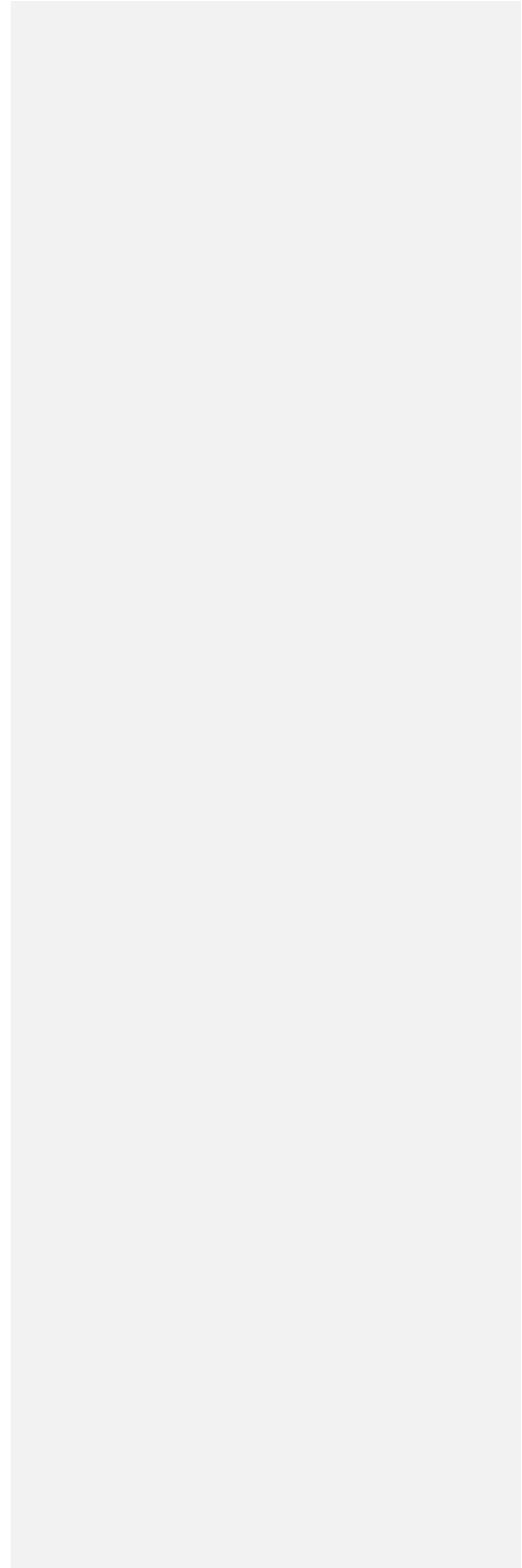
It's massively unpopular

Kumar 7/2 – International Business Times

Kalyan, Obama Turns Gaze On Gun Control Reforms: Survey Shows Slimming Support For Obama Line On Guns, 7/2/15, <http://www.ibtimes.com.au/obama-turns-gaze-gun-control-reforms-survey-shows-slimming-support-obama-line-guns-1454168>

Meanwhile, the CNN/ORC poll has found that only 42 percent people are approving the way Mr Obama is handling gun policy compared to 53 percent, not approving it. In the two polls in 2013, after the Sandy Hook killings, the president's approval on gun policy had reached 46 percent. The issue has serious racial undertones, with 61 percent whites disapproving of the president's gun policies and 79 percent of blacks approving it. That is why, many congressional and pro-gun sources are saying support for broad gun control and ban on new assault weapons ban are almost dead on Capitol Hill.

Links



Generic

Surveillance changes are bipartisan

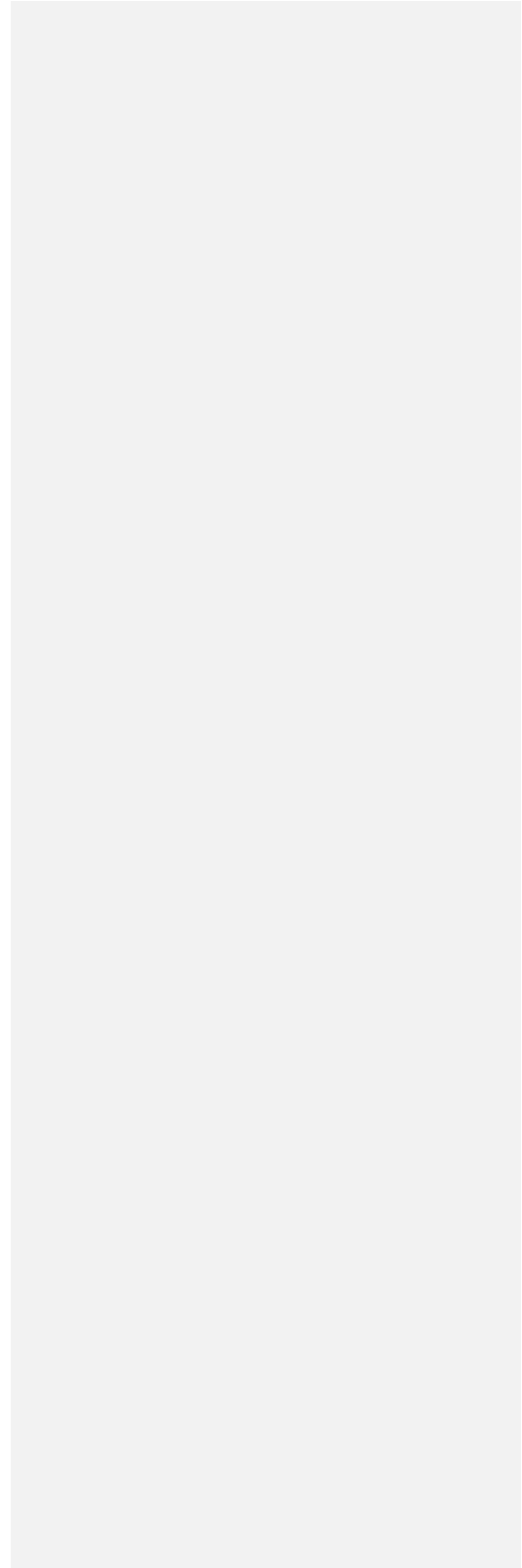
Steinhauer and Weisman 15 – New York Times

Jennifer and Jonathan, Battle Lines in G.O.P. Set Stage for Surveillance Vote, 5/30/15,
<http://www.nytimes.com/2015/05/31/us/surveillance-vote-in-senate-is-tangled-in-gop-debate.html>

Since 2011, when Republicans took control of the House, Congress has lurched from one deadline to the next, as Republicans and Democrats have sparred bitterly over funding for the government, the ability to lift the debt ceiling and other policy matters. But unlike those fights, the Senate's showdown this weekend over the future of the government's dragnet of American phone records is not a result of a partisan fracas. It is an ideological battle within the Republican Party, pitting the Senate majority leader against the speaker of the House and, in the Senate, newcomers against long-serving members, and defense hawks against a rising tide of younger, more libertarian-minded members often from Western states. Senate leaders are expected to try to assemble a compromise surveillance bill on Sunday that can get the required votes to proceed before the authorizing law expires Monday. President Obama and his director of national intelligence, James R. Clapper Jr., added more pressure with sharp statements on Friday and Saturday calling for immediate approval of a surveillance bill passed by the House. "A small group of senators is standing in the way, and, unfortunately, some folks are trying to use this debate to score political points," Mr. Obama said in his weekly address. "But this shouldn't and can't be about politics. This is a matter of national security." Even if a compromise can be reached in a rare Sunday session in the Senate, all signs point to at least a temporary expiration on Monday of a key section of the Patriot Act that the government has been using to sweep up vast amounts of telephone "metadata." Last month, the House overwhelmingly passed a bill that would overhaul the Patriot Act and curtail the metadata surveillance exposed by Edward J. Snowden, the former contractor for the National Security Agency. But in the Senate, that measure failed on a procedural vote this month, and efforts to pass a short-term extension collapsed under objections by three senators. On Sunday, Senator Mitch McConnell of Kentucky, the majority leader, will try again. But opponents of a quick resolution, like Senator Rand Paul, Republican of Kentucky, can easily force a delay. Mr. Paul said Saturday that he would move to end the current law, although he was silent about passing a new one. "Tomorrow I will force the expiration of the N.S.A. illegal spy program," he said in an email to supporters. Representative Devin Nunes of California, the chairman of the House Intelligence Committee, said, "They can take things into the middle of the week." He added, "This is very likely to go on for a few days." Over the congressional recess last week, Senate Republican leaders reached out to Representative Robert W. Goodlatte of Virginia, the House Judiciary Committee chairman, to see if he would negotiate a compromise with Senator Richard M. Burr of North Carolina, the Senate Intelligence Committee chairman and a strong opponent of changes to current law. Mr. Goodlatte declined. Several factors have combined to force the showdown. The revelations of the breadth of the program have increased voter distrust of it, members of Congress said. American companies have complained that foreign customers have been turned off by their products because of fears that their privacy would be at risk if they purchased computers and cellphones made in the United States. Democrats and an increasing number of Republicans make up a growing alliance of members as concerned with civil liberties as national security. "People who could not agree on anything have **come together on this issue**," said Neema Singh Guliani, a legislative counsel with the American Civil Liberties Union. "That has created a different

dynamic in Congress, which has been so partisan over the last several years. These divisions are not along party lines. They are over something else entirely."

Internals



PC Theory False

Political capital not key to the agenda

Dickinson 9 – Professor of Political Science

Matthew, professor of political science at Middlebury College and taught previously at Harvard University where he worked under the supervision of presidential scholar Richard Neustadt, 5-26-2009, Presidential Power: A NonPartisan Analysis of Presidential Politics, "Sotomayor, Obama and Presidential Power," <http://blogs.middlebury.edu/presidentialpower/2009/05/26/sotomayor-obama-and-presidential-power/>

As for Sotomayor, from here the path toward almost certain confirmation goes as follows: the Senate Judiciary Committee is slated to hold hearings sometime this summer (this involves both written depositions and of course open hearings), which should lead to formal Senate approval before Congress adjourns for its summer recess in early August. So Sotomayor will likely take her seat in time for the start of the new Court session on October 5. (I talk briefly about the likely politics of the nomination process below). What is of more interest to me, however, is what her selection reveals about the basis of presidential power. Political scientists, like baseball writers evaluating hitters, have devised numerous means of measuring a president's influence in Congress. I will devote a separate post to discussing these, but in brief, they often center on the creation of legislative "box scores" designed to measure how many times a president's preferred piece of legislation, or nominee to the executive branch or the courts, is approved by Congress. That is, how many pieces of legislation that the president supports actually pass Congress? How often do members of Congress vote with the president's preferences? How often is a president's policy position supported by roll call outcomes? These measures, however, are a misleading gauge of presidential power – they are a better indicator of congressional power. This is because how members of Congress vote on a nominee or legislative item is rarely influenced by anything a president does. Although journalists (and political scientists) often focus on the legislative "endgame" to gauge presidential influence – will the President swing enough votes to get his preferred legislation enacted? – this mistakes an outcome with actual evidence of presidential influence. Once we control for other factors – a member of Congress' ideological and partisan leanings, the political leanings of her constituency, whether she's up for reelection or not – we can usually predict how she will vote without needing to know much of anything about what the president wants. (I am ignoring the importance of a president's veto power for the moment.) Despite the much publicized and celebrated instances of presidential arm-twisting during the legislative endgame, then, most legislative outcomes don't depend on presidential lobbying. But this is not to say that presidents lack influence. Instead, the primary means by which presidents influence what Congress does is through their ability to determine the alternatives from which Congress must choose. That is, presidential power is largely an exercise in agenda-setting – not arm-twisting. And we see this in the Sotomayor nomination. Barring a major scandal, she will almost certainly be confirmed to the Supreme Court whether Obama spends the confirmation hearings calling every Senator or instead spends the next few weeks ignoring the Senate debate in order to play Halo III on his Xbox. That is, how senators decide to vote on Sotomayor will have almost nothing to do with Obama's lobbying from here on in (or lack thereof). His real influence has already occurred, in the decision to present Sotomayor as his nominee.

Political capital isn't key

-tons of other factors are comparatively more important

Beckmann and Kumar 11

Matt, Professor of Political Science, and Vimal, How presidents push, when presidents win: A model of positive presidential power in US lawmaking, Journal of Theoretical Politics 2011 23: 3

For political scientists, however, the resources allocated to formulating and implementing the White House's lobbying offensive appear puzzling, if not altogether misguided. Far from highlighting each president's capacity to marshal legislative proposals through Congress, the prevailing wisdom now stresses contextual factors as

predetermining his agenda's fate on Capitol Hill. From the particular 'political time' in which they happen to take office (Skowronek, 1993) to the state of the budget (Brady and Volden, 1998; Peterson, 1990), the partisan composition of Congress (Bond and Fleisher, 1990; Edwards, 1989) (see also Gilmour (1995), Groseclose and McCarty (2001), and Sinclair (2006)) to the preferences of specific 'pivotal' voters (Brady and Volden, 1998; Krehbie, 1998), current research suggests a president's congressional fortunes are basically beyond his control. The implication is straightforward, as Bond and Fleisher indicate: ...presidential success is determined in large measure by the results of the last election. If the last election brings individuals to Congress whose local interests and preferences coincide with the president's, then he will enjoy greater success. If, on the other hand, most members of Congress have preferences different from the president's, then he will suffer more defeats, and no amount of bargaining and persuasion can do much to improve his success. (Bond and Fleisher, 1990: 13

Winners Win

Winners win – PC is a false concept

Hirsh 13

Michael, chief correspondent, There's No Such Thing as Political Capital, 2/7/13,
<http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>

But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don't know what you can do until you try. Or as Ornstein himself once wrote years ago, "Winning wins." In theory, and in practice, depending on Obama's handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote. Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. "It can refer to a very abstract thing, like a president's popularity, but there's no mechanism there. That makes it kind of useless," says Richard Bense, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. "The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors" Ornstein says. "If they think he's going to win, they may change positions to get on the winning side. It's a bandwagon effect."

Especially true for Obama

Hirsh 13

Michael, chief correspondent, There's No Such Thing as Political Capital, 2/7/13,
<http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>

On Tuesday, in his State of the Union address, President Obama will do what every president does this time of year. For about 60 minutes, he will lay out a sprawling and ambitious wish list highlighted by gun control and immigration reform, climate change and debt reduction. In response, the pundits will do what they always do this time of year: They will talk about how unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how much "political capital" Obama possesses to push his program through. Most of this talk will have no bearing on what actually happens over the next four years. Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit's license. (It doesn't exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn't dare to even bring up gun control, a Democratic "third rail" that has cost the party elections and that actually might have been even less popular on the right than the president's health care law. And yet, for reasons that have very little to do with Obama's personal prestige or popularity—variously put in terms of a "mandate" or "political capital"—chances are fair that both will now happen. What changed? In the case of gun control, of course, it wasn't the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: "Be bold." As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It's impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities

exist now that didn't a few weeks ago.¶ Meanwhile, the Republican members of the Senate's so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would "self-deport." But this turnaround has very little to do with Obama's personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That's 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party's recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It's got nothing to do with Obama's political capital or, indeed, Obama at all.¶ The point is not that "political capital" is a meaningless term. Often it is a synonym for "mandate" or "momentum" in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn't, he has a better claim on the country's mood and direction. Many pundits still defend political capital as a useful metaphor at least. "It's an unquantifiable but meaningful concept," says Norman Ornstein of the American Enterprise Institute. "You can't really look at a president and say he's got 37 ounces of political capital. But the fact is, it's a concept that matters, if you have popularity and some momentum on your side."¶ **The real problem is that the idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong.** "Presidents usually overestimate it," says George Edwards, a presidential scholar at Texas A&M University. "The best kind of political capital—some sense of an electoral mandate to do something—is very rare. It almost never happens. In 1964, maybe. And to some degree in 1980." For that reason, **political capital is a concept that misleads far more than it enlightens.** It is distortionary. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, **it suggests, erroneously, that a political figure has a concrete amount of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history.**¶ Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger.¶ But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don't know what you can do until you try. Or as Ornstein himself once wrote years ago, "Winning wins." In theory, and in practice, depending on Obama's handling of any particular issue, even in a polarized time, he could still deliver on a lot of his second-term goals, depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. "It can refer to a very abstract thing, like a president's popularity, but there's no mechanism there. That makes it kind of useless," says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital. "The idea here is, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it changes the calculus of the other actors" Ornstein says. "If they think he's going to win, they may change positions to get on the winning side. It's a bandwagon effect."¶ **ALL THE WAY WITH LBJ**¶ Sometimes, **a clever practitioner of power can get more done just because he's aggressive** and knows the hallways of Congress well. Texas A&M's Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson's landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater's ineptitude as a candidate) was President Johnson's masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, *The Passage of Power*, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don't focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers' support for a tax cut and appropriations bills the president needed. "One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn't to expend it on this," Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, "Well, what the hell's the presidency for?"¶ **Johnson didn't worry about coinage, and he got the Civil Rights Act enacted, along with much else: Medicare, a tax cut, antipoverty programs. He appeared to understand not just the ways of Congress but also the way to maximize the momentum** he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro records. "Momentum is not a mysterious mistress," LBJ said. "It is a controllable fact of political life." Johnson had the skill and wherewithal to realize that, at that moment of history, he could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.)¶ And then there are the presidents who get the politics, and the issues, wrong. It was the last president

before Obama who was just starting a second term, George W. Bush, who really revived the claim of political capital, which he was very fond of wielding. Then Bush promptly demonstrated that he didn't fully understand the concept either. ¶ At his first news conference after his 2004 victory, a confident-sounding Bush declared, "I earned capital in the campaign, political capital, and now I intend to spend it. That's my style." The 43rd president threw all of his political capital at an overriding passion: the partial privatization of Social Security. He mounted a full-bore public-relations campaign that included town-hall meetings across the country. ¶ Bush failed utterly, of course. But the problem was not that he didn't have enough political capital. Yes, he may have overestimated his standing. Bush's margin over John Kerry was thin—helped along by a bumbling Kerry campaign that was almost the mirror image of Romney's gaffe-filled failure this time—but that was not the real mistake. The problem was that whatever credibility or stature Bush thought he had earned as a newly reelected president did nothing to make Social Security privatization a better idea in most people's eyes. Voters didn't trust the plan, and four years later, at the end of Bush's term, the stock-market collapse bore out the public's skepticism. Privatization just didn't have any momentum behind it, no matter who was pushing it or how much capital Bush spent to sell it. ¶ The mistake that Bush made with Social Security, says John Sides, an associate professor of political science at George Washington University and a well-followed political blogger, "was that just because he won an election, he thought he had a green light. But there was no sense of any kind of public urgency on Social Security reform. It's like he went into the garage where various Republican policy ideas were hanging up and picked one. I don't think Obama's going to make that mistake.... Bush decided he wanted to push a rock up a hill. He didn't understand how steep the hill was. I think Obama has more momentum on his side because of the Republican Party's concerns about the Latino vote and the shooting at Newtown." Obama may also get his way on the debt ceiling, not because of his reelection, Sides says, "but because Republicans are beginning to doubt whether taking a hard line on fiscal policy is a good idea," as the party suffers in the polls. ¶ THE REAL LIMITS ON POWER ¶ **Presidents are limited in what they can do by time and attention span**, of course, just as much as they are by electoral balances in the House and Senate. But **this**, too, **has nothing to do with political capital. Another well-worn meme of recent years was that Obama used up too much political capital passing the health care law in his first term. But the real problem was that the plan was unpopular, the economy was bad, and the president didn't realize that the national mood** (yes, again, the national mood) **was at a tipping point against big-government intervention**, with the tea-party revolt about to burst on the scene. For Americans in 2009 and 2010—haunted by too many rounds of layoffs, appalled by the Wall Street bailout, aghast at the amount of federal spending that never seemed to find its way into their pockets—government-imposed health care coverage was simply an intervention too far. So was the idea of another economic stimulus. Cue the tea party and what ensued: two titanic fights over the debt ceiling. Obama, like Bush, had settled on pushing an issue that was out of sync with the country's mood. ¶ Unlike Bush, Obama did ultimately get his idea passed. But the bigger political problem with health care reform was that it distracted the government's attention from other issues that people cared about more urgently, such as the need to jump-start the economy and financial reform. Various congressional staffers told me at the time that their bosses didn't really have the time to understand how the Wall Street lobby was riddling the Dodd-Frank financial-reform legislation with loopholes. Health care was sucking all the oxygen out of the room, the aides said. ¶ Weighing the imponderables of momentum, the often-mystical calculations about when the historic moment is ripe for an issue, will never be a science. It is mainly intuition, and its best practitioners have a long history in American politics. This is a tale told well in Steven Spielberg's hit movie Lincoln. Daniel Day-Lewis's Abraham Lincoln attempts a lot of behind-the-scenes vote-buying to win passage of the 13th Amendment, banning slavery, along with eloquent attempts to move people's hearts and minds. He appears to be using the political capital of his reelection and the turning of the tide in the Civil War. But it's clear that a surge of conscience, a sense of the changing times, has as much to do with the final vote as all the backroom horse-trading. "The reason I think the idea of political capital is kind of distorting is that it implies you have chits you can give out to people. It really oversimplifies why you elect politicians, or why they can do what Lincoln did," says Tommy Bruce, a former political consultant in Washington. ¶ Consider, as another example, the storied political career of President Franklin Roosevelt. Because the mood was ripe for dramatic change in the depths of the Great Depression, FDR was able to push an astonishing array of New Deal programs through a largely compliant Congress, assuming what some described as near-dictatorial powers. But in his second term, full of confidence because of a landslide victory in 1936 that brought in unprecedented Democratic majorities in the House and Senate, Roosevelt overreached with his infamous Court-packing proposal. All of a sudden, the political capital that experts thought was limitless disappeared. FDR's plan to expand the Supreme Court by putting in his judicial allies abruptly created an unanticipated wall of opposition from newly reunited Republicans and conservative Southern Democrats. FDR thus inadvertently handed back to Congress, especially to the Senate, the power and influence he had seized in his first term. Sure, Roosevelt had loads of popularity and momentum in 1937. He seemed to have a bank vault full of political capital. But, once again, a president simply chose to take on the wrong issue at the wrong time; this time, instead of most of the political interests in the country aligning his way, they opposed him. Roosevelt didn't fully recover until World War II, despite two more election victories. ¶ In terms of Obama's second-term agenda, **what all these shifting tides of momentum and political calculation mean is this: Anything goes**. Obama has no more elections to win, and he needs to worry only about the support he will have in the House and Senate after 2014. But if he picks issues that the country's mood will support—such as, perhaps, immigration reform and gun control—**there is no reason to think he can't win far more victories than any of the careful calculators of political capital now believe is possible**, including battles over tax reform and deficit reduction. ¶ Amid today's atmosphere of Republican self-doubt, a new, more mature Obama seems to be emerging, one who has his agenda clearly in mind and will ride the mood of the country more adroitly. **If he can get some early wins**—as he already has, apparently, on the fiscal cliff and the upper-income tax increase—**that will create momentum, and one win may well lead to others. "Winning wins."**

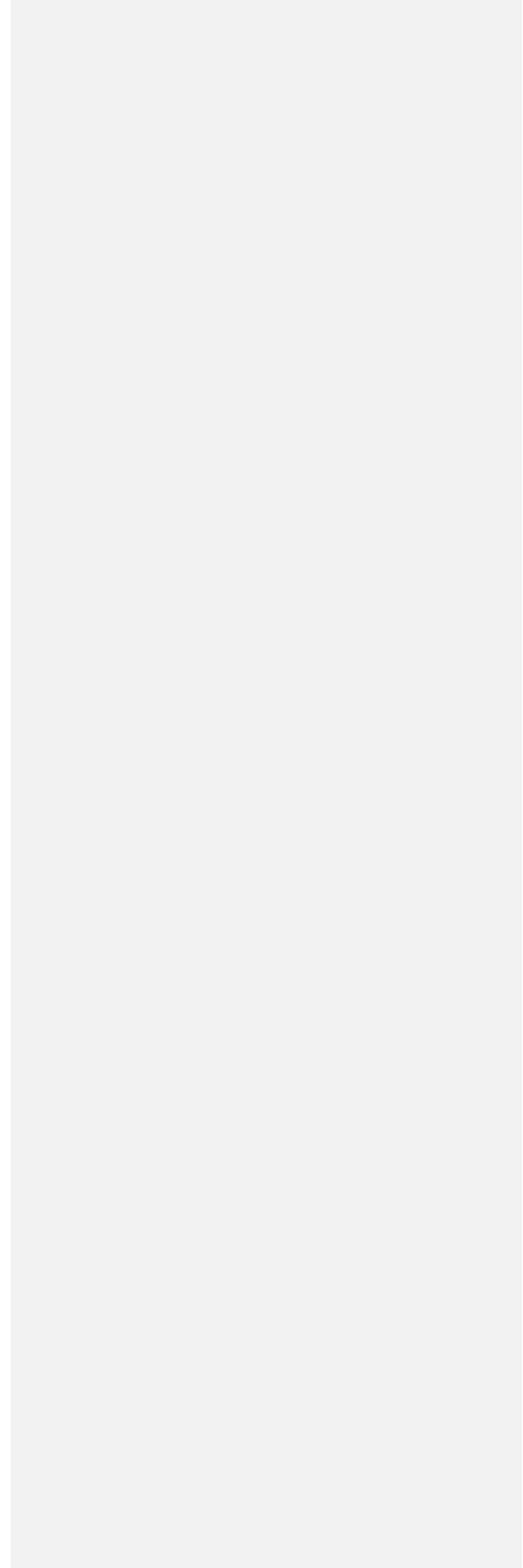
Winners win

Rottinghaus 12 – Professor of Political Science @ Houston

Brandon, Obama Will Have to Bargain for His Mandate, <http://www.usnews.com/debate-club/does-barack-obama-have-a-mandate/obama-will-have-to-bargain-for-his-mandate> November 7

It would be tempting for the White House (and pundits) to suggest to the voters that the president gained a mandate at the end of a hard won victory. Yet, the truth is that **mandates are not concretely "born" but are instead "bargained."** Political science scholars argue that **mandates are perceptions of political opportunity by presidents who use them as a bargaining tool.** A president will claim a mandate if he believes he can prospectively mobilize more voters than members of Congress to support his policy views. **Historically, claiming a mandate is the equivalent of putting a major policy change on the national agenda.** In general, presidents claim mandates to attempt to use that language and positioning to pressure Congress. For the 2012 election to be a "mandate" in this way, the president must claim not only that the people back him but also what specific policies they are suggested to support. The president's speech on election night only vaguely hinted that his healthcare initiative was proving successful and popular. **It remains to be seen in the coming days whether or not the White House suggests a mandate for a specific policy or initiative which they can use to bargain with Congress.** Even if a mandate is claimed, Congress has to agree with the White House about the veracity of the claim. If Congress rejects the president's claims of a mandate—or, as House Speaker John Boehner did in a statement after the president's re-election, assert that the American people re-elected a Republican Congress, too—then the Republicans in the House and Senate are poised to discredit any claim of an Obama mandate and balk at negotiations over new Obama policy initiatives or solutions to immediate issues involving automatic tax and spending increases to take place at the first of the year. It is not clear that either side has an advantage in these negotiations, considering the dynamic with either the present or future Congress. Imminent scholar of democracy Robert Dahl wrote that "no elected leader is uniquely privileged to say what an election means." Clearly the president's **victory signals faith in** him and his **efforts to handle the nation's fragile economy and** delicate foreign **policy.** Voters clearly trusted his vision for the future, even if only slightly more than Mitt Romney's vision. Yet these outcomes do not make a mandate. **The White House must push for something tangible or the president's re-election is just an invitation to struggle for four more years.**

Impacts



AT Asia War

No Asian war- economic and regional cooperation

Bitzinger & Desker 8 – senior fellow and dean of S. Rajaratnam School of International Studies respectively (Richard A. Bitzinger, Barry Desker, “Why East Asian War is Unlikely,” Survival, December 2008, http://pdfserve.informaworld.com/-/678328_731200556_906256449.pdf)

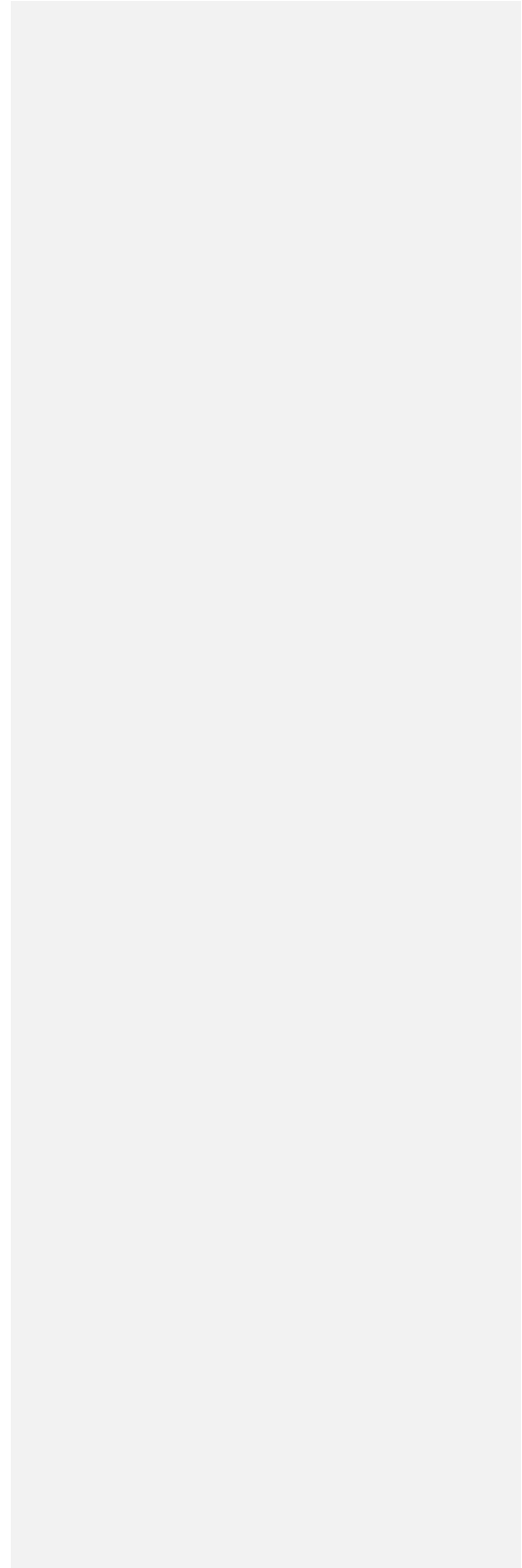
The Asia-Pacific region can be regarded as a zone of both relative insecurity and strategic stability. It contains some of the world's most significant flashpoints – the Korean peninsula, the Taiwan Strait, the Siachen Glacier – where tensions between nations could escalate to the point of major war. It is replete with unresolved border issues; is a breeding ground for transnational terrorism and the site of many terrorist activities (the Bali bombings, the Manila superferry bombing); and contains overlapping claims for maritime territories (the Spratly Islands, the Senkaku/Diaoyu Islands) with considerable actual or potential wealth in resources such as oil, gas and fisheries. Finally, the Asia-Pacific is an area of strategic significance with many key sea lines of communication and important chokepoints. Yet despite all these potential crucibles of conflict, the Asia-Pacific, if not an area of serenity and calm, is certainly more stable than one might expect. To be sure, there are separatist movements and internal struggles, particularly with insurgencies, as in Thailand, the Philippines and Tibet. Since the resolution of the East Timor crisis, however, the region has been relatively free of open armed warfare. Separatism remains a challenge, but the break-up of states is unlikely. Terrorism is a nuisance, but its impact is contained. The North Korean nuclear issue, while not fully resolved, is at least moving toward a conclusion with the likely denuclearisation of the peninsula. Tensions between China and Taiwan, while always just beneath the surface, seem unlikely to erupt in open conflict any time soon, especially given recent Kuomintang Party victories in Taiwan and efforts by Taiwan and China to re-open informal channels of consultation as well as institutional relationships between organisations responsible for cross-strait relations. And while in Asia there is no strong supranational political entity like the European Union, there are many multilateral organisations and international initiatives dedicated to enhancing peace and stability, including the Asia-Pacific Economic Cooperation (APEC) forum, the Proliferation Security Initiative and the Shanghai Co-operation Organisation. In Southeast Asia, countries are united in a common geopolitical and economic organisation – the Association of Southeast Asian Nations (ASEAN) – which is dedicated to peaceful economic, social and cultural development, and to the promotion of regional peace and stability. ASEAN has played a key role in conceiving and establishing broader regional institutions such as the East Asian Summit, ASEAN+3 (China, Japan and South Korea) and the ASEAN Regional Forum. All this suggests that war in Asia – while not inconceivable – is unlikely.

Interdependence and democracy

Vannarith 10—Executive Director of the Cambodian Institute for Cooperation and Peace. PhD in Asia Pacific Studies, Ritsumeikan Asia Pacific U (Chheang, Asia Pacific Security Issues: Challenges and Adaptive Mechanism, <http://www.cicp.org.kh/download/CICP%20Policy%20brief/CICP%20Policy%20brief%20No%203.pdf>)

Large scale interstate war or armed conflict is unthinkable in the region due to the high level of interdependency and democratization. It is believed that economic interdependency can reduce conflicts and prevent war. Democracy can lead to more transparency, accountability, and participation that can reduce collective fears and create more confidence and trust among the people in the region. In addition, globalism and regionalism are taking the center stage of national and foreign policy of many governments in the region except North Korea. The combination of those elements of peace is

necessary for peace and stability in the region and those elements are present and being improved in this region.



Embargo Good/Reform

Embargo Good/Encourages Reform

The embargo is pushing Cuba towards reform – ending it early causes backsliding

Sandy **Fitzgerald**, 7/5/2013, Newsmax, "democracy advocates urge obama to keep cuban trade ban," <http://www.newsmax.com/US/Cuba-embargo-democracy-Farinas/2013/07/05/id/513503>

The trade embargo on Cuba must stay to starve Havana's communist government of cash, pro-democracy activists have told the State Department.¶ A steady flow of cash into Castro's government could help it crush the island's pro-democracy efforts, warned Cuban hunger striker Guillermo Farinas who met behind closed doors with Obama administration officials in Washington. ¶ The Obama administration has yet to comment about the meetings, which included one with Farinas at Foggy Bottom in late June, reports the Washington Times.¶ The meetings were described as "extraordinary and very helpful by Mauricio Claver Carone, executive director of the U.S.-Cuba Democracy PAC in Washington. "[U.S. policymakers] now get to actually see it and feel it firsthand from the protagonists themselves," he said.¶ U.S. and Cuban officials in June held a landmark meeting to discuss re-establishing direct mail between the countries, and plan a July 17 meeting to talk about migration regulations. ¶ Raoul Castro, 82, who replaced his older brother, Fidel, has allowed some reforms since he took over in 2008, including easing travel bans. He plans to step down in 2018, when his second five-year term in office ends. The United States has been in a stalemate with Cuba since 1961, when the elder Castro agreed to allow the former Soviet Union to house ballistic weapons in Cuba.¶ Even though Fidel Castro has not been in office for several years, Cuba is still on Washington's terrorism sponsors list.¶ In addition, Cuba is still detaining American Alan Gross, who was arrested in 2009 while in Cuba working for an International Development-funded program.¶ Cuban authorities sentenced Gross to 15 years in prison for illegally delivering satellite phones to Jewish Cubans.¶ The Washington meetings suggest a thaw in the two countries' relationships, a change that some U.S. lawmakers — particularly Cuban-American Republicans — criticize.¶ Florida GOP Rep. Ileana Ros-Lethinen said Thursday that she and other Cuban-American lawmakers met with the democracy advocates, and she remains skeptical about changes and believes the embargo needs to continue until "Cuba becomes a free and democratic society."¶ The State Department isn't commenting about what was discussed at the Foggy Bottom meetings. William Ostick, a spokesman for the department's Bureau of Western Hemisphere said the State Department will continue its concern about the Cuban government's use of detention and violence against critics.

Cuba reforms gaining momentum now, but will take time to pay off

Ted **Piccone**, 1/9/2012, "Cuba is Changing, Slowly but Surely," ACC. 6-16-2013, <http://www.brookings.edu/research/reports/2012/01/19-cuba-piccone>,

A closer look, however, reveals something more profound—a wholesale mental shift, outlined clearly by President Raul Castro over the last two years, that the time has come to move the Cuban people from wholesale dependence on the state to a new era of individual responsibility and citizenship. ¶ This is going to take time. The economic reforms or "updating" of Cuba's Soviet-style economic system, approved last spring at the Communist Party's first National Congress in 14 years, are just beginning to be enacted. They include an expansion of licenses for private enterprise (over 350,000 have been granted), opening more idle land to farmers and cooperatives, allowing businesses to hire employees, empowering people to buy and sell their houses and cars, and opening new lines of credit with no legal

ceilings on how much Cubans can borrow. Non-state actors are allowed now to sell unlimited services and commodities directly to state-owned enterprises and joint ventures, thereby opening new channels of commercial activity between farmers and tourist hotels, for example. Think Viet Nam or China. The reforms include tough measures too, like shrinking the buying power of the longstanding ration card that every Cuban gets to purchase subsidized basic goods, cutting unemployment benefits, and eventually dismissing anywhere from 500,000 to one million employees from the state sector as bureaucratic middlemen become obsolete and tax revenues rise. ¶ These changes, while painful, are reason enough to be optimistic about Cuba's economic future. But something much more fundamental is at work—a turn away from government control of pricing and subsidizing products throughout the economy to a more decentralized framework of subsidizing persons based on need. At heart, the Castro government is prepared to move Cuba from a society based on equity of results to equality of opportunity, infused with a culture of humanism. Not that Cuba's system ever offered true equality, as one taxi driver reminded me as we drove down Havana's famous seaside Malecon. The door, however, is now opening wider to the inevitable rise in inequality that comes from capitalism, even restrained forms of it. Whether one is able to prosper as a self-employed restaurateur, or is the beneficiary of generous relatives sending remittances and goods home from Miami, new gradations in Cuba's economic and social strata are on the way. As long as someone arrives at their wealth legally and pays their taxes, assured one senior party official, they are free to become rich.

Cuba is reforming now, but it still isn't close to free market status

Patricia Mallen, 7/11/2013, International Business Times, "cuba announces financial reforms, opens up to foreign investment," <http://www.ibtimes.com/cuba-announces-financial-reforms-opens-foreign-investment-1341269>

"We will be working for deep reforms for the rest of the year and well into the next," Murillo, who is in charge of the reform commission, told Reuters. "**The very first step has been to eliminate prohibitions and restrictions.**"¶ Murillo said that the government was planning to give companies more autonomy and give entrepreneurs more freedom to grow. He clarified, however, that "the model of the revolution is based in social propriety, and not private, even though the latter creates jobs."¶ The plan is to allow state-owned companies to keep 50 percent of profits, after taxes, and then reinvest them in production. Up to now, all profits went to the government. News agency Prensa Latina reports that reforms include shutting down all companies that lose money for more than two years. "Our goal is to improve business efficiency and finish with the debt that has been dragging our economy down," Murillo said.¶ The other key aspect of the reform is to open the country to foreign investment. "We are aware that our island needs more foreign investment," Murillo admitted. He specified, nonetheless, that the government will only welcome foreign companies that bring technology, financing and jobs.

Additionally, only the status quo can solve the aff – the embargo will be lifted once Cuba reforms, but lifting it too early only strengthens the regime, turning the case.

Gordon Chang, 2/20/2008, Commentary Magazine, "In defense of the Cuban embargo," <http://www.commentarymagazine.com/2008/02/20/in-defense-of-the-cuban-embargo/>

Even if we lift the embargo, Castro's successors will not allow their economy to be overrun by American tourists, investors, and corporate executives. Fidel's legitimacy, we should remember, is largely founded on his ridding the island of foreign exploiters and his creating home-grown socialism. Cuban leaders, in any event, would allow only enough commerce to maintain their regime, just as North Korea's Kim Jong Il is doing today. It is a Fukuyama-induced fantasy to think that history has ended and that we can rid ourselves of despicable autocrats with just letters of credit and bills of lading. The Castro boys, Fidel and successor Raul, have survived just about everything during five decades and are not about to surrender to globalization.¶ An embargo helped kill communism in Europe, and it can also end it in the Caribbean. One day we will establish normal trading relations with Cuba, but that should not be before the people there govern themselves. "The post-Fidel era is clearly at hand, and the Bush administration has done almost nothing to prepare for it," the New York Times said. Prepare for what? The embargo has been working all along, and it is up to the Cuban dictators to relax their grip, not us.

AT LA Relations – Alt Causes

Poor relations inevitable—other priorities

Hakim 11 President Emeritus of the Inter-American Dialogue [Peter Hakim, The United States and Latin America: The Neighbourhood has Changed, The International Spectator: Italian Journal of International Affairs, Volume 46, Issue 4, 2011]

During the following ten years, US foreign policy attention turned sharply to the Middle East. Washington's integrationist strategy for the Americas unravelled as its weaknesses and inconsistencies became increasingly visible. For their part, Latin American governments became increasingly independent and assertive in their foreign policies, diversified in their international relations, and more inclined to challenge US leadership and initiative. The United States has not yet come fully to grips with this changing context of hemispheric relations. The G.W. Bush and Obama administrations remained, at least rhetorically, wedded to the idea of partnerships and shared responsibilities with Latin America, but these concepts seem less and less relevant to the region's evolving context.

What the past two decades of US–Latin American relations may have most clearly revealed is how difficult it is for Washington to define and execute a coherent policy in the region—with officials constrained by domestic politics, far more urgent demands on its foreign policy resources, and an increasingly independent and self-assured Latin America. The fact is that US policies toward Latin American and the Caribbean are almost invariably derivative policies. They tend not to be the result of a careful calculation of US interests and values and a clear view of what it will take to advance them. Instead, they tend to be mostly shaped by US domestic political considerations or by the demands of global issues.

Proliferation Defense

Proliferation won't increase the risk of conflict

Beardsley and Asal 9

Journal of Conflict Resolution Volume 53 Number 2 April 2009 278-301 © 2009 SAGE Publications
10.1177/0022002708330386 <http://jcr.sagepub.com> hosted at <http://online.sagepub.com> Winning with
the Bomb Kyle Beardsley Department of Political Science Emory University, Atlanta Victor Asal
Department of Political Science State University of New York, Albany

One additional implication follows from the proposed logic. The actors themselves have control over the probability of each escalation scenario. Actors that go into a crisis, presumably over a lesser issue, with absolutely no intention of escalating past a certain point should not be expected to have a probability of full escalation greater than zero. Since states rarely threaten nuclear use, it would be a tenuous assertion to say that all crises involving nuclear actors have some lingering implicit threat. As a result, the effect of nuclear weapons should be contingent on the saliency of the crisis to the actors involved. In low-salient conflicts that an actor has no intention to escalate if needed, nuclear weapons should have no bearing. If nuclear weapons do have an impact on crisis outcomes, it will be in more salient crises in which the probability of full escalation is greater than zero—although still presumably small.

New nuclear states won't go to war

Waltz 3

Kenneth Waltz, Professor of Political Science, Columbia, THE SPREAD OF NUCLEAR WEAPONS, 2003, p. 141. (DRGOC/C485)

Can weak and poor states manage to deploy second-strike forces? The answer is "yes," quite easily. This answer contradicts Sagan's, and many others', belief that second-strike forces are difficult to build and deploy. Decades of American military worries feed this view. But as Bernard Brodie put it if a "small nation could threaten the Soviet Union with only a single thermonuclear bomb, which, however, it could and would certainly deliver on Moscow," the Soviet Union would be deterred. I would change that sentence by substituting "might" for "would" and by adding that the threat of a fission bomb or two would also do the trick. We now know that Britain, thinking as we did that the Soviet Union was hard to deter, pretended to have H-bombs when it had none. Sagan believes that the American air force and navy had to be goaded into developing second-strike forces. He cites the Killian Report of 1955, written by civilians, as providing the push that caused the military to become concerned with the survivability of strategic weapons. In one sense, he is right. Our military services were more interested in their traditional missions and weapons than they were in nuclear deterrence. The navy's initial response to the Polaris program was to say that it was a national program, not a naval one. (Eisenhower wondered what the difference might be.) An unconventional naval officer Hymill Rickover, drove the program through ahead of time and on budget. For this, the navy never forgave him. Congress had to add his name to the lists of officers to be promoted because the navy would not do so. Military organizations are renowned for their resistance to innovation.

AT Engagement Scenario

And lifting the embargo before Cuba reforms is an act of appeasement – that emboldens adversaries and makes the US look weak to the entire world

Brookes '9 (Peter is a Heritage Foundation senior fellow and a former deputy assistant secretary of defense. "KEEP THE EMBARGO, O" April 15, 2009, http://www.nypost.com/p/news/opinion/opedcolumnists/item_Oul9gWKYCFsACA0D6IVpvL)

In the end, though, it's still Fidel Castro and his brother Raul who'll decide whether there'll be a thaw in ties with the United States -- or not. And in usual Castro-style, Fidel himself stood defiant in response to the White House proclamation, barely recognizing the US policy shift. Instead, and predictably, Fidel demanded an end to el bloqueo (the blockade) -- without any promises of change for the people who labor under the regime's hard-line policies. So much for the theory that if we're nice to them, they'll be nice to us. Many are concerned that the lack of love from Havana will lead Washington to make even more unilateral concessions to create an opening with Fidel and the gang. Of course, the big empanada is the US economic embargo against Cuba, in place since 1962, which undoubtedly is the thing Havana most wants done away with -- without any concessions on Cuba's part, of course. Lifting the embargo won't normalize relations, but instead legitimize -- and wave the white flag to -- Fidel's 50-year fight against the Yanquis, further lionizing the dictator and encouraging the Latin American Left. Because the economy is nationalized, trade will pour plenty of cash into the Cuban national coffers -- allowing Havana to suppress dissent at home and bolster its communist agenda abroad. The last thing we should do is to fill the pockets of a regime that'll use those profits to keep a jackboot on the neck of the Cuban people. The political and human-rights situation in Cuba is grim enough already. The police state controls the lives of 11 million Cubans in what has become an island prison. The people enjoy none of the basic civil liberties -- no freedom of speech, press, assembly or association. Security types monitor foreign journalists, restrict Internet access and foreign news and censor the domestic media. The regime holds more than 200 political dissidents in jails that rats won't live in. We also don't need a pumped-up Cuba that could become a serious menace to US interests in Latin America, the Caribbean -- or beyond. (The likes of China, Russia and Iran might also look to partner with a revitalized Cuba.) With an influx of resources, the Cuban regime would surely team up with the rulers of nations like Venezuela, Nicaragua and Bolivia to advance socialism and anti-Americanism in the Western Hemisphere. The embargo has stifled Havana's ambitions ever since the Castros lost their Soviet sponsorship in the early 1990s. Anyone noticed the lack of trouble Cuba has caused internationally since then? Contrast that with the 1980s some time. Regrettably, 110 years after independence from Spain (courtesy of Uncle Sam), Cuba still isn't free. Instead of utopia, it has become a dystopia at the hands of the Castro brothers. The US embargo remains a matter of principle -- and an appropriate response to Cuba's brutal repression of its people. Giving in to evil only begets more of it. Haven't we learned that yet? Until we see progress in loosing the Cuban people from the yoke of the communist regime, we should hold firm onto the leverage the embargo provides.

AT: Cyber D.A-MSDI

Not protected now

The U.S. is very vulnerable – new digital controls, weak cyber security and a lack of professionals prove

Michael **Assante**, Mr. Assante is director of Industrial Control Systems as well as Supervisory Control and Data Acquisition Networks for the SANS Institute., 11-11-2014, "America's Critical Infrastructure Is Vulnerable To Cyber Attacks," Forbes, <http://www.forbes.com/sites/realspin/2014/11/11/americas-critical-infrastructure-is-vulnerable-to-cyber-attacks/2/>

America's critical infrastructure—the utilities, refineries, military defense systems, water treatment plants and other facilities on which we depend every day—has become its soft underbelly, the place where we are now most vulnerable to attack. Over the past 25 years, hundreds of thousands of analog controls in these facilities have been replaced with digital systems. Digital controls provide facility operators and managers with remote visibility and control over every aspect of their operations, including the flows and pressures in refineries, the generation and transmission of power in the electrical grid, and the temperatures in nuclear cooling towers. In doing so, they have made industrial facilities more efficient and more productive. But the same connectivity that managers use to collect data and control devices allows cyber attackers to get into control system networks to steal sensitive information, disrupt processes, and cause damage to equipment. Hackers, including those in China, Russia and the Middle East, have taken notice. While early control system breaches were random, accidental infections, industrial control systems today have become the object of targeted attacks by skilled and persistent adversaries. Industrial control systems are being targeted. The recently discovered Industrial Control System modules of the HAVEX trojan are one example. The malware infiltrated an indeterminate number of critical facilities by attaching itself to software updates distributed by control system manufacturers. When facilities downloaded the updates to their network, HAVEX used open communication standards to collect information from control devices and send that information to the attackers for analysis. This type of attack represents a significant threat to confidential production data and corporate intellectual property and may also be an early indicator of an advanced targeted attack on an organization's production control systems. Other hacks represent a direct threat to the safety of U.S. citizens. Earlier this year, the FBI released information on Ugly Gorilla, a Chinese attacker who invaded the control systems of utilities in the United States. While the FBI suspects this was a scouting mission, Ugly Gorilla gained the cyber keys necessary for access to systems that regulate the flow of natural gas. Considering that cyber attackers are numerous and persistent—for every one you see there are a hundred you don't—those developments should sound alarms among executives at companies using industrial controls and with the people responsible for protecting American citizens from attacks. To their credit, both businesses and the U.S. government have begun to take action; however, neither is adequately addressing the core of the issue. The threat isn't static. Businesses continue to believe that cybersecurity issues can be addressed solely through technology. The problem was created by technology so the solution must be more technology, they reason, ignoring the spirit of Einstein's observation that "no problem can be solved from the same level of consciousness that created it." Technology is static and the threat is not. Hackers will always find a way to beat technology-based solutions. That's why we have to do more than create barriers to keep out intruders. We have to man our digital borders with people who have the same skill and determination as the attackers similar to the use of technology, the ability to regulate a solution is inherently limited. Regulation creates a

compliance mentality in which policies and investments are based on achieving and maintaining compliance. Compliance is predictable, which makes it the hacker's best friend. Lack in security professionals who understand both digital security and control system technology Legislation (HR 3696) has been introduced in the U.S. Congress that would increase the sharing of information related to control system breaches to better arm security professionals to prevent future breaches. That is a worthwhile goal; unfortunately, there is a dire lack of security professionals with an understanding of both digital security and control system technology to benefit from this information sharing. Filling this gap is where the lion's share of the cybersecurity effort must go. It is estimated in the latest Project SHINE report that the United States has more than half a billion control system devices connected to the Internet. The SANS Institute, the largest cybersecurity training organization in the world, estimates that in the U.S. power industry alone thousands of new or existing control systems security professionals must be deployed or further developed in the next five years to adequately address the challenge of control system security within the electric sector.

Cyber-terrorists have the upper hand – major attack is a question of when, not if

Aasha **Bodhani**, 1-19-2015, Award-winning journalist / Industry Features Editor at The IET, "Cyber-security: organisations vulnerable to new swathe of attacks in 2015," No Publication, <http://eandt.theiet.org/magazine/2015/01/special-report-cyber-security.cfm>

2014 was a bad year for cyber security, and experts warn that 2015 could be even worse. The scale of attacks indicates that cyber crime is not only a considerable challenge but that the bad guys are winning. Rather than implement effective security, many organisations are simply gambling that they do not represent an attractive enough target compared with their peers. The cyber world has become an increasingly attractive playground for criminals, activists and terrorists motivated to become noticed, make money, cause havoc or bring down corporations and governments through online attacks. In 2013 alone, IBM reported, 1.5 million monitored cyber attacks took place in the US, so it is not a surprise that cyber-security specialist and senior vice president of products at Clearswift Guy Bunker warns: "threats are an everyday event and breaches are 'when' not 'if'." To make matters worse, cyber criminals are not only hacking the obvious such as smartphones, e-health devices and credit card theft; they are beginning to see driverless vehicles, e-cigarettes and smart kitchen appliances as potential targets. Before 2014 got under way, security consultancy Websense predicted a number of attack types would blossom. Its recent '2014 Predictions Accuracy' report shows that the experts had identified some key problems correctly. The report states that as the cloud became the preferred location for storing data, cyber criminals focused their attention on attacking the cloud. Other predictions that appear to have come true include a shift from simple data theft at corporation level to nation-state level, a decrease in the quantity of new malware resulting in more targeted attacks and cyber criminals targeting the weakest links in the information chain, such as third-party vendors, contractors, point-of-sale devices and out-of-date software.

Cyber Risk High – The US fails to implement security.

Tony **Kovaleski**, Liz **Wagner** and Mark **Villarreal**, 2-1-2015, "Critical Infrastructure Vulnerable to Cyber Attack," NBC Bay Area, <http://www.nbcbayarea.com/news/local/Critical-Infrastructure-Vulnerable-to-Cyber-Attacks-Experts-Warn-290370921.html>

Recent security breaches at Sony Pictures, Target and Home Depot have put a spotlight on the vulnerabilities of the nation's cyber systems. But an NBC Bay Area investigation reveals concerns from some of the country's leading cyber security experts that threats have moved beyond movies, credit cards and bank accounts, to the ability to hack into computer systems that control vital infrastructure. For nearly two decades, the United States government has known and warned about potential threats to critical infrastructure, including nuclear plants, electric substations, gas pipelines, transit systems, chemical facilities and drinking water supplies. "It's those systems, that if we lose them, it's going to have a serious impact on our way of life," said Perry Pederson, a Washington, D.C.-based expert on cyber security. In 2007, when Pederson worked for the Department of Homeland Security (DHS), he helped design a government test now known as Project Aurora. The experiment involved hacking into a replica of an Idaho power plant's control system and causing it to smoke, shake and self-destruct. "It ultimately proved and demonstrated on video that you can destroy physical equipment with a cyber-attack," Pederson said. "It's a type of vulnerability we should be concerned about." But Pederson said the United States isn't employing the lessons learned from the experiment. "Aurora should have been a wakeup call, and we just hit the snooze button and go back to sleep." Pederson said.

Lack necessary protections against cyber attacks now

Katherine **Brocklehurst, 1-27-2015**, Working with network security technologies ranging from protocols to core encryption to intrusion detection/prevention to web application firewalls, she's touched every layer in the ISO model. Katherine is a subject matter expert on security and compliance policies, and works on this every day in the field of security configuration management as senior solutions manager at Tripwire. "Cyberterrorists Attack on Critical Infrastructure Could Be Imminent," State of Security, <http://www.tripwire.com/state-of-security/security-data-protection/security-controls/cyberterrorists-attack-on-critical-infrastructure-could-be-imminent/>

In a November 20, 2014, hearing for the House Intelligence Committee, NSA Director Admiral Michael Rogers said several foreign governments had already hacked into U.S. energy, water and fuel distribution systems, potentially damaging essential services, according to Bloomberg. "This is not theoretical," Rogers said. "This is something real that is impacting our nation and those of our allies and friends every day." DHS Warns U.S. Utility Was Hacked In May 2014, the Department of Homeland Security and its Industrial Control Systems Cyber Emergency Response Team issued an ICS-CERT report warning of several known attacks against U.S. utilities in the first quarter of 2014. They cited details of one unnamed utility that had been breached and warned U.S. utilities to be on guard for intrusion activity. The complete article on this information is available here. CYBER THREATS CAN BE PHYSICAL Increasing cyber threat concerns are having an impact on critical infrastructure organizations because the physical implications have the potential to be catastrophic—cybersecurity rated as the fourth highest issue for energy executives in 2014, up from sixth place in 2013. This shows dramatic progress; it was not even in the top ten concerns for utilities two years ago. According to the 2014 annual report from industry consultants Black & Veatch conducted in May of 2014: "We are seeing an industry that is actively moving forward with the deployment of comprehensive asset protection plans following several high-profile cyber and physical threat events." 48% OF ELECTRIC UTILITIES SURVEYED NEED CYBER THREAT PROTECTION Still – a survey of electric utility representatives showed that 48% of respondents

indicated they did not have integrated security systems with the “proper segmentation, monitoring and redundancies” needed for cyber threat protection. Only 32% said they had these protections in place.

Surveillance hurts ability to fight cyber attacks

NSA surveillance actually decreases ability to fight cyber-attacks by decreasing the overall security of the internet.

Eduard Kovacs on July 30, 2014 NSA Surveillance Programs Directly Damage Internet Security: Report

<http://www.securityweek.com/nsa-surveillance-programs-directly-damage-internet-security-report>

"The NSA has both weakened overall trust in the network and directly harmed the security of the Internet." A report published by the New America Foundation's Open Technology Institute on Tuesday details the impact of NSA surveillance activities on the United States economy, foreign policy and Internet security. **There have been numerous discussions on the intelligence agency's controversial spying programs over the past year,** ever since former NSA contractor Edward Snowden started leaking classified information obtained from the organization's systems. However, the Open Technology Institute argues that most discussions have revolved around the impact of surveillance programs on privacy and civil liberties, and not so much on how they affect the interests of the United States and the global Internet community. The 64-page paper focuses on the costs to cybersecurity, the direct economic costs to U.S. businesses, the economic and technological costs of data localization and data protection proposals, and political costs to American foreign policy. Internet Security Weakened by NSA. **Internet security has been greatly impacted by NSA spying because in addition to monitoring online communications,** the agency has been involved in various activities that, according to the authors of the report, **"fundamentally threaten the basic security of the Internet."** For example, **the report points to the NSA's attempts to intentionally weaken critical cryptographic standards.** One of these algorithms was until recently included in cryptographic libraries used by default by RSA and other companies. **The agency is also said to be spending hundreds of millions of dollars on getting companies to intentionally create backdoors in their products,** including communication devices, commercial encryption systems and IT networks. In addition to getting companies to insert security holes into their products, the NSA keeps information about zero-day vulnerabilities to itself, instead of notifying the companies whose solutions are affected. This leaves organizations and regular users exposed to attacks from the NSA, and also from other entities that might have knowledge of the flaws, the report said. The Open Technology Institute believes costs to cybersecurity also stem from the activities of the NSA's Tailored Access Operations (TAO) unit, whose employees rely on an aggressive set of tools to hack into computers, phones, routers and even SCADA systems. One of the tactics used by this unit involves targeting networks and network providers, including the undersea cables that carry Internet traffic between continents. The TAO unit is also said to have impersonated several major US companies, including Facebook and LinkedIn, in an effort to insert malware and steal sensitive information.

NSA surveillance undermines our ability to prevent cyber attacks

DAVID HAMILTON NOV 18, 2014 The Real Lesson From Recent Cyberattacks: Let's Break Up The NSA It's supposed to guard against cyberintrusion. Remember? <http://readwrite.com/2014/11/18/hacking-cyber-attack-break-up-the-nsa>

Over the weekend, the U.S. State Department shut down its unclassified email network after finding evidence that hackers might have been prowling around. It's in good company: **in the past several**

weeks, hackers have poked around in computers at the White House, the Postal Service and the National Weather Service—not to mention JPMorgan and nine other big banks. If only there was a federal agency dedicated to protecting federal information systems and critical U.S. infrastructure from criminals and foreign attackers. Oh, wait—there is. It's the National Security Agency. And to all appearances, it's botched the job so badly you'd think it wasn't really trying in the first place. Maybe it wasn't. The NSA has historically been a house divided against itself. On one side, it ostensibly works to "ensure appropriate security solutions are in place to protect and defend information systems, as well as our nation's critical infrastructure." This mission, the NSA says, aims to ensure "confidence in cyberspace." Then there's the other side of the NSA, which listens in on the communications of U.S. adversaries, conducts mass surveillance of Americans and foreigners and undertakes military-style cyber attacks against other nations and alleged terrorists. Oh, and that also deliberately tries to undermine security tools used to guard both civilian and government systems against intrusion. For instance, the NSA's secret 2013 budget request—provided by Edward Snowden and published by the New York Times, ProPublica and other outlets a year ago—revealed that the agency seeks to "introduce vulnerabilities into commercial encryption systems, IT systems, networks, and endpoint communication devices used by targets." In other words, the NSA routinely undermines the security tools that government agencies, businesses and consumer services use to protect messages and data from attackers. It's a little as if car makers were surreptitiously making it easier for repo men to unlock and drive away your vehicle—right in the midst of an auto-theft epidemic. The NSA apparently does this in the misguided belief that its own spooks will be the only ones to notice and exploit these vulnerabilities. But criminals and foreign governments are smart, too, and just as eager to exploit security holes created by accident or design. In 2010, for instance, Chinese hackers were able to break into individual Gmail accounts by using "secret" backdoors that Google had installed specifically to comply with U.S. government search-warrant requests.

NSA surveillance undermines protection from cyber-attacks.

LeakSource, 2015 What Goes Around Comes Around: NSA Cyberattacks Helping Other Countries (Iran) Learn to Hack Better <http://leaksource.info/2015/02/16/what-goes-around-comes-around-nsa-cyberattacks-helping-other-countries-iran-learn-to-hack-better/>

The NSA's concern of inadvertently aiding Iran's cyberattack capabilities is striking given the government's recent warning about the ability of adversaries to develop more advanced viruses. A top official at the Pentagon's Defense Advanced Research Projects Agency's (DARPA) appeared on 60 Minutes this Sunday and claimed that cyberattacks against the U.S. military are becoming more potent. "The sophistication of the attacks is increasing," warned Dan Kaufman, director of DARPA's Information Innovation Office. The NSA document suggests that offensive cyberattacks on other states do not merely provoke counterattacks—those attacks can teach adversaries how to launch their own. "Iran continues to conduct distributed denial-of-service (DDOS) attacks against numerous U.S. financial institutions, and is currently in the third phase of a series of such attacks that began in August 2012," the document says. "SIGINT indicates that these attacks are in retaliation to Western activities against Iran's nuclear sector and that senior officials in the Iranian government are aware of these attacks." This would not be the first time the U.S. has inadvertently assisted Iran's attack capabilities. Last month, former CIA officer Jeffrey Sterling was convicted of multiple felony counts for telling New York Times

reporter James Risen about an agency program designed to feed Iran false data about nuclear engineering in order to create setbacks, but which instead may have provided useful information the Iranians were able to exploit to advance their nuclear research. As of 2013, the NSA said that while it had no indications “**that Iran plans to conduct such an attack against a U.S. or UK target, we cannot rule out the possibility of such an attack, especially in the face of increased international pressure on the regime.**” The NSA “can’t comment or speculate on the motivations of those who aim to harm the United States or our allies,” a spokesperson for the agency said. “The National Security Agency works with foreign partners to protect our interests and citizens in cyberspace.”

NSA surveillance efforts compromise our ability to improve cybersecurity

Danielle **Kehl** How the NSA Hurts Our Economy, Cybersecurity, and Foreign Policy **2014**

http://www.slate.com/blogs/future_tense/2014/07/31/usa_freedom_act_update_how_the_nsa_hurts_our_economy_cybersecurity_and_foreign.html

Lastly, **there’s growing evidence that certain NSA surveillance techniques are actually bad for cybersecurity.** As the Institute of Electrical and Electronics Engineers recently explained: “**The United States might have compromised both security and privacy in a failed attempt to improve security.**” We’ve learned in the past year that **the NSA has been deliberately weakening the security of the Internet, including commercial products** that we rely on every day, in order to improve its own spying capabilities. **The agency has apparently tried everything from secretly undermining essential encryption tools and standards to inserting backdoors** into widely used computer hardware and software products, stockpiling vulnerabilities in commercial software, **and building a vast network of spyware inserted onto computers and routers around the world.** A former U.S. ambassador to the U.N. Human Rights Council, Eileen Donahoe, wrote a forceful article back in March about how the NSA’s actions threaten our national security.

The NSA weakens encryption and increases risk of cyber attack

Matt **Buchanan**, 9-6-**2013**, "How the N.S.A. Cracked the Web," New Yorker, <http://www.newyorker.com/tech/elements/how-the-n-s-a-cracked-the-web>

It’s been nearly three months since Edward Snowden started telling the world about the National Security Agency’s mass surveillance of global communications. But the latest disclosures, by the Guardian, New York Times, and ProPublica are perhaps the most profound yet: **the N.S.A.** and its partner agency in the United Kingdom, the Government Communications Headquarters, **possess significant capabilities to circumvent widely used encryption software in order to access private data.** Encryption poses a problem for intelligence agencies by scrambling data with a secret code so that even if they, or any other third-party, manages to capture it, they cannot read it—unless they possess the key to decrypt it or have the ability to crack the encryption scheme. Encryption has become only more pervasive in the decade since the N.S.A.’s “aggressive, multipronged effort to break widely used Internet encryption technologies” began in 2000. When you log into Gmail or Facebook, chat over iMessage, or check your bank account, the data is typically encrypted. This is because encryption is vital for everyday Web transactions; if for instance, you were to log in to your Gmail account using a park’s open wireless network and your username and password were transmitted in plain form, without being encrypted, your credentials could potentially be captured by anyone using that same network. Both the Times and the Guardian write that the N.S.A. and the G.C.H.Q. have “cracked much of the encryption” on the Web. But we don’t know precisely how much: the Times writes that the “full extent of the N.S.A.’s decoding capabilities is known only to a limited group of top analysts from the so-called Five Eyes: the N.S.A. and its counterparts in Britain,

Canada, Australia and New Zealand.” But it deploys “custom-built, superfast computers to break codes,” and it works with “technology companies in the United States and abroad to build entry points into their products.” While the Times and the Guardian do not make clear precisely which encryption schemes the N.S.A. and its partners have rendered effectively useless—and which companies the agency has partnered with—there are some hints about what the N.S.A. has accomplished with Bullrun, its project to defeat network encryption. **The N.S.A. has** apparently possessed “groundbreaking capabilities” against encrypted voice and text communication since 2010, which the Guardian says **made “vast amounts’ of data collected through internet cable taps newly ‘exploitable.”** The N.S.A. appears to have found a way around some Internet-level encryption protocols that use outdated standards, but are nonetheless ubiquitous: the Guardian writes, **“The agency has capabilities against widely used online protocols**, such as HTTPS, voice-over-IP and Secure Sockets Layer.” **And the** Times notes that the **“most intensive efforts have focused on the encryption in universal use in the United States**, including Secure Sockets Layer, or SSL; virtual private networks, or V.P.N.s; **and the protection used on fourth-generation, or 4G, smartphones.**” The hypertext transfer protocol (H.T.T.P.) is the basis for Web communication—it’s the “http” in your browser’s address bar. S.S.L. is one of the most common cryptographic protocols on the Web and is supported by nearly all Web sites. (It’s also used by instant-messaging and other programs to secure transmissions over the Internet.) H.T.T.P.S. is essentially the application of the S.S.L. protocol to H.T.T.P., making online services like e-mail and banking secure. A virtual private network enables a user to have a private connection on a public network in which their transmissions are protected. Under normal circumstances, the use of these protocols would shield data from the N.S.A.’s dragnet surveillance of communications. Cryptographic and security experts have been able to piece together some ideas about the extent of the agency’s capabilities. Mike Janke, the C.E.O. of the encrypted-communications company Silent Circle—which shut down its encrypted e-mail service a few weeks ago—said over the phone that, based on information and literature he has seen, he believes the N.S.A. developed “a massive push-button scale” ability to defeat or circumvent S.S.L. encryption in virtually real time. He added, “the reality of it is that most of the security world has known that lower level encryption—S.S.L., H.T.T.P.S., V.P.N.s—are highly susceptible to being defeated because of their architecture.” Bruce Schneier, who has seen the Snowden documents, wrote that **the N.S.A. has circumvented common Web encryption “primarily by cheating, not by mathematics.” Instead of busting the algorithms that power encryption schemes,** Schneier is suggesting that **the N.S.A. has** found a way around it. Matthew Green, a prominent crypto researcher, suggests that the N.S.A. may have **compromised the encryption software that implements the algorithms that determine how data is scrambled**—in particular, software made by Microsoft and used by many Web servers for encryption. The Times writes that the “the agency maintains an internal database of encryption keys for specific commercial products, called a Key Provisioning Service, which can automatically decode many messages.” Intriguingly, it adds, “independent cryptographers say many are probably collected by hacking into companies’ computer servers, where they are stored.” If the agency possesses the keys, there is no need to crack the encryption algorithm. Thomas Drake, an N.S.A. whistleblower who was profiled by Jane Mayer in the magazine, said over the phone that he believes the 2010 breakthrough was possibly more dramatic and may refer to the defeat of “some of the main-line encryption” algorithms in wide use, like the R.S.A. algorithm or the Advanced Encryption Standard at 256-bit level. (The length of the key used to encrypt and decrypt information, measured in bits, is one of many aspects of what determines how hard an encryption scheme is to crack: 128-bit encryption is now relatively easy; 2048-bit is much harder.) This kind of capability was hinted at in James Bamford’s piece a year ago about the N.S.A.’s massive new data center in Utah: **The most damning aspect of the new disclosures is that the N.S.A. has worked to make widely used technology less secure.** The Times reports that in 2006, **the N.S.A. intentionally introduced a vulnerability into an encryption standard adopted by both the National Institute of Standards and Technology and the International Organization for Standardization.** This is deeply problematic, Green writes, because the cryptographic industry is “highly dependent on NIST standards.” The N.S.A. also uses its Commercial Solutions Center, which invites companies, including start-ups, to show their technology to the agency under the guise of improving security, in order to “leverage sensitive, cooperative relationships with specific industry partners” and covertly make those products more susceptible to N.S.A.’s surveillance. Schneier, who has reviewed the documents, describes the process thusly: **“Basically, the NSA asks companies to subtly change their products in undetectable ways: making the random number generator less random, leaking the key somehow, adding a common exponent to a public-key exchange protocol, and so on.”** This is why the N.S.A. specifically asked the Times and Guardian to not publish their articles and the documents detailing the program warn explicitly and repeatedly of the need for secrecy: “Do not ask about or speculate on sources or methods.” The Times notes that the **N.S.A. expects to “gain full unencrypted access to an unnamed major Internet phone call and text service”** sometime this year. The Guardian further specifies that it is a “major internet peer-to-peer voice and text communications,” which sounds like it might be Skype—owned by Microsoft and previously named as an N.S.A. partner. Drake said that he was certain that Skype has been “compromised.” And, in one instance, the Times notes that “after the government learned that a foreign intelligence target had ordered new computer hardware, the American manufacturer agreed to insert a back door into the product before it was shipped.” This is worse than the legal mandate the N.S.A. and the F.B.I. pushed for in the nineties to force technology companies to build backdoors into their products, because, as Chris Soghoian, the principal technologist for the American Civil Liberties Union said, “with a secret backdoor you’ll think it’s secure,” rather than simply avoiding

the technology. Schneier writes, "My guess is that most encryption products from large U.S. companies have NSA-friendly back doors, and many foreign ones probably do as well." The pervasive effort to engineer backdoors into commercial technology strikes upon a broader question, raised by Soghoian: "Can we rely on technology provided by corporations with extensive relations with the U.S. government?" Despite the scope of the N.S.A.'s program, and its apparent success against Internet-level encryption, strong encryption schemes do remain uncracked by the N.S.A., and they are "your best bet" for privacy, said Janke. Pretty Good Privacy, a common encryption program, if used with the latest algorithms, remains safe, he added, as does the encryption used in Z.R.T.P., which is used by Silent Circle's voice and text products to encrypt communications. Janke believes in their security in large part because "it's good enough for the government to approve it for their use." Soghoian says that the "the kind of stuff we need is already available, it's just not in our browsers and not with Google and Facebook." (However, in response to the N.S.A. revelations, Google has fast-tracked its plan to encrypt data as it zips between its own data centers to prevent it from being subject to intelligence-agency prying.) Janke notes that on a local level, TrueCrypt, a hard-drive encryption program, along with Apple's native hard-disk encryption tool both remain unbroken. Though Drake said he would only trust 2048-bit level encryption schemes and that he relies largely on open-source software, he would not reveal how he protects his own communications. "I just don't want others to know how I protect myself," he said. "I literally do not trust anything commercial." In response to the latest revelations, Representative Rush Holt of New Jersey has introduced a bill, the Surveillance State Repeal Act, which would, among other things, bar the N.S.A. from installing such backdoors into encryption software. While a statement from the Director of National Intelligence, James Clapper—published after the reports by the Times and the Guardian—said that the fact that the N.S.A. works to crack encrypted data was "not news," Holt said, correctly, that **"if in the process they degrade the security of the encryption we all use, it's a net national disservice."** The upshot is that it is now known that "the N.S.A. cannot be trusted on the issue of cyber security," said Soghoian. He continued, "My sincere hope is that the N.S.A. loses its shine. **They're the bad guy; they're breaking into systems; they're exploiting vulnerabilities.**" It's conceivable that they have good intentions. And yet, Soghoian continued, "they act like any other hacker. They steal data. They read private communications." With that methodology, how easy can it be, though, to give the agency the benefit of the doubt? As many have, Thomas Drake compared the worldview of what he calls the "rogue agency" to the total surveillance of George Orwell's "1984," in which the only way to escape was "to cower in a corner. I don't want to live like that. I've already lived that and it's not pleasant."

NSA has made US more vulnerable to hacker for many reasons

Brendan [Sasso, 4-30-2014](http://www.nextgov.com/cybersecurity/2014/04/how-nsa-undermines-cybersecurity-protect-you/83482/), "How the NSA Undermines Cybersecurity to Protect You," Nextgov, <http://www.nextgov.com/cybersecurity/2014/04/how-nsa-undermines-cybersecurity-protect-you/83482/>

But critics argue that the National Security Agency has actually undermined cybersecurity and made the United States more vulnerable to hackers. At its core, the problem is the NSA's dual mission. **On one hand, the agency is tasked with securing U.S. networks and information. On the other hand, the agency must gather intelligence on foreign threats to national security.** Collecting intelligence often means hacking encrypted communications. **That's nothing new for the NSA;** the agency traces its roots back to code-breakers deciphering Nazi messages during World War II. **So in many ways, strong Internet security actually makes the NSA's job harder.** "This is an administration that is a vigorous defender of surveillance," said Christopher Soghoian, the head technologist for the American Civil Liberties Union. **"Surveillance at the scale they want requires insecurity." The leaks from Edward Snowden have revealed a variety of efforts by the NSA to weaken cybersecurity and hack into networks. Critics say those programs, while helping NSA spying, have made U.S. networks less secure. According to the leaked documents, the NSA inserted a so-called back door into at least one encryption standard that was developed by the National Institute of Standards and Technology. The NSA could use that back door to spy on suspected terrorists, but the vulnerability was also available to any other hacker who discovered it.** NIST, a Commerce Department agency, sets scientific and technical standards that are widely used by both the government and the private sector. **The agency has said it would never "deliberately weaken a cryptographic standard," but it remains unclear whether the agency was aware of the back door or whether the NSA tricked NIST into adopting the compromised standard. NIST is required by law to consult with the NSA for its technical expertise on cybersecurity. The revelation that NSA somehow got NIST to build a back door into an encryption standard has seriously damaged NIST's reputation with**

security experts. “NIST is operating with a trust deficit right now,” Soghoian said. “Anything that NIST has touched is now tainted.” It’s a particularly bad time for NIST to have lost the support of the cybersecurity community.

NSA has hindered- not helped- cybersecurity

Brendan Sasso, 4-30-2014, “How the NSA Undermines Cybersecurity to Protect You,” Nextgov, <http://www.nextgov.com/cybersecurity/2014/04/how-nsa-undermines-cybersecurity-protect-you/83482/>

The U.S. government “is as concerned as the public is with the security of these products.” “The United States pursues its intelligence mission with care to ensure that innocent users of those same technologies are not affected,” she said. According to Vines, the NSA relies on the same encryption standards it recommends to the public to protect its own classified networks. “We do not make recommendations that we cannot stand behind for protecting national security systems and data,” she said. But due to concern over the NSA damaging Internet security, the president’s review group on surveillance issues recommended that the U.S. government promise not to “in any way subvert, undermine, weaken, or make vulnerable generally available commercial encryption.” “Encryption is an essential basis for trust on the Internet; without such trust, valuable communications would not be possible,” the group wrote in its report, which was released in December. “For the entire system to work, encryption software itself must be trustworthy.” In response to the report, the administration adopted a new policy on whether the NSA can exploit “zero-days”—vulnerabilities that haven’t been discovered by anyone else yet. According to the White House, there is a “bias” toward publicly disclosing flaws in security unless “there is a clear national security or law enforcement need.” In a blog post Monday, Michael Daniel, the White House’s cybersecurity coordinator, said that disclosing security flaws “usually makes sense.” “Building up a huge stockpile of undisclosed vulnerabilities while leaving the Internet vulnerable and the American people unprotected would not be in our national security interest,” he said. But Daniel added that, in some cases, disclosing a vulnerability means that the U.S. would “forego an opportunity to collect crucial intelligence that could thwart a terrorist attack, stop the theft of our nation’s intellectual property, or even discover more dangerous vulnerabilities.” He said that the government weighs a variety of factors, such as the risk of leaving the vulnerability un-patched, the likelihood that anyone else would discover it, and how important the potential intelligence is. But privacy advocates and many business groups are still uncomfortable with the U.S. keeping security flaws secret. And many don’t trust that the NSA will only exploit the vulnerabilities with the most potential for intelligence and least opportunity for other hackers. “The surveillance bureaucracy really doesn’t have a lot of self-imposed limits.” Now I think people dealing with that bureaucracy have to understand they can’t take anything for granted.” Most computer networks are run by private companies, and the government must work closely with the private sector to improve cybersecurity. But companies have become reluctant to share security information with the U.S. government, fearing the NSA could use any information to hack into their systems. “When you want to go into partnership with somebody and work on serious issues—such as cybersecurity—you want to know you’re being told the truth,” Black said.

NSA hurt cyber-security by making backdoor required which increases risk of compromise

Trevor **Timm**, 3-4-2015, "Building backdoors into encryption isn't only bad for China, Mr President," Guardian, <http://www.theguardian.com/commentisfree/2015/mar/04/backdoors-encryption-china-apple-google-nsa>

In a stunningly short-sighted move, the FBI - and more recently the NSA - have been pushing for a new US law that would force tech companies like Apple and Google to hand over the encryption keys or build backdoors into their products and tools so the government would always have access to our communications. It was only a matter of time before other governments jumped on the bandwagon, and China wasted no time in demanding the same from tech companies a few weeks ago. As President Obama himself described to Reuters, China has proposed an expansive new "anti-terrorism" bill that "would essentially force all foreign companies, including US companies, to turn over to the Chinese government mechanisms where they can snoop and keep track of all the users of those services." Obama continued: "Those kinds of restrictive practices I think would ironically hurt the Chinese economy over the long term because I don't think there is any US or European firm, any international firm, that could credibly get away with that wholesale turning over of data, personal data, over to a government." Bravo! Of course these are the exact arguments for why it would be a disaster for US government to force tech companies to do the same. (Somehow Obama left that part out.) As Yahoo's top security executive Alex Stamos told NSA director Mike Rogers in a public confrontation last week, building backdoors into encryption is like "drilling a hole into a windshield." Even if it's technically possible to produce the flaw - and we, for some reason, trust the US government never to abuse it - other countries will inevitably demand access for themselves. Companies will no longer be in a position to say no, and even if they did, intelligence services would find the backdoor unilaterally - or just steal the keys outright.

No impact to cyberterrorism

Zero impact to cyber-attacks --- overwhelming consensus of qualified authors goes neg

- No motivation---can't be used for coercive leverage
- Defenses solve---benefits of offense are overstated
- Too difficult to execute/mistakes in code are inevitable
- AT: Infrastructure attacks
- Military networks are air-gapped/difficult to access
- Overwhelming consensus goes neg

Colin S. **Gray 13**, Prof. of International Politics and Strategic Studies @ the University of Reading and External Researcher @ the Strategic Studies Institute @ the U.S. Army War College, April, "Making Strategic Sense of Cyber Power: Why the Sky Is Not Falling," U.S. Army War College Press, <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB1147.pdf>

CONCLUSIONS AND RECOMMENDATIONS: **THE SKY IS NOT FALLING**. This analysis has sought to explore, identify, and explain the strategic meaning of cyber power. The organizing and thematic question that has shaped and driven the inquiry has been "So what?" Today we all do cyber, but this behavior usually has not been much informed by an understanding that reaches beyond the tactical and technical. I have endeavored to analyze in strategic terms what is on offer from the largely technical and tactical literature on cyber. What can or might be done and how to go about doing it are vitally important bodies of knowledge. But at least as important is understanding what cyber, as a fifth domain of warfare, brings to national security when it is considered strategically. Military history is stocked abundantly with examples of tactical behavior unguided by any credible semblance of strategy. This inquiry has not been a campaign to reveal what cyber can and might do; a large literature already exists that claims fairly convincingly to explain "how to . . ." But what does cyber power mean, and how does it fit strategically, if it does? These Conclusions and Recommendations offer some understanding of this fifth geography of war in terms that make sense to this strategist, at least. ¶ 1. Cyber can only be an enabler of physical effort. Stand-alone (popularly misnamed as "strategic") cyber action is inherently grossly limited by its immateriality. The physicality of conflict with cyber's human participants and mechanical artifacts has not been a passing phase in our species' strategic history. Cyber action, quite independent of action on land, at sea, in the air, and in orbital space, certainly is possible. But the strategic logic of such behavior, keyed to anticipated success in tactical achievement, is not promising. To date, "What if . . ." speculation about strategic cyber attack usually is either contextually too light, or, more often, contextually unpersuasive.⁴⁹ However, this is not a great strategic truth, though it is a judgment advanced with considerable confidence. Although societies could, of course, be hurt by cyber action, it is important not to lose touch with the fact, in Libicki's apposite words, that "i[n] the absence of physical combat, cyber war cannot lead to the occupation of territory. It is almost inconceivable that a sufficiently vigorous cyber war can overthrow the adversary's government and replace it with a more pliable one."⁵⁰ In the same way that the concepts of sea war, air war, and space war are fundamentally unsound, so also the idea of cyber war is unpersuasive. ¶ It is not impossible, but then, neither is war conducted only at sea, or in the air, or in space. On the one hand, cyber war may seem more probable than like environmentally independent action at sea or in the air. After all, cyber warfare would be very unlikely to harm human beings directly, let alone damage physically the machines on which they depend. These near-facts (cyber attack might cause socially critical machines to behave in a rogue manner with damaging physical consequences) might seem to render cyber a safer zone of belligerent engagement than would physically violent action in other domains. But most likely there would be serious uncertainties pertaining to the consequences of cyber action, which must include the possibility of escalation into other domains of conflict. Despite popular assertions to the contrary, cyber is not likely to prove a precision weapon anytime soon.⁵¹ In addition, assuming that the political and strategic contexts for cyber war were as serious as surely they would need to be to trigger events warranting plausible labeling as cyber war, the distinctly limited harm likely to follow from cyber assault would hardly appeal as prospectively effective coercive moves. On balance, it is most probable that cyber's strategic future in war will be as a contributing enabler of effectiveness of physical efforts in the other four geographies of conflict. Speculation about cyber war, defined strictly as hostile action by networked computers against networked computers, is hugely unconvincing. ¶ 2. Cyber defense is difficult, but should be sufficiently effective. The structural advantages of the offense in cyber conflict are as obvious as they are easy to

overstate. Penetration and exploitation, or even attack, **would need to be by surprise.** It can be swift almost beyond the imagination of those enclured by the traditional demands of physical combat. Cyber attack may be so stealthy that it escapes notice for a long while, or it might wreak digital havoc by complete surprise. And need one emphasize, that at least for a while, hostile cyber action is likely to be hard (though not quite impossible) to attribute with a cyberized equivalent to a "smoking gun." Once one is in the realm of the catastrophic "What if . . ." the world is indeed a frightening place. On a personal note, this defense analyst was for some years exposed to highly speculative briefings that hypothesized how unquentionably cunning plans for nuclear attack could so promptly disable the United States as a functioning state that our nuclear retaliation would likely be still-born. I should hardly need to add that the briefers of these Scary Scenarios were obliged to make a series of Heroic Assumptions. ¶ **The literature of cyber scare is more than mildly reminiscent of the nuclear attack stories with which I was assailed in the 1970s and 1980s.** As one may observe regarding what Winston Churchill wrote of the disaster that was the Gallipoli campaign of 1915, "[t]he terrible 'ifs' accumulate." 52 Of course, there are dangers in the cyber domain. Not only are there cyber-competent competitors and enemies abroad; there are also Americans who make mistakes in cyber operation. Furthermore, there are the manufacturers and constructors of the physical artifacts behind (or in, depending upon the preferred definition) cyber-space who assuredly err in this and that detail. **The more sophisticated—usually meaning complex—the code for cyber, the more certain must it be that mistakes both lurk in the program and will be made** in digital communication. ¶ What I have just outlined minimally is not a reluctant admission of the fallibility of cyber, but rather a statement of what is obvious and should be anticipated about people and material in a domain of war. All human activities are more or less harassed by friction and carry with them some risk of failure, great or small. A strategist who has read Clausewitz, especially Book One of *On War*, 53 will know this. Alternatively, anyone who skims my summary version of the general theory of strategy will note that Dictum 14 states explicitly that "Strategy is more difficult to devise and execute than are policy, operations, and tactics: friction of all kinds comprise phenomena inseparable from the making and execution of strategies." 54 Because of its often widely distributed character, the physical infrastructure of an enemy's cyber power is typically, though not invariably, an impracticable target set for physical assault. Happily, this probable fact should have only annoying consequences. The discretionary nature and therefore the variable possible characters feasible for friendly cyberspace(s), mean that the more dangerous potential vulnerabilities that in theory could be the condition of our cyber-dependency ought to be avoidable at best, or bearable and survivable at worst. Libicki offers forthright advice on this aspect of the subject that deserves to be taken at face value: ¶ [T]here is no inherent reason that improving information technologies should lead to a rise in the amount of critical information in existence (for example, the names of every secret agent). Really critical information should never see a computer; if it sees a computer, it should not be one that is networked; and if the computer is networked, it should be air-gapped. ¶ Cyber defense admittedly is difficult to do, but so is cyber offense. To quote Libicki yet again, "[i]n this medium [cyberspace] the best defense is not necessarily a good offense; it is usually a good defense." 56 Unlike the geostrategic context for nuclear-framed competition in U.S.–Soviet/Russian rivalry, the geographical domain of cyberspace definitely is defensible. Even when the enemy is both clever and lucky, it will be our own design and operating fault if he is able to do more than disrupt and irritate us temporarily. ¶ When cyber is contextually regarded properly—which means first, in particular, when it is viewed as but the latest military domain for defense planning—it should be plain to see that cyber performance needs to be good enough rather than perfect. 57 Our Landpower, sea power, air power, and prospectively our space systems also will have to be capable of accepting combat damage and loss, then recovering and carrying on. There is no fundamental reason that less should be demanded of our cyber power. Second, given that cyber is not of a nature or potential character at all likely to parallel nuclear dangers in the menace it could contain, we should anticipate international cyber rivalry to follow the competitive dynamic path already followed in the other domains in the past. Because the digital age is so young, the pace of technical change and tactical invention can be startling. However, the mechanization RMA of the 1920s and 1930s recorded reaction to the new science and technology of the time that is reminiscent of the cyber alarmism that has flourished of recent years. 58 We can be confident that **cyber defense should be**

able to **function well enough, given the strength of political, military, and commercial motivation for it to do so.** The technical context here is a medium that is a constructed one, which provides air-gapping options for choice regarding the extent of networking. Naturally, a price is paid in convenience for some closing off of possible cyberspace(s), but all important defense decisions involve choice, so what is novel about that? There is nothing new about accepting some limitations on utility as a price worth paying for security.¶ 3. Intelligence is critically important, but information should not be overvalued. The strategic history of cyber over the past decade confirms what we could know already from the science and technology of this new domain for conflict. Specifically, cyber power is not technically forgiving of user error. Cyber warriors seeking criminal or military benefit require precise information if their intended exploits are to succeed. Lucky guesses should not stumble upon passwords, while **efforts to disrupt** electronic Supervisory Control and Data Acquisition (SCADA) systems **ought to be unable to achieve widespread harmful effects.** But obviously there are practical limits to the air-gap operation, given that control (and command) systems need to be networks for communication. However, Internet connection needs to be treated as a potential source of serious danger.¶ It is one thing to be able to be an electronic nuisance, to annoy, disrupt, and perhaps delay. But it is quite another to be capable of inflicting real persisting harm on the fighting power of an enemy. **Critically important military computer networks are, of course, accessible neither to the inspired amateur outsider, nor to the malignant political enemy.** Easy passing reference to a hypothetical “cyber Pearl Harbor” **reflects both poor history and ignorance of contemporary military common sense.** Critical potential military (and other) **targets for cyber attack are extremely hard to access and influence (I believe and certainly hope), and the technical knowledge, skills, and effort required to do serious harm to national security is forbiddingly high.** This is not to claim, foolishly, that cyber means absolutely could not secure **near-catastrophic results.** However, it is to say that **such a scenario is extremely improbable.** Cyber defense is advancing all the time, as is cyber offense, of course. But so discretionary in vital detail can one be in the making of cyberspace, that confidence—real confidence—in cyber attack could not plausibly be high. It should be noted that I am confining this particular discussion to what rather idly tends to be called cyber war. In political and strategic practice, it is unlikely that war would or, more importantly, ever could be restricted to the EMS. Somewhat rhetorically, one should pose the question: Is it likely (almost anything, strictly, is possible) that cyber war with the potential to inflict catastrophic damage would be allowed to stand unsupported in and by action in the other four geographical domains of war? I believe not.¶ Because we have told ourselves that ours uniquely is the Information Age, we have become unduly respectful of the potency of this rather slippery catch-all term. As usual, it is helpful to contextualize the allegedly magical ingredient, information, by locating it properly in strategic history as just one important element contributing to net strategic effectiveness. This mild caveat is supported usefully by recognizing the general contemporary rule that information per se harms nothing and nobody. The electrons in cyber-ized conflict have to be interpreted and acted upon by physical forces (including agency by physical human beings). As one might say, intelligence (alone) sinks no ship; only men and machines can sink ships! That said, there is no doubt that if friendly cyber action can infiltrate and misinform the electronic information on which advisory weaponry and other machines depend, considerable warfighting advantage could be gained. I do not intend to join Clausewitz in his disdain for intelligence, but I will argue that in strategic affairs, intelligence usually is somewhat uncertain. 59 Detailed up-to-date intelligence literally is essential for successful cyber offense, but it can be healthily sobering to appreciate that the strategic rewards of intelligence often are considerably exaggerated. The basic reason is not hard to recognize. Strategic success is a complex endeavor that requires adequate performances by many necessary contributors at every level of conflict (from the political to the tactical). ¶ When thoroughly reliable intelligence on the enemy is in short supply, which usually is the case, the strategist finds ways to compensate as best he or she can. The IT-led RMA of the past 2 decades was fueled in part by the prospect of a quality of military effectiveness that was believed to flow from “dominant battle space knowledge,” to deploy a familiar concept. 60 While there is much to be said in praise of this idea, it is not unreasonable to ask why it has been that our ever-improving battle space knowledge has been compatible with so troubled a course of events in the 2000s in Iraq and Afghanistan. What we might have misunderstood is not the value of knowledge, or of the information from which knowledge is quarried, or even the merit in the IT that passed information and knowledge around. Instead, we may well have failed to grasp and grip understanding of the whole context of war and strategy for which battle space knowledge unquestionably is vital. One must say “vital” rather than strictly essential, because relatively ignorant armies can and have fought and won despite their ignorance. History requires only that one’s net strategic performance is superior to that of the enemy. One is not required to be deeply well informed about the enemy. It is historically quite commonplace for armies to fight in a condition of more-than-marginal reciprocal and strategic cultural ignorance. Intelligence is king in electronic warfare, but such warfare is unlikely to be solely, or even close to solely, sovereign in war and its warfare, considered overall as they should be.¶ 4. Why the sky will not fall. More accurately, one should say that **the sky will not fall because of hostile action against us in cyberspace unless we are improbably careless and foolish.** David J. Betz and Tim Stevens strike the right note when they conclude that “[i]f cyberspace is not quite the hoped-for Garden of Eden, it is also not quite the pestilential swamp of the imagination of the cyber-alarmists.” 61 Our understanding of cyber is high at the technical and tactical level, but remains distinctly rudimentary as one ascends through operations to the more rarified altitudes of strategy and policy. **Nonetheless, our scientific, technological, and tactical knowledge and understanding clearly indicates that the sky is not falling and is unlikely to fall in the future as a result of hostile cyber action. This analysis has weighed the more technical and tactical literature on cyber and concludes, not simply on balance, that**

cyber alarmism has little basis save in the imagination of the alarmists. There is military and civil peril in the hostile use of cyber, which is why we must take cyber security seriously, even to the point of buying redundant capabilities for a range of command and control systems. So seriously should we regard cyber danger that it is only prudent to assume that we will be the target for hostile cyber action in future conflicts, and that some of that action will promote disruption and uncertainty in the damage it will cause.¶ That granted, this analysis recommends strongly that the U.S. Army, and indeed the whole of the U.S. Government, should strive to comprehend cyber in context. Approached in isolation as a new technology, it is not unduly hard to be overimpressed with its potential both for good and harm. But if we see networked computing as just the latest RMA in an episodic succession of revolutionary changes in the way information is packaged and communicated, the computer-led IT revolution is set where it belongs, in historical context. In modern strategic history, there has been only one truly game-changing basket of technologies, those pertaining to the creation and delivery of nuclear weapons. Everything else has altered the tools with which conflict has been supported and waged, but has not changed the game. The nuclear revolution alone raised still-unanswered questions about the viability of interstate armed conflict. However, it would be accurate to claim that since 1945, methods have been found to pursue fairly traditional political ends in ways that accommodate nonuse of nuclear means, notwithstanding the permanent presence of those means.¶ The light cast by general strategic theory reveals what requires revealing strategically about networked computers. Once one sheds some of the sheer wonder at the seeming miracle of cyber's ubiquity, instantaneity, and (near) anonymity, one realizes that cyber is just another operational domain, though certainly one very different from the others in its nonphysicality in direct agency. Having placed cyber where it belongs, as a domain of war, next it is essential to recognize that its nonphysicality compels that cyber should be treated as an enabler of joint action, rather than as an agent of military action capable of behaving independently for useful coercive strategic effect. There are stand-alone possibilities for cyber action, but they are not convincing as attractive options either for or in opposition to a great power, let alone a superpower. No matter how intriguing the scenario design for cyber war strictly or for cyber warfare, the logic of grand and military strategy and a common sense fueled by understanding of the course of strategic history, require one so to contextualize cyber war that its independence is seen as too close to absurd to merit much concern.

No risk or impact related to cyberterror

Bicchieri 2015 [LORENZO FRANCESCHI - staff writer at VICE Motherboard in Brooklyn, New York, where he covers hacking, information security, and digital rights. "The 'ISIS Cyberwar' Hype Machine Is Doing More Harm Than Good", MotherBoard,]

Yet, that didn't stop a new round of breathless hype. On Sunday, The Hill wrote that ISIS was preparing for "cyberwar" and an "all-out cyber crusade." Looks like ISIS wannabes successfully hacked the media once again. "Toss out a shitty video that claims that you do things that you're not—doesn't matter, we'll still overreact," Peter W. Singer, an author and well-known expert in cybersecurity, told Motherboard. Instead of responding with a "keep calm and carry on" attitude "we lose our shit." That being said, it's worth pointing out that ISIS could do real damage by doing espionage online, monitoring and tracking down dissidents who live in ISIS-controlled territories. That might have already happened. Last November someone targeted a Syrian citizen media group known as Raqqa Is Being Slaughtered Silently (RSS), which documents human rights crimes in Raqqa, the self-proclaimed capital of the ISIS caliphate. To date, however, there hasn't been a case of actual cyberterrorism—an act targeting computers systems that result in physical violence, as the FBI defines it. In fact, squirrels have been way more damaging to US critical infrastructure than cyberterrorists. Singer criticized the article, which he said is good for a "cyber laugh." But jokes apart, Singer warned that hyping ISIS hacking abilities rewards the group with useful attention that it can turn into recruiting power. Instead of responding with a "keep calm and carry on" attitude, Singer added, "we lose our shit." This encourages and incentivizes ISIS to keep attacking, or at least claim attacks—something that doesn't help anyone. Robert M. Lee, an active duty Air Force cyber warfare operations officer, agreed with Singer, and dismissed the hype on Twitter. "Terrorist groups will continue to use the internet to spread their message and perform hacktivist-type acts but nothing of significant damage," he wrote. "Performing significant damage requires more than just internet connected devices. It requires advanced logistical support and expertise." "Describing savvy use of social media as cyberwar is akin to describing Miley Cyrus as the Clausewitz of cyberwar." In other words, being good at social media, as ISIS is, doesn't mean you'll be a good hacker. The truth, as we reported before, is that all the cyberattacks attributed to ISIS in the recent past have been unsophisticated attacks carried out by what looks like online fanboys not at all affiliated with the group.

As Singer put it, "it's either sympathizers or people doing it for shits and giggles." As Singer explained in 2012, "cyberterrorism" is overhyped, just like our obsessive fear of sharks. As he put it, we are "15,000 times more likely to be hurt or killed by an accident involving a toilet," yet Discovery Channel has Shark Week and not Toilet Week.

No cyber impact

Jason Healey 2013 Jason, Director of the Cyber Statecraft Initiative at the Atlantic Council, "No, Cyberwarfare Isn't as Dangerous as Nuclear War", 3/20, www.usnews.com/opinion/blogs/world-report/2013/03/20/cyber-attacks-not-yet-an-existential-threat-to-the-us

America does not face an existential cyberthreat today, despite recent warnings. Our cyber vulnerabilities are undoubtedly grave and **the threats we face are severe but far from comparable to nuclear war.** ¶ The most recent alarms come in a Defense Science Board report on how to make military cybersystems more resilient against advanced threats (in short, Russia or China). It warned that the "cyber threat is serious, with potential consequences similar in some ways to the nuclear threat of the Cold War." Such fears were also expressed by Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, in 2011. He called cyber "The single biggest existential threat that's out there" because "cyber actually more than theoretically, can attack our infrastructure, our financial systems." ¶ **While it is true that cyber attacks might do these things, it is also true they have not only never happened but are far more difficult to accomplish than mainstream thinking believes.** The consequences from cyber threats may be similar in some ways to nuclear, as the Science Board concluded, but mostly, they are incredibly dissimilar. ¶ Eighty years ago, the generals of the U.S. Army Air Corps were sure that their bombers would easily topple other countries and cause their populations to panic, claims which did not stand up to reality. **A study of the 25-year history of cyber conflict,** by the Atlantic Council and Cyber Conflict Studies Association, **has shown** a similar dynamic where **the impact of disruptive cyberattacks has been consistently overestimated.** ¶ Rather than theorizing about future cyberwars or extrapolating from today's concerns, the history of cyberconflict that have actually been fought, shows that cyber incidents have so far tended to have effects that are either widespread but fleeting or persistent but narrowly focused. **No attacks, so far, have been both widespread and persistent. There have been no authenticated cases of anyone dying from a cyber attack. Any widespread disruptions, even the 2007 disruption against Estonia, have been short-lived** causing no significant GDP loss. ¶ Moreover, as with conflict in other domains, cyberattacks can take down many targets but keeping them down over time in the face of determined defenses has so far been out of the range of all but the most dangerous adversaries such as Russia and China. Of course, if the United States is in a conflict with those nations, cyber will be the least important of the existential threats policymakers should be worrying about. **Plutonium trumps bytes in a shooting war.** ¶ This is not all good news. Policymakers have recognized the problems since at least 1998 with little significant progress. Worse, the threats and vulnerabilities are getting steadily more worrying. **Still, experts have been warning of a cyber Pearl Harbor for 20 of the 70 years since the actual Pearl Harbor.** ¶ The transfer of U.S. trade secrets through Chinese **cyber espionage could someday accumulate into an existential threat. But it doesn't seem so seem just yet,** with only handwaving estimates of annual losses of 0.1 to 0.5 percent to the total U.S. GDP of around \$15 trillion. That's bad, but **it doesn't add up to an existential crisis** or "economic cyberwar."

Cyber threats are exaggerated hype – alarmist rhetoric and won't escalate

Thomas Rid, 2012 reader in war studies at King's College London, is author of "Cyber War Will Not Take Place" and co-author of "Cyber-Weapons.", March/April 2012, "Think Again: Cyberwar", <http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=full>

"Cyberwar Is Already Upon Us." No way. "Cyberwar is coming!" John Arquilla and David Ronfeldt predicted in a celebrated Rand paper back in 1993. Since then, **it seems to have arrived** -- at least by the account of the U.S. military establishment, which is busy competing over who should get what share of

the fight. Cyberspace is "a domain in which the Air Force flies and fights," Air Force Secretary Michael Wynne claimed in 2006. By 2012, William J. Lynn III, the deputy defense secretary at the time, was writing that cyberwar is "just as critical to military operations as land, sea, air, and space." In January, the Defense Department vowed to equip the U.S. armed forces for "conducting a combined arms campaign across all domains -- land, air, maritime, space, and cyberspace." Meanwhile, growing piles of books and articles explore the threats of cyberwarfare, cyberterrorism, and how to survive them. Time for a reality check: Cyberwar is still more hype than hazard. Consider the definition of an act of war: It has to be potentially violent, it has to be purposeful, and it has to be political. The cyberattacks we've seen so far, from Estonia to the Stuxnet virus, simply don't meet these criteria. Take the dubious story of a Soviet pipeline explosion back in 1982, much cited by cyberwar's true believers as the most destructive cyberattack ever. The account goes like this: In June 1982, a Siberian pipeline that the CIA had virtually booby-trapped with a so-called "logic bomb" exploded in a monumental fireball that could be seen from space. The U.S. Air Force estimated the explosion at 3 kilotons, equivalent to a small nuclear device. Targeting a Soviet pipeline linking gas fields in Siberia to European markets, the operation sabotaged the pipeline's control systems with software from a Canadian firm that the CIA had doctored with malicious code. No one died, according to Thomas Reed, a U.S. National Security Council aide at the time who revealed the incident in his 2004 book, *At the Abyss*; the only harm came to the Soviet economy. But did it really happen? After Reed's account came out, Vasily Pchelintsev, a former KGB head of the Tyumen region, where the alleged explosion supposedly took place, denied the story. There are also no media reports from 1982 that confirm such an explosion, though accidents and pipeline explosions in the Soviet Union were regularly reported in the early 1980s. Something likely did happen, but Reed's book is the only public mention of the incident and his account relied on a single document. Even after the CIA declassified a redacted version of Reed's source, a note on the so-called Farewell Dossier that describes the effort to provide the Soviet Union with defective technology, the agency did not confirm that such an explosion occurred. The available evidence on the Siberian pipeline blast is so thin that it shouldn't be counted as a proven case of a successful cyberattack. Most other commonly cited cases of cyberwar are even less remarkable. Take the attacks on Estonia in April 2007, which came in response to the controversial relocation of a Soviet war memorial, the Bronze Soldier. The well-wired country found itself at the receiving end of a massive distributed denial-of-service attack that emanated from up to 85,000 hijacked computers and lasted three weeks. The attacks reached a peak on May 9, when 58 Estonian websites were attacked at once and the online services of Estonia's largest bank were taken down. "What's the difference between a blockade of harbors or airports of sovereign states and the blockade of government institutions and newspaper websites?" asked Estonian Prime Minister Andrus Ansip. Despite his analogies, the attack was no act of war. It was certainly a nuisance and an emotional strike on the country, but the bank's actual network was not even penetrated; it went down for 90 minutes one day and two hours the next. The attack was not violent, it wasn't purposefully aimed at changing Estonia's behavior, and no political entity took credit for it. The same is true for the vast majority of cyberattacks on record. Indeed, there is no known cyberattack that has caused the loss of human life. No cyberoffense has ever injured a person or damaged a building. And if an act is not at least potentially violent, it's not an act of war. Separating war from physical violence makes it a metaphorical notion; it would mean that there is no way to distinguish between World War II, say, and the "wars" on obesity and cancer. Yet those ailments, unlike past examples of cyber "war," actually do kill people. "A Digital Pearl Harbor Is Only a Matter of Time." Keep waiting. U.S. Defense Secretary Leon Panetta delivered a stark warning last summer: "We could face a cyberattack that could be the equivalent of

Pearl Harbor." Such alarmist predictions have been ricocheting inside the Beltway for the past two decades, and some scaremongers have even upped the ante by raising the alarm about a cyber 9/11. In his 2010 book, *Cyber War*, former White House counterterrorism czar Richard Clarke invokes the specter of nationwide power blackouts, planes falling out of the sky, trains derailing, refineries burning, pipelines exploding, poisonous gas clouds wafting, and satellites spinning out of orbit -- events that would make the 2001 attacks pale in comparison. But the empirical record is less hair-raising, even by the standards of the most drastic example available. Gen. Keith Alexander, head of U.S. Cyber Command (established in 2010 and now boasting a budget of more than \$3 billion), shared his worst fears in an April 2011 speech at the University of Rhode Island: "What I'm concerned about are destructive attacks," Alexander said, "those that are coming." He then invoked a remarkable accident at Russia's Sayano-Shushenskaya hydroelectric plant to highlight the kind of damage a cyberattack might be able to cause. Shortly after midnight on Aug. 17, 2009, a 900-ton turbine was ripped out of its seat by a so-called "water hammer," a sudden surge in water pressure that then caused a transformer explosion. The turbine's unusually high vibrations had worn down the bolts that kept its cover in place, and an offline sensor failed to detect the malfunction. Seventy-five people died in the accident, energy prices in Russia rose, and rebuilding the plant is slated to cost \$1.3 billion. Tough luck for the Russians, but here's what the head of Cyber Command didn't say: The ill-fated turbine had been malfunctioning for some time, and the plant's management was notoriously poor. On top of that, the key event that ultimately triggered the catastrophe seems to have been a fire at Bratsk power station, about 500 miles away. Because the energy supply from Bratsk dropped, authorities remotely increased the burden on the Sayano-Shushenskaya plant. The sudden spike overwhelmed the turbine, which was two months shy of reaching the end of its 30-year life cycle, sparking the catastrophe. If anything, the Sayano-Shushenskaya incident highlights how difficult a devastating attack would be to mount. The plant's washout was an accident at the end of a complicated and unique chain of events. Anticipating such vulnerabilities in advance is extraordinarily difficult even for insiders; creating comparable coincidences from cyberspace would be a daunting challenge at best for outsiders. If this is the most drastic incident Cyber Command can conjure up, perhaps it's time for everyone to take a deep breath. "Cyberattacks Are Becoming Easier." Just the opposite. U.S. Director of National Intelligence James R. Clapper warned last year that the volume of malicious software on American networks had more than tripled since 2009 and that more than 60,000 pieces of malware are now discovered every day. The United States, he said, is undergoing "a phenomenon known as 'convergence,' which amplifies the opportunity for disruptive cyberattacks, including against physical infrastructures." ("Digital convergence" is a snazzy term for a simple thing: more and more devices able to talk to each other, and formerly separate industries and activities able to work together.) Just because there's more malware, however, doesn't mean that attacks are becoming easier. In fact, potentially damaging or life-threatening cyberattacks should be more difficult to pull off. Why? Sensitive systems generally have built-in redundancy and safety systems, meaning an attacker's likely objective will not be to shut down a system, since merely forcing the shutdown of one control system, say a power plant, could trigger a backup and cause operators to start looking for the bug. To work as an effective weapon, malware would have to influence an active process -- but not bring it to a screeching halt. If the malicious activity extends over a lengthy period, it has to remain stealthy. That's a more difficult trick than hitting the virtual off-button. Take Stuxnet, the worm that sabotaged Iran's nuclear program in 2010. It didn't just crudely shut down the centrifuges at the Natanz nuclear facility; rather, the worm subtly manipulated the system. Stuxnet stealthily infiltrated the plant's networks, then hopped onto the protected control systems, intercepted input values from

sensors, recorded these data, and then provided the legitimate controller code with pre-recorded fake input signals, according to researchers who have studied the worm. Its objective was not just to fool operators in a control room, but also to circumvent digital safety and monitoring systems so it could secretly manipulate the actual processes. Building and deploying Stuxnet required extremely detailed intelligence about the systems it was supposed to compromise, and the same will be true for other dangerous cyberweapons. Yes, "convergence," standardization, and sloppy defense of control-systems software could increase the risk of generic attacks, but the same trend has also caused defenses against the most coveted targets to improve steadily and has made reprogramming highly specific installations on legacy systems more complex, not less.

Many barriers to a cyber-attack

Martin **Libicki**, October 2014, A Dangerous World? Threat Perceptions and US National Security, ed. Christopher Peeble & John Mueller, Martin Libicki is a senior management scientist at the RAND Corporation, where his research focuses on the effects of information technology on domestic and national security. He is the author of several books, including Conquest in Cyberspace: National Security and Information Warfare and Information Technology Standards: Quest for the Common Byte. He has also written two cyberwar monographs: Cyberwar and Cyberdeterrence and Crisis and Escalation in Cyberspace. Prior to joining RAND, Libicki was a senior fellow at the National Defense University, page # at end of card

An attack as large as posited would be unprecedented. No comparable major cyberattack has occurred since the Internet became accessible to the world's public 20 years ago. Although prior absence is no proof that it will never happen, it may be premature to declare a major attack inevitable. All the trend lines— good and bad— are rising at the same time: (a) the sophistication of attackers and defenders; (b) the salience of cyberattack as a weapon, but also the rising sensitivity to the prospect that such attacks are possible and must be countered; (c) the bandwidth available for organizing a flooding attack, but also to ward it off; and (d) the complexity of operational software (which increases the number of places where vulnerabilities can be found), but also the complexity of security software and systems (which deepens the number of levels an attack must overcome to succeed). (2014-10-14). A Dangerous World? Threat Perception and U.S. National Security (Kindle Locations 2518-2524). Cato Institute. Kindle Edition.

No impact to a cyber-attack

Brandon **Valeriano** and Ryan **Maness** 11/21/12, Lecturer in Social and Political Sciences at the University of Glasgow AND Ph.D. candidate at the University of Illinois at Chicago, "The Fog of Cyberwar," Foreign Affairs, www.foreignaffairs.com/articles/138443/brandon-valeriano-and-ryan-maness/the-fog-of-cyberwar?page=show

Some cyberattacks over the past decade have briefly affected state strategic plans, but none has resulted in death or lasting damage. For example, the 2007 cyberattacks on Estonia by Russia shut down networks and government websites and disrupted commerce for a few days, but things swiftly went back to normal. The majority of cyberattacks worldwide have been minor: easily corrected annoyances such as website defacements or basic data theft -- basically the

least a state can do when challenged diplomatically. Our research shows that although warnings about cyberwarfare have become more severe, the actual magnitude and pace of attacks do not match popular perception. Only 20 of 124 active rivals -- defined as the most conflict-prone pairs of states in the system -- engaged in cyberconflict between 2001 and 2011. And there were only 95 total cyberattacks among these 20 rivals. The number of observed attacks pales in comparison to other ongoing threats: a state is 600 times more likely to be the target of a terrorist attack than a cyberattack. We used a severity score ranging from five, which is minimal damage, to one, where death occurs as a direct result from cyberwarfare. Of all 95 cyberattacks in our analysis, the highest score -- that of Stuxnet and Flame -- was only a three.

Its just alarmist rhetoric

Jerry Brito (senior research fellow at the Mercatus Center and directs the Technology Policy Program at George Mason University) and Tate Watkins (research associate for the Technology Policy Program and the State and Local Policy Project at George Mason University) April 26, 2011 "Loving the Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy"
http://mercatus.org/sites/default/files/publication/WP1124_Loving_cyber_bomb.pdf

Cybersecurity is an important policy issue, but the alarmist rhetoric coming out of Washington that focuses on worst-case scenarios is unhelpful and dangerous. Aspects of current cyber policy discourse parallel the run-up to the Iraq War and pose the same dangers. Pre-war threat inflation and conflation of threats led us into war on shaky evidence. By focusing on doomsday scenarios and conflating cyber threats, government officials threaten to legislate, regulate, or spend in the name of cybersecurity based largely on fear, misplaced rhetoric, conflated threats, and credulous reporting. The public should have access to classified evidence of cyber threats, and further examination of the risks posed by those threats, before sound policies can be proposed, let alone enacted. Furthermore, we cannot ignore parallels between the military-industrial complex and the burgeoning cybersecurity industry. As President Eisenhower noted, we must have checks and balances on the close relationships between parties in government, defense, and industry. Relationships between these parties and their potential conflicts of interest must be considered when weighing cybersecurity policy recommendations and proposals. Before enacting policy in response to cyber threats, policymakers should consider a few things. First, they should end the cyber rhetoric. The alarmist rhetoric currently dominating the policy discourse is unhelpful and potentially dangerous. Next, they should declassify evidence relating to cyber threats. Overclassification is a widely acknowledged problem, and declassification would allow the public to verify before trusting blindly. They must also disentangle the disparate cyber threats so that they can determine who is best suited to address which threats. In cases of cyber crime and cyber espionage, for instance, private network owners may be best suited and may have the best incentive to protect their own valuable data, information, and reputations. After disentangling threats, policymakers can then assess whether a market failure or systemic problem exists when it comes to addressing each threat. Finally, they can estimate the costs and benefits of regulation and its alternatives and determine the most effective and efficient way to address disparate cyber threats.

No impact – effects of cyber-attacks are just temporary pinpricks to the system

Erik **Gartzke** is Professor of Government at the University of Essex and Associate Professor of Political Science at the University of California San Diego (“The Foreign Policy Essay: Erik Gartzke on “Fear and War in Cyberspace”” 12/1, <http://www.lawfareblog.com/2013/12/foreign-policy-essay-erik-gartzke-on-fear-and-war-in-cyberspace/>)

Should we fear cyberspace? The internet is said to be a revolutionary leveler, reducing the hard won military advantages of western powers, even as the dependence of developed nations on computer networks leaves them vulnerable to attack. Incidents like the Stuxnet worm and cyber attacks against U.S. government computers, apparently launched from servers in China, seem to testify to the need for concern. Yet, even if these details are correct—and some are not—**there is no reason to believe that the internet constitutes an Achilles heel for the existing world order.** To the contrary, cyberwar promises major advantages for status quo powers like the United States.

Contrasting a Logic of Possibilities with a Logic of Consequences

The ability to harm is ubiquitous. Anyone passing on the street could just punch you in the face. Still, violence is relatively rare in large part because little is typically gained from most potential uses of force. Perpetrators must ask not just “what harm can I inflict?” but “how can I benefit by inflicting harm?” In short, cyberwar requires a logic of consequences. Just as a morbid fear of being sucker punched at random may be misplaced, concern about cyberwar can be exaggerated if there is little to suggest how internet aggression can be of benefit to potential perpetrators.

Efficacy separates the widespread potential for harm from actual aggression. Nations, groups and persons threaten force to influence, compelling others to cooperate or deterring aggression. Violence is also exercised to alter the balance of power. If the damage inflicted is temporary, however, then aggression must be followed up with other actions, or an attack serves no purpose. Creating “a window of opportunity” cannot matter unless one intends to exercise the opportunity.

Fighting on the Internet

In isolation, **the internet is an inferior venue for achieving objectives** traditionally **associated with military violence, particularly coercion.** Traditional military capabilities are observable. Armies can be seen standing near city gates. Missiles can be observed in firing positions ready to launch. Capability coerces precisely because the effects of a contest can be anticipated. A city does not need to be stormed for inhabitants to imagine the consequences of an attack. Cyber coercion is problematic because capabilities are difficult to communicate without harming military potency. Targets cannot assess credibility unless they are given access to details of a planned cyber attack, but attackers cannot share this information with defenders without undermining their own attack. If instead a defender accedes to unverified threats, then it will invite a multitude of false claims.

Harm threatened can compel if it is credible and does not weaken the exercise of force. Harm inflicted can be used to threaten future harm, but only if the act of harming is a good indicator of future effectiveness. This works pretty well with war elephants, infantry brigades or high speed penetrating

bombers, where capability is not determined by whether the enemy knows they exist. But again the success of cyber aggression is unusually reliant on conditions of surprise and even an internet attacker that has succeeded before can be tempted to bluff if bluffing will be believed.

The bigger issue, however, is that the effects of internet attacks are temporary. Unlike a rocket strike on an oil refinery or demolition of critical elements of the transportation grid, cyber attacks generally achieve “soft kills,” temporary incapacitation that can be reversed relatively quickly at moderate cost. Unless it has a lasting effect on the balance of power, internet aggression serves either as an irritant, or as an adjunct to other, more traditional, forms of coercion or force.

Imagine that some unspecified cyber attack disables communication or transportation nodes in a target country. What then? While inconvenienced, the target will eventually get the lights back on and vehicles running. The target will then attempt to retaliate. Permanent harm inflicted over the internet can weaken an opponent and serve as a motive for aggression. Yet, harm inflicted over the internet, or at Pearl Harbor for that matter, only benefits the attacker if it can extract concessions from the target, or if the attack can be made to permanently weaken an opponent.

Considerable damage was done to the U.S. Pacific Fleet in the Pearl Harbor attack, but it failed to force the United States to be bargaining table, a critical component of Japan’s grand strategy. Though Japan’s leadership knew that total war with the United States would result in their defeat, they hoped for a limited contest. Cyberwar with no follow-on strategy is much more foolish than the Japanese plan in 1941 to the degree that the effects of an attack can be repaired more quickly. Any attack over the internet must either convert short-term advantages into long-term effects, or wager that the enemy will accept defeat in cyberspace lying down. A cyber Pearl Harbor has no purpose unless it is accompanied by a terrestrial attack precisely because the target is capable and is destined to respond to any serious attack with a vigorous reprisal. If the target is unlikely to succumb to traditional forms of aggression, then cyber attack makes very little sense, either.

Cyberwar Benefits the Strong

While many can imagine a cyber attack on the United States, few find it practical to speculate about physical invasion of U.S. territory. Yet, short of invasion, all that can be achieved by cyber attack are the kinds of pin pricks that anger and mobilize an enemy, rather than leading to concessions or defeat. It is far less difficult to imagine powerful nations invading weaker states. It is thus as an adjunct to existing capabilities that cyberwar is destined to prove most useful.

Cyberterror threats are exaggerated – too many vested interests for accurate predictions

Jerry **Brito** (senior research fellow at the Mercatus Center and directs the Technology Policy Program at George Mason University) and Tate **Watkins** (research associate for the Technology Policy Program and the State and Local Policy Project at George Mason University) April 26, **2011** “Loving the Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy”
http://mercatus.org/sites/default/files/publication/WP1124_Loving_cyber_bomb.pdf

An industrial complex reminiscent of the Cold War's may be emerging in cybersecurity today.

Some serious threats may exist, **but we have also seen evidence of threat inflation. Alarm raised over potential cyber threats has led to a cyber industry build-up and political competition over cyber pork.**

1. Build-up In many cases, those now inflating the scope and probability of cyber threats might well benefit from increased regulation and more government spending on information security.

Cybersecurity is a big and booming industry.¹⁶³ The U.S. government is expected to spend \$10.5 billion per year on information security by 2015, and analysts have estimated the worldwide market to be as much as \$140 billion per year.¹⁶⁴ The Department of Defense has also said it is seeking more than \$3.2 billion in cybersecurity funding for 2012.¹⁶⁵ In recent years, in addition to **traditional information security providers** like McAfee, Symantec, and Checkpoint, **defense contractors and consulting firms have recognized lucrative opportunities in cybersecurity.**¹⁶⁶ To weather probable cuts on

traditional defense spending, and to take advantage of the growing market, these firms have positioned themselves to compete with information security firms **for government contracts.**¹⁶⁷ Lockheed Martin, Boeing, L-3 Communications, SAIC, and BAE Systems have all launched cybersecurity business divisions in recent years.¹⁶⁸ Other traditional defense contractors, like Northrop Grumman, Raytheon, and ManTech International, have also invested in information security products and services.¹⁶⁹ Such investments appear to have positioned defense firms well. In 2009, the top 10 information technology federal contractors included Lockheed Martin, Boeing, Northrop Grumman, General Dynamics, Raytheon, SAIC, L-3 Communications, and Booz Allen Hamilton.¹⁷⁰ Traditional IT firms also see more opportunities to profit from cybersecurity business in both the public and private sectors.¹⁷¹ Earlier this year, a software security company executive noted —a very large rise in interest in spending on computer security by the government.¹⁷² And as one IT market analyst put it: —It's a cyber war and we're fighting it. In order to fight it, you need to spend more money, and some of the core beneficiaries of that trend will be the security software companies.¹⁷³ Some companies from diverse industries have also combined forces in the cybersecurity buildup. In 2009, a combination of defense, security, and tech companies, including Lockheed, McAfee, Symantec, Cisco, Dell, Hewlett-Packard, Intel, Juniper Networks, and Microsoft, formed a cybersecurity technology alliance to study threats and innovate solutions.¹⁷⁴ **IT lobbyists, too, have looked forward to cybersecurity budget increases,** to the dismay

of at least one executive at a small tech firm, who claimed, —**Money gets spent on the vendors who spend millions lobbying Congress.**¹⁷⁵ There are serious real online threats, and security firms, government agencies, the military, and private companies clearly must invest to protect against such threats. But **as with the Cold War bomber and missile gap frenzies, we must be wary of parties with vested interests exaggerating threats,** leading to unjustified and superfluous defense spending in the name of national security.

Don't believe their impacts – the cyber-industrial complex ensures wild exaggeration

Jerry **Brito** (senior research fellow at the Mercatus Center and directs the Technology Policy Program at George Mason University) **and** Tate **Watkins** (research associate for the Technology Policy Program and the State and Local Policy Project at George Mason University) April 26, **2011** “Loving the Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy”

http://mercatus.org/sites/default/files/publication/WP1124_Loving_cyber_bomb.pdf

The rhetoric of —cyber doom employed by proponents of increased federal intervention, however, lacks clear evidence of a serious threat that can be verified by the public. As a result, the United States may be witnessing a bout of threat inflation similar to that seen in the run-up to the Iraq War. Additionally, a cyber-industrial complex is emerging, much like the military-industrial complex of the Cold War. This complex may serve to not only supply cybersecurity solutions to the federal government, but to drum up demand for them as well

Even new cyberterror threats are exaggerated

Tom **Esper** (writer for ZDnet) January **2011** "Cyber-war risk is exaggerated, says OECD study"
<http://www.zdnet.co.uk/news/security/2011/01/17/cyber-war-risk-is-exaggerated-says-oecd-study-40091451/>

In a cyber-warfare report released on Monday, the OECD said that the risk of a catastrophic attack on critical national systems has been exaggerated. The majority of cyberattacks are low level and cause inconvenience rather than serious or long-term disruption, according to report co-author professor Peter Sommer of the London School of Economics. "There are many scare stories, which, when you test, don't actually pan out," Sommer said. "When you analyse malware, a lot is likely to be short term, or fail." Sophisticated malware such as Stuxnet, which targets industrial control processes, is the exception, not the norm, according to Sommer. Stuxnet used a number of zero-day vulnerabilities to target programmable logic controllers in frequency converter drives used mainly to control motors in uranium-enrichment facilities. Policy makers should be aware that a number of different cyber-events, disasters or physical attacks could come together to create a "perfect storm", says the report. However, a pure cyber-war would be unlikely to occur, with attacks on computer systems more likely to be used in conjunction with other, physical types of attacks.

No motivation – terrorists perceive other methods as more worthwhile

Sandeep **Bhardwaj** (Research Officer, Institute of Peace and Conflict Studies) August **2008**
"Cyberterrorism: Threat Exaggerated?"
http://www.ipcs.org/Terrorism_kashmirLevel2.jsp?action=showView&kValue=2675&subCatID=1014&status=article&mod=g

In conclusion, while the threat of cyber terrorism in terms of hacking, viruses and cyber attacks remains real, it is less serious than it is perceived to be. For a terrorist, a simple cost-benefit analysis would make clear that an IED, built with much less technical know-how, has a much larger impact than bringing down government networks. However, a much more pertinent and significant threat which is often ignored, is the help terrorists get from internet to make their operations easier, global and hence more effective. The internet is a tool that can be used to increase productivity and this could well refer to how much destruction can be caused in the world.

Cyberterror risk is exaggerated— but the really catastrophic attacks are impossible to pull off

Peter Singer 2012 Director, 21st Century Defense Initiative, Senior Fellow, Foreign Policy, November 2012, “The Cyber Terror Bogeyman”, Brookings, <http://www.brookings.edu/research/articles/2012/11/cyber-terror-singer>

About 31,300. That is roughly the number of magazine and journal articles written so far that discuss the phenomenon of cyber terrorism. Zero. That is the number of people that who been hurt or killed by cyber terrorism at the time this went to press. In many ways, cyber terrorism is like the Discovery Channel’s “Shark Week,” when we obsess about shark attacks despite the fact that you are roughly 15,000 times more likely to be hurt or killed in an accident involving a toilet. But by looking at how terror groups actually use the Internet, rather than fixating on nightmare scenarios, we can properly prioritize and focus our efforts. Part of the problem is the way we talk about the issue. The FBI defines cyber terrorism as a “premeditated, politically motivated attack against information, computer systems, computer programs and data which results in violence against non-combatant targets by subnational groups or clandestine agents.” A key word there is “violence,” yet many discussions sweep all sorts of nonviolent online mischief into the “terror” bin Various reports lump together everything from Defense Secretary Leon Panetta’s recent statements that a terror group might launch a “digital Pearl Harbor” to Stuxnet-like sabotage (ahem, committed by state forces) to hacktivism, WikiLeaks and credit card fraud. As one congressional staffer put it, the way we use a term like cyber terrorism “has as much clarity as cybersecurity — that is, none at all.” Another part of the problem is that we often mix up our fears with the actual state of affairs. Last year, Deputy Defense Secretary William Lynn, the Pentagon’s lead official for cybersecurity, spoke to the top experts in the field at the RSA Conference in San Francisco. “It is possible for a terrorist group to develop cyber-attack tools on their own or to buy them on the black market,” Lynn warned. “A couple dozen talented programmers wearing flip-flops and drinking Red Bull can do a lot of damage.” The deputy defense secretary was conflating fear and reality, not just about what stimulant-drinking programmers are actually hired to do, but also what is needed to pull off an attack that causes meaningful violence. The requirements go well beyond finding top cyber experts. Taking down hydroelectric generators, or designing malware like Stuxnet that causes nuclear centrifuges to spin out of sequence doesn’t just require the skills and means to get into a computer system. It’s also knowing what to do once you are in. To cause true damage requires an understanding of the devices themselves and how they run, the engineering and physics behind the target. The Stuxnet case, for example, involved not just cyber experts well beyond a few wearing flip-flops, but also experts in areas that ranged from intelligence and surveillance to nuclear physics to the engineering of a specific kind of Siemens-brand industrial equipment. It also required expensive tests, not only of the software, but on working versions of the target hardware as well. As George R. Lucas Jr., a professor at the U.S. Naval Academy, put it, conducting a truly mass-scale action using cyber means “simply outstrips the intellectual, organizational and personnel capacities of even the most well-funded and well-organized terrorist organization, as well as those of even the most sophisticated international criminal enterprises.” Lucas said the threat of cyber terrorism has been vastly overblown. “To be blunt, neither the 14-year-old hacker in your next-door neighbor’s upstairs bedroom, nor the two- or three-person al-Qaida cell holed up in some apartment in Hamburg are going to bring down the Glen Canyon and Hoover dams,” he said.

No cyber war

A Cyber war will never happen

Anna **Leach** 10/20/11, Author for The Journal of Strategic Studies, "killer cyberattacks wont happen", http://www.theregister.co.uk/2011/10/20/cyber_war_wont_be_real/

People worried about **a cyber-war** should calm down and stop worrying because it **will never happen**, a war studies academic has said. In the paper Cyber War Will Not Take Place Dr Thomas Rid confidently argues that **hacking and computer viruses never actually kill people**. An act of war must have the potential to be lethal, says Dr Rid, of King's College London, writing in The Journal of Strategic Studies, but hacking and cyber-attacks have much more in common with spying than, say, nuclear bombs. He believes that **although a "cyber war" conforms to the traditional definition of a two-sided conflict, a lethal one will never take place**. "The threat intuitively makes sense," Dr Rid says. "Almost everybody has an iPhone, an email address and a Facebook account. We feel vulnerable to cyber-attack every day. Cyber-war seems the logical next step." But worriers are misguided: Dr Rid states that to constitute cyber-warfare an action must be a "potentially lethal, instrumental and political act of force, conducted through the use of software". Yet, he says, **no single cyber attack has ever been classed as such and no single digital onslaught has ever constituted an act of war**. He concludes: **"Politically motivated cyber-attacks are simply a more sophisticated version of activities that have always occurred within warfare: sabotage, espionage and subversion."** Wait for those deadly country-wide digital infrastructure attacks, Dr Rid, just you wait.

No impact to cyber war/ won't escalate

Fox 11—Assistant Editor, InnovationNewsDaily (Stuart, 2 July 2011, "Why Cyberwar Is Unlikely," <http://www.securitynewsdaily.com/cyberwar-unlikely-deterrence-cyber-war-0931>

In the two decades since cyberwar first became possible, there hasn't been a single event that politicians, generals and security experts agree on as having passed the threshold for strategic cyberwar. In fact, the attacks that have occurred have fallen so far short of a proper cyberwar that many have begun to doubt that cyberwarfare is even possible. The reluctance to engage in strategic cyberwarfare stems mostly from the uncertain results such a conflict would bring, the lack of motivation on the part of the possible combatants and their shared inability to defend against counterattacks. Many of the systems that an aggressive cyberattack would damage are actually as valuable to any potential attacker as they would be to the victim. The five countries capable of large-scale cyberwar (Israel, the U.S., the U.K., Russia and China) have more to lose if a cyberwar were to escalate into a shooting war than they would gain from a successful cyberattack. "The half-dozen countries that have cyber capability are deterred from cyberwar because of the fear of the American response. **Nobody wants this to spiral out of control," said James Lewis, senior fellow and director of technology and public policy at the Center for Strategic and International Studies in Washington, D.C.** "The countries that are capable of doing this don't have a reason to," Lewis added. **"Chinese officials have said to me, 'Why would we bring down Wall Street when we own so much of it?' They like money almost as much as we do."** Big deterrent: retaliation Deterrence plays a major factor in preventing cyberwar. Attacks across the Internet would favor the aggressor so heavily that no country has developed an effective defense. Should one country initiate a cyberattack, the victim could quickly counter-attack, leaving both

countries equally degraded, Lewis told InnovationNewsDaily. Even if an attacker were to overcome his fear of retaliation, the low rate of success would naturally give him pause. Any cyberattack would target the types of complex systems that could collapse on their own, such as electrical systems or banking networks. But experience gained in fixing day-to-day problems on those systems would allow the engineers who maintain them to quickly undo damage caused by even the most complex cyberattack.

said George Smith, a senior fellow at Globalsecurity.org in Alexandria, Va. "You mean to tell me that the people who work the electrical system 24 hours a day don't respond to problems? What prevents people from turning the lights right back on?" Smith told SecurityNewsDaily. "And attacks on the financial system have always been a non-starter for me. I mean, [in 2008] the financial system attacked the U.S.!"

Cyber war infeasible

Paul Clark, 2012 MA candidate – Intelligence Studies @ American Military University, senior analyst – Chenega Federal Systems, 4/28/12 (Paul, "The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack," American Military University)

The Department of Homeland Security worries that our critical infrastructure and key resources (CIKR) may be exposed, both directly and indirectly, to multiple threats because of CIKR reliance on the global cyber infrastructure, an infrastructure that is under routine cyberattack by a "spectrum of malicious actors" (National Infrastructure Protection Plan 2009). CIKR in the extremely large and complex U.S. economy spans multiple sectors including agricultural, finance and banking, dams and water resources, public health and emergency services, military and defense, transportation and shipping, and energy (National Infrastructure Protection Plan 2009). The disruption and destruction of public and private infrastructure is part of warfare, without this infrastructure conflict cannot be sustained (Geers 2011). Cyber-attacks are desirable because they are considered to be a relatively "low cost and long range" weapon (Lewis 2010), but prior to the creation of Stuxnet, the first cyber-weapon, the ability to disrupt and destroy critical infrastructure through cyber-attack was theoretical. The movement of an offensive cyber-weapon from conceptual to actual has forced the United States to question whether offensive cyber-attacks are a significant threat that are able to disrupt or destroy CIKR to the level that national security is seriously degraded. It is important to understand the risk posed to national security by cyber-attacks to ensure that government responses are appropriate to the threat and balance security with privacy and civil liberty concerns. The risk posed to CIKR from cyber-attack can be evaluated by measuring the threat from cyber-attack against the vulnerability of a CIKR target and the consequences of CIKR disruption. As the only known cyber-weapon, Stuxnet has been thoroughly analyzed and used as a model for predicting future cyber-weapons. The U.S. electrical grid, a key component in the CIKR energy sector, is a target that has been analyzed for vulnerabilities and the consequences of disruption predicted – the electrical grid has been used in multiple attack scenarios including a classified scenario provided to the U.S. Congress in 2012 (Rohde 2012). Stuxnet will serve as the weapon and the U.S. electrical grid will serve as the target in this risk analysis that concludes that there is a low risk of disruption or destruction of critical infrastructure from an offensive cyber-weapon because of the complexity of the attack path, the limited capability of non-state adversaries to develop cyber-weapons, and the existence of multiple methods of mitigating the cyber-attacks. To evaluate the threat posed by a Stuxnet-like cyber-weapon, the complexity of the weapon, the available attack vectors for the weapon, and the resilience of the weapon must be understood. The complexity – how difficult and expensive it

was to create the weapon – identifies the relative cost and availability of the weapon; inexpensive and simple to build will be more prevalent than expensive and difficult to build. Attack vectors are the available methods of attack; the larger the number, the more severe the threat. For example, attack vectors for a cyberweapon may be email attachments, peer-to-peer applications, websites, and infected USB devices or compact discs. Finally, the resilience of the weapon determines its availability and affects its usefulness. A useful weapon is one that is resistant to disruption (resilient) and is therefore available and reliable. These concepts are seen in the AK-47 assault rifle – a simple, inexpensive, reliable and effective weapon – and carry over to information technology structures (Weitz 2012). The evaluation of Stuxnet identified malware that is “unusually complex and large” and required code written in multiple languages (Chen 2010) in order to complete a variety of specific functions contained in a “vast array” of components – it is one of the most complex threats ever analyzed by Symantec (Falliere, Murchu and Chien 2011). To be successful, Stuxnet required a high level of technical knowledge across multiple disciplines, a laboratory with the target equipment configured for testing, and a foreign intelligence capability to collect information on the target network and attack vectors (Kerr, Rollins and Theohary 2010). The malware also needed careful monitoring and maintenance because it could be easily disrupted; as a result Stuxnet was developed with a high degree of configurability and was upgraded multiple times in less than one year (Falliere, Murchu and Chien 2011). Once introduced into the network, the cyber-weapon then had to utilize four known vulnerabilities and four unknown vulnerabilities, known as zero-day exploits, in order to install itself and propagate across the target network (Falliere, Murchu and Chien 2011). Zero-day exploits are incredibly difficult to find and fewer than twelve out of the 12,000,000 pieces of malware discovered each year utilize zero-day exploits and this rarity makes them valuable, zero-days can fetch \$50,000 to \$500,000 each on the black market (Zetter 2011). The use of four rare exploits in a single piece of malware is “unprecedented” (Chen 2010). Along with the use of four unpublished exploits, Stuxnet also used the “first ever” programmable logic controller rootkit, a Windows rootkit, antivirus evasion techniques, intricate process injection routines, and other complex interfaces (Falliere, Murchu and Chien 2011) all wrapped up in “layers of encryption like Russian nesting dolls” (Zetter 2011) – including custom encryption algorithms (Karnouskos 2011). As the malware spread across the now-infected network it had to utilize additional vulnerabilities in proprietary Siemens industrial control software (ICS) and hardware used to control the equipment it was designed to sabotage. Some of these ICS vulnerabilities were published but some were unknown and required such a high degree of inside knowledge that there was speculation that a Siemens employee had been involved in the malware design (Kerr, Rollins and Theohary 2010). The unprecedented technical complexity of the Stuxnet cyber-weapon, along with the extensive technical and financial resources and foreign intelligence capabilities required for its development and deployment, indicates that the malware was likely developed by a nation-state (Kerr, Rollins and Theohary 2010). Stuxnet had very limited attack vectors. When a computer system is connected to the public Internet a host of attack vectors are available to the cyber-attacker (Institute for Security Technology Studies 2002). Web browser and browser plug-in vulnerabilities, cross-site scripting attacks, compromised email attachments, peer-to-peer applications, operating system and other application vulnerabilities are all vectors for the introduction of malware into an Internet-connected computer system. Networks that are not connected to the public internet are “air gapped,” a technical colloquialism to identify a physical separation between networks. Physical separation from the public Internet is a common safeguard for sensitive networks including classified U.S. government networks. If the target network is air gapped, infection can only occur through physical means – an infected disk or

USB device that must be physically introduced into a possibly access controlled environment and connected to the air gapped network. The first step of the Stuxnet cyber-attack was to initially infect the target networks, a difficult task given the probable disconnected and well secured nature of the Iranian nuclear facilities. Stuxnet was introduced via a USB device to the target network, a method that suggests that the attackers were familiar with the configuration of the network and knew it was not connected to the public Internet (Chen 2010). This assessment is supported by two rare features in Stuxnet – having all necessary functionality for industrial sabotage fully embedded in the malware executable along with the ability to self-propagate and upgrade through a peer-to-peer method (Falliere, Murchu and Chien 2011). Developing an understanding of the target network configuration was a significant and daunting task based on Symantec’s assessment that Stuxnet repeatedly targeted a total of five different organizations over nearly one year (Falliere, Murchu and Chien 2011) with physical introduction via USB drive being the only available attack vector. The final factor in assessing the threat of a cyber-weapon is the resilience of the weapon. There are two primary factors that make Stuxnet non-resilient: the complexity of the weapon and the complexity of the target. Stuxnet was highly customized for sabotaging specific industrial systems (Karnouskos 2011) and needed a large number of very complex components and routines in order to increase its chance of success (Falliere, Murchu and Chien 2011). The malware required eight vulnerabilities in the Windows operating system to succeed and therefore would have failed if those vulnerabilities had been properly patched; four of the eight vulnerabilities were known to Microsoft and subject to elimination (Falliere, Murchu and Chien 2011). Stuxnet also required that two drivers be installed and required two stolen security certificates for installation (Falliere, Murchu and Chien 2011); driver installation would have failed if the stolen certificates had been revoked and marked as invalid. Finally, the configuration of systems is ever-changing as components are upgraded or replaced. There is no guarantee that the network that was mapped for vulnerabilities had not changed in the months, or years, it took to craft Stuxnet and successfully infect the target network. Had specific components of the target hardware changed – the targeted Siemens software or programmable logic controller – the attack would have failed. Threats are less of a threat when identified; this is why zero-day exploits are so valuable. Stuxnet went to great lengths to hide its existence from the target and utilized multiple rootkits, data manipulation routines, and virus avoidance techniques to stay undetected. The malware’s actions occurred only in memory to avoid leaving traces on disk, it masked its activities by running under legal programs, employed layers of encryption and code obfuscation, and uninstalled itself after a set period of time, all efforts to avoid detection because its authors knew that detection meant failure. As a result of the complexity of the malware, the changeable nature of the target network, and the chance of discovery, Stuxnet is not a resilient system. It is a fragile weapon that required an investment of time and money to constantly monitor, reconfigure, test and deploy over the course of a year. There is concern, with Stuxnet developed and available publicly, that the world is on the brink of a storm of highly sophisticated Stuxnet-derived cyber-weapons which can be used by hackers, organized criminals and terrorists (Chen 2010). As former counterterrorism advisor Richard Clarke describes it, there is concern that the technical brilliance of the United States “has created millions of potential monsters all over the world” (Rosenbaum 2012). Hyperbole aside, technical knowledge spreads. The techniques behind cyber-attacks are “constantly evolving and making use of lessons learned over time” (Institute for Security Technology Studies 2002) and the publication of the Stuxnet code may make it easier to copy the weapon (Kerr, Rollins and Theohary 2010). However, this is something of a zero-sum game because knowledge works both ways and cyber-security techniques are also evolving, and “understanding attack techniques more clearly is

the first step toward increasing security” (Institute for Security Technology Studies 2002). **Vulnerabilities are discovered and patched**, intrusion detection and malware signatures are expanded and updated, and **monitoring** and analysis processes and methodologies are **expanded** and honed. **Once the element of surprise is lost, weapons and tactics are less useful**, this is the core of the argument that “uniquely surprising” **stratagems like Stuxnet are single-use, like Pearl Harbor and the Trojan Horse**, the “very success [of these attacks] **precludes their repetition**” (Mueller 2012). **This paradigm has already been seen in the “son of Stuxnet” malware – named Duqu by its discoverers – that is based on the same modular code platform that created Stuxnet (Ragan 2011). With the techniques used by Stuxnet now known, other variants such as Duqu are being discovered and countered by security researchers (Laboratory of Cryptography and System Security 2011). It is obvious that the effort required to create, deploy, and maintain Stuxnet and its variants is massive and it is not clear that the rewards are worth the risk and effort.** Given the location of initial infection and the number of infected systems in Iran (Falliere, Murchu and Chien 2011) it is believed that Iranian nuclear facilities were the target of the Stuxnet weapon. **A significant amount of money and effort was invested in creating Stuxnet but yet the expected result – assuming that this was an attack that expected to damage production – was minimal at best.** Iran claimed that **Stuxnet caused only minor damage**, probably at the Natanz enrichment facility, the Russian contractor Atomstroyeksport reported that no damage had occurred at the Bushehr facility, and an unidentified “senior diplomat” suggested that Iran was forced to shut down its centrifuge facility “for a few days” (Kerr, Rollins and Theohary 2010). **Even the most optimistic estimates believe that Iran’s nuclear enrichment program was only delayed by months, or perhaps years (Rosenbaum 2012).** The actual damage done by Stuxnet is not clear (Kerr, Rollins and Theohary 2010) and the primary damage appears to be to a higher number than average replacement of centrifuges at the Iran enrichment facility (Zetter 2011). Different targets may produce different results. The Iranian nuclear facility was a difficult target with limited attack vectors because of its isolation from the public Internet and restricted access to its facilities. **What is the probability of a successful attack against the U.S. electrical grid** and what are the potential consequences should this critical infrastructure be disrupted or destroyed? An attack against the electrical grid is a reasonable threat scenario since **power systems are “a high priority target for military and insurgents”** and there has been a trend towards utilizing commercial software and integrating utilities into the public Internet that has “increased vulnerability across the board” (Lewis 2010). **Yet the increased vulnerabilities are mitigated by an increased detection and deterrent capability** that has been “honed over many years of practical application” now that power systems are using standard, rather than proprietary and specialized, applications and components (Leita and Dacier 2012). The **security of the electrical grid is also enhanced by increased awareness** after a smart-grid hacking demonstration in 2009 and the identification of the Stuxnet malware in 2010; as a result **the public and private sector are working together in an “unprecedented effort” to establish robust security guidelines** and cyber security measures (Gohn and Wheelock 2010).

Their authors conflate threats

Paul Clark, MA candidate – Intelligence Studies @ American Military University, senior analyst –
Chenega Federal Systems, 2012

(Paul, “The Risk of Disruption or Destruction of Critical U.S. Infrastructure by an Offensive Cyber Attack,”
American Military University)

This increased focus on cyber-security has led to concern that **the perceived risk is greater than the actual risk**, a situation that has resulted in an imbalance between security and privacy and civil liberties (American Civil Liberties Union 2012). **In 1993** a Rand Corporation paper **predicted that “cyberwar is coming”** and **twenty years later the prediction is the same** and critics argue that cyber-war is **“more hype than hazard”**. **A review of high profile cyberattacks shows that, with the exception of Stuxnet and the limited Israeli disruption of Syrian air defense networks, most cyber-attacks are** categorized as **information theft, network compromise, or website defacement** (Lewis 2012). **Even the high profile threat of an “Electronic Pearl Harbor”** (Bronk 2009), **despite being repeated by senior government officials** like U.S. Defense Secretary Leon Panetta (Rid 2012), **has been found to be only a slight possibility** (Wilson 2005). There is no doubt that cyber-security is important. **Businesses** recognize this importance and **spent more than \$80 billion on computer network security in 2011** (Johnson 2012) and the federal government is expected to be spending \$10.5 billion per year by 2015 (Brito and Watkins 2012). **This response is appropriate when** data shows that the vast majority of **cyber-attacks are focused on espionage and the theft of intellectual property**. It is not clear why **senior government officials** and corporate executives **focus on high-impact low-probability events and engage in “alarmist rhetoric”** (Brito and Watkins 2011) **that skews the public perception of risk and creates an atmosphere of fear. The danger of an inappropriate response in reaction to an inflated threat** and prevalence of misinformation **is exemplified by the politicized intelligence that led to the invasion of Iraq** in 2003 (Brito and Watkins 2011). Understanding how information on the risk posed by cyber-attacks is poorly communicated and the public reaction to an increased perception of risk – fear – is important in identifying when the perceived risk is greater than the actual risk; when risk is more hype than threat. Critics of current cyber-security policy believe that **threats are being conflated; this results in a threat appearing larger than it is** (Brito and Watkins 2012). In essence, a wide variety of cyber-activity – political and social activity, criminal activity for profit, espionage, and offensive cyber-attack – are treated as presenting the same level of threat. **There is a wide divide between easily mounted and easily defended denial of service attacks on public websites and high-potential cyber-weapons** capable of severely **disrupting or destroying critical infrastructure** (Rid and McBurney 2012). **The rise of automated tools that allow for low-level cyber-attacks to be easily mounted has caused a significant increase in the number of cyber-attacks, a statistic often cited as proof of increased risk, but qualified cyber-security organizations have discarded the number of cyber-attacks as a metric and consider it to be meaningless** as a method of assessing the scope and effects of cyber-attacks (Wilson 2005). **Without differentiating** between generic malicious software and highly specialized and targeted offensive **cyber-attacks, the risk of cyber-attacks on critical infrastructure systems like the electrical grid cannot be properly assessed.**

The threshold for this impact is incredibly high – no chance of serious cyber war

Dr. James A. **Lewis**, senior fellow at CSIS where he writes on technology, national security and the international economy, October **2009** “The “Korean” Cyber Attacks and Their Implications for Cyber Conflict”

http://csis.org/files/publication/091023_Korean_Cyber_Attacks_and_Their_Implications_for_Cyber_Conflict.pdf

Only a few nations – Russia, China, Israel, France, the United States, and the United Kingdom, and perhaps a small number of the most sophisticated cyber criminals – **have the advanced capabilities needed to launch a cyber attack that could do serious and long-term damage** equivalent to sabotage or bombing and thus **rise to the level of an act of war**. A sophisticated attack against infrastructure requires planning, reconnaissance, resources and skills that are currently available only to these advanced cyber attackers. As part of their larger military planning, these nations have likely planned to

launch such attacks in the event of a crisis.⁸ Such attacks are not yet within the scope of capabilities possessed by most non-state hackers. **Serious cyber attack independent of some larger conflict is unlikely.** To transpose cyber to the physical world, **there are remarkably few instances of a nation engaging in covert sabotage attacks against another nation** (particularly larger powers) unless they were seeking to provoke or if conflict was imminent. **The political threshold for serious cyber attack** (as opposed to espionage) **by a nation-state is very high, likely as high as the threshold for conventional military action.** At a minimum, this suggests that a serious cyber attack is a precursor, a warning, that some more serious conflict is about to begin. **Absent such larger conflict, however, a nation-state is no more likely to launch a serious cyber attack than they are to shoot a random missile at an opponent.**⁹ **The risk is too great and the benefits of a cyber attack by itself too small for political leaders to authorize the use of this capability in anything short of a situation where they had already decided on military action. Cyber weapons are not decisive; cyber attack by itself will not win a conflict,** particularly against a large and powerful opponent. It is striking that to date; no cyber "attack" that rises above the level of espionage or crime has been launched outside of a military conflict.

It's literally impossible for terrorists to hack into and fire U.S. nuclear weapons because they have no connection to any outside networks

Newman, Slate Reporter, 4-28-14

(Lily Hay, "Why U.S. Nuclear Missile Silos Rely on Decades-Old Technology," accessed 3-14-15, http://www.slate.com/blogs/future_tense/2014/04/28/huge_floppy_disks_and_other_old_tech_is_common_at_air_force_nuclear_missile.html)

You'd probably expect to encounter all sorts of crazy technology in a U.S. Air Force nuclear silo. One you might not expect: **floppy disks.** Leslie Stahl of CBS's 60 Minutes reported from a Wyoming nuclear control center for a segment that aired on Sunday, and the Cold War-era tech she found is pretty amazing. But **it also makes sense.** The government built facilities for the Minuteman missiles in the 1960s and 1970s, and though the missiles have been upgraded numerous times to make them safer and more reliable, the bases themselves haven't changed much. And there isn't a lot of incentive to upgrade them. ICBM forces commander Maj. Gen. Jack Weinstein told Stahl that **the bases have extremely tight IT and cyber security, because they're not Internet-connected and they use such old hardware and software.** While on the base, missileers showed Stahl the 8-inch floppy disks they use as part of launch commands for the missiles. Later, in an interview with Weinstein, Stahl described the disk she was shown as "gigantic," and said she had never seen one that big. Weinstein explained, **"Those older systems provide us some, I will say, huge safety, when it comes to some cyber issues that we currently have in the world."**

A2 Cyber-attack collapses economy

At most \$1 billion in economic damage

Martin **Libicki**, October 2014, A Dangerous World? Threat Perceptions and US National Security, ed. Christopher Peeble & John Mueller, Martin Libicki is a senior management scientist at the RAND Corporation, where his research focuses on the effects of information technology on domestic and national security. He is the author of several books, including Conquest in Cyberspace: National Security and Information Warfare and Information Technology Standards: Quest for the Common Byte. He has also written two cyberwar monographs: Cyberwar and Cyberdeterrence and Crisis and Escalation in Cyberspace. Prior to joining RAND, Libicki was a senior fellow at the National Defense University, page # at end of card

The immediate and direct damage from a major cyberattack can range from zero to tens of billions of dollars (e.g., from a broad outage of electric power). Direct casualties would likely be few, and indirect casualties may have to be inferred from guessing what would have happened if, say, emergency 911 service had not been taken down. In this essay's scenario, total damage would likely be less than \$ 1 billion. Indirect effects may be larger if a cyberattack causes a great loss of confidence— in the banking system, for example, which could trigger a recession. But it is a stretch to argue that even a cyberattack that stopped the banking system completely (much less the sort that merely prevented 24– 7 access to a bank's website) would damage customers' confidence that their bank accounts would maintain their integrity. NASDAQ's three-hour shutdown on August 22, 2013, for example, did not spark a wave of selling. It would require data corruption (e.g., depositors' accounts being zeroed out) rather than temporary disruption, before an attack would likely cause depositors to question whether their deposits are safe.

A2 Grid attacks

No long-term shut-down of the power grid

Martin **Libicki**, October 2014, A Dangerous World? Threat Perceptions and US National Security, ed. Christopher Peeble & John Mueller, Martin Libicki is a senior management scientist at the RAND Corporation, where his research focuses on the effects of information technology on domestic and national security. He is the author of several books, including Conquest in Cyberspace: National Security and Information Warfare and Information Technology Standards: Quest for the Common Byte. He has also written two cyberwar monographs: Cyberwar and Cyberdeterrence and Crisis and Escalation in Cyberspace. Prior to joining RAND, Libicki was a senior fellow at the National Defense University, page # at end of card

Compared with terrorism involving conventional explosives, the ratio of death and destruction from cyberattacks is likely to be several orders of magnitude lower; in that respect, 9/11 was an outlier among terrorist attacks, with the March 11, 2004, Madrid attacks or the July 7, 2005, London attacks being more typical. It is by no means clear what the worst plausible disaster emanating from cyberspace might be (it is far clearer that it would not come from Iran, whose skills at cyberwarfare likely pale in comparison with China's, much less Russia's). Doomsayers argue that a coordinated attack on the national power grid that resulted in the loss of electric power for years would lead to widespread death from disease (absent refrigeration of medications) and starvation (the preelectrified farm sector was far less productive than today's). But even if their characterization of the importance of electricity were not exaggerated (it is), killing electric power for that long requires that equipment with lengthy repair times (e.g., transformers, few of which are made here) be broken. (2014-10-14). A Dangerous World? Threat Perception and U.S. National Security (Kindle Locations 2599-2604). Cato Institute. Kindle Edition.

Grid resilience means no impact and no attempt

Kaplan 07 (Eben-Associated Editor at the Council of Foreign Relations, "America's Vulnerable Energy Grid," 4-27-2007, http://www.cfr.org/publication/13153/americas_vulnerable_energy_grid.html) Attacks on infrastructure are an almost daily fact of life in Iraq. Experts caution the war in that country will produce a whole generation of terrorists who have honed their skills sabotaging infrastructure. In his recent book, The Edge of Disaster, CFR security expert Stephen E. Flynn cautions, "The terrorist skills acquired are being catalogued and shared in Internet chat rooms." But when it comes to Iraq's electrical grid, RAND economist Keith W. Crane says terrorists are not the main cause of disruptions: "Most of the destruction of the control equipment was looting," he says. Either way, Clark W. Gellings, vice president of the Electric Power Research Institute, an industry research organization, thinks the U.S. grid is an unlikely target. "It's not terribly sensational," he explains, "The system could overcome an attack in hours, or at worst, days." That said, attacks on electricity infrastructure could become common in future warfare: The U.S. military has designed an entire class of weapons designed to disable power grids.

AT: Drug D.A

Might be an AFF card Macaulay 08/25/14,

(Brian, Big Brother Is Watching You: Paranoia, Surveillance, and the Drug War

<http://www.thefix.com/content/surveillance-stingray-police-state-Brian-Macaulay2039>),MJ

How will the law ultimately handle the emergence of new technology and the eagerness of police to use it? [The United States Supreme Court has not always shown deference to defendants' constitutional rights where new innovations were concerned, particularly in drug enforcement. In the famous 1928 case of Olmstead v. United States, during the nation's first drug war \(that on alcohol\), the court took on the growing ubiquity of the telephone, and law enforcement's right to tap it.](#) In that case, the court held that wiretapping did not violate bootlegger Roy Olmstead's Fourth Amendment rights because listening to a telephone call involved only hearing, and no entry into a home or office. In effect, a phone call had the constitutional privacy protections of a person's statements shouted out a window. The court didn't change its mind on the issue for nearly 40 years, finally reversing the precedent in 1967. However, a few rulings in recent years may indicate that the current court seeks to put a firm leash on police using the wonders of the digital age. In *Kyllo v. United States* (2001), the justices ruled that the use of warrantless thermal imaging to discover an unusual amount of heat emitting from a suspect's home and thereby discover a cache of indoor marijuana plants violated his right to privacy. In *United States v. Jones* (2012), it was decided that attaching a GPS device to a suspect's car to track his movements also required a warrant. In June, the court went so far as to rule that in an arrest, the police cannot search a suspect's cell phone.

DEA mass surveillance practices and budget recently cut by Congress

Newman, director of media relations at the DPA, and Piper, director of the office of national affairs at the DPA, 6/3/15

(Tony and Bill, "Congress Votes to End DEA's Invasive Bulk Data Collection Program and Slashes Agency's Budget", Drug Policy Alliance (DPA), 6/03/15, <http://www.drugpolicy.org/news/2015/06/congress-votes-end-deas-invasive-bulk-data-collection-program-and-slashes-agencys-budge>, accessed 7/3/15, ZW)

WASHINGTON, D.C.—[Legislators voted by a simple voice vote last night to end the DEA's controversial bulk data collection programs](#), as part of the U.S. House of Representatives' consideration of the Fiscal Year 2016 Commerce, Justice, and Science Appropriations bill. [The House also passed three amendments that cut \\$23 million from the DEA's budget, and shifted it to fighting child abuse, processing rape test kits, reducing the deficit, and paying for body cameras on police officers to reduce law enforcement abuses.](#)

Drug Trafficking increasing now because of heroine and meth.

Miroff, 15 [Nick Miroff is the Washington Post's Latin America correspondent, roaming from the U.S.-Mexico borderlands to South America's southern cone. He has been a staff writer since 2006, reporting on politics, immigration, crime, and development in northern Virginia for the Post's Metro desk until 2009. He earned a Master's degree at the UC Berkeley Graduate School of Journalism (2006), and studied Spanish and Latin American Literature at UC Santa Cruz (2000). Miroff grew up in Albany, New York. From the article "Losing marijuana business, Mexican cartels push heroin and meth". The Washington Post, January 11th, 2015, http://www.washingtonpost.com/world/the_americas/losing-marijuana-business-mexican-cartels-push-heroin-and-meth/2015/01/11/91fe44ce-8532-11e4-abcf-5a3d7b3b20b8_story.html BL]

SAN YSIDRO, Calif. — [Mexican traffickers are sending a flood of cheap heroin and methamphetamine across the U.S. border](#) the latest drug seizure statistics show, in a new sign that America's marijuana decriminalization trend is upending the North American narcotics trade. The amount of cannabis seized by U.S. federal, state and local officers along the boundary with Mexico has fallen 37 percent since 2011, a period during which American marijuana consumers have increasingly turned to the more potent, higher-grade domestic varieties cultivated under legal and quasi-legal protections in more than two dozen U.S. states. [Made-in-the-USA marijuana is quickly displacing the cheap, seedy, hard-packed version](#)

harvested by the bushel in Mexico's Sierra Madre mountains. That has prompted Mexican drug farmers to plant more opium poppies and the sticky brown and black "tar" heroin they produce is channeled by traffickers into the U.S. communities hit hardest by prescription painkiller abuse, off-ering addicts a \$10 alternative to \$80-a-gram cocaine. "Legalization of marijuana for recreational use has given U.S. consumers access to high-quality marijuana, with genetically improved strains, grown in greenhouses," said Raul Benitez-Manaut, a drug-war expert at Mexico's National Autonomous University. "That's why the Mexican cartels are switching to heroin and meth." U.S. law enforcement agents seized 2,181 kilograms of heroin last year coming from Mexico, nearly three times the amount confiscated in 2009. Methamphetamine, too, has surged, mocking the Hollywood image of backwoods bayou labs and "Breaking Bad" chemists. The reality, according to Drug Enforcement Administration figures, is that 90 percent of the meth on U.S. streets is cooked in Mexico, where precursor chemicals are far easier to obtain. "The days of the large-scale U.S. meth labs are pretty much gone, given how much the Mexicans have taken over production south of the border and distribution into the United States," said Lawrence Payne, a DEA spokesman. "Their product is far superior, cheaper and more pure." Last year, 15,803 kilograms of the drug was seized along the border, up from 3,076 kilos in 2009. Criminal organizations are no longer going for bulk marijuana," said Sidney Aki, the U.S. Customs and Border Protection port director here at the agency's busiest crossing for pedestrians and passenger vehicles, just south of San Diego. Hard drugs are the growing trend, and they're profitable in small amounts." Voters in the District of Columbia and 23 U.S. states have approved marijuana for recreational or medical use, with Colorado, Washington state, Alaska and Oregon opting for full legalization.

Estimates of the size of America's marijuana harvest vary widely, and DEA officials say they do not know how quickly it may be increasing as a result of decriminalization. Mexican cartels continue to deploy people as "mules" strapped with 50-pound marijuana backpacks to hike through the Arizona borderlands and send commercial trucks into Texas with bales of shrink-wrapped cannabis so big they need to be taken out on a forklift. But the profitability of the marijuana trade has slumped on falling demand for Mexico's "brick weed," so called because it is crushed into airtight bundles for transport across the border. Drug farmers in the Sierra Madre say that they can barely make money planting mota anymore. The cartels, and consumers, are turning away from cocaine, too. Last year, U.S. agents confiscated 11,917 kilograms of cocaine along the Mexico border, down from 27,444 kilos in 2011.

This reflects lower demand for the drug in the United States, experts say, as well as a cartel business preference for heroin and meth. Those two substances can be cheaply produced in Mexico, unlike cocaine, which is far pricier, and therefore riskier, because it must be smuggled from South America. The Sinaloa cartel, considered Mexico's most powerful drug trafficking organization despite the capture last February of leader Joaquin "El Chapo" Guzman, remains the dominant criminal power along Mexico's Pacific Coast. Its territory spans the entire western half of the U.S.-Mexico boundary, from Ciudad Juarez, opposite El Paso, to Tijuana, on the Pacific Coast. At harvest time, the cartel's middlemen make their rounds to remote Sierra Madre stream valleys in pickup trucks and four-wheelers, armed with guns and cash. They buy sticky bales of raw opium from hardworking farmers and deliver them to crude heroin kitchens that prepare the drug for shipment. The U.S. interstate highway system is less than a day's drive away. Heroin and meth are far easier to transport and conceal than marijuana. Especially worrisome to U.S. officials is a growing trend of more border-crossing pedestrians carrying the drugs strapped under their clothing or hidden in body cavities. "The criminals are trying to blend in among the legitimate travelers, who are 99 percent of the individuals crossing through here," said Aki, the San Ysidro port director. "That's the hard part for us." At the San Ysidro crossing, soon to expand to 35 lanes, U.S. agents with drug-sniffing dogs and foot-long screwdrivers weave among the lines of cars that back up into Mexico. Agents say the screwdrivers, some so old their handles are worn to a nub, are their most valuable investigative tool. Agents knock them against tires and gas tanks for a quick sonic impression. "If you tap a tank with something solid inside, there's a thud," one inspector said. "It's like hitting concrete." Harder to detect are "deep-concealed" drugs buried in fake engine cylinders, dashboard panels, even acid-proof capsules inside car batteries. One vehicle seized here last year carried liquid meth in its windshield-wiper reservoir. Finding small packages in the river of cars and trucks coming across is akin to a game of "Where's Waldo?" for U.S. inspectors. Vehicles that arouse the suspicions of border agents or get their dogs barking and lunging are sent to a secondary inspection station with giant X-ray machines and larger teams of screwdriver-wielding inspectors. If drugs don't appear, the agents may drive the vehicles into garages to open their engines, pry apart interior panels and search for any signs of suspicious alterations. Traffickers will sometimes mist decoy vehicles with marijuana oil or resin to provoke the dogs and draw agents into a fruitless search. "It's like a fish fry," Aki said. "The fish is gone, but the scent is still there." With the dogs and agents tied up inspecting the decoys, the traffickers may try sneaking meth and heroin through. In recent years, Mexican cartels also have begun producing higher-value "white" heroin, typically associated with traffickers from Colombia or Asia, according to DEA officials. "The Mexicans are evolving in their production abilities and getting more sophisticated," said Payne, the DEA spokesman. "It's not just black tar anymore."

Colombian and Caribbean traffickers once controlled heroin distribution east of the Mississippi River, but Mexican criminal groups now dominate the entire North American market, he said. The United States has an estimated 600,000 heroin users, Payne said — a threefold increase in the past five years. But that number is dwarfed by the estimated 10 million Americans who abuse prescription painkillers. Those addicts are the prime target for the booming heroin business. A U.S. crackdown on prescription opiates has driven up the price for drugs such as OxyContin and Percocet, enticing desperate addicts to switch to cheap heroin to fend off withdrawal symptoms. The profile of U.S. heroin addiction is also changing, said Phil Herschman, chief clinical officer with the CRC Health Group, which operates 170 treatment centers in 30 U.S. states. "Now, we're seeing housewives coming in who had been addicted to Vicodin for two or three years before switching to heroin, or adolescents who got hooked by snorting it, thinking it was safe, only to end up injecting themselves," he said. "You can't even begin to measure how it tears families apart," he added. "It's devastating."

The war on drugs is unwinnable- the only way to win is to stop fighting

Winslow, 15 (Don Winslow, "It's Time to Legalize Drugs: An Open Letter to Congress and the President", The Daily Beast, June 28, 2015, <http://www.thedailybeast.com/articles/2015/06/28/it-s-time-to-legalize-drugs-an-open-letter-to-congress-and-the-president.html>) ET

Bestselling author Don Winslow, whose new novel *The Cartel* is now available, on how the only way to win the trillion-dollar War on Drugs is to stop fighting. This piece is also running as a paid ad by Winslow in today's print edition of *The Washington Post*. Let me come right out and say what you won't tell the American people. The War on Drugs is unwinnable. It was unwinnable for Nixon, Ford, Carter, Reagan, Bush, Clinton, Bush, and now Obama. At forty-four years, it's America's longest war and there's no end in sight. The people who benefit most from the War on Drugs are the traffickers. Every dollar we spend on drugs and every dollar we spend trying to interdict them raises the profits of the Mexican cartels and makes them more powerful. So in the very act of fighting this war, we lose it. Cops standing in front of big drug seizures look great on the evening news. But it sells a lie that we're winning, just like George Bush on an aircraft carrier declaring that a war was over that still rages on today. It's not only that we can't win this war, it's that we're destroying ourselves fighting it. We are literally addicted to the War on Drugs. A half-century of failed policy, \$1 trillion, and 45 million arrests has not reduced daily drug use—at all. The U.S. still leads the world in illegal drug consumption, drugs are cheaper, more available, and more potent than ever before. Our justice system is a junkie, demanding its daily fix of arrests, seizures and convictions. It needs drugs. It's as hooked as that guy sticking a needle into his arm even though he knows it's killing him. Towns that used to compete for factories now campaign for penitentiaries because caging our citizens has become big business. Prison privatization—corrections as capitalism—has increased 1600 percent between 1990 and 2010. More African-American men are in prison or in the "system" today than there were slaves in 1850. And you don't just throw an individual behind bars, you throw his or her whole family. Almost 3 million kids have a parent in jail on a drug charge, and they're more likely to be on welfare, drop out of

school, go out on the corner and sell drugs to start the whole tragic cycle all over again. Drugs begin the destruction of families and the justice system finishes them off.

Throughout its history, the War on Drugs has disproportionately impacted minorities—it is a war on people, specifically communities of color. “Right now we have the worst of both worlds. In vast blocks of cities, the only incomes come from the government or from drugs.” That was Bill Clinton in 1992, and 23 years later nothing has changed. The Cato Institute estimates that legalizing all drugs would save the country \$41 billion a year. Taxing drugs at the same rate that we tax alcohol and tobacco... would yield \$46 billion in tax revenues. Police departments have become occupying armies. We can draw a direct line between the War on Drugs and the recent events in Ferguson, Cleveland, Baltimore, and elsewhere. The militarization of our police departments began with the reaction to the crack epidemic of the 1980s. Heavily armed SWAT teams battering down doors in the middle of the night, arresting thousands of young men, have turned American neighborhoods into war zones and spawned a hostile and deadly relationship with our inner-city communities. Proof that this militarization isn’t working is its escalation: In 1972 there were a few hundred paramilitary drug raids; 1980 saw 3,000; 2001 had 40,000; and last year that doubled to 80,000. Of course, if the raids were working, there’d be fewer of them, not more. The War on Drugs isn’t just a failure, it’s a disaster. U.S. drug policy works great—for the Mexican cartels. Your votes have consequences: In 1994 you voted in NAFTA, the North American Free Trade Agreement, which DEA agents on the front line call the North American Free Drug Trade Agreement. So while you were passing severe laws against drug possession at home, you were enabling thousands of trailer trucks of dope to come across the border and flood our cities. Our drug policy toward Mexico has been so bad that former President Clinton apologized to the Mexican people in February of this year, saying, “I wish you had no narco-trafficking, but it’s not really your fault. Basically, we did too good of a job taking the transportation out of the air and water, and so we ran it over land. I apologize for that.” It’s not the “Mexican Drug Problem.” It’s the American Drug Problem. It’s simple: No buyer, no seller. We fund the killing, fuel the killing, and sustain the killing. As a result, 100,000 people in Mexico are dead just since 2006.

More surveillance means less security

Winslow, 15 (Don Winslow, “It’s Time to Legalize Drugs: An Open Letter to Congress and the President”, The Daily Beast, June 28, 2015, <http://www.thedailybeast.com/articles/2015/06/28/it-s-time-to-legalize-drugs-an-open-letter-to-congress-and-the-president.html>) ET

You’re so concerned about terrorists thousands of miles away that you don’t see the terrorists just across our border. The cartels are more sophisticated and wealthier than the jihadists and already have a presence in 230 American cities. The cartels were running the ISIS playbook—decapitations, immolations, videos, social media—ten years ago. Many of you keep talking about building a wall that stretches the entire 2,000-mile land border with Mexico. It doesn’t matter how high a wall you build if the traffickers can tunnel under it. You’ve read about these tunnels, with railroad tracks, air-conditioning, elevators, and dormitories. Now drug traffickers use them, but how long will it be before terrorists figure out that this is a way to get into our country? Those tunnels only exist because drugs are illegal. Your “tough on crime” stance makes us soft on security. We never learn. Since 2005, Congress has spent \$2.5 billion on the Merida Initiative, providing weapons, helicopters, fixed-wing aircraft, surveillance technology, and especially training to Mexican counter-drug agencies. But DEA agents in the field regularly report that these agencies have criminal connections to the cartels, even serving as their armed forces, and have been involved in the massacres of innocent civilians. We are funding our own drug epidemic. Our Mexico strategy is such a complete failure that during Operation Fast and Furious, the ATF violated the very federal laws it was created to enforce, facilitating arms smuggling to drug traffickers in an effort to trace them. The ATF lost track of the automatic rifles that were then used to murder Border Patrol Agent Brian Terry, Mexican ambassador to the U.S. Arturo Sarukhan said, “The thinking that you can let guns walk across the border and maintain operational control of those weapons is really an outstanding lack of understanding of how these criminal organizations are operating on both sides of our common borders.” In Afghanistan, Congress authorized \$108 million to “incentivize” provinces to reduce poppy cultivation. Instead, they built irrigation systems to water the poppies. So far, you’ve spent \$7.6 billion to fight the drug war in Afghanistan, and opium production there has tripled. We should be using our resources to fix our crumbling schools, create jobs, and fund drug treatment. Because interdiction increases supply while education reduces demand. Education is cheaper than incarceration. Keeping someone in a classroom costs one quarter of what it costs to keep him in a cell. But, thanks to the War on Drugs, America is home to the largest prison population in the history of the planet. You know how we got to this point. At the height of the drug war hysteria, and desperate to appear tough on crime, Congress overreacted and passed insanely over-the-top laws

forcing judges to put nonviolent drug offenders into prison for mandatory terms of 15 years to life. The prison population exploded. Now we have 5 percent of the world's people but 25 percent of the world's convicts. That's 2.3 million Americans behind bars, half of them on drug-related offenses. Eric Sterling, a lawyer and one of the architects of the 1986 federal sentencing laws, later wrote that they were a terrible mistake, "among the most reviled Acts of Congress in recent years." U.S. District Judge Mark Bennett says that he feels guilt and sorrow when he has to sentence nonviolent drug offenders to long mandatory terms and tells them, "My hands are tied...I'm sorry. This isn't up to me." We cannot incarcerate our way out of this problem. We've failed. And both sides of the aisle agree: President Obama, April 2015: "I am a very strong believer that the path that we have taken in the United States in the so-called 'war on drugs' has been so heavy in emphasizing incarceration that it has been counterproductive." Governor Chris Christie, June 7, 2015: "I think quite frankly the war on drugs has been a failure." Three-quarters of American voters today agree with them. In a May 2014 drug raid with a "no-knock" warrant, a Georgia SWAT team threw a flash bang grenade into a baby's playpen. That 1-year-old child, Bounkham Phonesavanh, suffered critical burns. David Simon has said, "Probable cause was destroyed by the drug war." We torched our civil rights, and now we burn babies along with them. That's not who we are. At least that's not who we should be. The Cato Institute estimates that legalizing all drugs would save the country \$41 billion a year. Taxing drugs at the same rate that we tax alcohol and tobacco (by far the biggest killers among drugs), would yield \$46 billion in tax revenues. With that kind of money, you could shrink the deficit, grow the economy, create businesses in inner cities, provide treatment for addicts—things that might actually do something about the drug problem. Appearing tough on crime is not the same as being tough on crime. Being tough on crime means making some hard decisions. We need to stop thinking about how to fight this war better, but how not to fight it at all. We need leadership and legislation. We need Congress to have the courage to step up and say not that the system is broken and in need of repair, but that in 1971 we made a colossal trillion-dollar mistake that has destroyed this country, and it has to stop. How much more money do we have to waste, how many more families have to be destroyed, how many more people have to be killed before you summon the courage to tell the truth to the American people? The War on Drugs is not only futile, it is wrong. The answer is legalization. The only way to win is to stop fighting.

The coast guard is successfully stopping drug trafficking now

Edge, 15 (Sami Edge, "Coast Guard Succeeds in Drug-Trafficking Mission", Seattle Times, July 1, 2015, <http://www.military.com/daily-news/2015/07/01/coast-guard-succeeds-in-drug-trafficking-mission.html>) ET

Parents, spouses, children and friends gathered in the midmorning sun Tuesday on Seattle's Pier 36 to greet the return of the Coast Guard cutter Midgett after a 71-day deployment. Signs that read "My sun and my stars, home at last," and "The Mrs. needs a kiss" hailed the 184 guardsmen aboard the ship. The Midgett left Seattle on April 21 to take part in "Operation Martillo," a combined military and international campaign aimed at drug trafficking in the eastern Pacific. In more than two months at sea, law-enforcement officers aboard the Midgett seized more than 12,100 pounds of cocaine and arrested 22 suspected smugglers from seven vessels in international waters. The cocaine was worth an estimated \$180 million wholesale, according to the Coast Guard. "This was significant for the Midgett," Capt. Brendan McPherson, commanding officer of the cutter, said from the pier. McPherson said it was the "most successful" campaign he's seen in his 26 years in the Coast Guard. The crew of the Midgett worked closely with the U.S. Navy, Customs and Border Protection and Coast Guard maritime patrol aircraft to locate drug shipments. They also relied on cooperation from countries throughout Central and South America, like Guatemala, Colombia and Peru. McPherson says these partnerships and resources had a lot to do with the mission's accomplishments, but attributes much of the Midgett's performance to the "extraordinary professionalism and tactical prowess" of the ship's crew. Related Video: McPherson singled out Petty Officer Kira Patino, a pursuit coxswain who drives a 25-foot rigid hull inflatable boat that the cutter deploys to chase down drug runners. Her team of five, including a trained marksman, communicates with the cutter to outmaneuver drug dealer's boats. At times, they've had to shoot out the engines of a vessel to get it to stop. "You brace yourself for the worst, and hope for the best," Patino said. A six-year Coast Guard veteran, Patino was making her last voyage aboard the Midgett after three years. "We set a high bar and we accomplished it," Patino said. "It made my last patrol one of the best." Patino wasn't the only guardsman returning to Pier 36 for the last time. On the dock, Jillian Knoepfel patiently awaited the return of her husband, Reid. In the two months that he's been away, Jillian graduated from the business program at the University of Washington, took care of their two children, Makenlee, 5, and Linden, 3, and packed up their house for an upcoming move. "There were nights I was ready to pull my hair out for school, but also trying to take care of (my kids) who were missing him," Knoepfel said. "It was pretty rough, but we got through it." But she understands. Knoepfel and her husband met in the Coast Guard eight years ago. She left the military to care for the kids shortly before he was relocated from Florida to Seattle. They leave for the next assignment in Virginia on Thursday. "We're very excited," she said about her husband's return.

Non-Unique – we're losing the war on drugs

Gordon, author of *Mainstreaming Torture: Ethical Approaches in the Post-9/11 United States*, 3/23/15

(Rebecca, teacher in the philosophy department at the University of San Francisco and a member of the War Times/Tiempo de Guerras collective, “When the War on Drugs in Mexico Comes Back Home to the U.S.: Like the Islamic State, the Mexican drug cartels’ power has increased as the result of disastrous U.S. policies.”, In These Times, 3/23/15, <http://inthesetimes.com/article/17782/when-the-war-on-drugs-in-mexico-comes-back-home-to-the-u.s>, accessed 7/6/15, ZW)

All in all, the U.S. drug war in Mexico has been an abject failure. In spite of high-profile arrests, including in 2014 Joaquín “El Chapo” Guzmán, who ran the Sinaloa group, and in 2015 Servando “La Tuta” Gómez, head of the Knights Templar Cartel in Michoacán, the cartels seem as strong as ever. They may occasionally split and reassemble, but they are still able to move plenty of product, and reap at least \$20 billion a year in sales in the United States. In fact, this country remains the world’s premier market for illegal drugs. The cartels are responsible for the majority of the methamphetamine sold in the United States today. Since 2006, when a federal law made it much harder to buy ephedrine and pseudoephedrine in this country, the cartels have replaced small-time U.S.-based meth cookers. The meth they produce is purer than the U.S. product, apparently because it’s made with purer precursor chemicals available from China. The other big product is heroin, whose quickly rising consumption seems to be replacing the demand for cocaine in the United States. On the other hand, marijuana legalization appears to be cutting into the cross-border traffic in that drug. The Washington Post reports that almost 9% of Americans “age 12 or older—22.6 million people—are current users of illegal drugs, according to the Substance Abuse and Mental Health Services Administration.” That represents a one-third increase over the 6.2% in 1998. It takes a lot of infrastructure to move that much product. And that’s where U.S.-based gangs come in. Urban gangs in the United States today are not the Sharks and Jets of West Side Story. Certainly, there are still some small local groups formed by young people looking for family and solidarity on the streets. All too often, however, today’s gangs represent the well-run distribution arm of the international drug trade. In Chicago alone, 100,000 people work in illegal drug distribution, selling mostly into that city’s African-American community. Gang membership is skewing older every year, as gangs transform from local associations to organized, powerfully armed criminal enterprises. Well over half of present gang members are adults now. The communities where they operate live in fear, caught between the gangs that offer them employment while threatening their safety and militarized police forces they do not trust. Just like U.S. military adventures in the Middle East and Afghanistan, the U.S.-Mexico war on drugs has only left a larger problem in place, while producing blowback here at home. A particularly nasty example is the cartels’ use of serving U.S. military personnel and veterans as hit men here in the United States. But the effects are far bigger than that. The DEA told the Washington Post that Mexican cartels are operating in more than 1,200 U.S. cities. In all those cities, the failed war on drugs has put in prison 2.3 million people—in vastly disproportionate numbers from communities of color—without cutting demand by one single kilo. And yet, though that war has only visibly increased the drug problem in the same way that the war on terror has generated ever more terror organizations, in both cases there’s no evidence that any other course than war is being considered in Washington.

Non-Unique – drug traffickers circumvent attempts to resolve the war on drugs **Miroff, correspondent in Latin America, 1/11/15**

(Nick, “Losing marijuana business, Mexican cartels push heroin and meth”, The Washington Post, 1/11/15, http://www.washingtonpost.com/world/the_americas/losing-marijuana-business-mexican-cartels-push-heroin-and-meth/2015/01/11/91fe44ce-8532-11e4-abcf-5a3d7b3b20b8_story.html, accessed 7/6/15, ZW)

Mexican traffickers are sending a flood of cheap heroin and methamphetamine across the U.S. border, the latest drug seizure statistics show, in a new sign that America’s marijuana decriminalization trend is upending the North American narcotics trade. The amount of cannabis seized by U.S. federal, state and local officers along the boundary with Mexico has fallen 37 percent since 2011, a period during which American marijuana consumers have increasingly turned to the more potent, higher-grade domestic varieties cultivated under legal and quasi-legal protections in more than two dozen U.S. states. Made-

in-the-USA marijuana is quickly displacing the cheap, seedy, hard-packed version harvested by the bushel in Mexico's Sierra Madre mountains. That has prompted Mexican drug farmers to plant more opium poppies, and the sticky brown and black "tar" heroin they produce is channeled by traffickers into the U.S. communities hit hardest by prescription painkiller abuse, off-ering addicts a \$10 alternative to \$80-a-pill oxycodone.

Not Finished needs underline No Impact – Number of cartels in the US is inflated and uncertain

Higham, reporter, Horwitz, staff writer, AND Rich, database editor for investigations, 08/25/13

(Scott, Sari, AND Steven, "Mexican drug cartel activity in U.S. said to be exaggerated in widely cited federal report", The Washington Post, 8/25/13, http://www.washingtonpost.com/investigations/mexican-drug-cartel-activity-in-us-said-to-be-exaggerated-in-widely-cited-federal-report/2013/08/25/680c1854-f54a-11e2-a2f1-a7acf9bd5d3a_story.html, accessed 7/6/15, ZW)

When Sen. John McCain spoke during an Armed Services Committee hearing last year on security issues in the Western Hemisphere, he relayed a stark warning about the spread of Mexican drug cartels in the United States. "The cartels," the Arizona Republican said, "now maintain a presence in over 1,000 cities." McCain based his remarks on a report by a now-defunct division of the Justice Department, the National Drug Intelligence Center (NDIC), which had concluded in 2011 that Mexican criminal organizations, including seven major drug cartels, were operating in more than 1,000 U.S. cities. But the number, widely reported by news organizations across the country, is misleading at best, according to U.S. law enforcement officials and drug policy analysts interviewed by The Washington Post. They said the number is inflated because it relied heavily on self-reporting by law enforcement agencies, not on documented criminal cases involving Mexican drug-trafficking organizations and cartels. The Post interviewed local police officials in more than a dozen cities who said they were surprised to learn that the federal government had documented cartel-related activity in their communities. "That's news to me," said Randy Sobel, chief of police in Middleton, N.H. "I have no knowledge of that," said David Lancaster, chief of police in Corinth, Miss. NDIC's headquarters in Pennsylvania was closed last year and its personnel folded into the Drug Enforcement Administration. DEA officials declined to release a list of the cities, calling it "law enforcement sensitive." Privately, DEA and Justice Department officials said they have no confidence in the accuracy of the list. "It's not a DEA number," said a DEA official who requested anonymity to speak candidly about the report. "We don't want to be attached to this number at all." The Post was able to identify more than a third of the cities using computer mapping techniques and government documents. The analysis located government claims of Mexican drug activity in numerous cities in unexpected places: 20 in Montana, 25 in Oregon, 25 in Idaho, 30 in Arkansas. There is no disputing that Mexican cartels are operating in the United States. Drug policy analysts estimate that about 90 percent of the cocaine, heroin, marijuana and methamphetamine on U.S. streets came here courtesy of the cartels and their distribution networks in Mexico and along the Southwestern border. DEA officials say they have documented numerous cases of cartel activity in Houston, Los Angeles, Chicago and Atlanta. But analysts who study drug trafficking scoffed at the contention that the violent cartels and other Mexican-based drug organizations are operating in more than 1,000 U.S. cities. "They say there are Mexicans operating here and they must be part of a Mexican drug organization," said

Peter Reuter, who co-directed drug research for the nonprofit Rand think tank and now works as a professor at the University of Maryland. “These numbers are mythical, and they keep getting reinforced by the echo chamber.”

Legalization of drugs as a step to win the drug war, to strengthen law and order, and decrease immigration crisis

Cooper, 2014 (Ryan Cooper, Ryan Cooper is a national correspondent at TheWeek.com. His work has appeared in the Washington Monthly, The New Republic, and the Washington Post. “How the U.S. can solve its immigration crisis: Legalize drugs” <http://theweek.com/articles/445951/how-solve-immigration-crisis-legalize-drugs>) // IL

As Greg Sargent points out, this is a genuinely tricky issue as a matter of immigration law and policy. But if we step back, there is one big step we might take to address the root of the problems in Latin America that are behind the flood of refugees. Namely, we can end the drug war. Where are refugees coming from? Not Mexico as much as one might have thought; rather Honduras, El Salvador, and Guatemala are the main sources of the increase. The refugees are fleeing apocalyptic gang violence. Honduras in particular is now the murder capital of the world. (Just to be clear, Mexico is no success story, either. It isn't showing the same skyrocketing increase in refugees as Honduras, but that means it is still past 12,000 so far this year.) Additionally, some people reportedly have gotten the idea that the U.S. government is now treating immigrant children more leniently. What is driving the violence is a complex question. The best writing I've ever seen on the problem is this Washington Monthly piece by Elizabeth Dickinson. She details how Colombia successfully beat back a leftist insurgency with aggressive use of military force, and then in the mid-2000s exported — with the U.S.'s help — that same strategy throughout Latin America as a way to deal with organized gang violence. But that strategy hasn't worked elsewhere. On the contrary, it sparked more chaos and violence, as upstart drug gangs shoot it out over who will take control over turf and control vacated by toppled kingpins. What Latin America should do about crime is for them to decide. It seems clear to me that their militarized approach has been a disaster, but, frankly, America should stay out of it; we've already done enough damage. However, it is unquestionably the case that a major source of conflict is the struggle over the United States drug market. The U.S. drug market is on the order of \$100 billion in size, making probably the most important source of revenue for most gangs. Though some have diversified into things like iron ore, as Dickinson's piece and other studies make clear, control of U.S. drug trafficking routes is a key strategic asset for criminal gangs, one for which they will fight like mad. Therefore, by taking a more sensible approach to our own drug problem, we can cut out a major source of money and power for the gangs, and reduce the incentive to fight over trafficking routes. In other words, this isn't a matter of trying to micromanage other nations' political systems. Instead, it's about moderating our existing actions to reduce their negative effects — actions that are causing serious problems here at home. Ending the drug war could involve many different policies, but the most important part when it comes to clamping down on gang violence is removing drug supply from the control of criminal gangs. Decades of utterly failed coercive policy shows that it is simply impossible to stop drug trafficking by force. Anything that moved from the drug war model to a more treatment-based, harm reduction model would be a positive step. For a more aggressive policy, we might institute a strict government monopoly on all currently illegal drugs, and say that any addict certified by a doctor can get a supply at cost from the government, with the deliberate intention that enough will leak out to supply current demand. Drugs are easy to make; it would be trivially easy to beat the cartels on price. Another alternative would be to fully legalize all drugs. Personally, I favor mostly full legalization for less harmful drugs like MDMA, psychedelics, and marijuana, with stricter controls on harder stuff like heroin (and alcohol, which could stand much higher taxation). But the idea is to undercut the most important profit center for the drug gangs. It wouldn't solve all crime problems at once, but it's a good idea on the merits, and it would vastly strengthen the relative position of the forces of law and order in Latin America.

Legalization is the most efficient way to reduce drug trafficking – benefits outweigh

Jenner, 2011 (Matthew S. Jenner, associate in the Tax Practice Group of the Washington, DC office. He advises multinational companies on federal tax issues related to cross-border transactions. He also

represents clients in domestic and international tax disputes. "International Drug Trafficking: A Global Problem with a Domestic Solution"

<http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1465&context=ijgls> // IL

IV. LEGALIZATION: A NOVEL APPROACH The past efforts of foreign and domestic governments have proved too feeble to effectively distress global drug trafficking operations, as evidenced by the statistics of persistent violence and the sustained size of the market. However, reflecting on the weaknesses of the previous antidrug programs and assessing them as a whole may elucidate the next step toward a successful drug policy: legalization. A. The Conflict: The Not-So-Giving Tree It may be helpful to analogize the illicit drug industry to a tree. First, the leaves and the branches are the consumers and the local drug dealers, respectively. Early drug policy focused on these groups, and today's criminal laws attempt to eliminate them. In theory, if these programs successfully deterred the consumption and street selling of drugs, the market would collapse with no demand to satiate. However, no matter how many consumers and dealers are penalized or incarcerated, new ones readily replace them or they are not deterred- possibly due to addiction. Second, the trunk represents the traffickers, who bring the drugs to the dealers and consumers. The U.N. Convention Against Illicit Trafficking and the interdiction efforts of the United States attack this group. In theory, if these programs successfully captured the majority of traffickers or simply blocked their trade routes, producers would have no efficient way to get their product to consumers, and the market would fall apart. However, traffickers have proven too abundant and elusive for one axe to chop them down. Third, the roots represent the drug producers, the foundation of the industry. Plan Colombia targeted this aspect of the drug trade, trying to uproot the industry. In theory, if this plan effectively eradicated the bulk of drug-producing crops-and was subsequently instituted in all other major drug-producing nations-then no drugs would ever be produced, the market's supply would disappear, and the market would cease to exist. However, the drug trade is so animate and devious that the moment one root is lifted another has planted itself-illustrating the balloon effect. Each of these previous endeavors targeted a specific player in the industry: the consumer, the distributor, or the producer. They all fail to effectively address the fundamental aspect of the industry that truly holds it all together-the framework that propelled the industry to the astronomical heights it has reached today: the market. To extend the tree analogy, the market is represented by the fertile soil, nourishing the industry and allowing it to grow. The goal of U.S. interdiction efforts is to affect the supply of the market, but these goals misinterpret the market and actually further incentivize drug traffickers by increasing their profits. In order to be effective, the next international drug policy must target the global market. It must erode the soil that perpetuates the global drug trade, bringing the trafficking industry to its knees. B. The Plot : Universal Legalization The most efficient way to affect the global market is to legalize drugs, as prohibition acts as a catalyst in building up the market. It attracts criminals, incentivizes violence, and makes the drug trade one of the most profitable industries in the world. Universal legalization would reverse these trends. It would take the profits out of the industry and put a stop to violent trafficking, possibly ending the drug trade as we know it. When advocates lobby for the legalization or decriminalization of drugs, they often argue from a domestic stance. They see legalization as an opportunity to reallocate police resources, free up prison space, reduce violent crime among drug dealers and consumers, and tax the industry.¹¹⁸ While all of these prospects are inherently part of legalization-and probably bolster this argument even more-this Note focuses on eradicating the global drug trafficking problem. The costs and benefits of legalization should be assessed on the global level, not on the purely domestic level regarding drug problems each nation inevitably faces.¹¹⁹ The concept of legalization entails legalizing every aspect of the drug trade, from production to consumption, worldwide. The immediate benefit of legalization would be a reduction in the violence associated with the drug trafficking aspect of the trade. Prohibition creates the opportunity for self-help violence in the drug trade by driving the market underground.¹²⁰ Legalization would create a legitimate market for drugs, allowing conflicts to be settled in courts of law and attracting commendable market players rather than criminals, much like what happened after the prohibition of alcohol ended in the United States in the 1930s.¹²¹ Skeptics may argue that the violent drug trafficking criminals would not simply become peaceful after legalization occurs. This argument has some merit, but these violent criminals would be sifted out of the industry over time. They would most likely focus their attention on other closely linked illicit trade markets that still offer higher profits, like the arms trade and human trafficking. However, without the enormous income of the drug trade, these other illicit industries would also likely suffer. The long-term effects of legalization are most easily illustrated by an economic analysis of the global market. Although the market structures are complicated-drug cartels create a monopoly-like market with fewer players, called an oligopoly-a simple supply and demand analysis will best demonstrate these effects. Due to the increased costs of the global business resulting from prohibition-such as avoiding authorities and violence-the current supply curve for illicit drugs is relatively steep.¹²² Governments are effectively taxing producers and traffickers by imposing these extra costs; consequently, each unit of drugs is sold at a higher price than it would if drugs were legal. ¹²³ In Figure 4 above, the supply curve of drugs under prohibition is labeled Si. If drugs were legalized, the

supply curve would flatten out, becoming more elastic, because the additional costs and barriers to entry of the illicit industry would no longer exist.¹²⁴ The costs of production and distribution would be lower for each unit of drugs, so a lower price would be charged. In Figure 4, the supply curve of drugs under legalization is labeled S2. The demand for drugs, under any policy, is relatively inelastic. The consumption of drugs stays relatively constant when price fluctuates. This is partly due to the addictive nature of drugs—even when price goes up people still need drugs—and the fact that some people will not consume drugs, regardless of how low the price is. In Figure 4, the demand curve under prohibition is labeled D1. If drugs are legalized, demand is likely to increase because the cost to the consumer is lower. However, this increase is likely to be modest because the legal status of drugs tends to have little effect on whether most people choose to consume drugs.¹²⁵ Evidence of these phenomena can be abstracted from the U.S. experience with the prohibition of alcohol, a similar market. During Prohibition, alcohol consumption did not vary greatly with the change in price, and, after its repeal, consumption did not increase substantially.¹²⁶ In Figure 4, the demand curve under legalization is labeled D2. The net effect of a change in drug policy from prohibition to legalization is a sharp decrease in price and a modest increase in quantity demanded. Figure 4 above provides price and quantity numbers as an example to better understand this economic situation. As seen in Figure 4, equilibrium¹²⁷ price drops from twelve to four, while quantity demanded increases slightly from seven to ten. The difference that most concerns the global drug trade is the net change in revenue. In Figure 4, revenues (the shaded regions) drop drastically from eighty-four under prohibition to forty under legalization, a fifty-two percent reduction. Less revenue in the drug market equates to substantially lower profits for drug traffickers. With lower profits, criminals will likely leave the drug market, abandoning drug production in search of other more profitable, and likely illicit, markets. Additionally, the illicit drug market is closely linked to these other illicit markets, like the arms trade, human trafficking, and terrorism. For instance, illegal investments in the drug trade often fund criminal organizations that procure weapons in the arms trade and train terrorists.¹²⁸ Without the profits from the \$500 billion drug industry, many of these other illicit markets may suffer as well, a substantial benefit to the war on terror. Every last penny of profits from the industry will obviously not just disappear. There will still be a demand for drugs, which will fuel the legalized market. However, if the numbers used in Figure 4 represented reality, about half of the profits, around \$250 billion a year, could evaporate into thin air. New players in the drug market—domestic and international producers and distributors who will resort to judicial process to resolve disputes—will likely recover the other half of the profits. At first, countries with trafficking problems, like Mexico and Colombia, may not see stabilized drug industries until the violent traffickers leave the industry. Over time, however, the drug trade will be akin to other legalized industries. Domestic governments will be able to regulate their drug economies and address consumption issues as they see fit. The biggest critique of the legalization framework is that demand for drugs is more elastic than legalization proponents think. Skeptics worry that the global consumption of drugs will surge to the levels of other legal substances, like alcohol and tobacco.¹²⁹ Nevertheless, these skeptics fail to realize that most people would still not consume drugs even if they were legal.¹³⁰ Alcohol and tobacco are drastically different than illicit drugs like marijuana and cocaine. The dangers of tobacco and alcohol are mostly long term, while drugs like cocaine, marijuana, and other narcotics pose short-term dangers that deter their usage.¹³¹ Other scholars propose decriminalization as the answer.¹³² However, decriminalization would not have the same effect on the market as legalization. In a decriminalized world, production and trafficking would still be illegal, so there would still be the potential for high profits, yielding an incentive for self-help violence, and the drug trade would remain profitable for dangerous criminal organizations. Additionally, under a decriminalization framework, countries would be faced with the same domestic drug problems as legalization.

AT: Money Laundering D.A

AML surveillance is irrational, harms banking services, and lacks tangible effects

Rahn, 2014 (Richard W. Rahn, senior fellow at the Cato Institute and chairman of the Institute for Global Economic Growth. "Anti-Money Laundering Surveillance Hurts Banking Services"
<http://www.cato.org/publications/commentary/anti-money-laundering-surveillance-hurts-banking-services>) // IL

For the last several decades, global liberty-haters have dreamt that all financial privacy would be eliminated. They have sought out a variety of excuses to act as Peeping Toms peering into your bank accounts. In the 1980s, their big push was to enact "anti-money laundering" legislation, with the claim that it would make catching drug dealers and other assorted criminals easier. The United States passed its first anti-money laundering law in 1986 — despite the fact that no one could objectively define money laundering, because it is not an action but an "intent" to act unlawfully. The whole global anti-money laundering regime makes no economic sense, is unworkable, and is morally repugnant." In 1989, at the G-7 summit in Paris (before Russia joined and made it the G-8), it was decided to create an international organization dedicated to combating money laundering — duplicating the efforts of the International Monetary Fund (IMF) and the Organization for Economic Cooperation and Development (OECD) which already had the responsibility. The new organization was called the Financial Action Task Force on Money Laundering (FATF). Over time, the task force expanded its membership to include some corrupt governments such as Russia (which is alleged to engage in money laundering). By the way, a Russian government official, Vladimir Nechaev, is now president of the task force. As a result of all the global anti-money laundering regulations, total compliance costs for financial institutions are now in the hundreds of billions of dollars. Basic banking and other financial services have been reduced and even eliminated for tens of millions of people around the world. Have all of these regulatory costs done any good? In an effort to answer that basic question, the Center for Law and Globalization (a partnership of the University of Illinois College of Law and the American Bar Association) published a report in January, "Global Surveillance of Dirty Money." The authors had the full cooperation of the IMF and FATF, yet the conclusions were damning. One of the authors of the report, Terence Halliday, stated: "We find that the current system is pervasive and highly intrusive but without any evidence of tangible effect." The authors were quoted in The Wall Street Journal as saying the IMF and FATF have built a "Potemkin village" and a "paper reality" based on "a plausible folk theory," rather than data and evidence of what works.

Poor, contemporary use of AML surveillance results in wasteful expenditure and miss significant money laundering activity

Lavine, Giacomini, Messina, Thomas, and Iacono, 2010 (Jeff Lavine, Partner in the Financial Services Regulatory practice of PricewaterhouseCoopers, resident in Washington, D.C. Jeff advises US and international banks, non-bank financial institutions, and regulatory agencies on optimizing controls, compliance, supervision, examination and audit effectiveness, and anti-money laundering matters. Patrick Giacomini, Partner at PricewaterhouseCoopers. Thomas Messina, Compliance Director, Global KYC at Citigroup. Nathan Thomas, sales at PwC. Marco Iacono, associate at PwC. "From source to surveillance: the hidden risk in AML monitoring system optimization"
http://www.pwc.com/en_US/us/anti-money-laundering/publications/assets/aml-monitoring-system-risks.pdf) // IL

As the financial crisis levels off, regulators are now refocusing their efforts on anti-money laundering (AML) and terrorist financing enforcement. This increase in regulatory scrutiny is compelling many financial institutions to take a closer look at their AML operations as they seek innovative ways to meet regulator expectations and reduce costs in an uncooperative economic environment. Considering the regulatory complexity and high costs associated with AML transaction monitoring, institutions often start with improving the effectiveness and efficiency of their automated AML transaction monitoring alert engines. When properly configured, these systems can help institutions detect patterns of

activity that may indicate money-laundering or terrorist-financing activities. Poorly defined alert engine parameters and thresholds, however, may raise flags unnecessarily or even miss significant money laundering activity. PricewaterhouseCoopers (PwC) analysis indicates that 90 percent to 95 percent of all alerts generated by AML alert engines are false positives. These high false-positive rates lead to significant monitoring costs but more disconcerting are the false negatives, or the cases of money laundering that are not detected. Unlike false positives, these are hidden, are harder to quantify, and can have significant negative impact.

Both of these issues can be addressed if institutions refine their rule set thresholds. But tuning without first tackling AML data quality can lead to skewed and misrepresented thresholds. By the time the data is discovered to be inaccurate or incomplete, a threshold change may have already been implemented, leading to costly rework and the potential for a regulator-mandated transaction lookback. Many institutions are caught in a cycle of tuning, rework, lookback, tuning, rework, lookback, etc., because data quality issues are addressed haphazardly instead of systematically. The quality of data clearly affects the quality of the alerts generated by a transaction monitoring system. Active management of monitoring data is paramount to improving data quality. When AML transaction monitoring systems were initially implemented, the accuracy of the transaction code data and rules that determined what qualified as an exception may have been established and vetted. Since the original implementation, however, many institutions have not reassessed and verified whether the transaction codes and data that feed their AML monitoring systems remain at initial quality levels. Despite this, many institutions have still spent time and money tuning monitoring rules using outdated, inaccurate, and incomplete transaction reference data. This reliance on a one-time assessment of data ignores an institution's dynamic fiscal landscape as it introduces new products, consolidates financial entities, and its IT infrastructure evolves.

Anti-money laundering laws impose on privacy and more drastically harms the poor

Mitchell, 2012 (Dan J. Mitchell, Daniel J. Mitchell is a top expert on fiscal policy issues such as tax reform, the economic impact of government spending, and supply-side tax policy. Mitchell is a strong advocate of a flat tax and international tax competition. Prior to joining Cato, Mitchell was a senior fellow with The Heritage Foundation, and an economist for Senator Bob Packwood and the Senate Finance Committee. He also served on the 1988 Bush/Quayle transition team and was Director of Tax and Budget Policy for Citizens for a Sound Economy. His articles can be found in such publications as the Wall Street Journal, New York Times, Investor's Business Daily, and Washington Times. He is a frequent guest on radio and television and a popular speaker on the lecture circuit. Mitchell holds bachelor's and master's degrees in economics from the University of Georgia and a Ph.D. in economics from George Mason University. "World Bank Study Shows How Anti-Money Laundering Rules Hurt the Poor" <https://danieljmitchell.wordpress.com/2012/04/19/world-bank-study-shows-how-anti-money-laundering-rules-hurt-the-poor/>) // IL

I've complained many times about the pointless nature of anti-money laundering laws. They impose very high costs and force banks to spy on their customers, but they are utterly ineffective as a weapon against criminal activity. Yet politicians and bureaucrats keep making a bad system worse, and the latest development is a silly scheme to ban \$100 bills! It also seems that poor people are the main victims of these expensive and intrusive laws. According to a new World Bank study, half of all adults do not have a bank account, with 18 percent of those people (click on nearby chart for more info) citing documentation requirements – generally imposed as part of anti-money laundering rules – as a reason for being unable to participate in the financial system. But this understates the impact on the poor. Of those without bank accounts, 25 percent said cost was a factor, as seen in the chart below. But one of the reasons that costs are high is that banks incur regulatory expenses for every customer, in large part because of anti-money laundering requirements, and then pass those on to consumers. Here are some of the key points in the World Bank report. "The data show that 50 percent of adults worldwide have an account at a formal financial institution... Although half of adults around the world remain unbanked, at least 35 percent of them report barriers to account use that might be addressed by public policy. ...The Global Findex survey, by asking more than 70,000 adults without a formal account why they do not have one, provides insights into where policy makers might begin to make inroads in improving financial inclusion.

...Documentation requirements for opening an account may exclude workers in the rural or informal sector, who are less likely to have wage slips or formal proof of domicile. ...Analysis shows a significant relationship between subjective and objective measures of documentation requirements as a barrier to account use, even after accounting for GDP per capita (figure 1.14). Indeed, the Financial Action Task Force, recognizing that overly cautious Anti-Money Laundering and Terrorist Financing (AML/CFT) safeguards can have the unintended consequence of excluding legitimate businesses and consumers from the financial system, has emphasized the need to ensure that such safeguards also support financial inclusion."

Satisfaction decreases despite increased investment in transaction monitoring systems, the greatest area of AML spending

Anderson and Pesce, 2014 (Jeremy Anderson. Chairman, Global Financial Services. Teresa Pesce, Global Head of Anti-Money Laundering Services. "Global Anti-Money Laundering Survey 2014" <http://www.kpmg.com/Global/en/IssuesAndInsights/ArticlesPublications/global-anti-money-laundering-survey/Documents/global-anti-money-laundering-survey-v6.pdf>) // IL

Despite increased investment in transaction monitoring systems, satisfaction has declined. Although transaction monitoring systems continue to represent the greatest area of AML spending, it appears that regulatory requirements are still outpacing system improvements. Sixty percent of respondents reported transaction monitoring as the largest investment in anti- money laundering controls. Notably, since KPMG's first global AML survey in 2004, transaction monitoring has consistently been ranked the largest AML compliance cost driver. The continued investment in such systems may represent the continual changes in requirements and expectations as well as the advances in technological capabilities over this period of time. Satisfaction with transaction monitoring systems has declined with survey respondents ranking satisfaction an average of 3.42 out of 5, compared to 3.6 in 2011. The reason for the decline in satisfaction seems linked to the increased demands on these systems as the costs have continued to increase, but so too have the requirements and expectations of these systems and the number of staff that use them.

AML laws exclude poor people and are ineffective

Mitchell, 12 (Dan Mitchell, "World Bank Study Shows How Anti-Money Laundering Rules Hurt the Poor", International Liberty, April 19, 2012, <https://danieljmitchell.wordpress.com/2012/04/19/world-bank-study-shows-how-anti-money-laundering-rules-hurt-the-poor/>) E. T.

I've complained many times about the pointless nature of anti-money laundering laws. They impose very high costs and force banks to spy on their customers, but they are utterly ineffective as a weapon against criminal activity. Yet politicians and bureaucrats keep making a bad system worse, and the latest development is a silly scheme to ban \$100 bills! It also seems that poor people are the main victims of these expensive and intrusive laws. According to a new World Bank study, half of all adults do not have a bank account, with 18 percent of those people (click on nearby chart for more info) citing documentation requirements – generally imposed as part of anti-money laundering rules – as a reason for being unable to participate in the financial system. But this understates the impact on the poor. Of those without bank accounts, 25 percent said cost was a factor, as seen in the chart below. But one of the reasons that costs are high is that banks incur regulatory expenses for every customer, in large part because of anti-money laundering requirements, and then pass those on to consumers. Here are some of the key points in the World Bank report. The data show that 50 percent of adults worldwide have an account at a formal financial institution... Although half of adults around the world remain unbanked, at least 35 percent of them report barriers to account use that might be addressed by public policy. ...The Global Findex survey, by asking more than 70,000 adults without a formal account why they do not have one, provides insights into where policy makers might begin to make inroads in improving financial inclusion. ...Documentation requirements for opening an account may exclude workers in the rural or informal sector, who are less

likely to have wage slips or formal proof of domicile. ...Analysis shows a significant relationship between subjective and objective measures of documentation requirements as a barrier to account use, even after accounting for GDP per capita (figure 1.14). Indeed, the Financial Action Task Force, recognizing that overly cautious Anti-Money Laundering and Terrorist Financing (AML/CFT) safeguards can have the unintended consequence of excluding legitimate businesses and consumers from the financial system, has emphasized the need to ensure that such safeguards also support financial inclusion. One would hope honest leftists, who claim to care about the poor, would join with libertarians to roll back absurd anti-money laundering requirements. Heck, one would hope honest conservatives, who claim to be against pointless red tape, would join the fight as well. Here's the video I narrated on the general topic of money laundering laws. I think it makes very good points, but I wish this data had been available when I did the video so I could explain how low-income people are the main victims.

Money Launderers are good for banks

Levi, 91_(Michael Levi, Reader in Criminology, University of Wales, College of Cardiff Wales CFI 3AS, "REGULATING MONEY LAUNDERING The Death of Bank Secrecy in the UK", BJC, Spring 1991, <http://bjc.oxfordjournals.org/content/31/2/109.full.pdf+html>) E. T.

Banks are in business to make money. Undetected money launderers are good business for bankers since, although they do not usually provide long-term deposits or want to borrow money (and thereby generate profitable interest payments for banks), they do assist liquidity and contribute to overheads by paying bank charges. (Sometimes they pay personal transaction charges to bank staff, but this does not directly benefit the bank itself or its shareholders, particularly if the money does not stay in the bank for long.) In competitive national and international markets, bankers can rationalize their moral blindness on the grounds that critical inquisition of potential customers—legitimate and illegitimate—will simply displace them to rival financial institutions. In this respect, it is worth stressing that historically, much of the American concern about money laundering—whether of income from illegal sources by organized crime groups or of income from legal sources by the 'average American'—has been in relation to (1) small banks beneficially owned by organized crime groups, and (2) offshore 'shell' or 'phantom' banks whose principal existence is as a brass plate at the office of a West Indian or South Pacific lawyer. However, during the late 1970s and 1980s, the US Treasury expanded its sphere of operational interest to include all the financial transfer centres, including the UK, and major banks, not just marginal or wholly fraudulent ones.

It would be wrong to see this increased attention to banking information solely as a terrorism/drug money-laundering nexus, aimed solely at normal 'police problem' populations. The Senate Permanent Subcommittee on Investigations observed that the abuse of offshore tax havens was 'not limited to any particular faction of the US population' and 'is continuing to grow at an alarming rate' (PSI 1985: 2-3). Indeed, the consequence of concentrating on drug money is 'to leave virtually untouched many of the so-called "white collar" criminals who may be just as guilty of violating the reporting requirements of the Bank Secrecy Act' (p. 20). Some might argue that this expression of support for international action against US tax evaders is merely a rhetorical device to conceal the underlying interest in suppressing political dissidents, but it is simplistic to view tolerance of tax evasion as being unambiguously supportive of elite interests, however such elite interests are defined (see further Levi 1987).

AT: EU Competitiveness DA

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Alt causes to European cloud computing

Burton 6/15 Graeme Burton is Chief Reporter at Computing. He has 15 years of experience in news and magazine journalism, and has edited such titles as Trade & Forfeiting Review, Inside Knowledge and Managing Information & Documents. "EU's new data protection rules will "kill cloud computing" in Europe, warn Amazon, Cisco, IBM and SAP," Graeme Burton 15 Jun 2015, <http://www.computing.co.uk/ctg/news/2413109/eus-new-data-protection-regulations-will-kill-cloud-computing-warn-amazon-cisco-ibm-and-sap>

New **European Union Data Protection Regulations expected to be finalised today will kill the trading bloc's cloud computing industry and push internet companies out of the continent.** That is the warning of technology giants as diverse as SAP, IBM, Cisco and Amazon. The new regulations, which are expected to be finalised today after a tortuous three-year process will, according to Reuters, enable EU citizens not just to sue companies that hold their personal data, but also organisations that process it on their behalf. On top of that, organisations found to be in contravention of the regulations will face swingeing fines calculated as a percentage of turnover. But the measures, according to Reuters, have been opposed not just by US technology and internet giants, such as Cisco, IBM and Amazon, but also German software giant SAP. They say that the regulations will kill off Europe's cloud computing industry and drive companies out of the trading bloc. The data protection rules are being brought in under the mechanism of a "regulation" rather than a directive in order to make them directly applicable across the EU. Directives, in contrast, have to be translated into member states' own laws, a process that has led to wide variations in interpretation and enforcement across the EU. EU officials claim, however, that the regulations are required to harmonise data protection across Europe as part of plans to create a unified market in digital services. The officials claim that such harmonisation across the 28-country bloc – even if opposed by technology and internet companies – will boost economic growth across the EU. "Under the current, 20-year-old system, cloud providers – companies offering remote storing and processing of data on servers – would classify as 'processors' since they do not collect the data themselves. That means they are not held liable for using the data illegally unless they breach the contract with the company for whom they are processing – the data 'controller'," explains Reuters. Despite opposition from technology giants, EU government ministers are expected to reach agreement on the new regulations today at a meeting in Luxembourg. Technology companies say that the current system is straightforward and works perfectly well as it gives citizens a single point of contact if, for example, a bank breaks data protection rules. By extending responsibility to the bank's suppliers, it risks forcing cloud computing and other services providers outside of the European Union and its associate members.

Squo solves euro—high foreign reserves and confidence—we have a graph

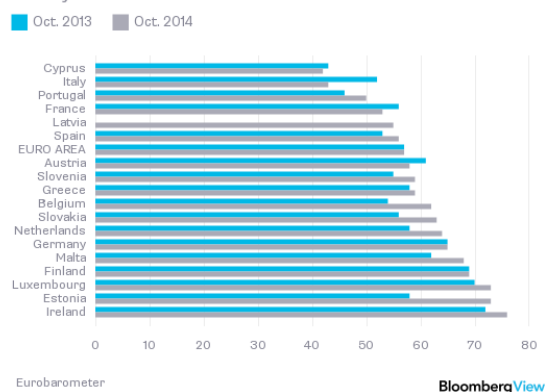
Bloomberg 6/22 Leonid Bershidsky is a Bloomberg View columnist. He is a Berlin-based writer, author of three novels and two nonfiction books. Bershidsky was the founding editor of Russia's top business daily, Vedomosti, a joint project of Financial Times and the Wall Street Journal, and the first publisher of the Russian edition of Forbes, "Don't Worry About the Euro; It'll Be Fine," JUN 22, 2015 <http://www.bloombergview.com/articles/2015-06-22/don-t-worry-about-the-euro-it-ll-be-fine>

To many observers, especially in the U.S. and the U.K., what's happening to Greece is only a symptom of a broader euro crisis. Many people blame the common currency for low economic growth, the excessive debt burdens and high unemployment in the European Union's periphery, and pretty much everything that's wrong with Europe's economy. Yet the euro works, and most people who use it like it, including Greeks. The debt crisis, even if it ends with Greece dropping the euro, may well strengthen, not weaken the common currency. Just 15 years after its introduction, countries and companies are still learning how to use it right, and mistakes made in these early years should be food for thought, not grounds for panic. The euro is now so maligned that U.S. news outlets treated with disbelief and derision Lithuania's decision to adopt it. In a January piece in the Atlantic titled "Why Would Anybody Adopt the Euro in 2015?," Adam Chandler suggested that the Baltic nation became the 19th euro member to protect itself from Russian aggression. Matt O'Brien of the Washington Post made the same point in a post under the heading "Lithuania has officially jumped aboard the Titanic that is the euro," warning Lithuanians: "Don't let the door hit you on your way in." The explanation is somewhat ironic given that Russia itself last year

shifted more of its cash stockpile into euros as it fled the U.S. dollar: At the end of 2014, 46.1 percent of Russia's international reserves was held in euros, a 5.2 percentage point increase in 12 months. And while that's an unusually large share, EUROS make up 22.1 percent of all countries' foreign reserves, significantly more than the combined 15.7 percent share that its predecessors -- the Deutsche mark, the French franc and the Dutch guilder -- had in 1998, their last year as reserve currencies. This is one of the clearest indications that the euro is greater than the sum of its parts. In any case, ordinary Lithuanians didn't get the jokes and Titanic references. Before their country adopted the common currency, 57 percent thought it would be good for Lithuania, and immediately after the change, last January, support rose to 60 percent. Fifty-four percent said the euro was good for them personally -- a sentiment that's hard to explain by fear of Russian invasion. Rather, the euro makes it easier for Lithuanians to travel and order goods online from other European countries. It's no longer necessary to do the annoying currency conversion. (The exchange rate, at the end, was 3.4528 litas per euro.) Of course, Lithuanians might like the euro because they don't have much experience with it. Yet those who do are also mainly fond of it. In fact, the latest Eurobarometer survey on the issue, conducted last fall, showed that in most euro area countries people were happier with it than they had been the year before:

They Like It More Than Ever

Percentage of euro area residents who say the euro is good for their country



Eurolikes In the same survey, Italy and Cyprus were the only countries without a pro-euro majority, and they didn't have an anti-euro majority, either. Apart from making tourism and cross-border trade easier -- especially for individuals and smaller companies, but also for big ones that no longer need to hedge currency risks -- the euro also lowers interest rates. Not long before going over to the common currency, Lithuania issued its first euro-denominated bond at the lowest interest rate in the country's history, 2.1 percent, and it expected borrowing costs to go down noticeably for both government and businesses, because that's what happened in Latvia when it adopted the euro in 2014 and because these costs should be lower when conversion friction and currency risk are removed. Critics argue that peripheral nations' increased ability to borrow is an institutional flaw, not an advantage of the common currency. In a speech earlier this month in Berlin, for instance, Greek Finance Minister Yanis Varoufakis said that, because of trade surpluses in countries such as Germany and the Netherlands, "a tsunami of debt flowed from Frankfurt, from the Netherlands, from Paris -- to Athens, to Dublin, to Madrid, unconcerned by the prospect of a drachma or lira devaluation, as we all share the euro, and lured by the fantasy of riskless risk." He went on: To maintain a nation's trade surpluses within a monetary union the banking system must pile up increasing debts upon the deficit nations. Yes, the Greek state was an irresponsible borrower. But, ladies and gentlemen, for every irresponsible borrower there corresponds an irresponsible lender. Take Ireland or Spain and contrast it with Greece. Their governments, unlike ours, were not irresponsible. But then the Irish and the Spanish private sectors ended up taking up the extra debt that their government did not. Total debt in the Periphery was the reflection of the surpluses of the Northern, surplus nations. This is why there is no profit to be had from thinking about debt in moral terms. We built an asymmetrical monetary union with rules that guaranteed the generation of unsustainable debt. Varoufakis made a valid point about the irresponsibility of lenders, such as German banks, which underestimated the risk of financing governments and companies in other euro area members. The absence of currency risk appears to have

prompted them to throw caution to the wind. They've been taught some harsh lessons, however, by taking big haircuts on Greek, Cypriot, Irish and Spanish assets, and that should make them unlikely to err in the same way again. The debt crisis was caused not by a faulty euro architecture, but by a failure of risk management at financial institutions -- the same kind of failure that precipitated the U.S. mortgage crisis. Even though it might be easier for euro member countries to maintain a pretense of economic growth, and perhaps to lower unemployment, if they could devalue their currencies, they opt -- in line with their public opinion -- to at least try to be fiscally responsible. Finland, in deep trouble because of its shrinking pulp and paper industry and the disappointing performance of its tech sector since Nokia lost its global leadership in mobile phones, doesn't want the markka back, even though a devaluation could help. Its new government's program says: The primary means to handle the financial problems of a euro country are the country's national measures to consolidate the economy and stabilise public finances. If these means are not enough, the secondary means is the implementation of investor liability. If everyone in the euro area adopts that view -- and most governments appear to agree with it -- the euro won't fail, even though some "irresponsible lenders," to borrow Varoufakis's term, may still take hits to their bottom lines. That'll be a problem for them, but not for most Europeans, for whom the benefits of a common currency outweigh the costs, and not for central banks, which need the euro as a counterweight to the too-mighty dollar.

Grexit alt cause to Euro

STUBBINGTON, 6/23, (TOMMY, writes about European financial markets from the Wall Street Journal's London bureau, "Euro Falls to Two-Week Low as Greek Deal Appears Close," Wall Street Journal, Jun 23, 2015, <http://www.wsj.com/articles/european-stocks-rise-further-on-hopes-of-greek-deal-1435046056>)//erg

The euro fell Tuesday as Greece's lenders considered a proposal seen as a potential breakthrough on a bailout deal, while European stocks extended the previous session's rise. The common currency slid around 1.4% against the dollar to \$1.1188, having touched a two-week low earlier in the session. The euro is also down sharply against the British pound and Japanese yen. Many analysts attributed the euro's fall to a ramping up of bets on riskier currencies as tensions appear to ease. Ultra-low interest rates in the eurozone make borrowing euros an attractive way to fund such bets. The euro had been resilient in recent weeks partly because uncertainty over Greece had encouraged investors to scale back on the bets, known as carry trades, buying back euros in the process. "It's all about carry-trade activity," said BNY Mellon currency strategist Neil Mellor. "If a final Greek deal does materialize, the euro could fall quite a bit further." The protracted Greece negotiations have been a distraction for investors looking to bet on a further rise of the dollar against the euro, said Thomas Flury, head of currency strategy at UBS Wealth Management, which oversees \$2 trillion of assets. A deal would allow markets to refocus on a likely interest-rate rise from the Federal Reserve later this year, which should drive the buck higher, according to Mr. Flury. He is looking into going back to the short euro, long dollar trade again, "but first we need some kind of resolution for Greece," he said. In equity markets, the Stoxx Europe 600 closed 1.2% higher, building on Monday's 2.3% gain. Greece's Athex Composite rose 6.1% after rising 9% Monday. The sharp rally has come as Greece's creditors suggested for the first time that a deal to avert the country's bankruptcy was in sight after a last-minute proposal submitted by Athens. European officials hope that eurozone finance ministers can sign off on a policy package agreed to between Greece and the institutions overseeing its bailout program on Wednesday. European stocks and bonds surged on Tuesday morning after Greece's creditors suggested for the first time that a deal to avert the country from defaulting on its international loans was in sight. Photo: Bloomberg
Uncertainty over Greece's future has put stock markets under pressure in recent weeks. The relief continued to spread on Tuesday. Germany's DAX climbed 0.7% after logging its biggest one-day rise in nearly three years on Monday. France's CAC-40 rose 1.2%. "It looks like the brinkmanship is over and they are going to go for a deal," said Jeanne Asseraf-Biton, head of cross-asset research at Lyxor Asset Management in Paris, which manages \$127.9 billion of assets. Fake euro notes on the ground during a pro-Europe demonstration in front of the Greek parliament in Athens on Monday. The common currency has been resilient to the Greek negotiations in recent weeks. ENLARGE
Fake euro notes on the ground during a pro-Europe demonstration in front of the Greek parliament in Athens on Monday. The common currency has been resilient to the Greek negotiations in recent weeks. PHOTO: AGENCE FRANCE-PRESSE/GETTY IMAGES Given the potential of a Greek default to disrupt financial markets, confirmation that an agreement has been struck would likely spark a further relief rally, she added.

Building a separate internet is impossible

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regularly to LadyBits and Vice's tech and science blog Motherboard, "The World Wants to Break Up with America's Internet," October 16, 2013, <http://motherboard.vice.com/blog/the-world-wants-to-break-up-with-americas-internet>

Can it be done, though? Building an internet without the US, aka data centers and undersea cables, would take a massive amount of time and resources and as Motherboard's Meghan Neal pointed out, it will also require users to stop using sites associated with Google (including YouTube), Apple and Facebook. That isn't to say no country is trying; Germany wants to keep all Internet traffic on local servers so they can't be spied on by the NSA, but that's not really a "German internet" free from the US. Without a feasible alternative on the horizon the released statement by the Internet's core institutions is just a statement of intent, a protest song and dance indicative of a messy break-up that could last for years and years.

No war—even if Euro goes, political structures are resilient

Drezner 6/29/15—Yes that Drezner.

<http://www.washingtonpost.com/posteverything/wp/2015/06/29/can-the-european-union-recover-from-grexit/>

McNamara's analysis raises the most interesting question about the future of the euro and the European Union. Because in some ways this episode is not unusual. The history of EU integration is littered with moments of temporary retreat: Charles De Gaulle's veto of British entry in the 1960s, the failure of the snake in the 1970s or Black Wednesday in the 1990s. In all of these cases, the European Union managed to take two steps forward after its one step back. Is that possible going forward? For that to be true, a post-Grexit eurozone would have to have the institutional capacity to deal with another crisis. McNamara sketches out what that means concretely in her essay: If the euro zone is to work, it needs Europe-level political authority and power in at least four areas: a central bank that can generate market confidence and liquidity; a banking authority that can regulate financial risk and uncertainty across the euro zone; mechanisms for fiscal redistribution and economic adjustment in times of crisis; and a sense of political solidarity to navigate the conflicts that arise in financial crises. Yet it only partially meets these criteria today. As I read it, McNamara's first criteria already exists, and her second one is possible, albeit somewhat difficult. But the latter two now seem like no-go zones. In particular, the "sense of political solidarity" has been trending in the wrong direction for close to a decade now. And without political solidarity, there is no way any national government accedes to greater fiscal constraints. So it would seem as though the euro zone is good and truly screwed. The deeper question is whether that is true of the European Union more generally. It's important to remember that the two groupings are not the same. The former is responsible for the single currency and the European Central Bank; the latter is responsible for some not-so-minor things as well, like a customs union, a political model that was attractive to the European periphery, and helping to prevent war between Germany and its neighbors. The question is whether the bicycle theory applies to the wider EU structures.

1AR—Alt Causes

Lengthy and costly legal disputes

Kennedy 6/15/15 Editor John Kennedy is an award winning technology journalist. “Cloud bust – could EU’s new data protection rules kill Europe’s cloud economy?”

<https://www.siliconrepublic.com/business/2015/06/15/cloud-bust-could-eus-new-data-protection-rules-kill-europes-cloud-economy>

Tech companies like EMC, IBM, Cisco and Amazon fear that new EU data protection rules being agreed today could threaten Europe’s cloud computing industry. They fear that the new rules will allow citizens to sue companies that own data as well as those that process it on their behalf. For countries like Ireland, where many of these companies have substantial data centre and software development hubs, it is a concern worth noting. The new one-stop-shop rules are the cornerstone of the European Commission’s ambitions to create a Single European Market for digital goods and services. The rules will be backed up by heavy fines – as high as €100m – for non-compliance. The new rules will make it easier for consumers to withhold their data and will codify the “right to be forgotten” principle enforced on Google last year by Spanish data regulators. The EU has told Google that it wants to expand the right to be forgotten rule to all websites with a .com suffix and last year the EU voted in favour of Google being split into two entities in Europe, with its search operation being removed from its commercial business over antitrust fears. A right to data portability will make it easier for users to transfer personal data between service providers. No more Safe Harbour? The rules also seek to ensure that data submitted to internet companies – such as Facebook or Google – is not sold on or used for other purposes. Effectively, companies based outside of Europe will have to apply the same rules when offering services in the EU. EU Justice Commissioner Věra Jourová said the aim of the data protection reform will be to enable people to better control their personal data. She said that at the same time modernised rules will allow businesses to make the most of the opportunities of the Digital Single Market by cutting red tape and benefiting from reinforced consumer trust. She said that the single set of rules will save businesses around €2.3bn a year in administrative costs. “Today we take a big step forward in making Europe fit for the digital age. Citizens and businesses deserve modern data protection rules that keep pace with the latest technological changes. “High data protection standards will strengthen consumers’ trust in digital services, and businesses will benefit from a single set of rules across 28 countries. I am convinced that we can reach a final agreement with the European Parliament and the Council by the end of this year,” she said. Blurred lines could lead to lengthy legal disputes However, technology companies like IBM, SAP, Cisco and Amazon and organisations like the Coalition of European Organisations on Data Protection, which includes SAP, Nokia and Ericsson as members, fear lengthy legal battles could ensue. According to Reuters, IBM’s vice president of government and regulatory affairs, Liam Benham, has pointed out that lines could be blurred in data protection disputes. “It is important that consumers and businesses understand who ultimately is responsible for processing their data,” Benham said. “Now the EU’s draft Data Protection Regulation risks blurring these lines of responsibility, setting the stage for lengthy and costly legal disputes, which will be perplexing for consumers and businesses alike.”

Structural limitations make cloud computing a non-viable option in Europe

O’Brien, ’10, (Kevin J, Professor of Asian Studies and Professor of Political Science, Department of Political Science, “Cloud Computing Hits Snag in Europe,” New York Times, SEPT. 19, 2010, [//erg](http://www.nytimes.com/2010/09/20/technology/20cloud.html?_r=0)

BERLIN — In the world of ideas, cloud computing has the potential to revolutionize the way people work. By bundling the processing power of thousands of computer servers, a company, for example, could allow two employees from different countries who speak different languages to communicate directly by phone, using voice recognition software to process what is being said and translation programs to interpret it into another language. The result, ideally, would be a seamless conversation, without struggle and without the limitations of speaking a foreign language. “We’re not quite there yet, but it’s coming,” Eric E. Schmidt, the chief executive of Google, a promoter of the technology, said at a gathering of cellphone industry executives after evoking the image at a convention in Barcelona in February. Continue reading the main story RELATED COVERAGE Spain Is Ripe for Cloud Computing but Slow to Adopt SEPT. 19, 2010 Such cloud-based breakthroughs face a formidable obstacle in Europe, however: strict privacy laws that place rigid limits on

the movement of information beyond the borders of the 27-country European Union. **European governments fear that personal information could fall prey to aggressive marketers and cybercriminals once it leaves the jurisdictions of individual members, a concern that may protect consumers but one that hinders the free flow of data essential to cloud computing.** “There are restrictions on cloud computing in Europe,” said Bob Lindsay, privacy director in Europe for Hewlett-Packard, which makes servers and other equipment for cloud data centers. “This isn’t killing the business, but it is slowing its evolution, compared with what is taking place in the United States.” Cloud computing, which allows companies to tap enormous computing power via the Internet without having to invest in the infrastructure themselves, has grown rapidly in the United States under a legal system that permits the sale and transfer of many forms of private data. For its clients, the lure of cloud computing is the savings made possible by cutting in-house corporate information technology departments and hardware and software purchases. According to the research firm Gartner, global sales of cloud services will rise 17 percent this year, to \$68.3 billion from \$58.6 billion in 2009. About half of what Gartner defines to be cloud services are, in fact, the computing power involved in the display and tracking of Internet ads. The rest is sales of computing services, mostly to large businesses. Global sales of cloud services are poised nearly to double by 2012, to \$102.1 billion, Gartner estimates. But Europe is expected to remain a relatively modest user of cloud services, accounting for only \$18 billion this year, or about 26 percent of the global total. By 2012, Gartner estimates, Europe’s proportion of global cloud sales will rise to 29 percent, even though the bloc’s economy is larger than that of the United States. **Facing legal obstacles in Europe, the U.S. businesses with the greatest stake in cloud computing — primarily Microsoft, Google, H.P. and Oracle — are lobbying lawmakers to loosen restrictions on cross-border data transfers.** Alternatively, some are developing new methods to make cloud computing work within Europe’s complicated legal landscape.

Legal agreements and European business strategy mean cloud won’t work

O’Brien, ’10, (Kevin J, Professor of Asian Studies and Professor of Political Science, Department of Political Science, “Cloud Computing Hits Snag in Europe,” New York Times, SEPT. 19, 2010, [//erg](http://www.nytimes.com/2010/09/20/technology/20cloud.html?_r=0)

In Europe, **the legal definition of what constitutes personal data is much broader** than it is in the United States, extending to information like names, addresses and phone numbers in phone books. **Another obstacle is the European Data Privacy Directive, the main body of European law governing international data transfers, which generally prohibits the movement of E.U. data outside the external borders of the European Union. The European Commission has approved only a handful of other countries to provide cloud computing services — the United States, Argentina and Canada. Israel and Andorra have applied for approval to be designated as computing centers. Companies that want to process E.U. data in countries that have not been approved— India and Malaysia are growing hubs for cloud computing data centers — must negotiate and enter into binding legal agreements with data processors called service level agreements,** which ensure that the personal information of E.U. citizens will be handled in accordance with E.U. regulations. But **such agreements, while increasingly common, are costly, time-consuming to prepare and difficult to enforce,** said Mr. Lindsay, H.P.’s privacy director, who is based in Milton Keynes, England. Backers of cloud computing technology are hoping the European Commission will loosen the rules applying to international data transfers during the review of its data protection directive, which was drafted in 1995, in the early days of the Internet. During the review, which began last year and is not expected to be completed before mid-2011, companies like Microsoft have urged the commission to streamline existing laws on international data transfers. The laws require companies to get the approval of several national data protection regulators for a single data transfer flowing through their jurisdictions. Continue reading the main story Under this framework, a Microsoft affiliate in Bulgaria, for example, seeking to send Bulgarian consumer data to a cloud center in the United States, might have to apply for and receive approval from regulators in a series of countries along the transmission route, which in this case could include Romania, Hungary, Austria, Germany and the Netherlands. In a letter sent in December 2009, John Vassallo, Microsoft’s associate general counsel in Brussels, asked the commission to change the E.U.’s data protection directive to assign varying levels of privacy restrictions to different kinds of data, which could ease the transfer of some personal information, like names and addresses, for commercial marketing purposes if consumers gave their consent. “As the patchwork of **worldwide data protection laws has become increasingly difficult to navigate,**” Mr. Vassallo wrote to the commissioners, “Microsoft has repeatedly called for a comprehensive, workable global privacy framework that is consistent, flexible, transparent and principles-based.” **Should the commission loosen the bloc’s restrictive privacy controls, which is not guaranteed, European businesses,**

with their own multimillion-euro investments in in-house computer systems, employees and procedures, still might not rush to cloud computing. That is because European businesses, in general, are more reluctant than their U.S. counterparts to abandon their own costly investments in computing infrastructure and experiment with emerging technologies like cloud computing, said Ross Anderson, a professor of security engineering at the Computer Lab at Cambridge University in England. “European industry is an awful lot sleepier than industry in the United States,” Mr. Anderson said. “The tech industry has its center of gravity in the U.S.A. You will tend to find that it is high-tech firms there that are the keenest adopters of new technology.”

Cloud computing faces too many legal and privacy issues to be successful in Europe

Lewis, '09, (Shari Claire, lawyer focusing on the intersection of law and technology, “Cloud Computing Brings New Legal Challenges,” New York Times, 2009)//erg

The trend today is toward something different: Whereas companies may still prefer their employees to be in geographic proximity to urban centers of business and government, the cost of prime real estate, and the availability of fast online interconnectedness in many locations that would otherwise be considered remote, make cloud computing a viable and cost effective alternative. Accordingly, data and data applications that are kept in a cloud may be physically located in one or more remote servers but are nevertheless transparently available to company users. Data kept in a cloud often is, or may be, shared among, or usable by, multiple parties. It can include information ranging from word processing documents and business presentations to employee or patient health information and tax or accounting records, to schedules, calendars and contacts. The key to cloud computing is the speed with which the data and applications can be accessed, rather than the capacity and speed of a personal computer's hard drive, as was crucially important in the past. [...] Given the explosive growth of cloud computing, it should be no surprise that it presents numerous legal issues for businesses. Two of the most significant are privacy concerns and the implications of cloud computing for pretrial discovery. As with other forms of “outsourcing,” businesses' duties to protect private or confidential data do not end with their transfer of the data to third-party vendors for storage or processing. For example, although the Gramm-Leach-Bliley Act permits financial institutions to disclose confidential consumer information to a third party such as a cloud computing service provider, the terms of any agreement between the financial institution and the provider must be carefully considered. [...] What undoubtedly can complicate the privacy issues in these and other situations is that the governing law might change depending on the cloud provider's physical location. Different rules can apply if storage is in a European Union country, arguably subject to the EU's Data Protection Directive, in multiple states within the United States, or in multiple locations around the world.

No cloud computing for Europe

MHP, '13, (“European Cloud Computing: Too Big To Fail?” MHP Communications, March 14, 2013, <http://www.mhpc.com/blog/european-cloud-computing-too-big-to-fail/>)//erg

Last week, representatives of the technology industry and European regulators (and this public affairs consultant) met in Brussels for the annual European Cloud Computing Conference. Among the discussion topics were entrepreneurship, digital skills, the internationalisation of the cloud and sustainability. Underpinning it all was a concern for privacy and data protection. This should not come as a surprise: the European Commission released its cloud computing strategy last year, and members of the European Parliament –as well as individual Member States- are debating the breadth and implementation of the long awaited reforms of EU data protection laws, which have not been changed since 1995.

Officials and businesses agreed on the tremendous economic and productivity benefits cloud computing can bring to Europe (some experts have predicted that the diffusion of cloud computing will create up to a million new jobs in the coming years). But **it seems that the EU also has too many barriers to cloud adoption, and needs to make a bigger effort to promote cloud knowledge generally and digital skills in particular.** (The European Commission –having pre-empted these criticisms- launched its Grand Coalition for Digital Jobs three days before the conference) The importance of cloud computing in Europe was summed up by a Dutch panellist: “We all know that some banks are too big to fail. But **are some cloud providers too big to fail?**” **Some participants at the Cloud Conference called for better international standards to regulate the cloud on a broad scale, whilst others argued that Europe needs to model itself on Japan if it wants to become a respected tech market.** With EU-US trade negotiations due to kick off soon, both have been developing parallel policies to strengthen not just the cloud, but also privacy and cybersecurity. The OECD believes that the EU’s data protection legislation will provide impetus to the trade deal (although one can also argue that the reverse is true: that the prospect of a US trade deal will motivate European politicians to quickly revise and adopt the data protection reforms). **For the full potential of cloud computing to be unleashed,** both in Europe and further afield, our knowledge of the cloud and, crucially, **our trust in cloud services needs to increase.** Commission Vice-President Viviane Reding told the conference that **all its efforts would essentially be wasted if current levels of mistrust continue.** Currently, over 70 percent of Europeans are concerned about how companies use their personal information: a sure cause for frustration amongst those in the EU who are advocating for a Digital Single Market.

Cloud computing fails in Europe—too big of a project and empirics prove

Wainwright, '13, (Phil, thought leader in cloud computing as a blogger, analyst and consultant since 1998. He is co-founder of industry advocacy group EuroCloud, “Cloud for Europe: another public IT project built to fail?” Diginomica, October 30, 2013, [//erg](http://diginomica.com/2013/10/30/cloud-europe-public-project-built-fail/#.VZw7fXipX8E)

Perhaps the crowning glory of the EU’s cloud strategy, as conceived by Commissioner for the Digital Agenda Neelie Kroes, is a plan to galvanize public sector procurement of cloud. This beacon project, due for formal launch in mid-November, betrays its ambitions in its name, Cloud for Europe. Unfortunately, I fear its founding principles set it up for inevitable failure, leaving it fatally flawed even before its formal launch. Throughout history, **many public sector IT projects have followed a depressingly predictable trajectory: big projects; massive overspend; late or failed delivery. It seems the European Commission wants to follow the same proven pattern in this forlorn attempt to encourage public sector cloud adoption.** Against the odds **Two misconceptions lie at the heart of Cloud for Europe’s flawed progeniture: That public sector needs are unique and can only be satisfied by custom projects That cloud computing is about how to build digital infrastructure, rather than delivering more effective outcomes for businesses and citizens** **The odds are stacked against success, even before you consider its mission of corralling a consortium of up to two dozen public authorities from up eleven separate European countries into harmonizing their procurement processes.** This is where the project co-ordinator, Linda Strick of ICT research institute Fraunhofer FOKUS, most fears problems, as she explained during a presentation at this month’s EuroCloud Congress: “We have a lot of regulations in each country that might make it difficult to have joint procurement between different procuring entities ... **It’s really a challenging project and it’s unfortunately very political. It’s not a simple project funded by the European Commission.** “It’s very political because it involves member states to participate actively in the role of becoming a procurer and jointly doing this pre-commercial procurement together. “Which means, imagine you have eight ministries and these eight ministries agree in month fourteen — which is next August — on one joint tender for all these nations, having cross-border services. It’s very challenging.”

There are too many issues with cloud computing in Europe

Wainwright, '13, (Phil, thought leader in cloud computing as a blogger, analyst and consultant since 1998. He is co-founder of industry advocacy group EuroCloud, “Cloud for Europe: another public IT project built to fail?” Diginomica, October 30, 2013, [//erg](http://diginomica.com/2013/10/30/cloud-europe-public-project-built-fail/#.VZw7fXipX8E)

Fundamental flaw **Unfortunately the project has locked in failure from the start by copying exactly the same flawed process of requirements definition that has beset every other public sector IT disaster** from the UK's infamous NHS National Programme for IT to this month's failure of the Healthcare.gov website in the US. (I'm conscious these are both Anglo-Saxon examples but no doubt there are many others elsewhere). **The fundamental flaw is that Cloud for Europe has been conceived as a vehicle for 'pre-commercial procurement'**; a model first pioneered in defense procurement. Essentially, the customer predefines an unmet need and the industry creates an innovative solution — the classic example being the Stealth Bomber. As Strick explained: **"It's not that you want to have already existing infrastructures or services. It's really that you go in the direction to have something which is not available at the moment."** Unfortunately, **the classic pre-commercial procurement model for delivering a finished project is the diametric opposite of the kind of iterative assembly and configuration of off-the-shelf components that is best suited to cloud development. Cloud is all about delivering breakthrough business outcomes from rapidly implementing 'good enough' on-demand services and refining results as you go. That's not something you can map out and prespecify in advance, let alone 'pre-commercially procure' it.** In fact you could probably characterize the very essence of cloud as 'post-commercial procurement' — the whole point is to avoid the one-off costs and scale diseconomies of custom-built IT. Three-year timespan Instead of this rapid development model, Cloud for Europe envisages a classic waterfall project plan with a three-year timespan: fourteen months (ending August 2014) to collect requirements and define and issue the tender according to EU rules; four months to evaluate responses; eight months to prototype and a further six months of piloting test versions. By this time it's already February 2015, but as Strick explained in her presentation: "It's not in that phase you will have a product out of that. What you will have is a pilot out of that." After all this, she went on to explain (somewhat optimistically I felt): "If [the pilot] is good enough, you might have the challenge that a lot of public sector organisations will be willing to buy that kind of product because that's what actually is needed." Astonishingly, innovative SMEs are expected to be keen to participate in this three-year process, for which the Commission has set a total budget of €10 million. As Strick explained: "We also want to include a lot of small and medium enterprises because we think there's a huge market as well for the public sector for SMEs to provide cloud services for the public sector. So **it's not only having these big cloud providers providing those services.**" **Good luck with that** (which for non-UK readers I should explain means, **'It ain't gonna happen'**). But it should be no surprise that **the project is such a typical big-company exercise** when the industry representatives on the ECP Steering Board that oversees it includes the like of ATOS, Accenture, Dassault Systèmes, Ericsson and SAP. The only SME representative was recruited belatedly and **none of the members focuses on cloud applications** (unless you count SAP, which has something of a mixed record on that score). Of course Linda Strick and her Fraunhofer FOKUS colleagues have to follow the remit they've been given for Cloud for Europe. They have enormous experience and expertise in co-ordinating distributed IT projects in eGovernment, which they will apply with the utmost professionalism. But if this remit is misguided or ill-conceived, **I fear the outcome cannot be successful.**

The cloud in Europe will fail

Wainwright, '13, (Phil, thought leader in cloud computing as a blogger, analyst and consultant since 1998. He is co-founder of industry advocacy group EuroCloud, "Cloud for Europe: another public IT project built to fail?" Diginomica, October 30, 2013, [//erg](http://diginomica.com/2013/10/30/cloud-europe-public-project-built-fail/#.VZw7fXipX8E)

Cloud-enabled stealth bombers So what are these amazing innovations, these cloud-enabled 'stealth bombers' that Cloud for Europe aspires to deliver for the public sector? The potential examples listed in Strick's presentation came from large-scale cross-border pilots carried out in earlier initiatives for the Commission: Secure Personal Data and Documents Vault Administrative Documents and Files Interoperability Node Educational content (curriculum) creation Probably the most disappointing aspect of this underwhelming list is the knowledge that all of these capabilities are already delivered by cloud services that are commercially available today. So why not just focus on how to empower public sector organizations to procure those services from those existing providers? The inevitable answer that you always hear, of course, is that **the public sector has special requirements that prevent it from buying the same high-volume, low-cost services as everyone else (even though that immediately negates any scale-out benefits of cloud**

sourcing). As Strick explained: "There are a lot of features which are in general necessary for the public sector to make sure that they can go into the cloud. The public sector has very specific requirements." One example she cited was having the freedom to move from one provider to another when that provider changes its pricing policies, which public sector buyers are obliged to do because of regulations that bar them from favoring one vendor over another. "They need to go to another provider, but they need to take out all of the data and put it into [the] other environment. So that is something that public sector is facing even more than industry, because they have to do it." It's not clear to me why private sector buyers would not want the same freedom. However this example was one of a list of characteristics she cited that would likely form part of the requirement: Data and service portability Service and data management support Dependability provisioning services Security provisioning (eID, encryption, signature, data protection) Cloud certification requirements Harmonizing requirements The rationale for spelling all of this out is to arrive at a functional requirement that Cloud for Europe's public sector stakeholders can all agree on. Strick explained: "We want to harmonize requirements to really be able finally to get the potential of out of cloud, saying we have some reusable, identifiable building blocks which can be used by the public sector, and they fulfil those requirements which are harmonized by the public sector ... and then identify those functionalities which can be part of the functional description required for this procurement part." My one hope is that I'm being unfair on Cloud for Europe and that the project will in the end focus on enabling its public sector constituents to develop harmonized procurement processes that allow them to truly benefit from the cloud model. I was struck by an aside from Strick at one point in her presentation that showed an appreciation of how the cloud transcends traditional models: "I personally believe you all know that cloud is not a matter of technology. Cloud is a matter of organization, of philosophy, of acceptance of new models where you will go." Verdict I can't help fearing that Cloud for Europe is more about bending the cloud to fit preconceptions of how the public sector should procure IT. That's not going to deliver its strategic aims, which can only be achieved by adjusting public sector procurement to match what cloud can offer: on-demand assembly and configuration of ready-to-use automated services delivered at scale. If Cloud for Europe's constituents are able to craft specifications that permit the tendered solutions to be built from off-the-shelf cloud services — perhaps supported by add-on services that address specific needs around portability, dependability, certification and the rest — then maybe this project can be saved after all. But all the signs are that this will become yet another classic case of an over-engineered public sector ICT project that fails to live up to its misconceived promise.

1AR—Euro OK

Euro is high—long term stats, trade balance, and China’s holdings prove

Conerly, '14 (Bill, Ph.D. in economics from Duke University, formerly Senior Vice President at First Interstate Bank and held positions in economics and corporate planning at two Fortune 500 corporations. Dr. Conerly was awarded the Chartered Financial Analyst designation in 1999, “Why Is The Euro High On Foreign Exchange Markets In 2014?” Forbes, JUL 17, 2014, <http://www.forbes.com/sites/billconerly/2014/07/17/why-is-the-euro-high-on-foreign-exchange-markets-in-2014//erg>

Arthur asks, “If Europe has a weak economy, why is the Euro so strong compared with the dollar?” That is this week’s FAQ. After answering that, I’ll give the SAQ: Shoulda Asked Question. The Euro is up three percent against the dollar in the past 12 months, which isn’t much. What is surprising to many people is that the Euro has climbed steadily over the past two years despite the Continent’s weak economy. Inflation: For any foreign exchange rate, I begin with comparative inflation rates. The Euro zone consumer price index is rising less rapidly (0.6 percent in the past 12 months) than the United States CPI (up 2.1 percent). That justifies some appreciation, but it’s not the whole story. Trade Balance: A growing trade balance (exports minus imports) typically pushes a currency up, and the Euro-zone trade balance has jumped a good bit, as shown on the right side of the chart. In short, Europe is able to export goods and services to the rest of the world, but its weak economy limits its citizens’ ability to buy imported goods and services. The rising Euro is the market’s way of trying to bring exports and imports into alignment. EuroCrisis: Fundamentals such as inflation and the trade balance are ignored during financial crises. Another thing helping the Euro has been the calming of financial worries about the member countries. (Whether the calming is justified or not, foreign exchange markets reward calm areas.) China: China’s leaders have talked about diversifying their foreign exchange reserves out of dollars and into other currencies. They seem to be adding Euros to their holdings. However, they are not dumping dollars, simply buying Euros when they add reserves.

Euro is re-bounding—growth in the dollar is not sustainable

Jolly, 5/14, (David, has been with The New York Times organization since joining the International Herald Tribune as an editor in 1999. He previously worked for AP-Dow Jones News Service as a correspondent in Tokyo and New York, “Euro, Clawing Its Way Back, Hits 3-Month High,” New York Times, International Business, MAY 14, 2015, http://www.nytimes.com/2015/05/15/business/international/euro-dollar-currency-forex.html?_r=0//erg

As recently as March, the dollar was looking so strong against the euro that the only question seemed to be how soon the eurozone currency would sink to parity. But the euro has been on a rebound, and on Thursday, it reached a three-month high against the American currency, rising above \$1.14. What happened, and what do recent fluctuations say about the American and eurozone economies? “The original argument for the dollar strengthening was one of divergence,” said Alan Ruskin, head of foreign exchange strategy at Deutsche Bank in New York. While things developed largely as expected on the side of the European Central Bank, he noted, the American narrative has not held up as well. The euro, used by 19 countries, began falling in the second half of last year after alarm about deflationary pressures pushed the European Central Bank toward a policy of quantitative easing. The central bank has committed to buying 60 billion euros, or about \$67.6 billion, worth of bonds each month through September 2016. That central bank program, which has the effect of driving down yields on eurozone government bonds, sent investors scurrying to capital markets in the United States in search of higher returns, especially because the Federal Reserve had been expected to begin moving to raise interest rates from near zero. That wave of dollar-buying helped to drive a big rally the American currency, which gained sharply against most of its

counterparts. But the euro, which fell as low as \$1.0458 on March 16, has been clawing its way back. On Thursday it was trading at \$1.1415, up 0.5 percent on the day and the highest level since February.

Even independent of dollar fluctuation, the euro is more attractive

Jolly, 5/14, (David, has been with The New York Times organization since joining the International Herald Tribune as an editor in 1999. He previously worked for AP-Dow Jones News Service as a correspondent in Tokyo and New York, “Euro, Clawing Its Way Back, Hits 3-Month High,” New York Times, International Business, MAY 14, 2015, [//erg](http://www.nytimes.com/2015/05/15/business/international/euro-dollar-currency-forex.html?_r=0)

The euro is not the only currency rising; the dollar has given up ground more broadly, losing about 5 percent of its value against a basket of currencies over the same period. Mr. Ruskin said that the dollar’s rally began to lose steam after officials of the Federal Open Market Committee, the Fed’s policy-making body, pointedly noted at their March meeting that American exporters could be hurt by a strong currency. But even before that, Mr. Ruskin said, weaker-than-expected economic data had begun to undercut the case for the Fed to increase key lending rates. Tourists outside the Louvre in Paris, where the euro was trading at \$1.0567 on Wednesday, making travel cheaper for Americans. Delight or Dread as Euro Falls MARCH 11, 2015 Isaia models at a trade show in Italy, where jackets priced at \$3,000 at Barneys in New York sell for a third of that. Common Sense: Bargain Hunting With a Strong Dollar in Europe, but Finding a Mixed Bag MARCH 26, 2015 Another factor behind the change of direction is that the yields on many European government bonds, which had fallen into negative territory amid fears that deflation would take hold, have begun to spike higher, making short-term European assets more attractive and encouraging capital to flow back into the euro. For example, the yield on the German 10-year bond, a eurozone benchmark, which fell nearly to zero last month, stood at more than 0.7 percent. (Yields move in the opposite direction of prices.) The fall in the euro, which makes it easier for exporters to compete overseas, is one of the factors — along with lower oil prices and lower interest rates — that economists have cited for the eurozone’s relatively strong first-quarter growth. If the euro continues gaining, it might sap some of that energy. Two reports released on Wednesday set off a new round of dollar-selling. First, data from Eurostat, the European statistical agency, showed that the eurozone economy greatly outpaced the United States economy in the first quarter, growing at a 1.6 percent annualized pace. The American economy registered a 0.2 percent gain in the period, but revised figures are expected to show that it actually contracted. Second, a report from the Commerce Department showed that retail sales were flat in April, confounding expectations of a gain. Taken together, the data made it appear unlikely that the Fed would tighten monetary policy before the autumn, at the earliest, economists say. Phyllis Papadavid, a senior foreign exchange strategist at BNP Paribas in London, warned against looking to Europe for an explanation of the dollar’s downturn. Despite some positive signs, she said, the Continent’s economy remains in the doldrums, with high unemployment likely to continue weighing on growth.

The euro is on a long-term growth streak—structural economic factors facilitate long term stability

CNBC, 5/7, (“Rising yields help euro hit 10-week high vs. struggling dollar,” CNBC, Reuters, 7 May 2015, [//erg](http://www.cnbc.com/id/102651993)

The euro hit a ten-week peak on Thursday, tracking European bond yields higher and benefiting from a sell-off in the dollar after weak U.S. jobs data added to speculation that the Federal Reserve will delay raising interest rates. As Britons took to the ballot box to cast their votes in the most uncertain UK parliamentary elections in decades, the euro also hit a three-month high against sterling. Though the pound inched down against the dollar, it remained in the range in which it has traded for the past two weeks. The greenback has skidded almost five percent in the last month on a run of softer-than-expected data that has driven investors to push back bets on when the Fed would start hiking rates, with some now not expecting rises until next year. Figures on Wednesday showed U.S. private sector employers in April hired the fewest workers in over a year, raising a red flag for closely-watched non-farm payrolls numbers due on Friday. That data, as well as a warning from Fed Chair Janet Yellen about the potential dangers of high equity valuations, helped drive the euro to its highest against the greenback since late February, trading up 0.3 percent at \$1.13825 on Thursday. "The dollar lost momentum after the ADP employment report yesterday, so some of the euro move reflects that," said Phyllis Papadavid, senior FX strategist at BNP Paribas in London. "The next 48 hours are going to be quite important, both in terms of the election and the payroll number tomorrow." Traders said the euro's resilience was also due to a surge in German Bund yields, which have jumped nearly 50 basis points in just over a week, outstripping a 34 basis point rise in their U.S. peers. Against the British pound, the single currency powered to 74.71 pence, its highest since Feb. 6. The ruling Conservatives and opposition Labour Party have been neck-and-neck in opinion polls that indicate neither will win an outright majority in the 650-seat parliament. "In terms of short-term sterling response, we see a hung parliament as the worst outcome given that the full degree of uncertainty would remain in place, with markets likely reacting with a knee jerk sterling sell off," wrote Petr Krpata, FX strategist at Dutch bank ING in London. Reflecting a high degree of uncertainty on the shape of the next government, option traders are expecting a volatile trading in sterling. The pound's overnight implied volatility has shot up to above 30 percent from around 12 percent on Wednesday. The Norwegian crown rose around one percent against the dollar after Norway's central bank left interest rates unchanged, trading at 7.3545 crowns, its strongest this year.

Euro is strong—even resilient through Greece crisis and investor favorite

STUBBINGTON, 6/23, (TOMMY, writes about European financial markets from the Wall Street Journal's London bureau, "Why the Euro Is Bucking the Greek Good News Trend," Wall Street Journal, Jun 23, 2015, <http://blogs.wsj.com/moneybeat/2015/06/23/why-the-euro-is-bucking-the-greek-good-news-trend/>///erg

Many investors believe a Greek exit would be a disaster for the currency, at least in the short term, by reawakening questions about a wider eurozone breakup. But the currency's behavior has been remarkably consistent. As the Greece crisis intensified over recent weeks—and stocks tumbled—the euro has actually been rising. Now Athens and its creditors say they're nearing a deal, and the euro has fallen more than 1% against the dollar Tuesday to touch an intraday low of \$1.1218. It's also down against the pound and the yen. The moves suggest that the euro "is unlikely to benefit from any Greek resolution," say currency strategists at BNP Paribas. Many analysts argue that the long-running Greece crisis has had little impact on the euro exchange rate, at least directly. Investors have largely been reluctant to speculate on the outcome of the unpredictable political discussions. But others argue Greece has had a powerful indirect effect, hinging on the euro's role in so-called "carry trades." Currency investors often borrow in a currency with low interest rates to buy another with much higher interest rates, and pocket the difference, known as "carry." The eurozone has some of the lowest interest rates in the world, making the euro a favorite for funding such trades—a role it has gradually wrested away from the dollar over the past two years. The borrowed euros are typically used to fund bets in riskier markets. If risks rise in financial markets (as they did while Greek talks were deadlocked), investors tend to exit these bets. That causes the euro to rise as the borrowed money comes home.

1AR—Greece

Ever country is key – alt causes destroy the internal link

Schäfer 13 (Matthias Schäfer; Head of Team Economic Policy at Konrad-Adenauer-Stiftung, a German political foundation. "PERSPECTIVES FOR A COMMON STABILITY CULTURE IN EUROPE" Konrad-Adenauer-Stiftung; January 2013. http://www.kas.de/wf/doc/kas_33313-544-2-30.pdf?130121114248)

The "euro crisis" has focused attention on the fact, that the eurozone countries are increasingly interdependent concerning macroeconomic developments like economic growth, employment or competitiveness. The crisis has served to emphasise how, more than ever before, it is important to ensure that every national economy can foster its perspectives of growth and wealth in a similar way. The ongoing process of European integration has led to European member states economies becoming more closely interwoven. As a result, decisions or failure to take decisions on economic policy by individual countries no longer simply have an impact on their domestic economies but can also have a significant effect on growth and economic stability in every country in the eurozone. Today eurozone countries all share a common fate. They all benefit from a particular country's economic strength, but as well they are all affected by another country's economic weakness. For this reason, it is essential to intensify the debate on economic growth in the member states. This will promote a mutual understanding of each country's growth and open up a common European perspective that will help the member states to be more competitive and to maintain the stability of the single currency

Grexit destroys everything—shocks prove

Meakin and Ismail, 7/5, (Lucy, and Netty Idayu, "Euro Slides After Greek Voters Reject Austerity; Yen Strengthens," Bloomberg Business, July 5, 2015, [//erg">http://www.bloomberg.com/news/articles/2015-07-05/euro-may-slide-at-open-as-early-polls-suggest-greek-no-vote\)//erg](http://www.bloomberg.com/news/articles/2015-07-05/euro-may-slide-at-open-as-early-polls-suggest-greek-no-vote)

The euro dropped to a one-week low against the dollar as Greeks voted against yielding to further austerity, raising the risk of an exit from the currency union that would call into question the bloc's integrity. Sixty-one percent of Greek voters backed Prime Minister Alexis Tsipras's rejection of further spending cuts and tax increases in a referendum, data on the Interior Ministry website show. Turnout was 62.5 percent. The yen strengthened against all its 16 major counterparts as the Greek crisis spurred demand for haven assets. Australia's dollar fell below 75 U.S. cents. "A 'no' vote in the Greek referendum isn't good news, so the initial reaction to sell the euro is the right one," said Yuji Saito, executive director of foreign exchange at Credit Agricole SA in Tokyo. "Right now it's risk off, and the dollar and yen are in demand. There will probably be a return to bailout negotiations, but the chance of reaching an agreement seems slim." The euro slid 0.5 percent to \$1.1055 at 6:46 a.m. in London after declining as much as 1.3 percent to \$1.0970, the lowest level since June 29. The shared currency tumbled 0.8 percent to 135.31 yen. The yen gained 0.3 percent to 122.38 per dollar. While Greece accounts for less than 2 percent of the euro zone's output, an exit would set a precedent for other nations that membership is reversible. The currency has been resilient amid the ebb and flow of Greek bailout talks, gaining 3.9 percent versus the dollar in the three months through June 30, its best quarter since 2013. The euro pared some of its losses after Finance Minister Yanis Varoufakis said he was leaving the ministry. German Chancellor Angela Merkel will travel to Paris on Monday to meet French President Francois Hollande. The two leaders agreed in a telephone call that the decision of the Greek people in the referendum was "to be respected," the German government press office said in an e-mail. "The risks the Greek referendum pose to the very heart of the European Monetary Union have yet to be fully understood," said Robert Rennie, global head of currency and commodity strategy at Westpac Banking Corp. in Sydney. "Financial markets will be watching very closely for reactions from Hollande, Merkel," and European Central Bank President Mario Draghi, he said. The euro may weaken toward its 12-year low of \$1.0458 set on March 16, Rennie said. Volatility Rises One-month implied volatility, a measure of anticipated price swings in the euro-dollar exchange rate, rose to 13.4 percent, from 12.7 percent at the end of last week. Markets are just wracked with uncertainty, said Ray Attrill, global co-head of currency strategy at National Australia Bank Ltd. in Sydney. "Until we see what the inclination, particularly for the German side, is when they meet tomorrow, that's just making people hesitant to jump in with both feet and sell the euro." The 19-nation shared currency has weakened 8.6 percent against the dollar this year, after a 12 percent decline in 2014, fueled by a divergence in monetary policy between the

U.S. and the euro area. Before the Greek referendum was announced, analysts saw it weakening to \$1.05 by year-end, according to forecasts compiled by Bloomberg.

1AR—Impact D

No war – shared culture

Petty 04 [Gary, UCG, "The World's Superpower Faces Powerful Challenges," <http://www.ucg.org/issues/gn50/superpower.htm>]

Europe's old rivalries are being replaced by nations without borders. Professor Kupchan writes: "The European project has been an unqualified success. Not only has war among Europe's nations become unimaginable, but the borders among them are undefended and already being crossed without passport or customs control ... "Opinion surveys reveal a clear preference among European publics for quickening the speed of integration. Almost half of those polled strongly identified as European, not just as citizens of a national state. And more than 70 percent support a common defense and security policy for the EU" (The End of the American Era, 2002, p. 136). The combined population and economic output of the European Union is greater than the United States, and almost 75 percent of European trade is among member states. This means that the EU can sustain a measure of self-sufficiency that has been the sole privilege of the United States.

Cooperation checks

Ronald **Asmus 03** (Senior Transatlantic Fellow at the German Marshall Fund, Council on Foreign Relations Senior Adjunct Fellow, former Deputy Assistant Secretary of State for European Affairs, Sept/Oct 2003, Foreign Affairs, p. Lexis)

Several factors make the recent collapse in transatlantic cooperation surprising. The crisis came on the heels of the alliance's renaissance in the 1990s. Following deep initial differences over Bosnia at the start of the decade, the United States and Europe came together to stem the bloodshed in the Balkans in 1995 and again in 1999. Led by Washington, NATO expanded to include central and eastern Europe as part of a broader effort to secure a new post-Cold War peace. This initiative was also accompanied by the creation of a new NATO partnership with Russia. As a result, Europe today is more democratic, peaceful, and secure than ever. For the first time in a century, Washington need not worry about a major war on the continent -- a testimony to the success in locking in a post-Cold War peace over the last decade.

Wont escalate

Ullman 97 (Richard Ullman; Professor of International Affairs at Princeton, "The World and Yugoslavia's Wars" January 1997; http://www.cfr.org/publication/109/world_and_yugoslavia_wars.html?excerpt=1)

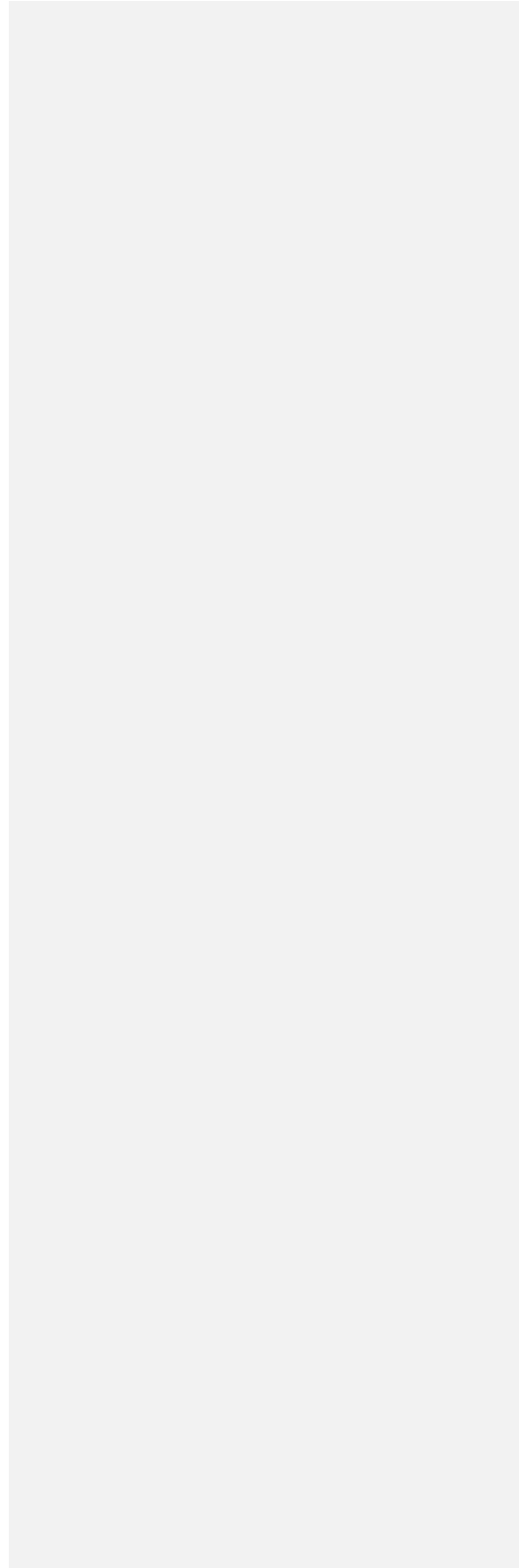
On the contrary, the major powers today perceive their interests in terms sharply different from those that made the Balkans the vortex of earlier great power conflicts. Europe's peace today is a divisible peace: violent conflicts will be sufficiently confined so that they will be very unlikely

to escalate across the threshold of war among the major European powers. There will certainly be quarrels and animosities, more often within states than between them. Their locus will be predominantly in eastern Europe— on the territory of the satellites and republics of the former Soviet Union. The Balkans, obviously, will be a zone of some instability. Some of these quarrels and animosities— a very few of them— will escalate to serious levels of violence. Yet outsiders will have every incentive to remain outside rather than to escalate the level of conflict through competitive interventions. Most Europeans— indeed, an overwhelming majority of them— will live their entire lives without firsthand experience of the flames of war. Given Europe's history of wars that have not been contained, that is a revolutionary development. It is small consolation, however, to the peoples who will be involved in the conflicts that do take place. Indeed, for them its implication is grim. It means that rescue, in the form of an intervention by outside actors that smothers the flames, will be late in coming— if it comes at all.⁵

AT: Ex- Im DA

***** AFFIRMATIVE ANSWERS**

***uq**



2ac yes pass + thumper

Passage inevitable and transportation funding thumps the link Cahlink 6-15

George, political commentator, Roll Call, "Congress Weighs Options Before Ex-Im Bank Expires," http://www.rollcall.com/news/congress_weighs_its_options_before_ex_im_bank_expires-242336-1.html

Congress is on course to let the Export-Import Bank expire at the end of this month, but it's unlikely to mean the ultimate demise of the 81-year-old credit financing agency. House and Senate backers of the bank say there are no obvious options for avoiding a lapse in authorization in about two weeks, given limited floor time in both chambers and conservative opposition in the House. But they also say they expect Congress will find a way to move a long-term extension before leaving for the August recess. Supporters expect the business community to continue its heavy push for extending the bank, which provided more than \$20 billion in loans, guarantees and other financing arrangements to U.S. exporters in fiscal 2014. They also note a recent test vote in the Senate on the bank's fate showed 65 votes in favor, a filibuster-proof majority. "Those that want to shut down the bank are in the minority," said Sen. Lindsey Graham, R-S.C., a leading supporter of the financing agency. He expects Congress to attach the bank renewal to must-pass legislation to extend the authorization for highway and transit programs that runs out at the end of July.

It'll be attached to other must pass legislation

Bryan 6-4

Bob, Reporter, Business Insider, "GOLDMAN: Here are 6 things to watch for this summer in Washington," <http://www.businessinsider.com.au/goldman-sachs-summer-politics-forecast-2015-6>

6. But it could mean reauthorizing the Export-Import Bank. Since the short-term infrastructure patch is necessary, Phillips expects that supporters of the Export-Import bank will saddle its reauthorization onto the bill. "Ex-Im supporters are likely to seek to combine renewal of the bank's charter with some other must-pass legislation; the most obvious is the highway bill. If this occurs, it would increase the probability that the Ex-Im charter will be extended, at least temporarily. That said, since the highway program's authority does not expire until July 31, such a strategy would also raise the probability that authority for the Ex-Im Bank to make new export credit loans and guarantees would expire at least temporarily."

2ac highway thumper

Passage inevitable – gets attached to highway legislation in July AP 6-28

Reporter, the Associated Press, "Export-Import bank likely to temporarily expire,"
<http://www.goerie.com/export-import-bank-likely-to-temporarily-expire#>

Republican House Speaker John Boehner of Ohio, a longtime business booster, has pushed his Financial Services Committee Chairman Jeb Hensarling, R-Texas, to come up with a plan to reform the bank or wind it down. Hensarling has responded, instead, by pushing for the bank's charter to expire without a vote June 30. With Congress heading out on recess next week and no prospect of action on the Export-Import Bank before then, Hensarling and fellow tea party conservatives will get their wish. But their victory may be short-lived. Lawmakers of both parties on Capitol Hill expect a reauthorization of the bank could move in the Senate in July. If attached to must-pass legislation extending the federal highway trust fund, it could make it through the House as well. The fate of the Export-Import Bank has become enmeshed in Congress' contentious debate over trade after Washington Democratic Sen. Maria Cantwell withheld her support on a key trade vote last month until she said she got a commitment from McConnell to allow a vote on the bank. What exactly was agreed to is now a matter of dispute on Capitol Hill, and McConnell says he's already fulfilled his commitment by allowing a symbolic vote on the Export-Import Bank earlier this month that allowed supporters to demonstrate they command at least 65 votes in favor. Still, McConnell and other GOP leaders sound open to adding a reauthorization of the bank to the highway bill next month. "The highway bill, of course, will be open for amendment, and it's pretty obvious that that would be a place for this vote to occur," McConnell said Tuesday. Asked about the issue Wednesday, Boehner said: "I think some expectation has been that it'll come over here on some must-pass bill. The only commitment I've made is that if it does, it would be considered under an open process."

1ar highway thumper

Ex-Im gets attached to highway legislation – insider statements prove Fleming 6-23

Matthew, reporter, Roll Call, “Ex-Im Bank Could Hitch a Ride on Highway Bill (Video),” <http://blogs.rollcall.com/wgdb/ex-im-bank-reauthorization-2015-highway-bill/?dcz=>

It looks like **the Export-Import Bank will hitch a ride on the highway bill.** Senate Majority Leader Mitch McConnell said Tuesday **the highway bill would be the “obvious place” for a vote to keep the bank alive.** That’d be over the objections of one Sen. Ted Cruz, R-Texas, who ripped GOP leaders earlier Tuesday and demanded they commit to killing the bank. There’s been some dispute between Ex-Im supporters and Republican leadership over whether or not a deal had been struck on an reauthorization vote prior to the charter’s expiration at month’s end in exchange for a prior vote on TPA. But Tuesday, McConnell said that **senators were given the opportunity for a test vote earlier this month and then floated the highway plan.** “What I’ve said repeatedly going back to our initial discussion on TPA is we would get a vote on an amendable vehicle in June — we’ve had that,” McConnell said. **“That gave the supporters of Ex-Im the opportunity to demonstrate that the votes were there and then the highway bill will be open for amendment.** And it’s pretty obvious that **that would be a place for this vote to occur.** But in connection to TPA, we’ve had no further discussions beyond what I’ve said a month ago.” McConnell had previously stated he did not believe the trade package, which has precarious support, was the appropriate place for an Ex-Im vote.

Passes in both chambers

Wilts and Hughes 6-23

Alex and Krista, Reuters, “U.S. export lender heads for partial shutdown,” <http://www.reuters.com/article/2015/06/23/us-usa-trade-exim-idUSKBNOP327K20150623>

Senate Republican leader Mitch McConnell said a highway bill that is scheduled to come for debate in July was a “pretty obvious” place to attach an extension for Ex-Im. But the Republican chairman of the Senate Environment and Public Works Committee, James Inhofe, said he would oppose his own highway bill if Ex-Im legislation were attached to it. “I’m going to do all I can to keep it from happening,” said Inhofe, one of 31 senators to oppose Ex-Im in a test vote earlier this month. Sixty-five supported it, **suggesting a Senate vote to reauthorize the bank would succeed.** House Democratic whip Steny Hoyer said closing Ex-Im would cost jobs and **noted the House also had enough support to pass an extension of Ex-Im’s charter.**

It get’s attached to the highway bill

Ausick 6-25

Paul, Reporter, 24/7 Wall Street.com, “Boeing 747 Production Will Fall to One a Month,” <http://247wallst.com/aerospace-defense/2015/06/25/boeing-747-production-will-fall-to-one-a-month/>

A report in The Wall Street Journal also noted that 747 buyers are some of the largest customers of **the U.S. Export-Import Bank,** which very likely **will close its doors at the end of June.** **The shutdown may only**

last a month because legislation re-authorizing the Ex-Im bank is likely to be attached to the “must-pass” federal highway bill.

**Highway bill passes because Ex-Im is attached
Hertling 6-22**

Richard, Reporter, Global Policy Watch, “This Week in Congress – June 22, 2015,”
<http://www.globalpolicywatch.com/2015/06/this-week-in-congress-june-22-2015-2/>

The authority for the Export-Import Bank, the federal export credit agency, will expire on June 30 with no prospect for consideration by the Senate of legislation to extend it before the chamber adjourns for the Independence Day holiday. Although the votes exist in the Senate to renew the Bank’s authority, as demonstrated by a test vote during the Senate debate on the defense authorization bill, the Bank’s authority to issue new loans will expire. The plan now among Bank supporters is to aim to include the renewal of the Bank’s charter in the must-pass highway funding bill both chambers will consider in July. Because congressional Republicans have still not found a funding mechanism for a long-term highway bill, including the Bank’s renewal in that vehicle could garner Democratic support for the highway bill, which Democrats have otherwise said they would not support absent a long-term funding mechanism for transportation projects.

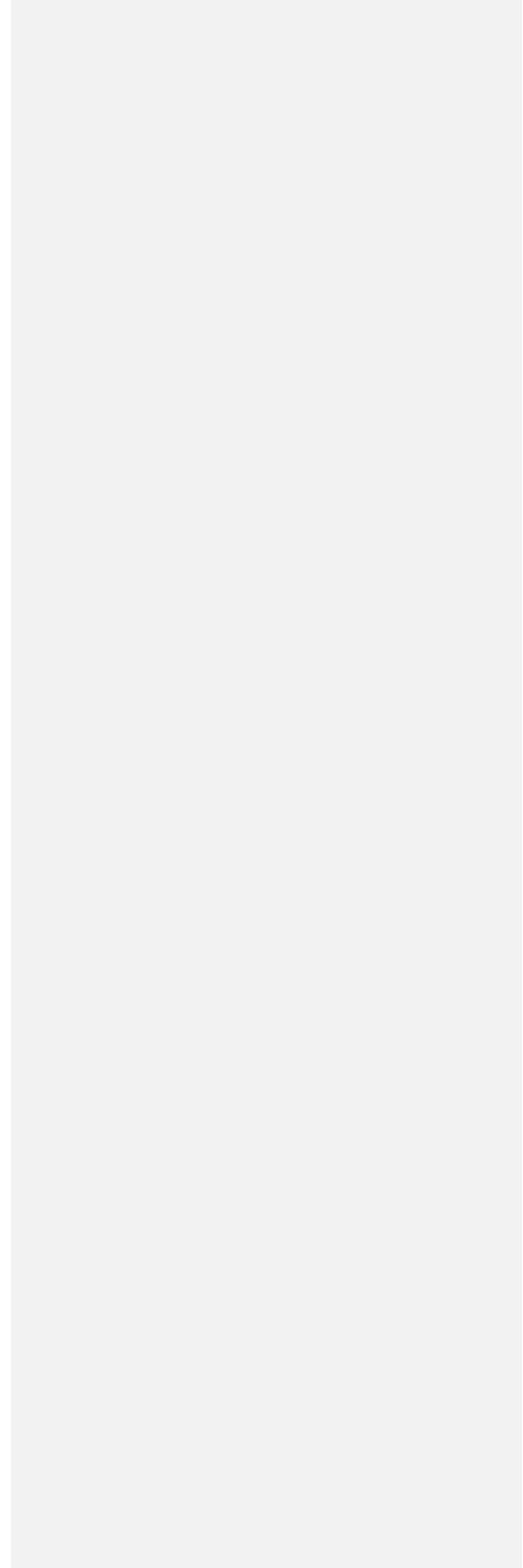
2ac no impact/thumper

No impact and highway bill thumps the link Schroeder 6-24

Robert, Fiscal Policy Reporter, Market Watch, "If Export-Import Bank lapses, consequences are 'very modest'," <http://www.marketwatch.com/story/if-export-import-bank-lapses-consequences-are-very-modest-2015-06-24>

The bank makes and guarantees loans to help foreign buyers purchase U.S. goods, including aircraft and industrial equipment. Corporate giants including Boeing Co. BA, -0.38% and General Electric Co. GE, -0.81% benefit from that financing. Critics in Congress say that amounts to corporate welfare and have pushed for the bank's charter to expire on June 30. If that happens, writes Alec Phillips of Goldman Sachs in a research note, the Ex-Im Bank will have to stop extending new loans and guarantees. But he cites two reasons he believes that would have a very modest effect. **First**, he says, the amount of U.S. exports exposed to the bank is fairly modest, at around \$30 billion a year. That's a little more than 1% of exports. And second, Phillips says it looks like the lapse will be temporary. He says he expects the bank's charter to be reinstated in separate highway-related legislation by July 31. The Associated Press, in a report on Wednesday, said lawmakers of both parties expect a reauthorization of the bank could move in the Senate in July. If attached to the must-pass legislation extending the federal highway trust fund, it could make it through the House as well, AP wrote.

***link**



2ac link theory

**The colon makes “resolved” meaningless – everything after it is what’s important
Webster’s 2k**

(Guide to Grammar and Writing , <http://ccc.commnet.edu/grammar/marks/colon.htm>)

Use of a colon before a list or an explanation that is preceded by a clause that can stand by itself. Think of the colon as a gate, inviting one to go on... If the introductory phrase preceding the colon is very brief and the clause following the colon represents the real business of the sentence, begin the clause after the colon with a capital letter.

Should expresses desirability

Cambridge Dictionary of American English 7

(http://dictionary.cambridge.org/define.asp?key=should*1+0&dict=A)

should (DUTY)

auxiliary verb

used to express that it is necessary, desirable, advisable, or important to perform the action of the following verb

Should doesn’t mean immediate

Dictionary.com 10

Dictionary.com, <http://dictionary.reference.com/browse/should>

should /ʃʊd/ Show Spelled[shood] Show IPA –auxiliary verb 1. pt. of shall. 2. (used to express condition): Were he to arrive, I should be pleased. 3. must; ought (used to indicate duty, propriety, or expediency): You should not do that. 4. would (used to make a statement less direct or blunt): I should think you would apologize. Use should in a Sentence See images of should Search should on the Web Origin: ME sholde, OE sc (e) olde; see shall —Can be confused: could, should, would (see usage note at this entry). —Synonyms 3. See must 1. —Usage note Rules similar to those for choosing between shall and will have long been advanced for should and would, but again the rules have had little effect on usage. In most constructions, would is the auxiliary chosen regardless of the person of the subject: If our allies would support the move, we would abandon any claim to sovereignty. You would be surprised at the complexity of the directions. Because the main function of should in modern American English is to express duty, necessity, etc. (You should get your flu shot before winter comes), its use for other purposes, as to form a subjunctive, can produce ambiguity, at least initially: I should get my flu shot if I were you. Furthermore, should seems an affectation to many Americans when used in certain constructions quite common in British English: Had I been informed, I should (American would) have called immediately. I should (American would) really prefer a different arrangement. As with shall and will, most educated native speakers of American English do not follow the textbook rule in making a choice between should and would. See also shall. Shall –auxiliary verb, present singular 1st person shall, 2nd shall or (Archaic) shalt, 3rd shall, present plural shall; past singular 1st person should, 2nd should or (Archaic) shouldst or should-est, 3rd should, past plural should; imperative, infinitive, and participles lacking. 1. plan to, intend to, or expect to: I shall go later.

***ex-im good**

2ac growth turn

Passage good – failure to reach a deal hurts small business and U.S. growth Arensmeyer 6-22

John, Reporter, The Hill, “Long-term reauthorization needed for Export-Import Bank,”
<http://thehill.com/blogs/congress-blog/economy-budget/245571-long-term-reauthorization-needed-for-export-import-bank>

Fulton is not alone. If Congress fails to reauthorize the Ex-Im Bank, more than \$34 billion in exports will be lost this year, tens of thousands of workers engaged in the exporting business could be laid off, and several thousand exporters—mostly small business owners—will take a substantial financial loss, as will the suppliers who make or grow the products being exported. Failure to pass a long-term reauthorization of the Ex-Im Bank would be damaging to the economy and place an unfair burden on small business owners like Jenny Fulton and other hard working exporters. It’s time for Congress to find a permanent fix for the Ex-Im Bank so small businesses can have the certainty they need to continue brokering deals with foreign countries that bolster our economy here at home.

Economic collapse causes extinction

Kerpen 8

Phil, National Review Online, October 29, , Don't Turn Panic Into Depression,
<http://www.cbsnews.com/stories/2008/10/29/opinion/main4555821.shtml>

It’s important that we avoid all these policy errors - not just for the sake of our prosperity, but for our survival. The Great Depression, after all, didn’t end until the advent of World War II, the most destructive war in the history of the planet. In a world of nuclear and biological weapons and non-state terrorist organizations that breed on poverty and despair, another global economic breakdown of such extended duration would risk armed conflicts on an even greater scale. To be sure, Washington already has stoked the flames of the financial panic. The president and the Treasury secretary did the policy equivalent of yelling fire in a crowded theater when they insisted that Congress immediately pass a bad bailout bill or face financial Armageddon. Members of Congress splintered and voted against the bill before voting for it several days later, showing a lack of conviction that did nothing to reassure markets. Even Alan Greenspan is questioning free markets today, placing our policy fundamentals in even greater jeopardy. But after the elections, all eyes will turn to the new president and Congress in search of reassurance that the fundamentals of our free economy will be supported. That will require the shelving of any talk of trade protectionism, higher taxes, and more restrictive labor markets. The stakes couldn’t be any higher.

1ar ex-im k2 growth

Key to the economy – businesses and manufacturing jobs

Howard 6-24

James P., Reporter, The Conversation, "Why the Export-Import Bank Should Be Saved," <http://www.thefiscaltimes.com/2015/06/24/Why-Export-Import-Bank-Should-Be-Saved>

Keeping the bank alive. Like other Washington debates, the reality lies between the competing narratives, and the numbers justify continuing the bank's charter. In terms of risk, the Ex-Im Bank has a remarkably low default rate of less 0.2%. Because so few foreign companies have defaulted on their loans, the bank has returned billions of dollars to taxpayers in interest income, \$7 billion since 1992 alone. The bank expects to make another \$14 billion in the next nine years. And the CBO report uses a flawed analysis to show the bank will lose money rather than make a tidy profit. It overweights near-term losses while underweighting long-term gains by using a higher discount rate than it should. The "discount" interest rate is used to figure the net present value of future cash flows. The analysis leaves the outflows, or loans, untouched, yet reduces the value of future payments, so that even if a borrower repays in full, it would show up as a loss in the present. As long as the Ex-Im Bank charges interest rates higher than its own borrowing rate and keeps default rates low, the bank will remain profitable for the government. In sum, the Ex-Im Bank provides a benefit to the US economy by supporting big businesses and small ones alike and bolstering employment, especially endangered manufacturing jobs. By providing investment guarantees, the bank encourages both foreign buyers and domestic manufacturers to work together when private insurance solutions are unavailable. Other industrialized nations provide similar services to support their own manufacturers. Cutting off an essential financial security layer will harm American businesses. This success, at no expense to taxpayers, shows why Congress should keep the bank alive.

It's a lotta jobs!

Harris 6-25

Patrice, Reporter, Talk Radio News Service, "Dem Leaders: Economic Crisis Lurks if Ex-Im Bank is not Renewed," <http://www.talkradionews.com/congress/2015/06/25/dem-leaders-economic-crisis-lurks-if-ex-im-bank-is-not-renewed.html>

(TRNS)- With less than five days before the expiration of the Ex-Im bank, Democratic leaders in the U.S Congress are urging Republicans not to allow the bank to expire. House Minority Leader Nancy Pelosi (D-Calif.) said that the highway bill and renewal of Ex-Im Bank are long overdue. "There are many jobs that depend on Ex-Im bank, 1.5 million jobs and we have a June 30th deadline and no action," Pelosi said. "We are calling upon leadership to pass the highway bill, pass the Ex-Im bank, and bring us to the table to debate a budget that will enable us to be right by the American people." House Minority Whip Steny Hoyer (D-MD) believes there is no excuse to not have the Ex-Im bank legislation passed as yet. Hoyer is assuring that the Ex-Im bank renewal has had majority of the votes for the last six months. "Not funding a highway bill and funding for highways has left governors, mayors, county executives, county commissioners all at risk and with doubt as to what funding will be available. I would urge republican leadership to bring Ex-Im bank to the floor as soon as we return and have in July a product for us to

consider," Hoyer said. According to the Democratic leadership, as many as 160,00 jobs would be lost across America by the closure of the Ex-Im bank.

1ar ex-im k2 growth/heg

Failure to reauthorize Ex-Im kills heg and the economy

Stanley, 6/29

(Kevin, CEO of Ventech Engineers International, "Export-Import Bank Critical to American Strength, 29 June 2015, <http://www.washingtonexaminer.com/export-import-bank-critical-to-american-strength/article/2567131>)

Most of the discussion of the Ex-Im Bank deals with economic issues like the **150,000 American jobs** that **are attributed to the bank each year** and its impact on America's GDP. Critics focus on ideological slogans like "crony capitalism" or the true but irrelevant point that government shouldn't "pick winners and losers" in the market. (Ex-Im does no such thing.) But here's a far more relevant fact — if Ex-Im shuts down at the end of June, we will not be able to build a critically-needed \$300 million facility to supply fuels required for the fight against ISIS. In the longer term, America's central role in the rebuilding of Iraq and the development of the entire region will be put at risk as foreign firms — fiercely backed by their own big-spending governments — rush in to seize business that right now is going to American companies backstopped by the Export-Import Bank. And the loss of those projects will also represent lost future business to support and maintain those American-supplied facilities for decades. **That loss will have painful economic consequences, as export-oriented businesses pull back and American export workers lose their jobs by the tens of thousands. It will put in motion a costly "brain drain" as key export fields like aerospace, oil services and precision machinery all shift overseas. Last year, Ex-Im supported nearly \$30 billion in U.S. exports, all of which would be lost to U.S. business** if the bank's attackers have their way. But **the stakes are higher still.** We learned during the Cold War how **the spread of U.S. culture, products and businesses around the globe enhances our global strength. Anyone who sees America's free and open economic system at work ends up wanting to join with us, to take our side.** **Withdrawing from global economic engagement as the bank's critics would have us do would dangerously undermine this vital outreach tool.**

Ex-Im bank boosts small businesses, treasury revenue, and allows the US to remain competitive in the global economy

Wright, 6/28/15

(Lincoln, "Loss of Ex-Im Bank Could Affect Local Manufacturers," http://www.southbendtribune.com/news/business/loss-of-ex-im-bank-could-affect-local-manufacturers/article_e33cd133-5081-524a-a8af-e795af67126b.html)

On Thursday, the 20 percent of Sullivan-Palatek's business that foreign sales make up will start to dissolve, McFee said. The Ex-Im Bank will continue to provide assistance for deals it's already committed to fund, but it will not be able to offer new aid. A large portion of its deals also don't extend more than a year. Soon it will be impossible, McFee said, to get new foreign business, which is typically the company's largest orders. **Though about 90 percent of the bank's transactions — including the transactions handled for Sullivan-Palatek — are aimed at supporting smaller businesses,** opponents argue the bank is largely welfare for big corporations. Though the bank does work with large companies like Boeing and General Electric, **a majority of the about \$20.5 billion the bank authorized for more than 3,700 transactions in fiscal year 2014 were for small companies, according to the bank.** **This contributed to more than 164,000 U.S. jobs,** the bank says. U.S. Reps. Fred Upton, R-St. Joseph, and Jackie Walorski, R-Jimtown, did not return requests for comments by Friday's deadline. However, Republican opposition to the bank has grown only in recent years. In fact, since its creation about 81 years ago, the Ex-Im Bank has seen overwhelming bipartisan support. Discussing the importance of the bank with the South Bend Tribune, U.S. Sen. Joe Donnelly, D-Ind., quoted Republican

President Ronald Reagan. Reagan, known partly for his supply-side economic policies, said, **“Exports create and sustain jobs for millions of American workers and contribute to the growth and strength of the United States economy. The Export-Import Bank contributes in a significant way to our nation’s export sales.”**, Donnelly, though, said he had no confidence in the House taking up a vote in a timely manner since all opposing lawmakers have to do is ignore the issue to stop the bank’s charter. Donnelly, who serves on the Senate Banking Committee, has continuously advocated for the reauthorization of the Ex-Im Bank and called the arguments against the bank “ideological thinking.” He said **the Ex-Im Bank has directly helped more than 100 companies in Indiana export more than \$3 billion in goods and services since 2010. And although the bank does benefit some large companies, Donnelly said it can’t be argued that it’s hurting the U.S. Since 1992, the bank has returned more than \$7 billion in profits to the Treasury Department**, the senator said, with \$675 million of that coming from the 2014 fiscal year. And according to the bank, with its less than 2 percent default rate, **it has also not cost taxpayers any money since a bailout in the 1980s.** ¶ **“Unilaterally eliminating our export credit agency hurts only the U.S. and handcuffs our job creators while allowing competitors in foreign countries to capitalize and seize business.”** Donnelly said speaking before the full Senate this past week. “Even our neighbor Canada is providing far more export financing than the U.S., even though Canada’s economy is one-tenth the size of the U.S. economy and their Ex-Im Bank provides for more financing than ours. Clearly, **the Ex-Im Bank is a tool that helps American companies compete in the global economy.**” ¶ Letting the bank’s charter expire, though, may be a short-lived victory for its opposition. Congressional members in both parties are expecting the issue to be brought back in the Senate later in July. If attached to a bill extending the federal high trust fund, seen as must-past legislation, the Ex-Im Bank’s reauthorization stands a chance of making it past the House. “What seems odd is it works so well,” McFee said. “I don’t know who will be harmed by this.”

Export-Import bank is key to the economy and overall diplomacy

Kirk, 6/29

(Ron, co-chair of the Clean and Safe Energy Coalition & former US trade representative, “A Critical Deadline,” US News, 29 June 2015, <http://www.usnews.com/news/the-report/articles/2015/06/29/the-export-import-bank-is-critical-to-national-security-and-the-economy>)

America achieves its diplomatic goals. Some believe that a strong military and open dialogue are the solution to all our problems. Of course, **diplomacy with world leaders has immense strategic value, but as equally important to maintaining our influence is economics. We are the largest economy in the world, and that’s one of our biggest selling points.** But being big isn’t always enough. Foreign businesses want to transact with us and have a means to do so. Often the global marketplace is efficient enough where American businesses can win deals just by virtue of the value they provide. But the marketplace isn’t level, and we can lose business by no fault of our own. That’s why **more than 7,300 companies rely on the Ex-Im Bank.** ¶ **Enough cannot be said of the role the Ex-Im Bank plays in securing American jobs simply by giving businesses an edge to win a piece of the huge overseas market.** The Bank’s function is relatively simple: foreign buyers need access to financing to purchase American goods, but sometimes can’t get it from private sector lenders. This can happen for a number of reasons, which are rarely related to how much risk the borrower carries. **There could be regulatory obstacles, or political factors, or the borrower needs official export credit guaranteed by a government. In these cases, the Ex-Im Bank is able to step in.** But helping small and mid-sized businesses grow and expand is not the only value of the Ex-Im Bank. **As important is the kind of influence we can have when our trading partners are making strategic decisions.** ¶ We see this happen in several ways. First, **the Ex-Im Bank is often involved in politically sensitive industries where goods and services have national security implications. When we export a nuclear reactor or a satellite or a power plant, we are integrating not just American products, but also American standards and protocols** into the infrastructure of trading partners. ¶ **Then there’s good old-**

fashioned economic diplomacy, where our trading partners understand their economic prosperity is at stake in choosing to align against U.S. interests. This has been an important tool in international affairs for millennia, and is no less true today. **The Ex-Im Bank plays no small part in preserving these interests** and I've witnessed its influence, such as when Indian suppliers cut sales to Iran fearing consequences to Ex-Im Bank deals. ¶ **The end of the Ex-Im Bank poses such severe consequences to U.S. interests abroad,** 12 former national security officials, including myself, wrote to Congress urging them to reauthorize the Bank. The letter, with no exaggeration, concludes, "**Our national security and economic interest depend upon it.**" Susan Rice, U.S. National Security Advisor, echoed our comments in April, adding, "when President Obama meets with foreign leaders, **Ex-Im is an important part of our diplomacy.**"

2ac heg turn

Ex-Im is key to reduce the trade deficit – failure to extend the bank hastens hegemonic decline

Thompson 6-12

Loren, national security and business writer for Forbes, “Crazy Crusade To Kill Ex-Im Bank Hurts America, Helps China,” <http://www.forbes.com/sites/lorenthompson/2015/06/12/crazy-crusade-to-kill-ex-im-bank-hurts-america-helps-china/2/>

If you want to understand why economic recovery from the recent recession has been so anemic, don't look at Obamacare or ozone rules — look at the trade deficit. Last year the huge imbalance between America's imports and exports shaved a full percentage point off economic growth; if trade had been balanced, the growth rate would have been 3.6% rather than 2.6%. The impact was even worse in the first quarter of this year, enough to transform what would have been moderate expansion into a negative growth rate. With last year's non-petroleum trade deficit ranked as the worst ever recorded after adjusting for inflation, you'd think Congress would be moving decisively to help U.S. exporters. Well, guess again. Right-wing Republicans are actually trying to kill off the Export-Import Bank (“Ex-Im”), which would make America the only major trading nation in the world without an export credit agency. If that ill-conceived campaign succeeds, it will accelerate China's rise as a global economic power and hasten America's decline. When Ex-Im critics cite their bill of particulars for why abolishing America's only export credit agency makes sense, you get the feeling they've never heard of China. China is the biggest reason for America's yawning trade gap, and its use of state funds to push exports around the globe dwarfs anything Ex-Im is doing. At the moment, Ex-Im has a loan portfolio worth about \$110 billion. Over the last two years alone, China has passed out \$670 billion in loans and other financial assistance to its exporters. And unlike Ex-Im programs, Beijing's export assistance often takes the form of subsidies. Ex-Im is required by law to be self-sustaining, so it has to charge fees whenever it provides a loan guarantee or any other type of financial assistance. In fact, it generates a profit for taxpayers by charging foreign buyers for what amounts to insurance that their deals will be consummated. China's export credit agencies (it has several) supposedly are required to be self-sustaining too under World Trade Organization rules, but their operations are as opaque as everything else in official China. So it shouldn't come as a surprise that Beijing has provided export assistance to one favored telecom company — Huawei — greater in value than Ex-Im's entire loan portfolio. Huawei now routinely beats U.S. rivals for telecom contracts in places like Brazil, even though it is rumored to have used proprietary technology developed by those rivals in its own offerings. This is standard operating procedure for Chinese exporters in the developing world, where they typically show up with inferior products but irresistible financing courtesy of the Beijing government. Over the long haul, China's push to replace U.S. companies in foreign markets may prove more injurious to American power and prosperity than the huge gap in bilateral trade of goods between the two countries (the U.S. deficit in China trade was \$343 billion last year — nearly a billion dollars per day). An intelligence assessment produced early in the Obama Administration warned that the transfer in wealth from West to East currently under way is without precedent in modern history. But the distracted, divided U.S. political system is ill-equipped to cope with the challenge China's mercantilist trade policies present. The absurd effort to abolish Ex-Im Bank is emblematic of how intellectually unprepared some lawmakers are to respond to America's waning economic influence. The complaints of Ex-Im critics about “crony capitalism” and “corporate

welfare” sound more like the rants of left-wing liberals in the pre-Reagan era than the reasoning of people who understand current economic realities. The critics contend that if Ex-Im disappeared, private lenders would fill the resulting vacuum — even though private lenders keep saying they can’t or won’t. Private lenders often don’t like the risk profile of countries seeking export assistance, or they don’t like to do business with small companies (who account for 90% of Ex-Im transactions).^a Besides, it is usually commercial lenders who bring Ex-Im into transactions in the first place, because they want the kind of protections available to lenders who finance the exports of other countries. In fact, they’re willing to pay a fee for that protection, and Ex-Im has proven it can provide assistance that levels the playing field without incurring significant risk. The default rate on its loans currently stands at less than one fifth of one-percent; Wells Fargo wishes its loan portfolio looked that good. No private lender has ever complained about competition from Ex-Im, because its services are crucial to making deals work. So when Ex-Im’s authority to extend credit lapses at the end of this month, there probably will be a quiet celebration in Beijing that some lawmakers in America are so misguided. Washington is the only capital in the world where a debate is going on about whether an export credit agency is needed. The debate in Beijing, and Seoul, and New Delhi, is about how much more money should be spent on export financing, not whether to do it. The good news is that there are majorities in both chambers of Congress ready to reauthorize the Export-Import Bank; the bad news is that critics are working hard to prevent a floor vote that would permit the triumph of common sense over mindless ideology.

Hegemony solves every conflict imaginable **Brookes 6 – senior fellow @ Heritage**

Peter, senior fellow at The Heritage Foundation. Why they need us: Imagine a world without America. 7/4/6. <http://www.heritage.org/Press/Commentary/ed070406a.cfm>.

The picture isn't pretty. Absent U.S. leadership, diplomatic influence, military might, economic power and unprecedented generosity, life aboard planet earth would likely be pretty grim, indeed. Set aside the differences America made last century - just imagine a world where this country had vanished on Jan. 1, 2001. On security, the United States is the global balance of power. While it's not our preference, we are the world's "cop on the beat," providing critical stability in some of the planet's toughest neighborhoods. Without the U.S. "Globo-cop," rivals India and Pakistan might well find cause to unleash the dogs of war in South Asia - undoubtedly leading to history's first nuclear (weapons) exchange. Talk about Fourth of July fireworks . . . In Afghanistan, al Qaeda would still be an honored guest, scheming over a global caliphate stretching from Spain to Indonesia. It wouldn't be sending fighters to Iraq; instead, Osama's gang would be fighting them tooth and nail from Saudi Arabia to "Eurabia." In Asia, China would be the "Middle Kingdom," gobbling up democratic Taiwan and compelling pacifist Japan (reluctantly) to join the nuclear weapons club. The Koreas might fight another horrific war, resulting in millions of deaths. A resurgent Russia, meanwhile, would be breathing down the neck of its "near abroad" neighbors. Forget the democratic revolutions in Ukraine and Georgia, Comrade! In Europe, they'd be taking orders from Paris or Berlin - if those rivals weren't at each other's throats again. In Africa, Liberia would still be under Charles Taylor's sway, and Sudan would have no peace agreement. And what other nation could or would provide freedom of the seas for commerce, including the shipment of oil and gas - all free of charge? Weapons of Mass Destruction would be everywhere. North Korea would be brandishing a solid nuclear arsenal. Libya would not have given up its weapons, and Pakistan's prodigious proliferator, A.Q. Khan, would still be going door to door, hawking his nuclear wares. Also missing would be other gifts from "Uncle

Sugar" - starting with 22 percent of the U.N. budget. That includes half the operations of the World Food Program, which feeds over 100 million in 81 countries. Gone would be 17 percent of UNICEF's costs to feed, vaccinate, educate and protect children in 157 countries - and 31 percent of the budget of the U.N. High Commissioner for Refugees, which assists more than 19 million refugees across the globe. In 2005, Washington dispensed \$28 billion in foreign aid, more than double the amount of the next highest donor (Japan), contributing nearly 26 percent of all official development assistance from the large industrialized countries. Moreover, President Bush's five-year \$15 billion commitment under the Emergency Plan for AIDS Relief is the largest commitment by a single nation toward an international health initiative - ever - working in over 100 (mostly African) countries. The United States is the world's economic engine. We not only have the largest economy, we spend 40 percent of the world's budget on R&D, driving mind-boggling innovation in areas like information technology, defense and medicine. We're the world's ATM, too, providing 17 percent of the International Monetary Fund's resources for nations in fiscal crisis, and funding 13 percent of World Bank programs that dole out billions in development assistance to needy countries. And what does Uncle Sam get in return? Mostly grief, especially from all the ungrateful freeloaders who benefit tremendously from the global "public goods" we so selflessly provide with our time, effort, blood and treasure. How easily - and conveniently - they forget . . . unless they need help, of course.

***impact defense**

2ac competitiveness

Nations don't compete like corporations.

Krugman, 2011

Paul Krugman, Nobel prize winning economist, January 22,
<http://krugman.blogs.nytimes.com/2011/01/22/competitiveness/>)

Sigh. So it appears that President Obama is going to make "competitiveness" his main economic theme. To be fair, he could (and may well) do worse. But this is hackneyed stuff, and involves a fundamental misconception about the nature of our economic problems. It's OK to talk about competitiveness when you're specifically asking whether a country's exports and import-competing industries have low enough costs to sell stuff in competition with rivals in other countries; measures of relative costs and prices are, in fact, commonly — and unobjectionably — referred to as competitiveness indicators. But the idea that broader economic performance is about being better than other countries at something or other — that a company/country is like a corporation — is just wrong. I wrote about this at length a long time ago, and everything I said then still holds true.* The hopeful interpretation of Obama's embrace of the idea that he's the CEO of America Inc. is that it might help fend off right-wing attacks on government action as a whole, helping him sell the need for public investment of various kinds. On the other hand, as Robert Reich says, this could all too easily turn into a validation of the claim that what's good for corporations is good for America, which is even less true now than it used to be.

Competitiveness theory is false.

Kakaes, 2012

Konstantin Kakaes, January 9,
http://www.slate.com/articles/technology/future_tense/2012/01/u_s_scientists_are_not_competing_with_china_or_any_other_country_.html

But the truth is that jobs were lost in the U.S. for many reasons: technological change, corporate consolidation, and a sluggish economy. The jobs that were created abroad are, by and large, different jobs than the jobs lost in the United States. As Paul Krugman wrote in an essay for Foreign Affairs in 1994, "it is simply not the case that the world's leading nations are to any important degree in economic competition with each other, or that any of their major economic problems can be attributed to failures to compete on world markets." It's easy to blame today's bleak economic outlook on a failure to compete. But doing so is just finding a scapegoat for domestic shortcomings.

1ar competitiveness

Ignore their authors- they misdiagnosed the economy.

Krugman, 2011

Paul Krugman, Nobel prize winning economist, New York Times, “The Competition Myth” January 23, <http://www.nytimes.com/2011/01/24/opinion/24krugman.html>

But let's not kid ourselves: talking about “competitiveness” as a goal is fundamentally misleading. At best, it's a misdiagnosis of our problems. At worst, it could lead to policies based on the false idea that what's good for corporations is good for America. About that misdiagnosis: What sense does it make to view our current woes as stemming from lack of competitiveness? It's true that we'd have more jobs if we exported more and imported less. But the same is true of Europe and Japan, which also have depressed economies. And we can't all export more while importing less, unless we can find another planet to sell to. Yes, we could demand that China shrink its trade surplus — but if confronting China is what Mr. Obama is proposing, he should say that plainly. Furthermore, while America is running a trade deficit, this deficit is smaller than it was before the Great Recession began. It would help if we could make it smaller still. But ultimately, we're in a mess because we had a financial crisis, **not** because American companies have lost their ability to compete with foreign rivals.

2ac growth

No econ impact

Jervis 11 – Professor of Political Science @ Columbia

Robert, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University, December 2011, "Force in Our Times," *Survival*, Vol. 25, No. 4, p. 403-425

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy and bring back old-fashioned beggar-my-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a preexisting high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, it will not make war thinkable.

1ar growth

Economic decline doesn't cause war

Daniel W. **Drezner 12**, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, "The Irony of Global Economic Governance: The System Worked," http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf

The final outcome addresses a dog that hasn't barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.³⁷ Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder. ¶ The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a "Global Peace Index" annually since 2007. A key conclusion they draw from the 2012 report is that "The average level of peacefulness in 2012 is approximately the same as it was in 2007."³⁸ Interstate violence in particular has declined since the start of the financial crisis - as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.³⁹ Rogers Brubaker concludes, "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."⁴⁰ ¶ None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard "V"-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of "contained depression."⁴¹ The key word is "contained," however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in *This Time is Different*: "that its macroeconomic outcome has been only the most severe global recession since World War II - and not even worse - must be regarded as fortunate."⁴²

Empirical studies show no causal relationship between economic decline and war **Miller 1 – prof of economics**

Morris Miller 2001, Professor of Economics, *Poverty: A Cause of War?*, <http://archive.peacemagazine.org/v17n1p08.htm>

Library shelves are heavy with studies focused on the correlates and causes of war. Some of the leading scholars in that field suggest that we drop the concept of causality, since it can rarely be demonstrated. Nevertheless, it may be helpful to look at the motives of war-prone political leaders and the ways they have gained and maintained power, even to the point of leading their nations to war. Poverty: The Prime Causal Factor? Poverty is most often named as the prime causal factor. Therefore we approach the question by asking whether poverty is characteristic of the nations or groups that have engaged in wars. As we shall see, poverty has never been as significant a factor as one would imagine. Largely this is because of the traits of the poor as a group - particularly their tendency to tolerate their suffering in silence and/or be deterred by the force of repressive regimes. Their voicelessness and powerlessness translate into passivity. Also, because of their illiteracy and ignorance of worldly affairs, the poor become susceptible to the messages of war-bent demagogues and often willing to become cannon fodder. The situations conducive to war involve political repression of dissidents, tight control over media that stir up chauvinism and ethnic prejudices, religious fervor, and sentiments of revenge. The poor succumb to leaders who have the power to create such conditions for their own self-serving purposes. Desperately poor people in poor nations cannot organize wars, which are exceptionally costly. The statistics speak eloquently on this point. In the last 40 years the global arms trade has been about \$1500 billion, of which two-thirds were the purchases of developing countries. That is an amount roughly equal to the foreign capital they obtained through official development aid (ODA). Since ODA does not finance arms purchases (except insofar as money that is not spent by a government on aid-financed roads is available for other purposes such as military procurement) financing is also required to control the media and communicate with the populace to convince them to support the war. Large-scale armed conflict is so expensive that governments must resort to exceptional sources, such as drug dealing, diamond smuggling, brigandry, or deal-making with other countries. The reliance on illicit operations is well documented in a recent World Bank report that studied 47 civil wars that took place between 1960 and 1999, the main conclusion of which is that the key factor is the availability of commodities to plunder. For greed to yield war, there must be financial opportunities. Only affluent political leaders and elites can amass such weaponry, diverting funds to the military even when this runs contrary to the interests of the population. In most inter-state wars the antagonists were wealthy enough to build up their armaments and

propagandize or repress to gain acceptance for their policies. Economic Crises? Some scholars have argued that it is not poverty, as such, that contributes to the support for armed conflict, but rather some catalyst, such as an economic crisis. However, a study by Minxin Pei and Ariel Adesnik shows that this hypothesis lacks merit. After studying 93 episodes of economic crisis in 22 countries in Latin American and Asia since World War II, they concluded that much of the conventional thinking about the political impact of economic crisis is wrong: "The severity of economic crisis - as measured in terms of inflation and negative growth - bore no relationship to the collapse of regimes ... or (in democratic states, rarely) to an outbreak of violence... In the cases of dictatorships and semi-democracies, the ruling elites responded to crises by increasing repression (thereby using one form of violence to abort another)."

AT: Export-Import Bank D.A

2ac won't pass

Won't pass --- at the very least, delayed vote means thumpers intervene before passage

Reuters 7/28 ["Congress embraces highway bill," July 28, 2015, <http://triblive.com/usworld/nation/8821619-74/bank-senate-republican#axzz3hF6lZz60>] //khirn

WASHINGTON — In a rapidly shifting battle, Republican leaders in Congress prepared to pass a three-month highway funding extension Tuesday while leaving the idled Export-Import Bank's fate hanging at least into September.

With the House of Representatives and Senate rushing toward a five-week summer recess, Republican leaders in both chambers embraced the newest version of a bill to temporarily fund road and mass transit construction projects.

Failure by Congress to act by Friday would lead to a cutoff of federal transport funds, disrupting projects nationwide. The lifeline until Oct. 29 is expected to pass the House on Wednesday followed by quick action in the Senate.

Senate Majority Leader Mitch McConnell, a Republican, vowed to pass a highway trust fund extension with three years of funding in the hope the House would follow suit in coming months.

Late Monday, the Senate demonstrated strong support for renewing the Ex-Im Bank, whose charter expired June 30, by attaching a renewal to its longer-term transportation bill.

But House Republican leaders effectively blocked that measure by arranging to pass the three-month highway extension and leave Washington on Wednesday.

That would leave the Ex-Im Bank unable to make or guarantee loans until September or October, when its backers in Congress will have another chance to revive it.

"The hard right is running the Republican Party," said Sen. Chuck Schumer, the chamber's third-ranking Democrat. **Republicans are leaving Ex-Im shuttered** for the summer."

Won't pass: Republicans want McConnell to fight the senate

Howell 7/15

[Tom, "Ted Cruz and tea partyers: Let the Ex-Im Bank stay dead," *Washington Times*, 7/15/15, <http://www.washingtontimes.com/news/2015/jul/15/ted-cruz-and-tea-partyers-let-ex-im-bank-stay-dead/>]/shrek

Sen. Ted Cruz and other conservatives told GOP leaders Wednesday not to let Congress revive the federal Export-Import Bank, an agency that financed the sale of U.S. goods overseas for decades but is creeping toward a slow death after lawmakers failed to renew its charter by the June 30 deadline. conservatives want the bank to stay dead, arguing the product of the New Deal handed out "corporate welfare" and should fade away once it meets its existing obligations. "After 81 years, Congress finally, finally, finally decided to let a wasteful spending program expire," said Mr. Cruz, Texas Republican, who is running for president. "You'll notice the sky hasn't fallen," he later added, peering up to the heavens outside the Capitol. The 2016 contender rallied with likeminded Republicans, conservative groups and the Tea Party Patriots

because supporters of the bank say they have the votes to resuscitate it in the coming weeks. They're hoping to amend a highway bill in the Senate and send it to the House as must-pass legislation. Senate Majority Leader Mitch McConnell, Kentucky Republican, is committed to an open amendment process in the upper chamber and has acknowledged that the bank's supporters want to use the highway bill as their vehicle. The leader is trying to assemble a long-term bill before the highway fund lapses July 31, meaning the federal government would no longer be able to reimburse state and local governments for their road projects. The House, however, is making the first move, passing Wednesday afternoon a bill that extends the highway fund through the end of the year. That would buy enough time for lawmakers to devise an international tax overhaul that could cobble together the \$90 billion needed to fill the gap between projected costs and expected revenues from the federal gas tax over the next six years. Known in Capitol-speak as "Ex-Im," the bank's supporters say it bolsters more than 160,000 jobs and helps U.S. goods compete overseas. In a joint statement, the Texas Association of Business and Texas Association of Manufacturers said their members "rely on a host of tools to continue growing and hiring, including the Export-Import Bank." "Senator Ted Cruz has failed to understand that and chooses, again and again, to put politics ahead of economic progress and payrolls for his constituents," the groups said. Rep. Bill Flores, Texas Republican and chairman of the Republican Study Committee, said Wednesday it is unclear whether the GOP would move to block a legislative rule that would bring a Senate version with Ex-Im attached to the House floor. Conservatives said it is up to Mr. McConnell and Speaker John A. Boehner to stand against Ex-Im, which they said benefits corporations with lobbyists at the expense of taxpayers. They even praised GOP leaders for letting the bank expire, saying no one had to lift a finger to let the bank wind down its existing lines of credit. "If there's one thing Congress is good at," Mr. Cruz said, "it's doing nothing." Former Virginia Attorney General Ken Cuccinelli said it's time for Mr. McConnell to play hardball in the Senate and block any Democratic amendment to revive Ex-Im.

Ex-im controversial - conservatives hate it

Quinn 7/15 (Melissa Quinn is a news reporter for The Daily Signal. *The Daily Signal*: "Ted Cruz Willing to Use 'Any and All' Tools to Stop Export-Import Bank Reauthorization" published July 15th, 2015. Accessed July 16th, 2015. <http://dailysignal.com/2015/07/15/ted-cruz-willing-to-use-any-and-all-tools-to-stop-export-import-bank-reauthorization-even-the-filibuster/>)KaIM

With talk of the Export-Import Bank's reauthorization continuing on Capitol Hill, Sen. Ted Cruz said today he plans to use "any and all" tools possible to stop the 81-year-old agency from coming back to life. Speaking to reporters in front of the U.S. Capitol today, Cruz, R-Texas, raised the prospect of filibustering a highway funding bill that could be used as a vehicle for Ex-Im's reauthorization. "I am willing to use any and all procedural tools to stop this corporate welfare, this corruption from being propagated," Cruz said when asked if he would attempt to stop the advancement of the highway legislation if it included Ex-Im reauthorization. Sen. Mike Lee, R-Utah, who joined Cruz, agreed. "I think those of us who oppose it will continue to use any and all procedural tools at our disposal in order to oppose it," he said. The two senators were joined by Republican Study Committee Chairman Rep. Bill Flores, R-Texas, and House Freedom Caucus Chairman Rep. Jim Jordan, R-Ohio, as well as leaders of the Club for Growth, Senate Conservatives Fund, Heritage Action for America and Tea Party Patriots. Ex-Im's charter expired June 30, and conservatives in the House and Senate are working to ensure the bank is not reauthorized. However, Senate Democrats are working to attach an amendment reauthorizing Ex-Im to the highway funding bill.

Conservative backlash prevents Export Import Bank renewal

Werner 6/30 [Erica, Associated Press Congressional Reporter, "What is the federal Export-Import Bank and why won't Congress renew it?" *UpNorthLive*, 6/30/15, <<http://www.upnorthlive.com/news/story.aspx?id=1224404#.VZ7fkRNViko>>]//eugchen

Conservatives cheered the demise of the federal Export-Import Bank Tuesday and vowed to beat back efforts to revive it, even as business leaders issued dire warnings that letting the agency expire at midnight would hurt U.S. competitiveness globally. "Ding Dong, the Ex-Im Bank is dead!" declared FreedomWorks, one of the outside groups responsible for transforming the bank from an obscure government lending institution into a conservative rallying cry. "This is a critical blow to manufacturers," countered Aric Newhouse, a senior vice president at the National Association of Manufacturers, arguing that the bank plays a necessary role in underwriting loans to help foreign customers purchase U.S. goods. The charter of the 81-year-old

government agency expires at midnight Tuesday without congressional action, and with the House and Senate on recess for the July 4 holiday there was no chance of a last-minute reprieve. Supporters warn that billions of dollars in pending deals are at risk because of the failure to renew the bank's charter, something that's been done numerous times over the years with little to no controversy. But although the Export-Import Bank will be unable to make new loans as of midnight, it will stay in business for the time being to service more than \$100 billion in outstanding loans and guarantees, and no immediate lay-offs or changes are planned, bank officials said. The bank is funded through Sept. 30. Supporters are making plans to revive the bank in the coming weeks by attaching it to must-pass legislation to extend the highway trust fund.

Senate Majority Leader Mitch McConnell, R-Ky., told The Associated Press this week that supporters of the bank have the votes to pass it and he will give them the opportunity to do so. Whether it could then get through the House is less certain, and conservative groups pledged to redouble their efforts to oppose it. "It is up to Republican leaders to accept and preserve this major policy victory," said Michael A. Needham, chief executive of Heritage Action for America. Under pressure from tea party-backed conservatives, GOP congressional leaders and presidential candidates have lined up against the bank, defying their traditional allies in the business community who support it. That's led to bitter grumbling from some business leaders. Two business officials on a conference call Tuesday organized by the Exporters for Ex-Im Coalition, a group backed by the National Association of Manufacturers and others, attacked House Majority Leader Kevin McCarthy, R-Calif., in unusually personal terms for turning against the bank. One of them, Don Nelson, president of California-based ProGauge Technologies, said he'd met with McCarthy personally to explain that his company that makes oil industry equipment will have to stop exporting if the Export-Import Bank is dissolved. "Truth be told, he has zero experience or knowledge on the topic and yet he and other misguided congressmen portray they're experts on this topic and say the private sector can take over," Nelson said. "They really don't have a clue what they're doing or the damage they're going to inflict on small businesses in America by closing the Ex-Im bank." McCarthy's office did not immediately offer a response.

House conservatives will prevent Ex-Im from passing

Livingston 7/16 [Abby, political writer, "Ghost of Export-Import Bank Haunts Highway Bill," *The Texas Tribune* <<https://www.texastribune.org/2015/07/16/texans-ex-im-highway-bill/>>]//eugchen

WASHINGTON – Two weeks after it was supposedly killed, the ghost of the Export-Import Bank continues to haunt Capitol Hill. Advocates of the bank, a federal agency that supports companies doing business abroad, are busy trying to resuscitate it by attaching reauthorization to a so-called must-pass bill that will help fund the nation's highway system. But the bank has fierce adversaries on the Hill, including several from the Texas delegation. One, U.S. Sen. and Republican presidential aspirant Ted Cruz, essentially threatened to bring down the entire highway bill if needed to finish off the Ex-Im Bank, which officially expired on June 30, though it continues to operate finishing out its pending business. "I am willing to use any and all procedural tools to stop this corporate welfare, this corruption from being propagated," Cruz said at a news conference in front of the U.S. Capitol on Wednesday. But by tucking the bank's renewal into a highway funding bill that most lawmakers support, the bank's backers hope to overcome the conservative blockade that has stymied efforts to keep it alive. Though it occupies a small niche in the federal government, it has become a lightning rod in conservative politics, serving as the current battleground between limited-government groups and business interests like the U.S. Chamber of Commerce. The bank uses loan guarantees, insurance and other support to help American companies do business abroad. The House passed the highway funding measure Wednesday without the Ex-Im provision, but many Capitol Hill sources expect it to be added when the Senate takes up the bill in the coming days or weeks, setting up a showdown between the chambers. More than almost any other federal government program, constituents feel the effects of Highway Trust Fund from the moment they leave their houses each day and drive to work. In Texas alone, the federal government subsidized \$3.3 billion worth of road construction and repairs in 2014. Now that other major issues — the controversial Pacific Rim trade deal and a nuclear treaty with Iran — are in holding patterns until the fall, the most pressing issue for Congress is this reauthorization of the Highway Trust Fund, now set to expire on July 31. But thanks to continual congressional gridlock and the ghost of Ex-Im, the legislation that will replenish the fund is creeping from "must-pass" to "might-pass." If the highway bill returns from the Senate with the bank authorization included, House conservatives who oppose the bank, led by House Financial Services Chairman Jeb Hensarling of Dallas, are expected to pull out all the stops to take it back out again. U.S. Rep. Bill Flores, R-Bryan, is another vocal critic of Ex-Im and appeared with Cruz at the morning press conference. He promised to "try to make sure that this never comes to the floor again, ever." Bank advocates say that a majority of the House — Democrats and Republicans combined — would probably back the bank if given the chance to vote on it. And not all Texas Republicans despise it. "I'm for reforming the process," said U.S. Rep. Pete Sessions, R-Dallas. "Not killing it." Cruz entered the fray on Wednesday morning with his filibuster threat, which like many of Cruz's tactics startled operatives and members. But most on Capitol Hill shrugged off the threat, pointing to an early June vote when 65 senators voted in favor of the bank — more than enough to break a filibuster. Other Republicans scoffed at Cruz, speculating that his news conference had more to do with presidential campaign

fundraising than Senate procedure. And Ex-Im advocates blasted out press releases questioning the credibility of many of Cruz's charges against the bank. "Texas exports more than any other state for a reason: We have the best workers and businesses. And our businesses rely on a host of tools to continue growing and hiring, including the Export-Import Bank," the Texas Association of Businesses and the Texas Association of Manufacturers responded in a statement. "Senator Ted Cruz has failed to understand that and chooses, again and again, to put politics ahead of economic progress and payrolls for his constituents." Still, there are mixed opinions whether Ex-Im will survive, or whether it could blow up the highway bill. A Republican leadership source prognosticated a grim stretch ahead for the bank, while multiple Democratic sources in both chambers insisted the highway bill will return to the House with Ex-Im, and it will arrive on the president's desk. "We'll see when it gets to here. I've heard this," Sessions said of the Senate speculation on Ex-Im. "I do recognize that the Senate is more fired up than some of our House people have been, but they have to pass it first."

at: econ impact

Ex-Im is not key to the economy Flynn 7/16

[Mike, "Senate GOP plants to resurrect ex-im bank," *Breitbart*, 7/16/15, <<http://www.breitbart.com/big-government/2015/07/16/senate-gop-plans-to-resurrect-ex-im-bank/>>]//shrek

Humans may be mortal, but the government programs they create tend to live on forever. Just weeks after the New Deal-era Export-Import Bank finally expired, Senate Republicans are planning to resurrect the corporate welfare arm through a highway funding bill. Conservatives may well ask what was the point of Republicans winning the Senate. The Export-Import Bank was created by FDR to provide taxpayer-backed loans to foreign companies to purchase American products. Perhaps the idea made some sense in the depths of the worldwide Great Depression, but any rationale for the program has long since been confined to the history books. Today, less than 2 percent of America's exports are financed by the Ex-Im Bank. In a world of very cheap money, it isn't clear that the taxpayer-backed loans are necessary for even this small amount of sales. This is especially true because over 60 percent of the loans backed by the bank go to a small handful of American corporations, with giants like Caterpillar and Boeing reaping the overwhelming majority of the benefits. The federal lending agency is really just another financing arm for a few well-connected companies. The Export-Import Bank is simply a poster child of federal corporate welfare. Its benefits are concentrated on a few companies that donate considerable funds to politicians and its costs are spread, in minuscule amounts, across all taxpayers. Its only real economic benefits are confined to those who can navigate the agency for their own ends. There is no real benefit to the overall economy. If this federal welfare agency can't be allowed to expire, then nothing the government does will ever come to an end. Thankfully, the bank's charter expired on June 30, so it legally no longer exists. This being Washington, however, dead isn't quite dead. Next week, the Senate is expected to take up a short-term spending "fix" for the federal highway trust fund. The "fix" is a "must-pass" piece of legislation to shore up funding for infrastructure spending. The Senate GOP is likely to attach an amendment reauthorizing the Bank, forcing the House to accept its resurrection in order to maintain highway spending. Sens. Sen. Ted Cruz (R-TX)96% and Sen. Mike Lee (R-UT)100% have threatened to filibuster the spending patch if such an amendment is added to the spending bill. "I am willing to use any and all procedural tools to stop this corporate welfare, this corruption, from being propagated," Cruz said. As admirable as this sentiment is, the effort is likely to fail. The principled point will be lost in a sea of news stories about threatened infrastructure spending. Senators will posture about the critical needs of our nation's highways and bridges, cheered on by Washington's donor class. And, yet again, an antiquated relic of corporate welfare will rise again on the banks of the Potomac. The new Republican majority will again prove that adage that the more things change, the more they remain the same.

Export Import bank bad – funds the wealthy, tanks jobs, and takes money out of consumer's pockets

Bob 7/15 [Adelmann, graduate of an Ivy League school and a former investment advisor, "Pressure Increasing to Reopen Export-Import Bank," *The New American*, 7/15/15, <<http://www.thenewamerican.com/economy/commentary/item/21258-pressure-increasing-to-reopen-export-import-bank>>]//eugchen

It's been just two weeks since the Export-Import Bank's charter lapsed — that "fund of corporate welfare" as criticized by presidential candidate Barack Obama in 2008 before reality set in — and two predictable things have occurred: The world continues to turn without it, and K-Street lobbyists are busy trying to resurrect it. With massive radio advertising and extensive help from the media publishing op-eds in its favor, the chances are increasing that the zombie will come back to life. The deceased bank, touted as offering loan guarantees to small businesses wanting to do business overseas but unable to obtain financing in the regular way, WAS turned into a slush fund of free money to the country's largest corporations: Boeing, General Electric,

Bechtel, and Caterpillar. It was rife not only with low interest loans and guarantees to companies that didn't need them (but took them because they could), but with corruption as well. The bank's own internal Office of Inspector General (OIG) remains active, continuing to work on dozens of cases involving special deals and fraudulent documents and rules violations in approving loans. And it was not just corporate giants that were getting special dispensation, either. China, Russia, Saudi Arabia, and the United Arab Emirates were also taking advantage of low-interest-rate loans guaranteed by the U.S. taxpayer, saving them millions while costing companies that didn't have special access to the trough opportunities and lost labor forces. As Veronique de Rugy, a fellow at the Mercatus Center, so eloquently noted, jobs that were gained in companies enjoying special Ex-Im treatment were lost elsewhere. And Wall Street banks also enjoyed the party while the punch bowl was full. In a private conversation, an official with JPMorgan — the bank that most took advantage of being able to offer lower-than-market rate loans thanks to the Ex-Im slush fund — said, "It's free money." Delta Airlines CEO Richard Anderson, one of the bosses of the companies penalized by the Ex-Im Bank, stated in testimony before the House Financial Services Committee in June 2014 that by the Ex-Im Bank giving his competitors special advantages through low interest rate loans, more than 7,500 domestic airline jobs have disappeared. He explained: Many of those airlines [favored with low interest rate loans by the Ex-Im Bank] are themselves heavily owned or heavily subsidized by foreign governments. Emirates Airlines, for example, is owned by Dubai and receives benefits from that ownership that make it an extraordinarily strong competitor ... [because of that special treatment domestic customers must pay] fees and taxes that make up over 20 percent of the average ticket price. Put another way, every time someone flies domestically, his ticket is 20 percent higher than it would be without that subsidized foreign competition, aided and abetted by largesse from the Ex-Im Bank. In his testimony, Anderson presented an analysis of the cost advantage given to Emirates Airlines "that illustrated how the [Ex-Im Bank's] loan guarantees save Emirates as much as \$20 million in financing costs per plane.... Emirates is essentially getting a free additional widebody plane for every eight new planes it buys. That kind of deal is simply not available to airlines that must rely on market financing," explained Anderson. He added that if all Emirates Airlines' Boeing widebody aircraft were financed with Ex-Im Bank below-market interest rate loans, "Emirates may be receiving a total subsidy [thanks to the Ex-Im Bank] of up to \$188.7 million per year." And then there's Pemex, the Mexican state-owned petroleum company, with a market capitalization of half a trillion dollars, which nevertheless was able to secure more than \$7 billion in U.S. taxpayer financing to help fund deals with American companies. If those K-Street lobbyists have their way, the Ex-Im Bank will be resurrected and will continue to inflict itself on the hapless U.S. taxpayer once again, providing benefits to crony capitalists such as Boeing and JPMorgan, while allowed the culture of corruption inside to flourish unabated.

AT: Google EMRs D.A

EMRs are Inefficient/Expensive

EMRs are inefficient and hurt health care systems

Hensley 14 — Scott Hensley, Assistant Professor at the Wistar Institute, holds a PhD in biology from UPenn, 2014 (“Electronic Medical Records, Built For Efficiency, Often Backfire,” National Public Radio, November 7, Available Online at <http://www.npr.org/sections/health-shots/2014/11/07/361148976/electronic-medical-records-built-for-efficiency-often-backfire>, Accessed 7/26/15)

Electronic medical records were supposed to usher in the future of medicine.

Prescriptions would be beamed to the pharmacy. A doctor could call up patients' medical histories anywhere, anytime. Nurses and doctors could easily find patients' old lab results or last X-rays to see what how they're doing. The computer system could warn doctors about dangerous drug combinations before it was too late.

Many of those things are an everyday reality in doctors' offices and hospitals across the country. But a survey of more than 400 internists with experience using electronic medical records, or EMRs, documents what doctors have complained about for years: **computerized records chew up a lot of time.**

Writing up a patient's visit on the computer can take more time than you might expect. More than 60 percent of the doctors surveyed said that **note writing took longer using computerized records** than before they were implemented.

One reason: There are all kinds of boxes to check that have more to do with the billing department than the patient.

Overall, the survey found that attending physicians, the doctors in charge of care, lost an average of 48 minutes a day because of EMRs. Doctors in training lost 18 minutes a day.

EMR implementation is time consuming, ineffective, and wasteful spending

Denning 13 — Steve Denning, Program Director of Knowledge Management at the World Bank, studied law and psychology at Sydney University, worked as a lawyer in Sydney for several years, holds a postgraduate degree in law at Oxford, 2013 (“Why Is Your Doctor Typing? Electronic Medical Records Run Amok,” Forbes, April 25, Available Online at [Why Is Your Doctor Typing? Electronic Medical Records Run Amok](http://www.forbes.com/2013/04/25/why-is-your-doctor-typing-electronic-medical-records-run-amok/), Accessed 7/26/15)

In the last year or two, there's been a shift. **Much of my time with doctors has been spent watching them type.** In one case, the doctor tapped away on his laptop, occasionally looking up to ask questions before returning to the main focus of his attention: his computer. In another case, the doctor intermittently tapped on an iPad while we spoke. In a third instance, the doctor had a conversation with me and then apologized that he would be spending the next half of our session typing up the results of

our conversation. All this typing was required, he said, if he was ever going to be reimbursed for his services. It was getting in the way of being a doctor.

Surely, I said, computerized medical records generate benefits. They are easily retrievable. They can be transferred from one practice to another and accessible to the many different service providers—hospitals, laboratories, specialists, radiology and so on—that might be involved in any one patient.

“In theory, perhaps,” he replied. “But in practice, it’s a horrible and costly bureaucracy that is being imposed on doctors. I spend less time with patients, and more time filling out multiple boxes on forms that don’t fit the way I work. Often I am filling out the same information over and over again. A lot of it is checking boxes, rather than understanding what this patient really needs.”

What about retrieving information? Isn’t that easier?

“Again, in theory, retrieval should be easy and quick,” he said, “But you can’t flip through these records the way you do with a paper file and easily find what you want. The other day, for instance, I inherited a new patient along with her electronic records. Her previous care-givers had checked forty-five boxes of problems. There’s no way that I can deal with a patient with forty-five problems. She and I talked for some time and eventually we figured out that she had six real health problems: then we could begin to discuss what to do. And then I had to input that discussion into the computer. The electronic record didn’t save time. It made everything take longer.”

But at least now you can get the records electronically?

“Sometimes,” he said. “But each network has its own system and often the systems are incompatible. The systems don’t talk to each other. So transferring records from one system to another becomes another nightmare.”

But why do you type while the patient is there?

“Filling out these forms and checking all the boxes takes me a lot of time,” he said, “If I don’t do it now, I will spend half the night trying to remember the discussion and typing up the results of the day’s visits. The outcome is that I have less time to spend with patients. Instead of making the system better, it’s making everything more costly.”

What we are seeing here is the implementation of Obamacare—the Affordable Care Act—which has provided reimbursement incentives and an electronic medical records deadline for those who adopt electronic medical records (EMR). However, for those who don’t meet the electronic medical records deadline for implementation, the government has laid out a series of penalties. The message to doctors is clear: implement electronic records or pay a price.

“The government already is wasting billions on the medical EMR,” my doctor told me. “They are committed to giving each health care system \$17,000 per doctor who is successfully using electronic medical records to help them cover their software investment. This money goes to the health care system and not the docs. So it’s basically a very lucrative pass through to the software people for generating an inadequate and burdensome system.”

Survey: most doctors lose money with electronic records

My doctor is not alone in seeing problems with the way that electronic medical records are being implemented.

A recent survey published in Health Affairs by Julia Adler-Milstein, Carol Green and David W. Bates, estimates that **doctors who install electronic medical records systems should expect an initial loss of around \$44,000 on their investment.** Almost two-thirds of the practices using electronic records would lose money even with government subsidies, the researchers said.

Having electronic records is in principle a good idea, but only if one imagines implementation as quick and intuitive so that it's easier for doctors to input and retrieve information rather than from scribbling notes on paper. Reformers imagine some kind of well-tuned iPhone or iPad with lots of cool gadgets and apps that make life easier.

But in practice, **implementation of electronic health records today is anything but quick and intuitive or easy to use.** It's mostly like old-style form-filling software that is an aggravating pain to use. It takes forever, involves continuous repetition, is counter-intuitive to use and offers few benefits in return. Along with upfront costs, doctors said they have to work longer hours because of the software. Smaller offices, those with five doctors or fewer, struggled the most.

The study shows that 27 percent of practices are projected to gain by seeing more patients or getting more claims approved by insurers, though there is no indication what happened to the quality of care in such accelerated throughput.

Implementing electronic records is expensive and difficult to use

Denning 13 — Steve Denning, Program Director of Knowledge Management at the World Bank, studied law and psychology at Sydney University, worked as a lawyer in Sydney for several years, holds a postgraduate degree in law at Oxford, 2013 (“Why Is Your Doctor Typing? Electronic Medical Records Run Amok,” Forbes, April 25, Available Online at Why Is Your Doctor Typing? Electronic Medical Records Run Amok, Accessed 7/26/15)

Despite the theoretical potential for quality improvement from computerized records, they found that few physician practices use electronic records. Miller and Sim argue that “the path to quality improvement and financial benefits lies in getting the greatest number of physicians to use the electronic medical records [EMR] (and not paper) for as many of their daily tasks as possible. **The key obstacle in this path to quality is the extra time it takes physicians to learn to use the EMR effectively for their daily tasks.**”

Miller and Sim report:

“Interviewees reported that most physicians using EMRs spent more time per patient for a period of months or even years after EMR implementation. **The increased time costs resulted in longer workdays or fewer patients seen, or both,** during that initial period... Even highly regarded, industry-leading EMRs to be challenging to use because of the multiplicity of screens, options, and navigational aids... Although vendors are slowly improving EMR usability, most vendor interviewees doubted that any “silver bullet”

technology (for example, voice recognition, tablet computers, or mobile computing) will dramatically simplify EMR usage. Designing easy-to-use software for knowledge workers is a challenge that spans the software industry beyond health care.”

Miller and Sim suggest policy interventions to overcome these barriers, including providing work/practice support systems, improving electronic clinical data exchange, and providing financial incentives for quality improvement.

This thinking is fanciful. Paying people to work unintelligently doesn't work and ultimately will be ineffective. What is needed are systems that actually help doctors do their work.

The world didn't need incentives or support systems to get people to adopt iPhones or iPads. We embraced the iPhones and iPads because they are easy to use and they made our lives better.

When the software embedded in electronic records isn't adapted to the doctor's needs and the way they work, **hopes of major productivity gains through policy fixes like incentives or training are doomed.**

EMRs Don't Work

EMRs don't improve data sharing

Creswell 14 — Julie Creswell, reporter at the New York Times, JD from University of Iowa, 2014 (“Doctors Find Barriers to Sharing Digital Medical Records,” New York Times, September 30, Available Online at http://www.nytimes.com/2014/10/01/business/digital-medical-records-become-common-but-sharing-remains-challenging.html?_r=0, Accessed 7/26/15)

Regardless of who is at fault, doctors and hospital executives across the country say they are **distressed** that the expensive electronic health record systems they installed in the hopes of reducing costs and improving the coordination of patient care — a major goal of the Affordable Care Act — **simply do not share information with competing systems.**

The issue is especially critical now as many hospitals and doctors scramble to install the latest versions of their digital record systems to demonstrate to regulators starting Wednesday that they can share some patient data. Those who cannot will face reductions in Medicare reimbursements down the road.

On top of that, leading companies in the industry are preparing to bid on a Defense Department contract valued at an estimated \$11 billion. A primary requirement is that the winning vendor must be able to share information, allowing the department to digitally track the medical care of 9.6 million beneficiaries around the globe.

The contract is the latest boon to an industry that taxpayers have heavily subsidized in recent years with over \$24 billion in incentive payments to help install electronic health records in hospitals and physicians' offices.

While most providers have installed some kind of electronic record system, two recent studies have found that fewer than half of the nation's hospitals can transmit a patient care document, while **only 14 percent of physicians can exchange patient data with outside hospitals or other providers.**

“We've spent half a million dollars on an electronic health record system about three years ago, and I'm faxing all day long. **I can't send anything electronically over it,**” said Dr. William L. Rich III, a member of a nine-person ophthalmology practice in Northern Virginia and medical director of health policy for the American Academy of Ophthalmology.

Alt Cause

Alt cause to healthcare industry — bureaucratization and bad management

Denning 13 — Steve Denning, Program Director of Knowledge Management at the World Bank, studied law and psychology at Sydney University, worked as a lawyer in Sydney for several years, holds a postgraduate degree in law at Oxford, 2013 (“Why Is Your Doctor Typing? Electronic Medical Records Run Amok,” Forbes, April 25, Available Online at Why Is Your Doctor Typing? Electronic Medical Records Run Amok, Accessed 7/26/15)

As Brown points out, the biggest challenge in enterprise software delivery lies not in these software practices themselves, but rather in the overall management culture. If the organization remains in a vertical, hierarchical mode, with an approach of “here’s the system—implement it”, none of the advantages of computerization will accrue. In fact, costs will increase.

The problem is that hierarchical bureaucracy is still pervasive in the health sector. Producing easy-to-use software or the agility to make continuous adjustments from experience lies beyond the performance envelope of this type of management.

A radically different kind of management is needed. It needs to begin, not with a goal of “introducing electronic medical records”, but rather with the goal of “improving the working lives of doctors through better technology”.

Instead of producing outputs in the form of electronic records, the goal needs to be generating positive outcomes for doctors. Once outcomes for doctors are positive, the need for incentives vanishes: doctors will want to improve their working lives. There will be stampede to use the new technology.

But this entails a revolution in management thinking. Instead of seeing electronic records as merely a shift in technology from paper to IT, it involves a transformation in the way the health sector thinks about and manages work. It means new goals, new roles for managers, new ways of coordinating work, new values and new ways of communicating.

Fortunately, there is a vast experience in thousands of organizations around the world for over a decade to show the way. It’s still the best kept secret in the management world.

We need to stop torturing doctors with systems that make work more difficult and generate systems that are better—better for doctors, better for patients and better for the health system overall. And for that to happen, we need a different kind of management.

AT: Insider Threats D.A

2AC Frontline—Insider Threats

1. Bulk collection makes NSA systems more vulnerable to insider hacks—multiple structural weaknesses

Bellovin 8 [Steven M. Bellovin (Columbia University), Matthew A. Blaze (University of Pennsylvania), "Risking Communications Security: Potential Hazards of the Protect America Act," IEEE Society, 1-1-2008] AZ

The US has also experienced difficulties with communications surveillance systems. Under the Communications Assistance for Law Enforcement Act (P.L. 100-667), the US Federal Bureau of Investigation (FBI) was responsible for determining technical specifications for wiretapping built into switches of digital telephone networks. DCS 3000, an FBI suite of systems for collecting and managing data from wiretaps for criminal investigations, was designed to meet those requirements. Recently released FBI documents reveal serious problems in the system's implementation.²² Its auditing system was primitive, surprising for a system intended for evidence collection. The system has no unprivileged user IDs, relying on passwords rather than token-based or biometric authentication, and even uses an outdated hashing algorithm (MD5 appears in a 2007 "system security plan,"²³ several years after Chinese researchers found serious problems with this already weak hashing algorithm). Most seriously, the system relied on a single shared login, rather than a login per authorized user. The system's ability to audit user behavior depended entirely on following proper processes, including using a manual log sheet to show who was using the system at a given time. Remote access—in an insecure fashion—is permitted from other DCS 3000 nodes, making the system vulnerable to insider attacks. These are a real risk: recall that the most damaging spy in FBI history, Robert Hanssen, abused his authorized access to internal FBI computer systems to steal information and track progress of the investigation aimed at him. The problems in the DCS 3000 implementation illustrate the risks in building a communications surveillance system. We do not know whether DCS 3000 was merely poorly implemented or whether it was poorly specified. What were the requirements on the FBI system? Did they include full auditing and full user identity? What were the project's goals? Were the designers required to meet all requirements or goals? These are questions that should have been asked of the DCS 3000 designers—and should be asked of any builder of a communications surveillance system. Although the NSA has extensive experience in building surveillance systems, that does not mean things cannot go wrong. When you build a system to spy on yourself, you entail an awesome risk. In designing a system to satisfy the needs of the Protect America Act, the risk is made worse by four phenomena: cation carriers in all previous interception programs within the US communication system. This protective role was the result of the specificity required in wiretap warrants. placing the system properly within the US rather than at US borders; likelihood that the system will be built out of pieces previously used abroad, which runs the risk that opponents are already familiar with the equipment via intelligence-sharing agreements or capture of equipment; and use of CDRs, originally built for network development purposes, in an entirely new way involving "customers" outside the phone company. These architectural decisions facilitate three distinct types of problems: system capture to enable spying on US traffic; system defeat by using information learned from foreign examples to defeat selection and filtering strategies; and system spoofing by similar means. All of these can be used not only to make the surveillance system less effective, but also to turn it into a tool for capturing communications that are not implicated in any

illegal activity—**endangering both security and privacy**. We see several specific risks as a result. **Risk of exploitation by opponents**. A **system that accesses domestic communications necessarily poses a greater direct risk** to the communications of Americans than a surveillance system fielded overseas. To avoid foreign familiarity with its operation, communication security equipment is not often shared with allies. However, engineering economy reuses systems previously fielded abroad; thus, both **allies and opponents are likely to be familiar with US surveillance equipment**. Is there a risk that knowledge of the surveillance system acquired by studying equipment outside the US will be applied to defeating or subverting similar equipment deployed within the US? Is the NSA designing sufficiently robust mechanisms to assure complete control of the filtering and selection mechanisms? Even prior to the Protect America Act, US communications were vulnerable to surveillance, but building signals intelligence systems is expensive. The system designed as a result of the Protect America Act must not reduce foreign powers' difficulty in gaining access to US communications. Can the communications of US persons be tapped without increasing the risk that these communications will be exploited by others without authorization to do so?

2. Econ decline turns the DA—triggers the impact

Hall 14 [Caitlin Squire Hall (Strategic Intelligence Graduate, Officer in the United States Air Force, Combat Intelligence analyst), "The Trusted Shadow and Trojan Horse of the United States Government: Human Behavior and the Insider Threat," Small Wars Journal, 3/20/2014, <http://smallwarsjournal.com/jrnl/art/the-trusted-shadow-and-trojan-horse-of-the-united-states-government>] AZ

Due to the impact, monetarily, strategically, and tactically, in which an insider can cause damage to the United States, steps must be taken in order to prevent, mitigate, and attempt to eliminate. **With the poor economy and current government shutdown, this threat only has the potential to grow as American citizen's fight against financial complications and anger towards the government**. The issue is that **there is no easy way to prevent the insider**, rather mitigate or minimize the impact. There are several programs that could be implemented to not only draw awareness to the insider threat but call for periodic review boards and background checks. However, **the insider is still a trusted shadow of the government and with the technological advancements** in today's society, numerous programs, if poor in nature, could be implemented and **the threat would remain alive and kicking**.

3. We're already losing the spy war and it's too late to alter our status—even if we could, the timeframe is decades

Schindler, '15 (John R., security consultant and a former National Security Agency counterintelligence officer, "China's Spies Hit the Blackmail Jackpot With Data on 4 Million Federal Workers", "The Daily Beast", 06/11, <http://www.thedailybeast.com/articles/2015/06/11/china-s-spies-hit-the-blackmail-jackpot-with-every-data-on-federal-worker.html>) JL

With each passing day the U.S. government's big hacking scandal gets worse. Just what did hackers steal from the Office of Personnel Management? Having initially assured the public that the loss was not all that serious, OPM's data breach now looks very grave. The lack of database encryption appears foolhardy, while OPM ignoring repeated warnings about its cyber vulnerabilities implies severe

dysfunction in Washington. To say nothing of the news that hackers were scouring OPM systems for over a year before they were detected. It's alarming that intruders got hold of information about every federal worker, particularly because OPM previously conceded that "only" 4 million employees, past and present, had been compromised, including 2.1 million current ones. Each day brings worse details about what stands as the biggest data compromise since Edward Snowden stole 1.7 million classified documents and fled to Russia. Then there's the worrisome matter of what OPM actually does. A somewhat obscure agency, it's the federal government's HR hub and, most important, it's responsible for conducting 90 percent of federal background investigations, adjudicating some 2 million security clearances every year. If you've ever held a clearance with Uncle Sam, there's a good chance you're in OPM files somewhere. Here's where things start to get scary. Whoever has OPM's records knows an astonishing amount about millions of federal workers, members of the military, and security clearance holders. They can now target those Americans for recruitment or influence. After all, they know their vices, every last one—the gambling habit, the inability to pay bills on time, the spats with former spouses, the taste for something sexual on the side—since all that is recorded in security clearance paperwork. (To get an idea of how detailed this gets, you can see the form, called an SF86, here.) Speaking as a former counterintelligence officer, it really doesn't get much worse than this. Do you have friends in foreign countries, perhaps lovers past and present? The hackers know all about them. That embarrassing dispute with your neighbor over hedges that nearly got you arrested? They know about that, too. Your college drug habit? Yes, that too. Even what your friends and neighbors said about you to investigators, highly personal and revealing stuff, that's in the other side's possession now. Perhaps the most damaging aspect of this is not merely that millions of people are vulnerable to compromise, through no fault of their own, but that whoever has the documents now so dominates the information battlespace that they can halt actions against them. If they get word that an American counterintelligence officer, in some agency, is on the trail of one of their agents, they can pull out the stops and create mayhem for him or her: Run up debts falsely (they have all the relevant data), perhaps plant dirty money in bank accounts (they have all the financials, too), and thereby cause any curious officials to lose their security clearances. Since that is what would happen. This disaster was decades in the making and will take decades to set right. Then there's the troubling matter of who's behind this mega-hack. U.S. intelligence sources haven't been particularly shy about pointing the finger at China, particularly at hacker groups that serve as cut-outs for Chinese intelligence and who are the suspected culprits behind several major online data breaches of the U.S. economy, including the health-care industry. What they're particularly looking for is information about Chinese nationals who have ties to Americans working in sensitive positions. Why Beijing wants that information isn't difficult to determine. Armed with lists of Chinese citizens worldwide who are in "close and continuing contact" (to cite security clearance lingo) with American officials, Beijing can now seek to exploit those ties for espionage purposes. And it will. While many intelligence services exploit ethnic linkages to further their espionage against the United States—Russians, Cubans, Israelis, even the Greeks—none of the major counterintelligence threats to America exploit ethnic ties as consistently as Beijing does. The OPM compromise, however it came about, represents a genuine debacle for Washington, one that will take many years to repair. Our intelligence community already faces serious and long-standing problems with counterintelligence, the Beltway's perennial redheaded stepchild, and this setback promises to make things exponentially worse. This is a new kind of threat, the melding of ancient counterespionage techniques with 21st-century technology, and we're playing catchup. The OPM hack, which is unprecedented in its scope, offers our adversaries the opportunity to penetrate our government and

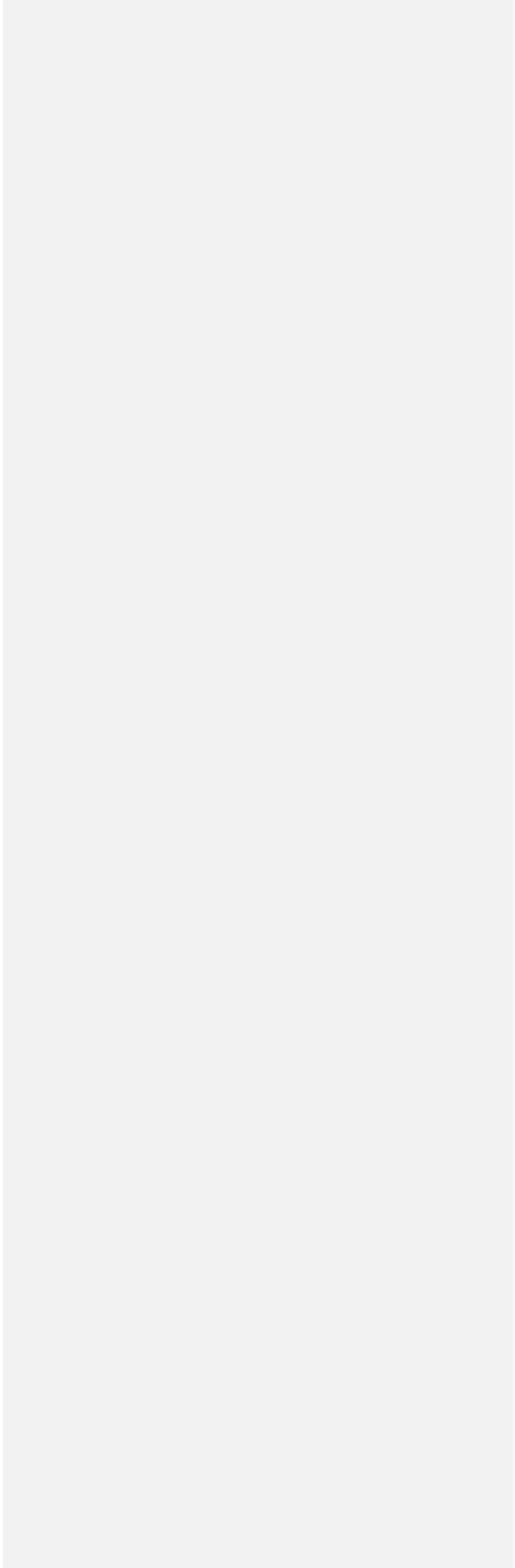
use that information to deceive it at a strategic level. **This is the essence of SpyWar**, the secret struggle between the West and adversaries like China, Russia, and Iran, a clandestine battle that never ceases, yet which the public seldom gets wind of, except when something goes wrong. The extent of the damage here appears so vast that all the counterintelligence awareness in the world may not be able to offset the advantage in the SpyWar that Beijing has won with this data theft. If you are or have been employed with the federal government and have listed Chinese nationals on your SF86, it's time to be vigilant, while anybody who's worked for the feds since the mid-1980s ought to be watching their credit reports for anomalies. Then there's the matter of the lives possibly ruined by this. Simply put, there has long been a tacit agreement: You keep the U.S. government's secrets safe, it will do the same for yours. That important promise, the bedrock upon which the security clearance process is based, has been violated, with serious consequences for millions of Americans—and for Washington. Counterintelligence hands warned of the threat posed by putting all sorts of sensitive information in such databases, but they were ignored. **It's too late to undo the damage**, but we must finally get serious about preventing the next big compromise, while mitigating the pain of this loss. This disaster was decades in the making and will take decades to set right. There's no time for back-biting. Honest assessment is what's required. There's a SpyWar on that needs to be won.

4. Underreporting—97% chance that insiders bypass monitoring and surveillance checks

Bunn 14 [Matthew Bunn (American nuclear and energy policy analyst, currently a professor of practice at the Harvard Kennedy School at Harvard University) and Scott Sagan, "A Worst Practices Guide to Insider Threats: Lessons from Past Mistakes," the American Academy of Arts and Sciences, 2014, <https://www.amacad.org/multimedia/pdfs/publications/researchpapersmonographs/insiderThreats.pdf>] AZ

Nuclear managers may assume that their systems for detecting red flags are much better—that they would surely catch someone like Hasan. But the case of Sharif Mobley suggests that this may not always be the case. In March 2010, Mobley was arrested in Yemen for alleged involvement in al-Qaeda and for shooting a guard in an attempt to escape. Yet between 2002 and 2008, prior to traveling to Yemen, **Mobley worked at five U.S. nuclear power plants (Salem-Hope Creek, Peach Bottom, Limerick, Calvert Cliffs, and Three Mile Island), where he was given unescorted access** inside the plant (though not in the vital areas) to perform maintenance and carry supplies. According to a Nuclear Regulatory Commission (NRC) report, Mobley voiced his militant views during his work, referring to non-Muslim coworkers as "infidels" and remarking to some in his labor union: "We are brothers in the union, but if a holy war comes, look out."²⁴ Though the rules in place at the time required individual workers to report any suspicious behavior on the part of coworkers, **none of Mobley's fellow union members** apparently **reported these statements**. The red flags were again invisible. Cases of ignoring red flags as extreme as Hasan's, or even Mobley's, do not happen often. But the **issues raised—failing to report problems because of the headaches involved, passing troublesome employees off to someone else—** arise in smaller ways in almost every organization. Indeed, research suggests that indicators of insider security problems are **systematically underreported**.²⁵ One study of several cases of **insider information-technology sabotage** in critical infrastructure found that **97 percent of the insiders involved** in the cases **"came to the attention of supervisors or coworkers for concerning behavior prior to the attack," but the **observed behavioral precursors were "ignored by the organization."****²⁶ All managers of nuclear organizations should be asking themselves: how are the incentives for reporting such issues really

aligned in my organization? How could I test how well such issues are reported? How could I improve my organization's ability to detect and act on a potential problem before it occurs?



Privacy Violation

Counterintelligence programs engage in civil rights abuses even worse than NSA mass surveillance.

Gage, '13 (a Yale history professor, is the author of *The Day Wall Street Exploded*, "Somewhere, J. Edgar Hoover Is Smiling", "Slate", 06/07, http://www.slate.com/articles/news_and_politics/history/2013/06/prism_j_edgar_hoover_would_have_loved_the_nsa_s_surveillance_program_topic.html) JL

On March 8, 1971, a handful of activists broke into the FBI's field office in Media, Penn., and made off with a stack of incriminating documents. Over the next several months, they began to publish what they had learned. In the pre-Internet age, this often meant reprinting the FBI records in the alternative press, though papers such as the Washington Post and New York Times also picked them up. Like Glenn Greenwald's recent revelations about the NSA, the discoveries from the Media break-in sparked widespread public outrage—and turned out to be one of the biggest scoops in intelligence history. The program they exposed was called COINTELPRO (short for "counterintelligence program"), known today as the most notorious of the many notorious secret operations authorized by former FBI director J. Edgar Hoover. Under COINTELPRO, federal agents engaged in a jaw-dropping array of abuses—not only widespread surveillance of law-abiding American citizens, but also active "disruption" efforts against political organizations and activist leaders. The most famous is perhaps the FBI's bugging of Martin Luther King's hotel rooms, an effort that captured King in a variety of sexually compromising situations. When the press refused to peddle the sex stories (yes, the press used to refuse to peddle sex stories), the FBI sent King an anonymous note urging him to drop out of politics, and potentially to commit suicide. "You are done," the letter declared. "There is but one way out for you." There can be no question that COINTELPRO was more intrusive—if also more targeted—than today's apparent efforts at mass technological surveillance by the National Security Agency. But there is at least one important distinction that makes today's scandal far more disturbing. When the FBI launched COINTELPRO, it was acting alone, outside of the boundaries of established law. Today, what the NSA is doing appears to be legal—and nearly every branch of the government is complicit. Unlike Hoover's activities, the NSA's programs come to us with the seal of congressional and judicial approval. It didn't take J. Edgar Hoover to engineer this scandal. We did it to ourselves. * * * From his earliest days as FBI director, Hoover had shown a talent for skirting the law. When Franklin Roosevelt encouraged him to look into domestic fascist and communist movements in the late 1930s, Hoover took this as a secret mandate to launch mass intelligence operations. When Congress outlawed wiretapping that same decade, Hoover interpreted the new statute to mean that he should not disclose wiretap evidence in court—then continued to wiretap as part of his ongoing intelligence operations. For Hoover, the sanctity and secrecy of FBI records was always the top concern; if it seemed that a secret program might be exposed, he often tried to shut it down. In at least one case, he allowed a known Soviet spy to walk free rather than take the risk that he would be forced to produce raw FBI reports in front of a jury of citizens. Advertisement Such secrecy was arguably easier to maintain in the 1950s and 1960s for a simple reason: Outside of appropriations hearings, intelligence agencies were not subject to much congressional oversight. Theoretically, Hoover worked for the attorney general, who worked for the president, and FBI policies were approved up the chain of command. In reality, he worked for himself and did mostly what he wanted. This is not to say that Hoover was a rogue actor, engaged in activities that would have horrified his Washington contemporaries. Rather, most politicians understood the deal: The FBI might

be up to no good, but it was in the interests of national security, and it was best not to ask too many questions. As a result, most efforts to expose the FBI's operations came from outside of Washington, and from outside the mainstream press. 1960s activists had been complaining for years that the FBI was bugging their meetings, planting informers, disrupting their relationships and organizations. But until the Media break-in they had little by way of hard proof. In that sense, the Media revelations—like the ongoing NSA scandal—were less about shock and surprise than about confirmation: The government was in fact doing everything you already sort of knew it was doing. After the Media burglary, COINTELPRO entered the popular lexicon as the shorthand designation for an entire universe of government surveillance, lies, and betrayal. PRISM may now take on a similar life, a one-word reminder that the government may, in fact, be watching your keystrokes. The FBI responded to the Media break-in by circling the wagons. Hoover cut back on counterintelligence activities, punished the local office chiefs, and set about trying to catch the burglars. But he had little luck. The Media burglary—“Medburg,” in the FBI's lexicon—still ranks as one of the Bureau's great unsolved cases. The political consequences were severe, however, and took several years to play out. In October 1971, a group of prominent civil liberties activists gathered at Princeton University for a conference to pressure the government into enacting intelligence oversight and reform. But it was not until 1975, in the wake of Watergate, that Congress itself took action. That year Idaho Sen. Frank Church led a sweeping congressional investigation into intelligence abuses, one the most expansive such efforts in American history. What he found confirmed the revelations from Media and then some, exposing COINTELPRO as a program that swept in groups from the Weathermen to the Ku Klux Klan. Hoover himself had died by that point, and he made an easy scapegoat, a larger-than-life figure who had amassed more power than any single man deserved, and who had used it to make a mockery of American democratic tradition. The discoveries went well beyond Hoover, though, and well beyond the FBI. According to the Church Committee reports, every federal intelligence agency had engaged in widespread civil liberties abuses over the previous 30 years, beginning with mass surveillance of domestic political groups and moving on up through the assassination of foreign leaders. The result was a new system of oversight—institutions like the Senate Select Committee on Intelligence and the FISA courts that govern intelligence activities today. When they were created, these new mechanisms were supposed to stop the kinds of abuses that men like Hoover had engineered. Instead, it now looks as if they have come to function as rubber stamps for the expansive ambitions of the intelligence community. J. Edgar Hoover no longer rules Washington, but it turns out we didn't need him anyway.

The FBI Chasing Spies program trample on civil liberties.

Haynes, 03 (John Earl, an American historian who worked as a specialist in 20th-century political history in the Manuscript Division of the Library of Congress. He is known for his books on the subject of the American Communist and anti-Communist movements, and on Soviet espionage in America (many written jointly with Harvey Klehr, “Chasing Spies: How the FBI Failed in Counterintelligence but Promoted the Politics of McCarthyism in the Cold War Years (review)”, “Project Muse”, *Journal of Cold War Studies* Volume 5, Number 2, Spring 2003 pp. 117-119, <http://muse.jhu.edu/journals/cws/summary/v005/5.2haynes.html>) JL

In lieu of an abstract, here is a brief excerpt of the content: *Journal of Cold War Studies* 5.2 (2003) 117-119 Athan G. Theoharis, Chasing Spies: How the FBI Failed in Counterintelligence but Promoted the Politics of McCarthyism in the Cold War Years. Chicago: Ivan R. Dee, 2002. 307 pp. \$27.50. The heart of this volume repeats the theme Athan Theoharis has pursued through numerous books and articles: In the name of internal security the Federal Bureau of Investigation (FBI) oppressed innocent people and trampled on civil liberties in its eagerness to suppress criticism of the status quo. In particular, his earlier works depicted the FBI's investigations of the American Communist Party (CPUSA) and other radicals as having lacked any legitimate basis. The bulk of Chasing Spies continues this theme, focusing on cases of

the FBI's use of warrantless wiretaps and buggings; warrantless, surreptitious entries to photograph evidence ("black-bag" jobs); close surveillance; informants inside the CPUSA; and cooperation with congressional committees investigating domestic Communism.

Theoharis describes all of this in detail and in scandalized tones. Nevertheless, in light of the declassification of the decrypted Venona materials and the documents that have emerged from Soviet archives, it is no longer possible to ignore Soviet espionage and the CPUSA's role in it. Consequently, Theoharis surrounds his recapitulation of FBI investigatory abuses with a discussion of the new evidence. He writes that Venona and KGB records confirm that leaders of the American Communist party had served either as couriers or had recruited individuals to steal U.S. secrets for the Soviet Union.... The fact that the Soviets spied on the United States ... is in itself not a startling revelation. (p.237) If one's knowledge of Soviet espionage had been based on Theoharis's earlier writings, the disclosure of CPUSA involvement would have been very "startling" indeed. He deprecated claims of significant Soviet spying and CPUSA assistance, and he steadfastly attacked the credibility of defectors from Soviet espionage such as Elizabeth Bentley, whose testimony has now been overwhelmingly vindicated. His glossing over of Soviet espionage was key to his criticism of the FBI's internal security activities as unjustified.

HUMINT Link Turn

Insider threat programs need people, not technology.

Shea, '15 (Sharon, manages special projects for TechTarget Security Media's websites, including SearchSecurity and SearchCloudSecurity, "Insider threat programs need people, not technology", "Search Security", 04/28, <http://searchsecurity.techtarget.com/news/4500245207/Insider-threat-programs-need-people-not-technology>) JL

SAN FRANCISCO -- **Developing insider threat programs is more about people, policies and planning than**

technology -- this according to an RSA Conference panel Thursday. The discussion among Dawn Cappelli, Rockwell Automation Inc.'s insider risk management director, Geoff Hancock, Advanced Security Group CEO, and Pat Reidy, CSC's vice president of cybersecurity focused on five tenets to help enterprises build effective threat-management programs. Know what you're fighting for When it comes to insider threat management, Reidy said, it is critical to understand the first responsibility of the job is to protect both the privacy of employees and confidential corporate data. After this, Reidy continued, the "sexy" part of the job -- catching the bad guys -- comes into play. This mindset can also establish an insider threat program as more "palatable" to leadership and employees alike. Putting together an effective team All three panelists agreed **having the right people involved in insider threat programs is**

essential. Reidy said stakeholders, human resources members, legal representatives and the security team were all crucial to include in a strategy. Cappelli recommended forming a "virtual team" -- a specialized taskforce from different areas of a company -- a strategy she employed when creating an internal threat program at Rockwell. However, she added that a dedicated insider threat management team is not always necessary; in many enterprise scenarios, integrating the task into existing team members' daily responsibilities is sufficient. Along with creating the team, the panelists emphasized it's important to assign the right tasks to the right people. Insider threat detection is often "chucked at the geeks," Reidy said; but the threats often are 90% nontechnical. Knowing when to contact HR, the legal team or even law enforcement is key.

Squo Solves

Companies can form their own insider threat programs without any or a huge investment.

Shea, '15 (Sharon, manages special projects for TechTarget Security Media's websites, including SearchSecurity and SearchCloudSecurity, "Insider threat programs need people, not technology", "Search Security", 04/28, <http://searchsecurity.techtarget.com/news/4500245207/Insider-threat-programs-need-people-not-technology>) JL

A people problem doesn't always have a technology solution **Adopting an insider threat program doesn't always require a huge -- or any -- monetary investment**, Reidy said. Before purchasing the next hot product touting insider threat detection capabilities, Reidy continued, evaluate what your organization has in house; the products enterprises are already employing often contain necessary insider threat detection features. Start with developing baseline data, Hancock added. Detail what needs protection, who has access to what and so forth. Cappelli suggested that nontechnical controls -- including limiting USB and cloud service usage -- may also prevent a number of insider attacks. Selling the idea to management While getting executives on board sounds simple enough, getting insider threat program buy-in can be a lot of work, Cappelli continued. Insider threat programs are often seen as just another expense. But, Hancock noted, 55% of breaches start with insiders; if the threat can be nipped in the bud, it's a good investment. Additionally, Hancock went on to say, building a strong business case for insider threat programs can help executives justify the investment. While it's important to tell enterprise leaders the dangers of insider threats, Reidy asserted, scare tactics aren't the best method and likely won't work. Instead, Reidy suggested selling insider threat programs by touting their benefits: protecting the people, intellectual property and viability of the company. Never base insider threat suspicions on personal opinions of employees, Cappelli added; monitoring should spare no one. "Not all employees [who are insider threats] are 'disgruntled,'" Cappelli said. "A lot of very nice people try to walk out with information." Proactive insider threat detection A daunting aspect of insider threats, Hancock said, is there's no way to stop them.

Enterprises can, however, take proactive measures to detect the threats before they become a major

issue. Creating a baseline measurement of network behavior, Hancock continued, would help companies detect and investigate suspicious anomalies. Locking common methods used by inside attackers can also prevent attacks, Cappelli noted. Prohibiting USB use and cloud file sharing should be foremost considered, as they are two of the most common ways employees exfiltrate data. If enterprises cannot feasibly control all users by such methods, enforcing controls on select departments and individuals would help reduce the attack surface. Another part of being proactive, suggested Hancock, involved keeping an ongoing playbook, to which the other panelists agreed writing down all potential insider threats and solutions was critical. Though new, never-before-experienced events will inevitably occur, **cataloging these events and learning from them is a huge part of any insider threat program.**

Non-UQ: Losing Spy War

We are losing the Spy War. It's too late to undo the damage

Schindler, '15 (John R., security consultant and a former National Security Agency counterintelligence officer, "China's Spies Hit the Blackmail Jackpot With Data on 4 Million Federal Workers", "The Daily Beast", 06/11, <http://www.thedailybeast.com/articles/2015/06/11/china-s-spies-hit-the-blackmail-jackpot-with-every-data-on-federal-worker.html>) JL

With each passing day the U.S. government's big hacking scandal gets worse. Just what did hackers steal from the Office of Personnel Management? Having initially assured the public that the loss was not all that serious, OPM's data breach now looks very grave. The lack of database encryption appears foolhardy, while OPM ignoring repeated warnings about its cyber vulnerabilities implies severe dysfunction in Washington. To say nothing of the news that hackers were scouring OPM systems for over a year before they were detected. It's alarming that intruders got hold of information about every federal worker, particularly because OPM previously conceded that "only" 4 million employees, past and present, had been compromised, including 2.1 million current ones. Each day brings worse details about what stands as the biggest data compromise since Edward Snowden stole 1.7 million classified documents and fled to Russia. Then there's the worrisome matter of what OPM actually does. A somewhat obscure agency, it's the federal government's HR hub and, most important, it's responsible for conducting 90 percent of federal background investigations, adjudicating some 2 million security clearances every year. If you've ever held a clearance with Uncle Sam, there's a good chance you're in OPM files somewhere. Here's where things start to get scary. Whoever has OPM's records knows an astonishing amount about millions of federal workers, members of the military, and security clearance holders. They can now target those Americans for recruitment or influence. After all, they know their vices, every last one—the gambling habit, the inability to pay bills on time, the spats with former spouses, the taste for something sexual on the side—since all that is recorded in security clearance paperwork. (To get an idea of how detailed this gets, you can see the form, called an SF86, [here](#).) Speaking as a former counterintelligence officer, it really doesn't get much worse than this. Do you have friends in foreign countries, perhaps lovers past and present? The hackers know all about them. That embarrassing dispute with your neighbor over hedges that nearly got you arrested? They know about that, too. Your college drug habit? Yes, that too. Even what your friends and neighbors said about you to investigators, highly personal and revealing stuff, that's in the other side's possession now. Perhaps the most damaging aspect of this is not merely that millions of people are vulnerable to compromise, through no fault of their own, but that whoever has the documents now so dominates the information battlespace that they can halt actions against them. If they get word that an American counterintelligence officer, in some agency, is on the trail of one of their agents, they can pull out the stops and create mayhem for him or her: Run up debts falsely (they have all the relevant data), perhaps plant dirty money in bank accounts (they have all the financials, too), and thereby cause any curious officials to lose their security clearances. Since that is what would happen. This disaster was decades in the making and will take decades to set right. Then there's the troubling matter of who's behind this mega-hack. U.S. intelligence sources haven't been particularly shy about pointing the finger at China, particularly at hacker groups that serve as cut-outs for Chinese intelligence and who are the suspected culprits behind several major online data breaches of the U.S. economy, including the health-care industry. What they're particularly looking for is information about Chinese nationals who have ties to

Americans working in sensitive positions. Why Beijing wants that information isn't difficult to determine. Armed with lists of Chinese citizens worldwide who are in "close and continuing contact" (to cite security clearance lingo) with American officials, Beijing can now seek to exploit those ties for espionage purposes. And it will. While many intelligence services exploit ethnic linkages to further their espionage against the United States—Russians, Cubans, Israelis, even the Greeks—none of the major counterintelligence threats to America exploit ethnic ties as consistently as Beijing does. The OPM compromise, however it came about, represents a genuine debacle for Washington, one that will take many years to repair. **Our intelligence community already faces serious and long-standing problems with counterintelligence**, the Beltway's perennial redheaded stepchild, and this setback promises to make things exponentially worse. This is a new kind of threat, the melding of ancient counterespionage techniques with 21st-century technology, and we're playing catchup. The OPM hack, which is unprecedented in its scope, offers our adversaries the opportunity to penetrate our government and use that information to deceive it at a strategic level. **This is the essence of SpyWar**, the secret struggle between the West and adversaries like China, Russia, and Iran, a clandestine battle that never ceases, yet which the public seldom gets wind of, except when something goes wrong. The extent of the damage here appears so vast that all the counterintelligence awareness in the world may not be able to offset the advantage in the SpyWar that Beijing has won with this data theft. If you are or have been employed with the federal government and have listed Chinese nationals on your SF86, it's time to be vigilant, while anybody who's worked for the feds since the mid-1980s ought to be watching their credit reports for anomalies. Then there's the matter of the lives possibly ruined by this. Simply put, there has long been a tacit agreement: You keep the U.S. government's secrets safe, it will do the same for yours. That important promise, the bedrock upon which the security clearance process is based, has been violated, with serious consequences for millions of Americans—and for Washington. Counterintelligence hands warned of the threat posed by putting all sorts of sensitive information in such databases, but they were ignored. **It's too late to undo the damage**, but we must finally get serious about preventing the next big compromise, while mitigating the pain of this loss. This disaster was decades in the making and will take decades to set right. There's no time for back-biting. Honest assessment is what's required. There's a SpyWar on that needs to be won.

The US is losing the Spy War.

Greenfield, '13 (Rebecca, "Why America Is Losing the War Against China's Hacker Spies", "The Wire", 02/14, <http://www.thewire.com/technology/2013/02/america-losing-war-against-chinas-hacker-spies/62135/>) JL

Forget The New York Times and The Wall Street Journal. **Chinese hackers are on a digital espionage campaign targeting a vast array of pretty much any major American organization "with intellectual property to protect,"** and now that there's a rare human side to combatting the malware attacks, we know there's not enough being done to stop the hackers yet. In a new cover story, Bloomberg Businessweek's Dune Lawrence and Michael Riley follow one of the American malware experts attempting to fight the war on hackers, and he reveals a long — even impossible — battle ahead. Since he began tracking Chinese hackers in 2004 at Dell SecureWorks, Joe Stewart has had two big successes in spy hunting, as he unveiled the identities of the hackers "Zhang" and "Cyb3rsleuth."* And he doesn't exactly deny Lawrence and Riley's assertion that the ongoing Chinese malware spying goes straight to the top: Investigators at dozens of commercial security companies suspect many if not most of those hackers either are military or take their orders from some of China's many intelligence or surveillance organizations. Indeed, the Businessweek story builds on growing fears that Chinese hackers might be targeting a whole lot more than just a couple of newspapers in the United States. A secret intelligence estimate described by The Washington Post this week "describes a wide range of sectors that have been the focus of hacking over the past five years, including energy, finance, information technology, aerospace and automobiles." That's a lot of trade secrets, and it appears to be the impetus behind an executive order issued on Tuesday by President Obama for government and the private sector to collaborate on cybersecurity threats. Congress is also taking up the Cyber Intelligence Sharing and Protection Act in an effort to shore up what security hawks see as holes in Obama's order. At the State of the Union on Tuesday, the president devoted a surprisingly large part of his address to hacking: Now, we know hackers steal people's identities and infiltrate private e-mails. We know foreign countries and companies swipe our corporate secrets. Now our enemies are also seeking the ability to sabotage our power grid, our financial institutions, our air traffic control systems. We cannot look back years from now and wonder

why we did nothing in the face of real threats to our security and our economy. Unfortunately, it may also take years before the full extent of the threat from China can be addressed head-on. As the U.S. government and those major, say, financial institutions start to connect on security issues, our private malware defenders can't even add up their success stories to anything that will actually stop the hacks from growing — or that will actually get China to admit what's going on. From Businessweek: Outing one person involved in the hacking teams won't stop computer intrusions from China. Zhang's a cog in a much larger machine and, given how large China's operations have become, finding more Zhangs may get easier. Show enough of this evidence, Stewart figures, and eventually the Chinese government can't deny its role. It might take several more years of piling on reports like that to make that weight of evidence so strong that it's laughable, and they say, 'Oh, it was us,' says Stewart. "I don't know that they'll stop, but I would like to make it a lot harder for them to get away with it." That's right, it will take years longer for China to even pay attention to the American counter-offensive. As the Bloomberg piece explains, these hacks are a "continuous invasion," and America is totally outnumbered. In the last 10 months, Chinese hackers have doubled their forces, with 10 teams deploying 300 malware groups. "There is a tremendous amount of manpower being thrown at this from their side," Stewart, the face of our anti-malware campaign, told Businessweek. Meanwhile, most American businesses and agencies are "outmatched by an enemy with vast resources and a long head-start," Lawrence and Riley write. There is one slightly encouraging tid-bit in the Bloomberg piece, however. At least some of our important national security organizations have enough resources to combat the hackers. Lawrence and Riley list the Pentagon and a "handful of three letter organizations" as "possibly" having enough manpower to combat the vast Chinese effort. So, there's that, and that's why Obama is doubling down.

A2 Russia Spies

Soviet spies actually helped US interests, by deterring Soviet aggressive negotiation.

Haynes, 03 (John Earl, an American historian who worked as a specialist in 20th-century political history in the Manuscript Division of the Library of Congress. He is known for his books on the subject of the American Communist and anti-Communist movements, and on Soviet espionage in America (many written jointly with Harvey Klehr, "Chasing Spies: How the FBI Failed in Counterintelligence but Promoted the Politics of McCarthyism in the Cold War Years (review)", "Project Muse", Journal of Cold War Studies Volume 5, Number 2, Spring 2003 pp. 117-119, <http://muse.jhu.edu/journals/cws/summary/v005/5.2haynes.html>) JL

Furthermore, Theoharis claims that **Soviet spies not only did not harm U.S. interests, but actually helped: "the information about U.S. industrial productivity and military strength provided by the Silvermaster group—the numbers being overwhelming—might have deterred Soviet officials from pursuing an aggressive negotiating strategy"** (pp.16-17). We have only limited knowledge of the influence of espionage on Stalin's foreign policy decisions. The notion that information from Soviet spies scared Stalin into moderation is at best highly speculative. To downplay Soviet espionage, Theoharis emphasizes that KGB and Venona records document ... political intelligence operations: reports on the plans and objectives of Democratic and Republican officials; operations directed against Communist political adversaries—Trotskyites, Russian Monarchists, Social Democrats, Russian Orthodox, prelates, and anti-Russian Polish Americans. (p.236) Theoharis dismisses these Soviet political intelligence activities as "silly" (p.16). In reality, Soviet intelligence organs, with the assistance of American Communists, reached into the United States to track exiled Russians, Poles, and Ukrainians, monitored Eastern Orthodox clergy for anti-Soviet sermons, infiltrated American Jewish organizations, kidnapped Soviet seamen...

Russia spies are not a threat.

Peritz, '14 (Aki, "What The Americans gets wrong about Russian spies", "The Week", 04/19,

<http://theweek.com/articles/447808/what-americans-gets-wrong-about-russian-spies>) JL

So what were these Soviet illegals actually doing in the suburbs? Probably not too much, according to retired KGB Maj. Gen. Oleg Kalugin, who wrote in his memoirs that the deep cover agents were the "least productive" of the KGB's branches working in the U.S. capital. **The most recent batch of busted Russian deep-cover agents apparently only managed to collect open-source material during their stay in America — information that could have been discovered by anyone with internet access. In fact, the U.S. Justice Department didn't charge any of them with espionage because they never actually sent any classified information back to Moscow.** It wasn't exactly the stuff of a Robert Ludlum thriller.

Non-UQ: Monitoring Fails

Even close monitoring doesn't check nuclear threats—bureaucracy and empirics prove

Bunn 14 [Matthew Bunn (American nuclear and energy policy analyst, currently a professor of practice at the Harvard Kennedy School at Harvard University) and Scott Sagan, "A Worst Practices Guide to Insider Threats: Lessons from Past Mistakes," the American Academy of Arts and Sciences, 2014, <https://www.amacad.org/multimedia/pdfs/publications/researchpapersmonographs/insiderThreats.pdf>]
] AZ

High-security facilities typically have programs to monitor the behavior of employees for changes that might suggest a security issue, and to encourage other employees to report such changes. Effective personnel screening, training, and monitoring systems are designed to pick up subtle signs that personnel reliability has been or is about to be compromised by disgruntlement, mental health problems, drug abuse, or personal life difficulties, or that security reliability has been or is about to be compromised by shifting political allegiances, corruption, recruitment, or self-radicalization. While picking up subtle signs of danger is difficult, security managers often assume that severe red flags warning of problems will not go unnoticed. But if individual incentive systems and information-sharing procedures encourage people not to report, even the reddest of red flags can be ignored. The shooting incident at Fort Hood, Texas, is an extreme version of this problem. On November 5, 2009, U.S. Army Major Nidal Hasan opened fire on a group of soldiers preparing to deploy to Afghanistan, killing thirteen and wounding twenty-nine.¹⁹ Major Hasan had made no secret of his radicalized, violent beliefs, voicing his justification of suicide bombers, defense of Osama bin Laden, and devotion to Sharia law over the U.S. Constitution to peers and supervisors over a period of years before the attack. The San Diego Joint Terrorism Task Force (JTTF), an interagency group managed by the FBI, had also obtained multiple email communications between Hasan and a "foreign terrorist" reported in the press to be Anwar al-Awlaki.²⁰ As Amy Zegart has argued, stopping "a radicalized American Army officer who was publicly espousing his beliefs and was known to be communicating with one of the world's most dangerous and inspirational terrorists in the post-9/11 era was not asking the impossible."²¹ Why did multiple U.S. government processes fail to act on the obvious red flags raised by Hasan? There were several reasons. First, the process for review and removal of an officer on security reliability grounds was time-consuming and cumbersome, posing an immense set of headaches to anyone who tried to act. Combined with the incentive to keep someone with Hasan's psychiatry specialty in the service, no officer at Walter Reed decided to start proceedings against Hasan. Second, the Army's system for reviewing officers' performance

Underreporting—97% chance that insiders bypass monitoring and surveillance checks

Bunn 14 [Matthew Bunn (American nuclear and energy policy analyst, currently a professor of practice at the Harvard Kennedy School at Harvard University) and Scott Sagan, "A Worst Practices Guide to Insider Threats: Lessons from Past Mistakes," the American Academy of Arts and Sciences, 2014, <https://www.amacad.org/multimedia/pdfs/publications/researchpapersmonographs/insiderThreats.pdf>]
] AZ

Nuclear managers may assume that their systems for detecting red flags are much better—that they would surely catch someone like Hasan. But the case of Sharif Mobley suggests that this may not always

be the case. In March 2010, Mobley was arrested in Yemen for alleged involvement in al-Qaeda and for shooting a guard in an attempt to escape. Yet between 2002 and 2008, prior to traveling to Yemen, Mobley worked at five U.S. nuclear power plants (Salem-Hope Creek, Peach Bottom, Limerick, Calvert Cliffs, and Three Mile Island), where he was given unescorted access inside the plant (though not in the vital areas) to perform maintenance and carry supplies. According to a Nuclear Regulatory Commission (NRC) report, Mobley voiced his militant views during his work, referring to non-Muslim coworkers as “infidels” and remarking to some in his labor union: “We are brothers in the union, but if a holy war comes, look out.”²⁴ Though the rules in place at the time required individual workers to report any suspicious behavior on the part of coworkers, none of Mobley’s fellow union members apparently reported these statements. The red flags were again invisible. Cases of ignoring red flags as extreme as Hasan’s, or even Mobley’s, do not happen often. But the issues raised—failing to report problems because of the headaches involved, passing troublesome employees off to someone else— arise in smaller ways in almost every organization. Indeed, research suggests that indicators of insider security problems are **systematically underreported**.²⁵ One study of several cases of insider information-technology sabotage in critical infrastructure found that 97 percent of the insiders involved in the cases “came to the attention of supervisors or coworkers for concerning behavior prior to the attack,” but the observed behavioral precursors were “ignored by the organization.”²⁶ All managers of nuclear organizations should be asking themselves: how are the incentives for reporting such issues really aligned in my organization? How could I test how well such issues are reported? How could I improve my organization’s ability to detect and act on a potential problem before it occurs?²⁷

Internal politics and nepotism hamper counterintelligence services, causing monitoring failure.

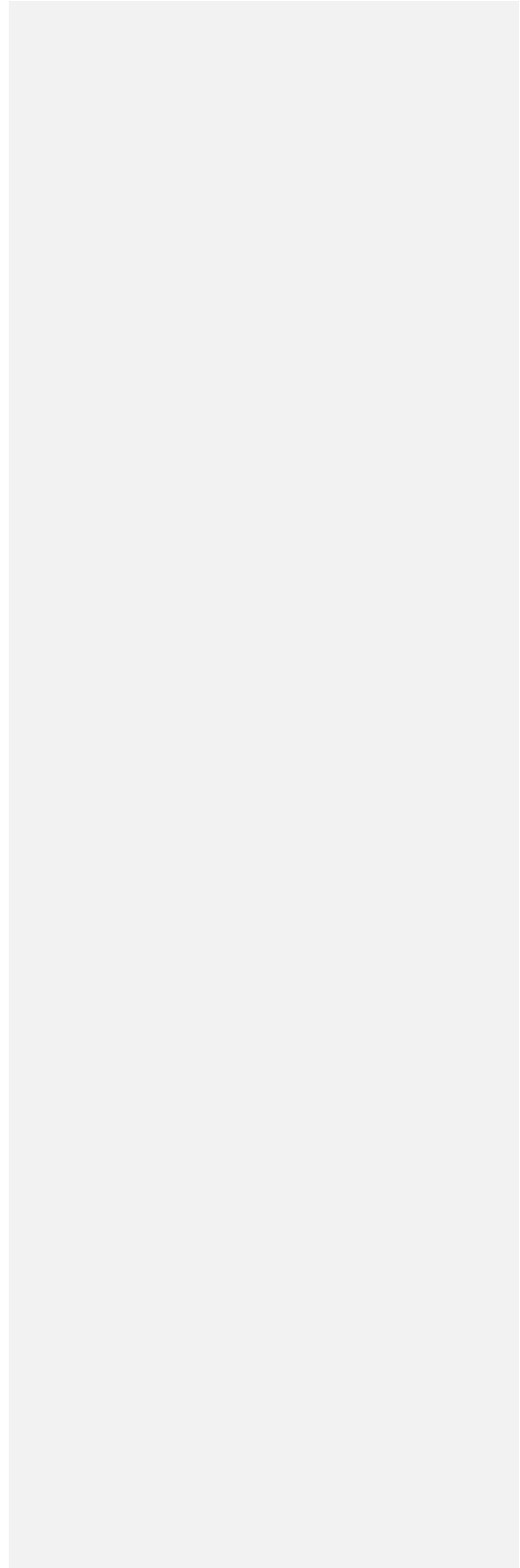
Riddell, '15 (Kelly, investigative reporter for The Washington Times, “FBI surveillance teams frustrated by nepotism and internal politics”, “The Washington Times”, 03/02, <http://www.washingtontimes.com/news/2015/mar/2/fbi-surveillance-teams-frustrated-by-nepotism-and-/?page=all>,) JL

Members of the **FBI surveillance teams that secretly track terrorists, spies and mobsters on U.S. soil are increasingly frustrated their mission is being hampered by internal politics and nepotism**, according to interviews and documents. FBI memos reviewed by The Washington Times show at least **three younger relatives of high-ranking bureau supervisors have landed jobs on the elite surveillance teams in recent years**, with two fast-tracked to full special agent status. In addition, some FBI local offices that ranked high on a threat and needs matrix for surveillance were passed over for new teams last year in favor of more politically connected offices that ranked lower, the records show. The worries have grown so widespread that one longtime decorated surveillance team member has sought whistleblower protection, taking his colleagues’ concerns to both the Justice Department’s inspector general and the Senate Committee on the Judiciary. The whistleblower told The Times he initially went to supervisors, who dismissed the problems and then gave him a poor personnel review. So **he then went to Congress because he fears current practices are jeopardizing the war on terror and the bureau’s counterintelligence operations**. “Who gets what surveillance teams — it’s now all about bias and favoritism and the good ol’ boy system,” the whistleblower said in an interview with The Times, speaking only on condition of anonymity because his identity is supposed to remain secret during surveillance. “My division — although we had the statistics to prove we needed more personnel — got skipped over because executive management had an ax to grind.” FBI officials readily acknowledge a

handful of top managers' children or relatives landed jobs on the surveillance teams, but they insist the hirings were governed by the bureau's strongly worded policy that outlaws favoritism in hiring. "All applicants go through a rigorous selection process, including structured interviews and security background investigations," the bureau said. "Personnel matters that have the potential of being viewed as an act of nepotism are subject to appropriate administrative action." The FBI also confirmed that some offices that scored high for surveillance needs were skipped over in favor of lower-ranked offices. Officials said that while the matrix evaluation was carefully conducted, it also allowed for some discretion by managers to change rankings. "Due to limited resources, not all field offices that qualified for an additional surveillance team were provided one. Both the selection process and the final determinations were subjected to an extensive review process and approved by executive management," the bureau said in its statement to The Times. The whistleblower disclosures come at a sensitive time for the bureau, which still faces questions as to why it had not more aggressively tracked the Tsarnaev brothers, who are suspected in the 2013 Boston Marathon bombing, after Russian authorities had tipped the agency about the pair.

AT: Intelligence D.A- UTNIF

AT NSA Morale



Link Turn

Morale crashing because of RULEBREAKING

Friedersdorf 12/10/13 Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs. He lives in Venice, California, and is the founding editor of The Best of Journalism, a newsletter devoted to exceptional nonfiction.

<http://www.theatlantic.com/politics/archive/2013/12/do-you-trust-em-the-washington-post-em-sources-on-morale-at-the-nsa/282184/>

After reading what these former officials had to say, Marcy Wheeler points out that NSA employees have a reason for low morale that has nothing to do with Obama's support:¶ Most of the NSA's employees have not been read into many of these programs ... That raises the distinct possibility that NSA morale is low not because the President hasn't given them a pep talk, but because they're uncomfortable working for an Agency that violates its own claimed rules so often. Most of the men and women at NSA have been led to believe they don't spy on their fellow citizens. Those claims are crumbling, now matter how often the NSA repeats the word "target."

Morale Low – NU

Morale low – Obama ignoring

Circa News 8/7/14 <http://circanews.com/news/nsa-employee-morale-drops-after-snowden-leaks>

Former NSA officials say the agency's workers are feeling low due to the fact that Pres. Obama hasn't paid them a visit since the Snowden leaks began. Pres. Obama hasn't visited NSA headquarters at Fort Meade since the first leaks from Edward Snowden surfaced, causing a plunge in morale among employees, former NSA officials tell the Washington Post. NSA workers "are feeling bad, beaten down," an unnamed official said. The agency, from top to bottom, leadership to rank and file, feels that it is had no support from the White House even though it's been carrying out publicly approved intelligence missions. They feel they've been hung out to dry, and they're right. – Joel Brenner, former NSA inspector general, Former Pres. George W. Bush visited the agency in 2006 shortly after the New York Times published revelations that the agency has engaged in warrantless wiretapping. The visit had a "tremendous" affect on morale, Brenner said.

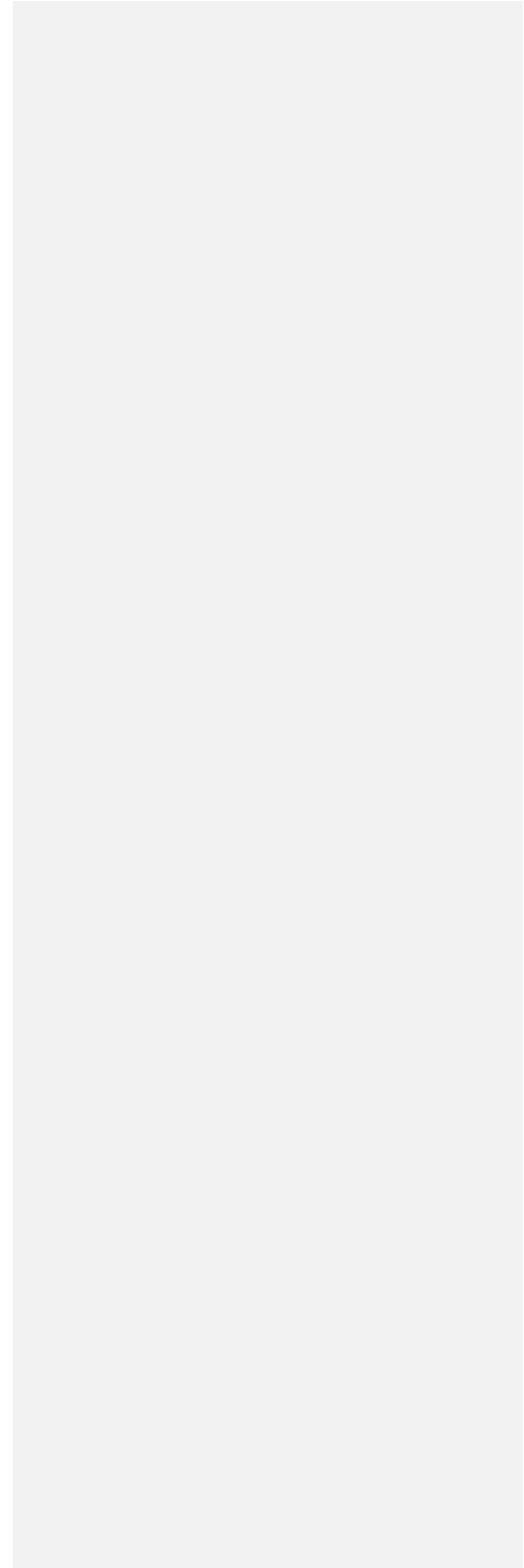
Morale Low – Security Breach

NSA morale killed by mass intelligence breach

McGough 13 (Michael, Michael McGough is the Los Angeles Times' senior editorial writer, based in Washington, D.C. He has been writing editorials for The Times since 2006. Before that, McGough worked for 30 years for the Pittsburgh Post-Gazette as a reporter, editorial writer, editorial page editor and Washington correspondent. He writes about law, national security, politics, foreign policy and religion. McGough is a graduate of Allegheny College and also attended the University of Kent at Canterbury in England and Yale Law School, where he received a master of studies in law degree. 12/20/13, "Obama throws the NSA under the bus" <http://www.latimes.com/opinion/opinion-la/la-ol-obama-nsa-snowden-20131220-story.html>)

President Obama's end-of-the-year news conference Friday, he was given the opportunity to second-guess two bureaucracies that report to him: the intelligence community and the Department of Justice. He threw only the first one under the bus by implying strongly that he was open to ending the National Security Agency's bulk collection of telephone records. He did this in two ways. First, he said that the metadata program — in which the NSA hoovers up information about the source, destination and duration of phone calls — might not be the only way of "skinning the cat." He suggested that, given public concerns about potential abuse of metadata, maybe it would be a good idea to follow a task force recommendation and have telephone companies store the information, with access by investigators on a more limited basis. But equally important was the way Obama evaded a question about whether the metadata program had actually prevented terrorist plots. Skeptics about that proposition include both the task force and the federal judge who this week ruled that the program was probably unconstitutional. Obama could have responded: "I disagree. I know that the metadata program was essential in the prevention of plots." But he offered no such defense. You might read some endorsement of the program's effectiveness into Obama's comment that the government might be able to "accomplish the same goals" in a different way. But that's different from saying that the goals actually have been accomplished. Obama went easier on the Department of Justice. Asked about the possibility of amnesty for Edward Snowden, Obama noted that "I've got to be careful" because Snowden was under indictment and that the disposition of the charges against him was the province of the attorney general and a judge and a jury. But that was more than a little misleading. As Obama seemed to acknowledge in response to a follow-up question, the White House likely would be consulted by Justice about major decisions in the case. And, of course, the president has the power to pardon Snowden — even before a trial. Yet it seems pretty clear there won't be a pardon in Snowden's Christmas stocking. And why not? Because the self-styled whistle-blower, in Obama's words, had caused "unnecessary damage to U.S. intelligence capabilities and U.S. diplomacy." On that point, Obama doesn't seem open to fresh thinking

AT NSA Recruiting



Non-unique – Recruiting low

Students are skeptical of the NSA – number of recruited diminishes

Brumfiel 3/31/15 (Geoff Brumfiel, science correspondent for NPR, After Snowden, "The NSA Faces Recruitment Challenge," www.npr.org/2015/03/31/395829446/after-snowden-the-nsa-faces-recruitment-challenge)

Matthew Green, a professor of computer science at Hopkins, says the number of such students the school turns out each year can vary. "Sometimes it's a half-a-dozen," he says. "Sometimes it's just one or two." Green says the Snowden leaks have changed academia's views of the agency. "Before the Snowden leaks we looked at the NSA as being a spy agency, and they did what they were supposed to do," he says. "But we've learned that they're been collecting this incredible amount of information. And they're not shy about doing whatever they have to do to get access to that information." Green says he doesn't feel as friendly toward the NSA as he once did. It's important that people learn about the Snowden documents, he says, and he teaches about them to students like Swann. Swann says Green's class helped shape his thinking on whether to work for the NSA. The lawsuit by Wikimedia and other plaintiffs challenges the National Security Agency's use of upstream surveillance, which collects the content of communications, instead of just the metadata. NATIONAL SECURITY An 'Upstream' Battle As Wikimedia Challenges NSA Surveillance Someone like Daniel Swann is a fairly rare commodity. Hopkins is a big university, but its Information Security Institute will produce just 31 master's this year. Of those, only five are U.S. citizens — a requirement to work at the NSA. With similarly small numbers at other schools, how many Daniel Swanns are rejecting the agency because of the Snowden leaks?

"Well that's kind of a tricky question," says Ziring, the NSA computer scientist. Ziring also helps lead academic outreach for the agency. "When I've been out on campuses and talking to students," he says, "there are some of them ... that puts them off or they have doubts." On the other hand, Ziring says, the Snowden leaks have sparked other students' interest. "[They say], 'I actually know some of what you do now, and that's really cool and I want to come do that,'" he says.

NSA is struggling for recruits to hire and compete with other sectors

Zakaria '11 (Tabassum Zakaria, Staff writer for Washington Post, "NSA is looking for a few good hackers," www.washingtonpost.com/politics/nsa-is-looking-for-a-few-good-hackers/2011/08/02/gIQAXZAbql_story.html)

The NSA is hiring about 1,500 people in the fiscal year, which ends Sept. 30, and another 1,500 next year, most of them cybersecurity experts. With a workforce of about 30,000, the Fort Meade-based NSA dwarfs other intelligence agencies, including the CIA. It also engages in cyber-spying and other offensive operations, something it rarely, if ever, discusses publicly. But at Defcon, the NSA and other "Feds" will be competing with corporations looking for hacking talent. The NSA needs cybersecurity experts to harden networks, defend them with updates, do "penetration testing" to find security holes and watch for signs of cyberattacks. The NSA is expanding its fold of hackers, but George said there is a shortage of those skills. "We are straining to hire the people that we need."

NSA fights an uphill battle with recruitment against other corporations

Hatamoto 4/2/15 (Michael Hatamoto, West Coast reporter, "NSA finding it harder to recruit specialists following Snowden leaks," www.tweaktown.com/news/44398/nsa-finding-harder-recruit-specialists-following-snowden-leaks/index.html)

The NSA has around 35,000 employees across the country, and trying to compete against tech companies to recruit employees from leading universities is proving difficult. A lack of trust is a major issue that is making some people think-twice before trying to land a job with a security clearance.

"Before the Snowden leaks we looked at the NSA as being a spy agency, and they did what they were supposed to do," said Matthew Green, assistant research professor at the Johns Hopkins Information Security Institute, in a statement to NPR. "But we've learned that they've been collecting this incredible amount of information. And they're not shy about doing whatever they have to do to get access to that information." Trying to compete against Facebook, Google, and other appealing tech companies is difficult, with the private sector providing higher salaries and better perks - but the NSA and other federal branches try to promote work-life balance and continuing education as benefits of government positions.

Non-unique – Snowden kills recruiting

Snowden's revelations still devastates recruitment and questions much of the ethics of the NSA

Brumfiel 3/31/15 (Geoff Brumfiel, science correspondent for NPR, After Snowden, "The NSA Faces Recruitment Challenge," www.npr.org/2015/03/31/395829446/after-snowden-the-nsa-faces-recruitment-challenge)

After Snowden's revelations, Swann's thinking changed. The NSA's tactics, which include retaining data from American citizens, raise too many questions in his mind: "I can't see myself working there," he says, "partially because of these moral reasons." This year, the NSA needs to find 1,600 recruits. Hundreds of them must come from highly specialized fields like computer science and mathematics. So far, it says, the agency has been successful. But with its popularity down, and pay from wealthy Silicon Valley companies way up, agency officials concede that recruitment is a worry. If enough students follow Daniel Swann, then one of the world's most powerful spy agencies could lose its edge.

AT NSA Retention



Non-unique – privatization

Attacking the NSA only leads to privatization

Markon and Nakashima '14 (Jerry and Ellen, Reporters for Washington Post, "Top-level turnover makes it harder for DHS to stay on top of evolving threats,"

http://www.washingtonpost.com/politics/top-level-turnover-makes-it-harder-for-dhs-to-stay-on-top-of-evolving-threats/2014/09/21/ca7919a6-39d7-11e4-9c9f-ebb47272e40e_story.html)

In one nine-month period between June 2011 and March 2012, for example, four senior DHS cybersecurity officials quit and one retired — all headed to the private sector. The departures came as the department battled the Pentagon and the National Security Agency over who should have responsibility for protecting critical private-sector networks and for responding to industry requests for assistance. DHS was pressing to enshrine its authority in law. "It became so hard to advocate for DHS to be placed in charge and given more responsibility because people were constantly leaving," recalled Jacob Olcott, a former House Homeland Security Committee aide. The cybersecurity bill died, a victim of strong opposition from industry and its backers on the Hill. The continuing stream of departures has at times hampered the department's ability to combat cyberattacks aimed at civilian federal networks and to serve as the federal point of contact for critical industries, such as energy and transportation, and for state and local governments. The high turnover has meant that at times the National Cybersecurity and Communications Integration Center struggles to carry out its mission of analyzing attacks on federal and private computer systems and responding to them.

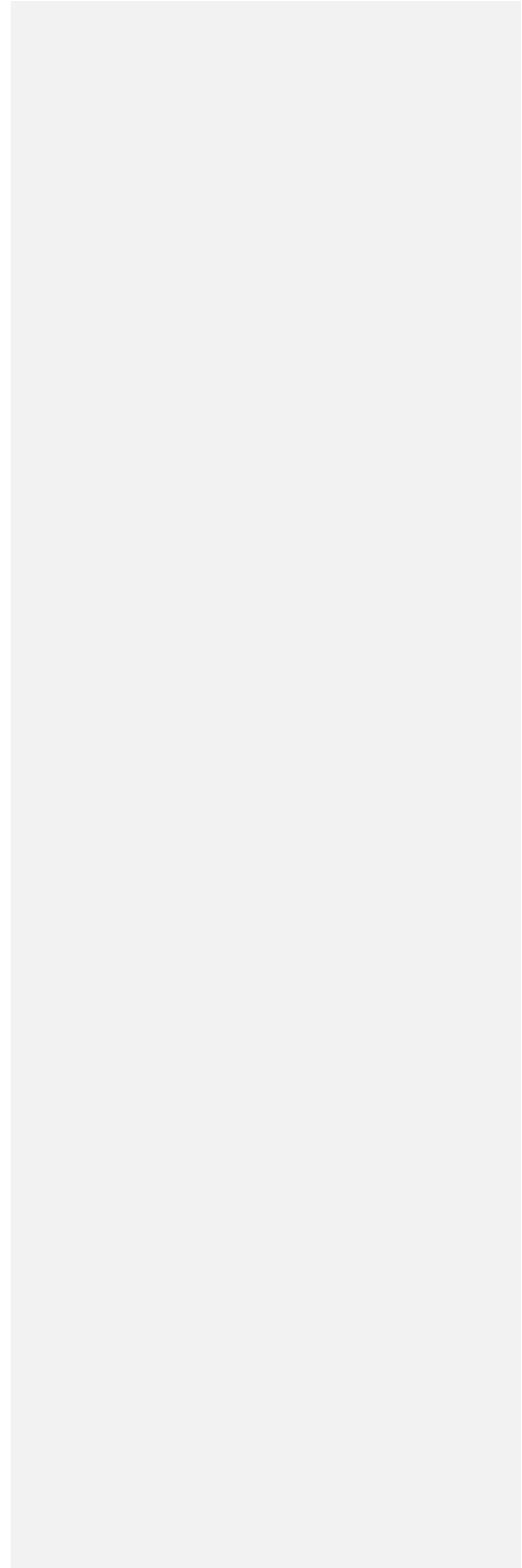
Not even government aid can keep NSA employees from staying

Moore 4/14/15 (Jack Moore, staff writer for NextGov, "IN FIERCE BATTLE FOR CYBER TALENT, EVEN NSA STRUGGLES TO KEEP ELITES ON STAFF," www.nextgov.com/cybersecurity/2015/04/fierce-battle-cyber-talent-even-nsa-struggles-keep-elites-staff/110158/)

The National Security Agency is probably among the best-equipped parts of the federal government at recruiting, training and staffing an elite team of cybersecurity professionals. Thanks to Congress, the agency has been granted significant leeway in bypassing the sluggish federal hiring process to onboard staff quicker and greater latitude to pay new recruits retention bonuses and provide other perks. But even that's not enough to stop some top-level technical talent from jumping ship. "We're throwing the kitchen sink at them from our standpoint," said NSA's human resources technical director, John Yelnosky. "And they're writing in to us, as they leave NSA, in their exit interviews, 'I'm leaving to double my salary.'" Yelnosky spoke Tuesday during a panel discussion hosted by the Partnership for Public Service on the shortage of skilled cybersecurity professionals in government. A recent report from the partnership and consultancy Booz Allen Hamilton called attention to the most pressing challenges the government faces in hiring cyber talent: the arcane federal hiring process, a rigid pay scale not keeping pace with the private sector and the lack of a governmentwide "master strategy" for boosting the cyber workforce. NSA, along with other parts of the intelligence community and the Defense Department, has been granted flexibility to bypass traditional hurdles in the hiring process and adjust salary rates to be more competitive. The report called on the Obama administration to allow all agencies to fast-track

cyber hiring, as well as stand up a governmentwide cyber training center and create a version of the military ROTC program for cyber recruits. "NSA is really the poster child for many of the reforms we've advocated here," said Ron Sanders, former chief human capital officer for the intelligence community and a vice president at Booz Allen Hamilton, who co-authored the report. But NSA's experiences point to the lack of a silver bullet. "We lose more technical people at much higher rates to resignations early on in their careers than we do people in other skill sets," Yelnosky said of the churn in NSA's cyber personnel. It stings all the more as most depart after they've undergone extensive, specialized NSA training. "The competition out there is really fierce and particularly for these folks that we make a big investment in, and we feel those losses very keenly," Yelnosky said. According to the report, 2014 marked the second year in a row in which the number of civilian federal cyber employees streaming for the exits outpaced the number of new hires. (That figure, which excludes military members and intelligence community employees followed a three-year period between 2009-2012, when the number of new hires outpaced separations by much larger margins, however.) The overall attrition rate isn't necessarily raising eyebrows.

Intel Impact Answers



AT K2 Foreign Policy

Intelligence is irrelevant to FP

Pilar 1/3/12

<http://www.foreignpolicy.com/articles/2012/01/03/intelligence>

Paul R. Pillar is an academic and 28-year veteran of the Central Intelligence Agency (CIA), serving from 1977 to 2005.[1] He is now a non-resident senior fellow at Georgetown University's Center for Security Studies,[2] as well as a nonresident senior fellow in the Brookings Institution's Center for 21st Century Security and Intelligence.[1] He was a visiting professor at Georgetown University from 2005 to 2012.[1] He is a contributor to The National Interest.[1][3]

"Presidents Make Decisions Based on Intelligence."

Not the big ones. From George W. Bush trumpeting WMD reports about Iraq to this year's Republican presidential candidates vowing to set policy in Afghanistan based on the dictates of the intelligence community, Americans often get the sense that their leaders' hands are guided abroad by their all-knowing spying apparatus. After all, the United States spends about \$80 billion on intelligence each year, which provides a flood of important guidance every week on matters ranging from hunting terrorists to countering China's growing military capabilities. This analysis informs policymakers' day-to-day decision-making and sometimes gets them to look more closely at problems, such as the rising threat from al Qaeda in the late 1990s, than they otherwise would.¶On major foreign-policy decisions, however, whether going to war or broadly rethinking U.S. strategy in the Arab world (as President Barack Obama is likely doing now), **intelligence is not the decisive factor.** The influences that really matter are the ones that leaders bring with them into office: their own strategic sense, the lessons they have drawn from history or personal experience, the imperatives of domestic politics, and their own neuroses. A memo or briefing emanating from some unfamiliar corner of the bureaucracy hardly stands a chance.¶ Besides, one should never underestimate the influence of conventional wisdom. President Lyndon B. Johnson and his inner circle received the intelligence community's gloomy assessments of South Vietnam's ability to stand on its own feet, as well as comparably pessimistic reports from U.S. military leaders on the likely cost and time commitment of a U.S. military effort there. But they lost out to the domino theory -- the idea that if South Vietnam fell to communism, a succession of other countries in the developing world would as well. President Harry Truman decided to intervene in Korea based on the lessons of the past: the Allies' failure to stand up to the Axis powers before World War II and the West's postwar success in firmly responding to communist aggression in Greece and Berlin. President Richard Nixon's historic opening to China was shaped by his brooding in the political wilderness about great-power strategy and his place in it. The Obama administration's recent drumbeating about Iran is largely a function of domestic politics. Advice from Langley, for better or worse, had little to do with any of this.¶ No, bad leadership did. Intelligence may have figured prominently in Bush's selling of the invasion of Iraq, but it played almost no role in the decision itself. If

the intelligence community's assessments pointed to any course of action, it was avoiding a war, not launching one.

Iraq proves intel doesn't impact policymaking

Pilar 1/3/12 <http://www.foreignpolicy.com/articles/2012/01/03/intelligence> Paul R. Pillar is an academic and 28-year veteran of the Central Intelligence Agency (CIA), serving from 1977 to 2005.[1] He is now a non-resident senior fellow at Georgetown University's Center for Security Studies,[2] as well as a nonresident senior fellow in the Brookings Institution's Center for 21st Century Security and Intelligence.[1] He was a visiting professor at Georgetown University from 2005 to 2012.[1] He is a contributor to The National Interest.[1][3]

When U.S. Secretary of State Colin Powell went before the United Nations in February 2003 to make the case for an invasion of Iraq, he argued, "Saddam Hussein and his regime are concealing their efforts to produce more weapons of mass destruction," an observation he said was "based on solid intelligence." But in a candid interview four months later, Deputy Defense Secretary Paul Wolfowitz acknowledged that weapons of mass destruction were simply "the one issue that everyone could agree on." The intelligence community was raising no alarms about the subject when the Bush administration came into office; indeed, the 2001 edition of the community's comprehensive statement on worldwide threats did not even mention the possibility of Iraqi nuclear weapons or any stockpiles of chemical or biological weapons. The administration did not request the (ultimately flawed) October 2002 intelligence estimate on Iraqi unconventional weapons programs that was central to the official case for invasion -- Democrats in Congress did, and only six senators and a handful of representatives bothered to look at it before voting on the war, according to staff members who kept custody of the copies. Neither Bush nor Condoleezza Rice, then his national security advisor, read the entire estimate at the time, and in any case the public relations rollout of the war was already under way before the document was written.¶ Had Bush read the intelligence community's report, he would have seen his administration's case for invasion stood on its head. The intelligence officials concluded that Saddam was unlikely to use any weapons of mass destruction against the United States or give them to terrorists -- unless the United States invaded Iraq and tried to overthrow his regime. The intelligence community did not believe, as the president claimed, that the Iraqi regime was an ally of al Qaeda, and it correctly foresaw any attempt to establish democracy in a post-Saddam Iraq as a hard, messy slog.¶ In a separate prewar assessment, the intelligence community judged that trying to build a new political system in Iraq would be "long, difficult and probably turbulent," adding that any post-Saddam authority would face a "deeply divided society with a significant chance that domestic groups would engage in violent conflict with each other unless an occupying force prevented them from doing so." Mentions of Iraqis welcoming U.S. soldiers with flowers, or the war paying for itself, were notably absent. Needless to say, none of that made any difference to the White House.

No foreign policy connection to intel

Pilar 1/3/12

<http://www.foreignpolicy.com/articles/2012/01/03/intelligence>

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"Intelligence Failures Have Screwed Up U.S. Foreign Policy."¶ Hardly. The record of 20th-century U.S. intelligence failures is a familiar one, and mostly indisputable. But whether these failures -- or the successes -- mattered in the big picture is another question.¶ The CIA predicted both the outbreak and the outcome of the 1967 Six-Day War between Israel and neighboring Arab states, a feat impressive enough that it reportedly won intelligence chief Richard Helms a seat at President Johnson's Tuesday lunch table. Still, top-notch intelligence couldn't help Johnson prevent the war, which produced the basic contours of today's intractable Israeli-Palestinian conflict, and U.S. intelligence completely failed to predict Egypt's surprise attack on Israel six years later. Yet Egypt's nasty surprise in 1973 didn't stop Nixon and Secretary of State Henry Kissinger from then achieving a diplomatic triumph, exploiting the conflict to cement relations with Israel while expanding them with Egypt and the other Arab states -- all at the Soviets' expense.¶ U.S. intelligence also famously failed to foresee the 1979 Iranian revolution. But it was policymakers' inattention to Iran and sharp disagreements within President Jimmy Carter's administration, not bad intelligence, that kept the United States from making tough decisions before the shah's regime was at death's door. Even after months of disturbances in Iranian cities, the Carter administration -- preoccupied as it was with the Egypt-Israel peace negotiations and the Sandinistas' revolution in Nicaragua -- still had not convened any high-level policy meetings on Iran. "Our decision-making circuits were heavily overloaded," Zbigniew Brzezinski, Carter's national security advisor, later recalled.¶ Imperfect intelligence analysis about another coming political upheaval -- the collapse of the Soviet Union -- did not matter; the overriding influence on U.S. policy toward the USSR in the 1980s was Ronald Reagan's instincts. From the earliest days of his presidency, the notion that the Soviet Union was doomed to fail -- and soon -- was an article of faith for the 40th president. "The Russians could never win the arms race," he later wrote. "We could outspend them forever."

Aff overestimates predictive capacity

Pilar 1/3/12

<http://www.foreignpolicy.com/articles/2012/01/03/intelligence>

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"Good Intelligence Can Save Us From Bad Surprises." ¶ We wish. Early last February, barely a week before the Arab Spring ended the three-decade presidency of Egypt's Hosni Mubarak, Sen. Dianne Feinstein, chair of the Senate Intelligence Committee, grilled a CIA official in a Capitol Hill hearing room. "The president, the secretary of state, and the Congress are making policy decisions on Egypt, and those policymakers deserve timely intelligence analysis," Feinstein told Stephanie O'Sullivan, then the CIA's associate deputy director. "I have doubts whether the intelligence community lived up to its obligations in this area." ¶ Feinstein was hardly the only one to criticize U.S. intelligence agencies' inability to predict the speed at which the fire lit by Tunisian fruit vendor Mohamed Bouazizi, who immolated himself on Dec. 17, 2010, would spread throughout the Arab world. But all the bureaucratic overhauls and investigative commissions in the world can't change one incontrovertible fact: Many things we would like our intelligence services to know are too complex to model or predict. What the community should be expected to provide -- and, based on the limited publicly available evidence, apparently did provide -- is a strategic understanding of conditions and attitudes that, given the right spark, could ignite into a full-blown revolution. ¶ The most recent recriminations and inquiries are only the latest in a long line dating back to the 1941 surprise attack on Pearl Harbor. The resources devoted to intelligence have increased substantially over the past seven decades, and intelligence agencies are continually looking for ways to improve how they do their business. But no amount of moving around boxes on a flowchart can eliminate unpleasant surprises, and there will always be new challenges -- especially in an age of endlessly proliferating information. ¶ Intelligence can help manage uncertainty, defining its scope and specifying what is known and what is likely to stay unknown. It can distinguish true uncertainty from simple ignorance by systematically assembling all available information, but it cannot eliminate uncertainty and it cannot prevent all surprises, including some big ones. Leaders must accept this reality; they must expect -- and prepare -- to be surprised. ¶ With due acknowledgment to Donald Rumsfeld, it also means expecting unknown unknowns. Not only will we not know all the right answers -- we will not even be asking all the right questions.

AT Terrorism

NSA doesn't solve terrorism—their statistics are overblown

Cahall et al. 14 (Bailey, David Sterman, Emily Schneider, Peter Bergen, Cahall is a Policy Analyst at New America Foundation. Sterman is a program associate at New America and holds a master's degree from Georgetown's Center for Security Studies. His work focuses on homegrown extremism and the maintenance of New America's datasets on terrorism inside the United States and the relative roles of NSA surveillance and traditional investigative tools in preventing such terrorism, Schneider is a senior program associate for the International Security Program at New America. Her research focuses on the use of drones for military and civilian purposes, comparative cyber security issues, and national security law and policy, Bergen is a print, television and web journalist, documentary producer and the author or editor of five books, three of which were New York Times bestsellers and three of which were named among the best non-fiction books of the year by The Washington Post, 1/13/14, Do NSA's Bulk Surveillance Programs Stop Terrorists?, <https://www.newamerica.org/international-security/don-sas-bulk-surveillance-programs-stop-terrorists/>) DHH

However, our review of the government's claims about the role that NSA "bulk" surveillance of phone and email communications records has had in keeping the United States safe from terrorism shows that these claims are overblown and even misleading. An in-depth analysis of 225 individuals recruited by al-Qaeda or a like-minded group or inspired by al-Qaeda's ideology, and charged in the United States with an act of terrorism since 9/11, demonstrates that traditional investigative methods, such as the use of informants, tips from local communities, and targeted intelligence operations, provided the initial impetus for investigations in the majority of cases, while the contribution of NSA's bulk surveillance programs to these cases was minimal. Indeed, the controversial bulk collection of American telephone metadata, which includes the telephone numbers that originate and receive calls, as well as the time and date of those calls but not their content, under Section 215 of the USA PATRIOT Act, appears to have played an identifiable role in initiating, at most, 1.8 percent of these cases. NSA programs involving the surveillance of non-U.S. persons outside of the United States under Section 702 of the FISA Amendments Act played a role in 4.4 percent of the terrorism cases we examined, and NSA surveillance under an unidentified authority played a role in 1.3 percent of the cases we examined.

No impact to metadata

NSA metadata is not necessary for useful intelligence – Claims that this method has prevented over 50 attacks is discredited and likely false

Rory Carroll 4/22/15 (US West Coast Correspondent for the Guardian in Los Angeles.

<http://www.theguardian.com/us-news/2015/apr/22/mass-surveillance-needed-isis-attack-mike-rogers>)

Mass surveillance should be retained because of the prospect of Islamic State attacks within the United States, a key Republican ally of the National Security Agency has claimed. Mike Rogers, the former chairman of the House intelligence committee, said the NSA needed to preserve its wide powers in case Isis used its bases in Syria and Iraq to unleash atrocities on the US homeland. "Now you have a very real face on what the threat is," Rogers told the Guardian on Tuesday. "Somebody calling back from Syria to Minnesota, either recruiting somebody or giving the operational OK to do something. That's real and it's serious. Before it seemed all hypothetical. Now you can see it." He added: "Think about how many people are in Syria with western passports or even American passports. I want to know if they pick up the phone. If they're calling back to the States, I don't know about you, but I want to know who they're talking to and what they're talking about." Rogers gave the warning as negotiators in the House of Representatives wrangled over a revamp of the USA Freedom Act, a bill that aimed to stop the NSA from its daily collection of US phone records in bulk which failed in the Senate in 2014, and is now returning to Congress. **A coalition of civil**

libertarian groups on the left and right wants a landmark law to reform the intelligence services in the wake of revelations to the Guardian by Edward Snowden, the NSA whistleblower. Part of the Patriot Act known as section 215, which the NSA uses to justify domestic mass surveillance, expires on 1 June. Reformers hope that deadline will give them the leverage to make sure the Freedom Act only reauthorises those provisions on condition of much greater privacy protections. Republicans, however, are signalling possible resistance. Senator Charles Grassley, the powerful chair of the Senate judiciary committee, whose support is crucial, told reporters on Tuesday he had concerns about "finding a balance between national security and privacy" in the bill. The National Journal reported that the Senate majority leader, Mitch McConnell, may try to thwart reformers by introducing a bill that would reauthorise section 215 until 2020. Rogers, speaking in a brief interview after addressing the Rand Corporation thinktank in Los Angeles, sought to persuade Democrats and his fellow Republicans of the need to keep extensive surveillance, and expressed hope that "cooler heads" in Congress will renew section 215 without ceding big concessions to reformers. **Nadia Kayyali, an activist with the digital rights group Electronic Frontier**

Foundation, said reauthorising the provision without comprehensive reform would be against the constitution. "Ending the bulk collection of phone records under section 215 is the first step in reforming the NSA. The time for Congress to take that step is now." She said **NSA defenders would**

falsely claim that it was necessary to keep the mass surveillance. "But the Privacy and Civil Liberties Oversight Board, the President's Review Group, and senators who are familiar with how bulk phone records collection works have all said we don't need the program." **Kayyali accused reform opponents of peddling fear and discredited claims, such as mass**

surveillance having stopped 54 terrorist attacks. "We hope at least Congress has some frank, truthful discussion about NSA spying as we head towards the 1 June deadline." In his address to the Rand Corporation audience Rogers, a former FBI agent, painted a dark picture of terrorists and other enemies exploiting the naivety and complacency of certain Americans – including Barack Obama – who did not grasp the urgency of nurturing and projecting US power. He lamented that the uproar over Snowden's leaks gave the public a "completely wrong" impression about NSA collection of metadata, which he compared to a postman noting an envelope's addressee and sender. "It got so distorted, as if the government was collecting everything and hoarding it in the basement and couldn't wait to find out about Aunt May's bunions. The political narrative got ahead of the facts. It was very frustrating." Rogers, a close ally of John Boehner, the House majority leader, expressed confidence Congress would strike an acceptable balance. "I'm hoping cooler heads will prevail knowing what we have now. I mean, Isis is a mess. And this interconnected world we live in, with these folks having the ability to get back to the United States, is really troubling. We better have some mechanism to protect ourselves and still protect our civil rights."

Drones

Too much money makes CBP violent and corrupt

McMahon 10/31/14 <http://reason.com/blog/2014/10/31/unsafe-at-any-border-us-border-patrol-co>
Lucian McMahon is the fall 2014 Burton C. Gray Memorial Intern at Reason.

Politico Magazine has a lengthy expose by Garrett M. Graff of the financially bloated, systemically corrupt, often violent U.S. Customs and Border Protection (CBP). Earlier manifestations of the CBP, such as the Immigration and Naturalization service, have historically been understaffed, underfunded, and largely ignored. But the post-9/11 hysteria heightened fears about border security, leading to the creation of the CBP under the Department of Homeland Security. It also ensured that the new border protection agency would get a generous share of the national security cash pie. The CBP during the Bush years morphed into a goliath lumbering along America's borders. Tom Ridge, Bush's post-9/11 homeland security czar, recalled that "people just wanted to give me unlimited amounts of money." The agency would eventually grow into "the nation's largest law enforcement agency, with its 46,000 gun-carrying customs officers and border patrol agents and massive \$12.4 billion annual budget". Customs and Border Protection not only employs some 60,000 total personnel—everything from desert agents on horseback to insect inspectors at airports—but also operates a fleet of some 250 planes, helicopters and unmanned aerial vehicles like the Predator drones the military sent to Iraq and Afghanistan, making CBP both the largest law enforcement air force in the world and equivalent roughly to the size of Brazil's entire combat air force. The Border Patrol wing of this vast apparatus has experienced particularly dramatic growth: By the time the Bush administration left Washington, the fiercely independent agency—part police force, part occupying army, part frontier cavalry—had gone from being a comparatively tiny, undermanned backwater of the Justice Department to a 21,000-person arm of the largest federal law enforcement agency in the country. The Bush administration had been keen on increasing the capabilities of the agency as quickly as possible. This urgency came with its own human price tag—one the Obama administration has been unwilling to address: Corruption and excessive force have also skyrocketed along with the massive hiring surge. In fact, between 2005 and 2012, nearly one CBP officer was arrested for misconduct every single day—part of a pattern that Ronald Hosko, former assistant director of the FBI's criminal investigation division, calls "shocking." During Obama's first term, the sheer number of allegations was so glaring that, according to two CBP officials, DHS under Secretary Janet Napolitano ordered Customs and Border Protection to change its definition of corruption to downplay to Congress the breadth of the problem. That redefinition differentiated between two supposedly distinct types of corruption: The agency began to differentiate between "mission-compromising corruption"—bribery, narcotics-smuggling or human-smuggling allegations—and "non-mission-compromising corruption," a "lesser" category of cases that included things like employees' sexually assaulting detainees or workplace theft. Only the "mission-compromising" problems, the agency now decreed, would be reported to Congress...The distinction helped them wipe nearly a third of the corruption cases out of statistics. Graff lists some examples: There was the Miami CBP officer who used his law enforcement status to bypass airport security and personally smuggle cocaine and heroin into Miami. There was the green-uniformed agent in Yuma,

Arizona, who was caught smuggling 700 pounds of marijuana across the border in his green-and-white Border Patrol truck; the brand-new 26-year-old Border Patrol agent who joined a drug-smuggling operation to distribute more than 1,000 kilograms of marijuana in Del Rio, Texas.¶ Not to mention the excessive force complaints, the victims of CBP assault, and those killed by trigger-happy border agents.¶ The expansion of the CBP into one of the most dangerous government agencies in America should be deeply unsettling to everyone—particularly now, when roughly two-thirds of Americans live in a "border" zone where the government claims the right to conduct stops and searches without warrant or cause.

Drones waste money

Winston 1/12/15 <https://www.revealnews.org/article-legacy/scathing-audit-on-border-agency-drones-comes-as-police-interest-rises/> Ali Winston can be reached at awinston@cironline.org. Follow him on Twitter: @awinston.

Funding for drone purchases has come through state and federal homeland security grants, continuing a pattern of military-grade equipment getting into the hands of local law enforcement. The Center for Investigative Reporting first reported on the federal government's role in facilitating the flow of such technology to police departments in 2012.¶ One argument law enforcement agencies have made for using drones is that the unmanned vehicles will improve their operational ability and save money that would instead be spent on costly helicopters. But Customs and Border Protection's experience over the past eight years presents a cautionary tale: The inspector general's audit found that the Predator B flights had minimal impact on migrant apprehensions and drug interdictions. Furthermore, the drones did not respond to ground sensors triggered by passing people or vehicles in heavy crossing areas, and the advanced radar system mounted on the drones was not used efficiently, nor did the border agency have adequate metrics to evaluate the use of such technology.

No internal link - cybersecurity will be a good funding magnet for CBP

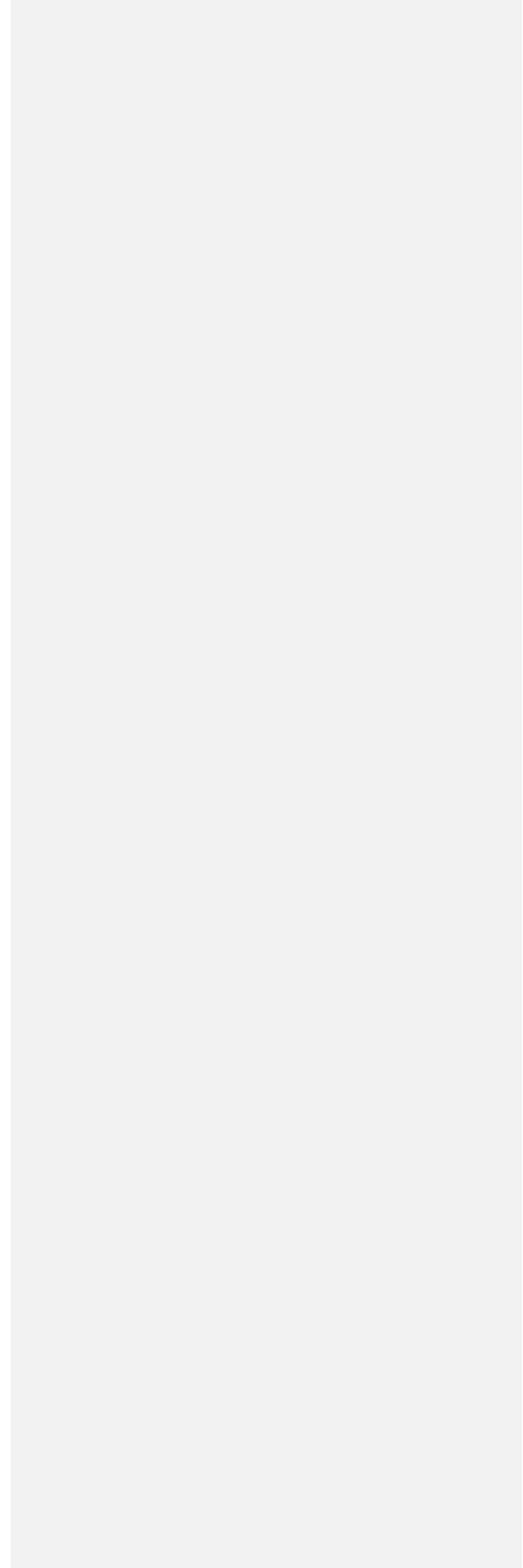
Magnuson 12

<http://www.nationaldefensemagazine.org/archive/2012/september/Pages/FirmsThatHelpDHSSaveMoneyWillMakeMoney,AnalystsSay.aspx> STEW MAGNUSON, AWARD-WINNING AUTHOR, JOURNALIST. Welcome to my website! I'm a Washington, D.C.-based writer and the author of several books,

John Hernandez, senior aerospace and defense analyst at Frost & Sullivan, said, "Most talk about sequestration has been about DoD, but DHS is not immune. It's also an election year, which always seems to slow down government spending, and companies are somewhat apprehensive about the future."¶ But there are ongoing initiatives in the information technology realm within the department, insiders said. It's not glamorous, but there will be business opportunities, especially for firms that can show the department how to save money."¶ It's a little bit boring. It's not as cool as drones over the border, but on the flipside ... this is not risky business. We know we can save money. We know we can help," said Paul Christman, president and CEO of Quest Software's public sector subsidiary.¶ The department has embarked on behind-the-scenes projects to put its cybersecurity, interoperability and computing houses in order. Seamlessly integrating its workforce so a Coast Guard officer, for example,

can communicate effortlessly with a CBP agent, and have access to his or her data when needed is one of the goals. It also wants an identity management system in place so these personnel, along with outsiders in the public safety sector, can access public or classified data wherever they are and when they need it — but only if they are authorized.

Other Card Categories



AT Politics for NSA restrictions

Public hates NSA – the anti-terrorism concern's declined

Drezner 12/16/13 <http://foreignpolicy.com/2013/12/16/tone-deaf-at-the-listening-post/> Daniel W. Drezner is professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University.

It might be an occupational hazard, but NSA officials continue to talk about the threat environment as if they've been frozen in amber since 2002. To them, the world looks increasingly unsafe. Syria is the next Pakistan, China is augmenting its capabilities to launch a financial war on the United States, and the next terrorist attack on American soil is right around the corner. They could very well be correct — except that the American public has become inured to such warnings over the past decade, and their response has been to tell politicians to focus on things at home and leave the rest of the world alone. A strategy of "trust us, the world is an unsafe place" won't resonate now the way it did in the immediate wake of the Sept. 11 attacks.

AT: FBI/CIA Cooperation DA- NU

No Cooperation

The FBI and CIA don't and shouldn't cooperate

Franklin '2, Reporter

Daniel, "Spooks vs. Suits: Why the FBI and CIA don't cooperate, and why they shouldn't.", http://www.slate.com/articles/news_and_politics/the_best_policy/2002/10/spooks_vs_suits.html

After investigating the intelligence snafus that preceded Sept. 11, 2001, the members of Congress' Joint Intelligence Committee are offering some homespun wisdom to the FBI and CIA: Learn to share. ¶ The demand for greater cooperation between spooks and G-men is compellingly simple, but it dangerously misunderstands the lessons of the 9/11 intelligence failures. It's true that the FBI and CIA don't communicate well. It's also true that an intelligence operation that crosses international borders as seamlessly as the terrorists do will be a key to preventing future attacks. But if Congress and the Bush administration are going to create an effective response to al-Qaida, they must realize that the communication breakdowns between the FBI and CIA are not evidence of the agencies falling short of their individual missions. In fact, they show just how successful the two sibling rivals are. ¶ While geography represents an obvious difference between the FBI and the CIA—the Bureau takes the homeland, the Agency the rest—it is far from the most important. The FBI is a law enforcement organization that was designed to track down and arrest the crooks that local cops can't. The CIA is an intelligence agency that was designed to tell policy-makers what's really going on in the world. One measures its accomplishment by successful convictions, the other by successful predictions. Both use intelligence to do their jobs, but catching the kidnapper of the Lindbergh baby and determining whether Gen. Badenov still has influence with Khrushchev are two very different goals. And because the work is so different, the two agencies differ in how they collect, analyze, act upon, and share intelligence. ¶ Take, for instance, a piece of information that was shared but not acted upon. In 1998, congressional investigators discovered, the CIA told the FBI that a group of Arab terrorists was planning to fly a plane filled with explosives into the World Trade Center. The FBI dropped the report in its bombing file and forgot about it. And why shouldn't they have? What investigation would it support? Like most CIA intelligence products, it didn't include the sources or the methods used to acquire the information because that might jeopardize the Agency's ability to continue collecting intelligence. For the FBI, a vague prediction without names, sources, or methods is useless. CIA analysts are trained to paint the big picture. "The FBI," says former CIA analyst Larry Johnson, "wants to know about a target: Who are his immediate associates, who is his family, who does he call, where does he eat? Most of that is never disseminated ... because it would compromise sources." ¶ The FBI complains that intelligence officers are too untrusting, but the Bureau has earned its reputation for burning sources. In 1985, for instance, the FBI rushed to arrest ex-National Security Agency staffer Ronald Pelton, who was suspected of spying for the Soviets. As the investigation began, then-NSA Director Lt. Gen. William Odom gave explicit instructions to watch Pelton until the case against him was rock solid and investigators learned if others were working for the Soviets. Such patience is a classic intelligence investigation technique that the FBI didn't appreciate. Odom was expecting to wait a year or more, but the Bureau arrested Pelton after only a month of surveillance. The only reason the FBI eventually gained enough evidence for a conviction was that Pelton offered to work for the Bureau as a double agent. The FBI thanked Pelton for his confession, and he was sentenced to life in prison. But, Odom says, "There's no reason he couldn't have just walked. Now, if you've had that experience, would you give the FBI any information?" ¶ FBI agents are similarly

skeptical toward the CIA agents who always seem to be getting in the way of their arrests. As Mark Riebling details in *Wedge: The Secret War Between the FBI and CIA*, the CIA in 1979 told the FBI that fugitive financier Robert Vesco had sought sanctuary in the Bahamas, where he gained protection by bribing Bahaman officials. Just before the FBI arrested Vesco, the CIA station chief objected on the grounds that busting Vesco might scuttle the Agency's attempts to work with those same corrupt officials to find a new home for the recently deposed Shah of Iran. While the FBI and CIA were going back and forth, Vesco figured the decidedly un-Rasta-like men following him for FBI agents and fled for communist Nicaragua and eventually Cuba. Seen through each agency's lens of experience, the mistakes leading up to Sept. 11 begin to make slightly more sense. One can perhaps understand why the CIA might have failed to tell the FBI that two suspected al-Qaida operatives who would eventually become hijackers had entered the United States. Why risk the FBI arresting two guys who may eventually lead them to Bin Laden's cave? So, too, can one understand why the FBI failed to give the CIA the names of al-Qaida informants who were helping the investigation of the 1998 Nairobi Embassy bombing. Why risk the prosecution by involving an agency that knows little and cares even less about law enforcement? Had either been more forthcoming, the other might have been able to do more to prevent the attacks. But had either done so, it wouldn't have been doing its job, at least not in a strict sense. That's why the reformers' calls for intelligence-sharing, personnel exchange, and token increases at the Joint Counterterrorism Center at Langley are, in the end, so empty. Ultimately, the people of each agency are going to abide by the goals of the very different organizations for which they work. They have done so for more than 50 years, despite every director of the FBI and CIA's well-meaning promises to improve coordination. And as much as Congress tries, rhetorical whippings or budgetary enticements will not fix what is essentially a problem of structure.

There's structural antagonisms

Graff '12, Editor

Garrett, "FBI-CIA Tensions Linger a Decade After CIA Warned of "Problems",
<http://www.washingtonian.com/blogs/capitalcomment/fbi/fbi-cia-tensions-linger-a-decade-after-cia-warned-of-problems.php>

The French say it like "Plus ça change, plus c'est la même chose." The more things change, the more they stay the same. This week unfortunately has brought a fresh reminder—two, in fact—that the FBI and the CIA continue to struggle to get along, more than a decade after the 9/11 attacks exposed a glaring—and deadly—lack of communication between the two cornerstones of the US national security apparatus. A Washington Post story this week reports that the office of director of national intelligence, a post created after the September 11 attacks, has handed the FBI an "expanded role in coordinating the domestic intelligence-gathering activities of the CIA." Coincidentally, the National Security Archive at George Washington University released a trove of decade-old CIA documents dealing with the hunt for Osama bin Laden. While much of the media's attention today has focused on the Counterterrorism Center's budget woes before 9/11, one of the most striking documents is the CIA's inspection report of its Counterterrorism Center from the summer of 2001 (PDF). Conducted while, unbeknownst to the agency, Mohamed Atta and the 9/11 hijackers were finalizing their plans to attack Washington and New York, the CIA inspector general's routine investigation discussed the overall effectiveness of CTC. After generally giving the center good marks—despite its budget and staffing shortfalls—deep into the report, the IG raises the agency's working relationship with the FBI, listed on an earlier page as one of its key

relationships. “CTC described cooperative relations with the FBI,” the report said. “The growth in joint activities and cross assignments suggests that the relationship is now more institutionalized and less personality dependent.” Yet, the report continues, “concerns still remain in both organizations about access to the counterpart’s mission critical information.” Indeed, the most glaring example of the two agencies’ breakdown in communication was even at that point unknown: At a June 2001 meeting, CIA agents had lied to FBI agents regarding their knowledge of the whereabouts of two of the men who were to become 9/11 hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi. That breakdown—one of the best chances, if not the only one, that the US government had to stop or interdict the 9/11 plot—was a point of much teeth-gnashing afterwards. Along with all too many other examples, it catalyzed years of close coordination between the FBI and the CIA at the upper levels and more cross assignments between the two. Afterward, then-CIA director George Tenet and FBI director Robert Mueller made very public efforts to show how they were on the same team. Much has changed since 2001. It’s clear to most observers that the FBI and the CIA do have the best working relationship the two agencies ever have had. Since 9/11, more and more FBI agents and CIA officers have been detailed to the other agency; there’s more information sharing and more overall cooperation. CIA and FBI personnel work together on more task forces and share more information than ever before, according to dozens of interviews I’ve done over the past four years. And yet tensions and rivalries persist. Some of the tensions between the agencies is inherent—the two have different territories and different approaches. The FBI is supposed to be a domestic law enforcement agency, focused on federal criminal infractions leading to prosecutable court cases. The CIA is an international intelligence agency, focused on gathering actionable information to guide political and military decision-making. There’s a lingering unease both at Langley and at the Hoover Building that the other’s standards just aren’t good enough. FBI agents think the CIA isn’t discerning enough in its information gathering, too willing to accept assumptions and “what’s likely true.” And CIA officers, likewise, think FBI agents are too focused on “guilty beyond a reasonable doubt.” Plus there’s the big one: The FBI is supposed to be domestic, the CIA international. The reality, again, is much more clouded than that. The FBI has hundreds of agents posted in some 70 countries overseas in varying levels of operational capability. Likewise, the CIA has a broad domestic network, focused on helping the agency gather information overseas. As the Post explains, “The National Resources Division, as this group is known, routinely debriefs executives, university officials, and other Americans who volunteer to share information gathered on their trips out of the country. The CIA is also allowed to approach foreign nationals in the United States and try to recruit them as spies upon their return to their home countries.” Those overlapping responsibilities helped lead to the ODNI’s new directive. This week’s Post article includes an example of how the new ODNI is already stirring up trouble: “One former US official said senior FBI agents recently used a meeting with executives from major manufacturing companies on the West Coast to instruct them to cut off contact with the CIA. The FBI’s message was that ‘they were now in charge of relationships with the corporate sector, so the folks there should feel no need to deal with the agency,’ said the former official, who spoke on the condition of anonymity because of the sensitivity of the topic. The FBI agents apparently were not aware that a former CIA officer was among the executives in attendance.” On page 47, the 2001 report says, “Problems persist and probably will never be fully overcome. A natural tension exists between the two organizations, deriving from their different missions, which can be negotiated but never eliminated.” Sadly, more than a decade of history has proven that observation all too applicable.

Cooperation's impossible

Shane 3-26-15, Journalist specializing in intelligence

Scott, "C.I.A. Officers and F.B.I. Agents, Meet Your New Partner: The Analyst",
http://www.nytimes.com/2015/03/27/us/cia-officers-and-fbi-agents-meet-your-new-partner-the-analyst.html?_r=0

Call it the revenge of the nerds, Washington-style. The gun-toting F.B.I. agent and the swashbuckling C.I.A. undercover officer are being increasingly called upon to share their clout, their budgets and even their Hollywood glamour with the humble, deskbound intelligence analyst. As the two agencies confront an evolving terrorist threat, cyberattacks and other challenges, both are reorganizing in ways intended to empower analysts. That involves the delicate job of meshing the very different cultures of the streetwise agent and the brainy analyst, who reads secret dispatches, pores over intercepted communications, absorbs news media accounts and digests it all. The biggest challenge remains at the F.B.I., a traditional law enforcement organization that has struggled since the 2001 terrorist attacks to remake itself as an intelligence agency that can prevent attacks and not just investigate crimes. A report on the F.B.I.'s progress, released on Wednesday, concluded that despite great strides, the bureau needs to step up the role of analysts and the respect and resources they get. While bureau officials have long extolled the importance of intelligence analysts, the report, by the F.B.I. 9/11 Review Commission, found that the bureau "still does not sufficiently recognize them as a professionalized work force with distinct requirements for investment in training and education." The F.B.I. director, James B. Comey, acknowledged the problem and said that empowering analysts was one of his main goals. At the C.I.A., where analysts have had a central role since its founding, they long worked largely apart from the "operators," who work in the field overseas recruiting agents. This month, John O. Brennan, the C.I.A. director, announced that analysts and operators would be combined in 10 new "mission centers," following the model of the agency's Counterterrorism Center. That may give the analysts greater day-to-day influence on operations. The latest moves continue the steady enhancement of the role of intelligence analysts. Even popular culture has caught on, with analysts becoming the stars of recent movies and television shows. In "Zero Dark Thirty," the 2012 movie account of the hunt for Osama bin Laden, the central character is a C.I.A. analyst called Maya, played by Jessica Chastain. Addressing the beefy, heavily armed members of the Navy SEALs who are about to fly into Pakistan, the petite Maya is no wallflower. "Bin Laden is there," she confidently tells the SEALs. "And you're going to kill him for me." The failure to prevent the Sept. 11 attacks and the subsequent focus on terrorist threats have helped drive the new stature of analysts. The National Counterterrorism Center — not to be confused with the C.I.A.'s Counterterrorism Center — was created after Sept. 11 as an analytical hub to make sure that every scrap of threat information was combined with other data to detect plots. Another factor is the explosion of data in an era of smartphones and the Internet, as the National Security Agency documents leaked by Edward J. Snowden have underscored. While the N.S.A. has always been a data-driven operation, other agencies now need their own skilled people to make sense of the flood of information, or it will overwhelm them. "These days when you have an intelligence lapse, it's usually because the crucial information is lost in an avalanche of data," said John E. McLaughlin, a former deputy director and acting director of the C.I.A. He said that while analysts had always been valued at the agency, they were long segregated in the Directorate of Intelligence, separate from the Directorate of Operations, which did the spying. For many years, a turnstile and a security checkpoint at the C.I.A.'s headquarters in Langley, Va., separated the analysts from the operations officers, he said. A career

analyst himself, Mr. McLaughlin said that some operations veterans “may feel angst” about the reorganization that will group them with analysts, but that it made sense. “The role of the analyst who puts all the pieces together has become more critical, because there are just more pieces,” he said.¶ After Sept. 11, the C.I.A. lent the F.B.I. some 40 analysts to try to jump-start the bureau’s reorientation, Mr. McLaughlin said. Before 2001, according to the national 9/11 commission, 66 percent of F.B.I. analysts were “not qualified to perform analytical duties.” Secretaries were sometimes rewarded with a promotion to analyst, with duties that included emptying the trash.¶ Proud special agents did not always see the value of analysts who did not necessarily build criminal cases — the traditional measure of success at the F.B.I. “At the end of my career, there was low-level tension between the agents and the analysts,” said Jack Cloonan, an F.B.I. agent from 1976 to 2002. “Who was running the case?”¶ Mr. Cloonan said the analysts did not always share the “camaraderie and esprit de corps” that agents had with one another. “Street agents are street agents,” he said, adding that he still heard grumbling from former bureau colleagues about some analysts who earn more than they do.¶ Philip Mudd, a career C.I.A. analyst who moved to a top counterterrorism job at the F.B.I. in 2005, said the difference in cultures was striking, and predictable. He recalled the case of David C. Headley, an American affiliated with Lashkar-e-Taiba, a Pakistani extremist group, who admitted to scouting targets for the 2008 terrorist attacks in Mumbai, India. Mr. Headley was arrested, prosecuted and sentenced to 35 years. The more difficult and novel task that the F.B.I. faced, and one for which analysts were critical, was determining whether Lashkar-e-Taiba had other operatives in the United States.¶ “It’s exploring the world of the unknown,” Mr. Mudd said.¶ By empowering analysts, “You’re telling agents, ‘You’re going to have to give up some turf,’ ” he said. “Someone’s going to say, ‘O.K., how many child molesters do you want me not to prosecute so you can do your analysis?’ ”¶ Mr. Comey, the F.B.I. director, has used the analogy of an arranged marriage to describe the relationship between agents and analysts, who have often been quickly paired together, with little say in the matter. Sometimes arranged marriages end up with the couple living happily ever after. Other times, they end up sleeping in different beds.¶ Mr. Comey is trying to get agents and analysts to “date” at the F.B.I. Academy, where they are now required to train and practice working together. Mr. Comey has said his hope is for a career intelligence analyst to rise to the F.B.I.’s most senior ranks before he retires.¶ Some people who study intelligence and counterterrorism are concerned that the pendulum could swing too far. Intelligence analysts, said Amy Zegart, a Stanford scholar who studies intelligence, could become too consumed by daily operations and neglect strategic thinking about threats that could be years away.¶ At the C.I.A., she said, counterterrorism analysts are already “too tactical,” focused on the next drone target. If the same model is applied to the rest of the agency’s work, other analysts, too, could be caught up in short-term demands, she said. “Who in the U.S. government,” she asked, “is going to be thinking about longer-term threats?”

No Prolif

No risk of prolif- the spread is slow and there's no motive or resources for it

Keck '13, Associate Editor of The Diplomat

Zachary, "Why Nuclear Weapons Don't Spread (Quickly)", <http://thediplomat.com/2013/12/why-nuclear-weapons-dont-spread-quickly/>

Over at Foreign Policy, David Kenner has an interesting piece on how President Barack Obama's views on nuclear weapons are shaping his approach to the Middle East (Kenner also includes other so-called weapons of mass destruction, although nuclear weapons are the primary focus). Kenner's main thesis is that "non-proliferation has emerged as the centerpiece of Obama's agenda in the Middle East." He cites a number of examples to support this argument, from Syria's chemical weapons stockpiles to Iran's nuclear program. The piece is well worth the read, although I'm not sure I agree with the central premise. Additionally, while Kenner attributes America's focus on WMD issues in the Middle East to Obama's personal interest and passion for these subjects, I would argue it has more to do with external events like the advanced stage of Iran's nuclear program and the Syrian civil war. Regardless, I was more drawn to a comment that James Cartwright, Obama and (presumably) David Sanger's favorite general, makes in the article. As summarized by Kenner, Cartwright believes "Obama has also come to grips with the fact that the proliferation of knowledge about nuclear technology has permanently altered America's options in combatting the spread of these weapons. Since you can't bomb knowledge, he says, military force can only delay, not stop, proliferation risks." Or, in Cartwright's own words: "[If] a country wants these weapons, they can get them ... So you have to start to think of alternatives to the threats of: 'I'm going to attack you.'" Cartwright is hardly alone in holding these views. Indeed, the general consensus when it comes to nuclear weapons has long been "when there's a will there's a way." And yet, the spread of nuclear weapons has always been surprisingly slow. Moreover, despite the diffusion of nuclear technology, nuclear weapons have actually been spreading much more slowly than they did during the first few decades of the nuclear era. Consider that, in the three decades following the atomic bombings of Hiroshima and Nagasaki, no less than seven countries developed at least a nascent nuclear weapon capability. In the nearly four decades since, only three countries — Pakistan, South Africa, and North Korea — have developed a nuclear weapons capability, and one of these states — South Africa — voluntarily dismantled its arsenal. So what explains this great nuclear slowdown? Two converging trends seem to be at work. First, there has been an undeniable decline in the number of states interested in acquiring nuclear weapons. Harald Muller and Andreas Schmidt have documented this well. In their comprehensive study of states with nuclear weapons activities between 1945 and 2005, they find that "states with nuclear weapons activities were always a minority, and today they are the smallest minority since 1945." Specifically, in 2005 they identified 10 states as having nuclear weapons activities (including those with nuclear weapons), which constituted less than six percent of UN members. Today the only non-nuclear weapon state (NNWS) that might be interested in an atomic weapon is Iran. The fact that states have by and large been uninterested in nuclear weapons is somewhat perplexing from a historic perspective. After all, what other revolutionary military technology hasn't elicited strong interest from most states competing in the international system? At the same time, when one examines the properties of nuclear weapons more closely, the lack of interest is easier to understand. Nuclear weapons have basically served one purpose for states possessing them; namely, they have deterred others from challenging that state's survival and other fundamental interests. But

the nuclear era has also been characterized by a sharp decline in warfare and today fewer states face fundamental external threats to their existence. Given the high costs of building and maintaining a nuclear arsenal, it makes little sense to acquire nuclear weapons without such an existential threat.¶ While lack of interest explains why some states have renounced nuclear weapons despite possessing the capability to build them, the difficulty in building them has prevented others states that seek nuclear weapons from acquiring them. Despite the view that “where there is a will there’s a way,” and a strong sense that globalization has exacerbated this, the historical record tells a very different story.¶ As Jacques Hymans has pointed out, before 1970 seven countries launched dedicated nuclear weapon programs and all seven succeeded in an average of seven years. Since 1970, ten states have launched dedicated nuclear weapons programs and only three have succeeded (the jury’s still out on Iran). These three have taken an average of 17 years to succeed and Iran under the Islamic Republic has been working towards a nuclear weapon capability for some three decades.¶ Just as pundits have routinely underestimated the difficulty of building nuclear weapons, so too do they grossly overstate the number of states who are technically capable of building them. Both journalists and scholars regularly cite 40 as the number of non-nuclear weapon states who are technically capable of building them. This figure is often attributed to the former head of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, who said in 2004:¶ “Some estimates indicate that 40 countries or more now have the know-how to produce nuclear weapons, which means if they have the required fissile material — high enriched uranium or plutonium — we are relying primarily on the continued good intentions of these countries.”¶ As Scott Sagan has pointed out, most of those citing ElBaradei omit the latter part of his statement about having the required fissile material. But this statement is crucial as only a handful of NNWS are capable of producing or otherwise procuring fissile material, which is necessary for a nuclear bomb.¶ Moreover, thanks in no small part to President Obama’s focus on nuclear security, the global availability of fissile material has been declining as the U.S. and its allies help remove fissile material from some states while downsizing the stockpiles in many others. Furthermore, compared with the Cold War era and even the 1990s, nuclear weapon holding and nuclear capable states are much less willing to sell NNWS crucial dual use technology that can be used to indigenously produce fissile material.¶ Thus, contrary to common perception, there is no impending nuclear domino about to fall.

Doesn't Solve Terror

FBI can't support intelligence- culture

Nectaria Krokidis **Gelardi 15**, former CIA analyst and currently a Senior Intelligence Analyst at a New York area Police Department and also an adjunct instructor in the Homeland and Corporate Security Program at St. John's University, Special Agent v. Analyst: Clashing Cultures At the FBI, 4/1/15, <http://www.overtaction.org/2015/04/special-agent-v-analyst-clashing-cultures-at-the-fbi/>

The Federal Bureau of Investigation's 9/11 Review Commission released a tough report last month, indicating that even a decade and a half after 9/11, the Bureau still has difficulty transitioning from a law-enforcement agency to an integrated intelligence-focused one. While giving credit for making institutional changes over the last decade, the report noted the gulf between Special Agents and analysts remains wide, noting, "This imbalance needs urgently to be addressed to meet growing and increasingly complex national security threats, from adaptive and increasingly tech-savvy terrorists, more brazen computer hackers and more technically capable, global cyber syndicates." For over a hundred years, the FBI worked like this: a crime is committed, agents investigate the case, and the case is closed, hopefully, with an arrest. "Job well done," a supervisor might say, slapping his Special Agent on the back, "...now on to the next case." But after 9/11, the FBI was told to incorporate intelligence into their law enforcement world so the organization could better prevent another attack on the homeland. The FBI's Directorate of Intelligence was established in 2005, and after a decade, there remains ample room for major improvement. The FBI's report criticized the Bureau's lack of progress on this front, noting it "has made progress in building the framework to support its intelligence function but continues to lag in capability." In addition to budgetary concerns, a cause behind the slow progress of the FBI's analytic shop is that most law enforcement agencies — the FBI especially — are resistant to change, particularly systemic cultural change. And this is a major cultural shift.

Fundamental distinction in disciplines

Nectaria Krokidis **Gelardi 15**, former CIA analyst and currently a Senior Intelligence Analyst at a New York area Police Department and also an adjunct instructor in the Homeland and Corporate Security Program at St. John's University, Special Agent v. Analyst: Clashing Cultures At the FBI, 4/1/15, <http://www.overtaction.org/2015/04/special-agent-v-analyst-clashing-cultures-at-the-fbi/>

The core problem is that analysis and law enforcement are fundamentally different disciplines. The root cause may be generally explained as a conflict of the strategic objective of the analyst versus the tactical objective of the law enforcement official. Yes, there are some similarities between intelligence and law enforcement; for example, handling human assets is basically the same as running confidential informants for information gathering. However, there are deep conceptual differences. Intelligence is typically part of a cycle while law enforcement is traditionally linear. Generally, an analyst's main objective is to provide warning and strategic insights, which is essentially a proactive effort, while an agent's job is reactive by nature. Agents are considered successful based on the number of cases they close while measuring analytic "success" can be far murkier and more complex. Sometimes there is follow up in a criminal investigation, while sometimes there is not. Continuous examination and assessment of information is the basis of intelligence analysis while information in law enforcement is not always shared, and sometimes the choice to share relies on trust, not institutional mandates. Even the CIA, the nation's premier intelligence agency, continues to struggle with similar issues of distrust. At

its conception, critics opposed to a civilian intelligence agency argued it would be too academic. For decades, CIA analysts and case officers have struggled to communicate with each other, which has been one of the drivers that has led to establishing fusion centers to better foster information sharing. Recently, CIA Director – and former analyst – John Brennan announced the Agency is moving towards further integrating operational, analytic, and other agency elements by establishing ‘mission centers’ in an effort to better confront the threats of the 21st century.

Doesn't solve- not integrated

DEVLIN **BARRETT 15**, reporter for the Wall Street Journal, Panel Urges FBI to Expand Intelligence Work, Global Footprint, 3/25/15, <http://www.wsj.com/articles/panel-urges-fbi-to-expand-intelligence-work-global-footprint-1427294845>

The commissioners—Mr. Roemer, who also served on the earlier 9/11 commission, former U.S. Attorney General Ed Meese and Georgetown University professor Bruce Hoffman, who studies terrorism—said the FBI needs to focus on areas including criminal investigation, counterintelligence, intelligence collection and analysis, and technological know-how. After the 2001 attacks, one of the chief findings of the 9/11 commission was that the FBI and other organizations such as the Central Intelligence Agency didn't sufficiently share information that could have uncovered the plot and prevented the attack. As a result, sweeping changes were made inside government agencies, but Wednesday's report found that the FBI still "is not sufficiently integrated" into the network of U.S. intelligence bodies. The commission urged a greater emphasis on the development of intelligence analysts within the bureau and of stronger relationships with other intelligence agencies. The commission also found that the U.S. government's broader mission to counter radicalization at home can't be addressed solely by the FBI as a law-enforcement body. The panel recommended that social-outreach efforts to prevent violent extremism should be transferred from the FBI to the Department of Homeland Security.

AT: Drone DA- NU

Nonunique- No Drones Now

Drone momentum is already dead – FAA regulations

Donfro 1-15 [writer for business insider “The FAA's New Drone Proposal Would Be Bad News For Amazon And Google” <http://www.businessinsider.com/faa-new-drone-rules-2014-11>]

At the same time, some companies are grumbling that the playing field is being gamed by the powerful. And that even when federal regulators allow more drone flights, the restrictions will be so onerous that it could cripple innovation. “They are frozen. They are in analysis paralysis. And in the meantime, it's easier to say no,” Dan Ganousis, CEO of Iron Ridge UAS in Longmont, said of federal regulators. Much of the blame, he added, lies not with the technology — which is largely there — but with the slow pace of the Federal Aviation Administration and its effort to draw up rules for the drone business that balances innovation with privacy and safety concerns.

No Solve Terror

Drones don't solve terror

Dilanian 15 [July 3, 2015 AP Intelligence Writer<http://www.vnews.com/news/nation/world/17592169-95/us-counterterrorism-policy-faces-mounting-skepticism> "U.S. Counterterrorism Policy Faces Mounting Skepticism"] (Vaibhav)

Administration officials had once signaled they would cut back on signature strikes, which pose a higher risk of killing the wrong people, including civilians. But the evacuation of the embassy in Yemen and the CIA's absence in Syria mean such strikes will be more common, the U.S. officials said. **Even when they succeed, they are insufficient, experts say. Drone strikes "do not defeat terrorist organizations,"** said Seth Jones, a **counterterrorism analyst at the Rand Corp.** think tank.

No Link

Drones are effective counter terrorism- the aff doesn't trade off with that

Dilanian 15 [July 3, 2015 AP Intelligence Writer<http://www.vnews.com/news/nation/world/17592169-95/us-counterterrorism-policy-faces-mounting-skepticism> "U.S. Counterterrorism Policy Faces Mounting Skepticism"] (Vaibhav)

Drone strikes have clearly made it harder for terrorists to plan complex attacks, he said. While the strikes create international backlash, he added, **there is no evidence they are a driving force in the growth of terror networks**. A task force at the Henry L. Stimson Center took a different view in April, raising questions about the long-term effects of killing terrorists with drones.

Link Turn

Drones create more terrorism because of revenge

Abbas 13 [Hassan Abbas is a senior advisor at Asia Society and the author of the forthcoming book *The Taliban Revival*. August 6, 2013

<http://www.theatlantic.com/international/archive/2013/08/how-drones-create-more-terrorists/278743/> "**How Drones Create More Terrorists**" (Vaibhav)

Drone strikes may create more jihadi militants. (Ibraheem Abu Mustafa/Reuters) Recently, **strong evidence has begun to suggest that terrorists use drone strikes as a recruitment tool.** Of course, the value of drones in the arena of intelligence-gathering and secret surveillance of foes (and even friends) is unmistakable. In warzones too, it can support ground operations in significant and even decisive ways. None of this is controversial, though the ones on the receiving end will certainly not like it. What is debatable is its use as a counter-terrorism instrument in theaters that are not declared war zones, or in cases where a sovereign state is not fully and publicly on board with this policy. Lack of transparency in regulations that govern this new type of warfare, the unverifiable nature of targets, and questions over the credibility of intelligence only complicates the matter. Mark Bowden's important contribution to the drone debate raises critical questions that policy makers will be wise to consider for the future use of this new tool of war. One of the important arguments mentioned in the piece revolves around the notion that drone strikes might be less provocative than ground assaults for terrorists, meaning that standard warfare might create more terrorists than drones do. Let's first accept what is obvious: more civilians are killed in standard warfare, and the history of warfare in the 20th century sufficiently proves the point. When it comes to drone strikes, the ratio of civilian deaths is certainly lower, but the issue is not about the number of civilian casualties alone. **The inherently secret nature of the weapon creates a persistent feeling of fear in the areas where drones hover in the sky, and the hopelessness of communities that are on the receiving end of strikes causes severe backlash -- both in terms of anti-U.S. opinion and violence.** Response to drone strikes comes in many varieties. **First, revenge is targeted at those within the easy range of the insurgents and militants.** The victims of those revenge terrorist attacks also consider the drone strikes responsible for all the mayhem. **Consequently, terrorists and ordinary people are drawn closer to each other out of sympathy, whereas a critical function of any successful counter-terrorism policy is to win over public confidence so that they join in the campaign against the perpetrators of terror. Poor public awareness -- which is often a function of inadequate education -- about terrorist organizations indeed plays a role in building this perspective. Public outrage against drone strikes circuitously empowers terrorists.** It allows them space to survive, move around, and maneuver. Pakistan is a perfect example of this phenomenon. **Many in Pakistan now believe that drone strikes tend to motivate Al Qaeda and the Pakistani Taliban to conduct terrorist attacks that target Pakistan's security forces as well as civilians.** The duplicity of Pakistan's political and military elite in giving a green light to the U.S. drone policy proved to be counterproductive. The sponsors and supporters of drone strikes in U.S. policy circles apparently ignored the wider socio-political impact and indirect costs when evaluating its efficacy.

Drones cause terrorism by implementing the mentality of revenge

Mothana 12 [Ibrahim Mothana, a writer and activist, is a co-founder of the Watan Party June 13, 2012

<http://www.nytimes.com/2012/06/14/opinion/how-drones-help-al-qaeda.html> "How drones help Al-Qaeda" (Vaibhav)

"DEAR OBAMA, when a U.S. drone missile kills a child in Yemen, the father will go to war with you, guaranteed. Nothing to do with Al Qaeda." a Yemeni lawyer warned on Twitter last month. **President Obama should keep this message in mind before ordering more drone strikes** like Wednesday's, which local officials say **killed 27 people, or the May 15 strike that killed at least eight Yemeni civilians. Drone strikes are causing more and more Yemenis to hate America and join radical militants; they are not driven by ideology but rather by a sense of revenge and despair.** Robert Grenier, the former head of the C.I.A.'s counterterrorism center, has warned that the American drone program in Yemen risks turning the country into a safe haven for Al Qaeda like the tribal areas of Pakistan — "the Arabian equivalent of Waziristan." **Anti-Americanism is far less prevalent in Yemen than in Pakistan. But rather than winning the hearts and minds of Yemeni civilians, America is alienating them by killing their relatives and friends.** Indeed, the drone program is leading to the Talibanization of vast tribal areas and the

radicalization of people who could otherwise be America's allies in the fight against terrorism in Yemen.

The first known drone strike in Yemen to be authorized by Mr. Obama, in late 2009, left 14 women and 21 children dead in the southern town of al-Majala, according to a parliamentary report. Only one of the dozens killed was identified as having strong Qaeda connections.

Impact Inevitable

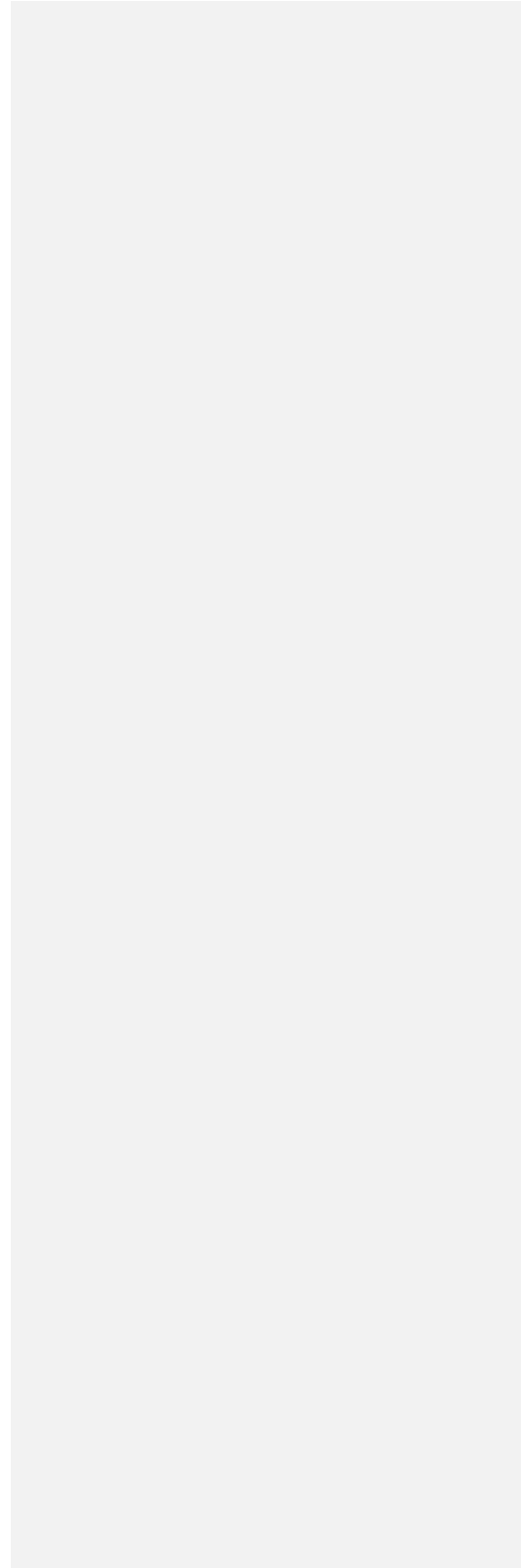
Only takes one accident to wreck confidence

Cathain 14 [writer for the guardian "Just one 'disastrous accident' could set drone industry back, warn Lords" <http://www.theguardian.com/technology/2015/mar/05/just-one-disastrous-accident-could-set-drone-industry-back-warn-lords>]

The drone industry could create 150,000 jobs across the European Union by 2050, **but it would take "just one disastrous accident" to destroy public confidence and set the sector back, a group of peers has warned**. A report from the Lords EU select committee has concluded that there is huge potential for growth in the sector, but that this potential can only be realised if the safety of drone operations is demonstrated to the public. **The report comes after a near miss between a passenger jet and a civilian drone near Heathrow airport in December sparked debate about how best to regulate the consumer drones market.** Mark Stevens predicts the days of people being able to do a short course, buy an inexpensive drone, then start charging \$100 to \$600 an hour to shoot stills or videos of landscapes, buildings and events may soon be coming to an end. "It's inevitable that UAVs [unmanned aerial vehicles] will become commoditised," he says. "In the market serviced by small UAVs, most of the work is small-scale engagements that can be measured in hours; it's aerial filming for real estate, weddings, sports events, maintenance inspections and local surveying and it's ripe for integration. This is an immature industry where low barriers to entry have led to lots of drone operators entering the market. Inevitably, there will be a consolidation process with a handful of larger companies emerging." Nick Smith: specialisation is a smart move. Nick Smith: specialisation is a smart move. Stevens is not a disinterested observer. In 2009, betting that drones were going to take off and that most businesses would want to outsource their drone work, the former Australian Army officer launched UAVs Australia with his son, Aonghus. Last year, he joined forces with the US-based, globe-spanning, drone-sourced data company Measure in a joint venture called Measure Australia. "Certainly, Measure Australia plans to benefit from the consolidation of the local industry when it comes," he says. "We're expecting the industry to experience strong growth over the next decade, especially as the technological advances made in military drones cross over into non-military drones. This is an industry that the Association for Unmanned Vehicle Systems International estimates will be worth US\$82 billion (\$104 billion) and employing 100,000 people globally by 2025. "And as the market evolves, we expect operators will be required to meet higher standards in terms of certification, insurance, experience and risk management, something that will benefit larger businesses."

AT: Terror DA- NU

Uniqueness



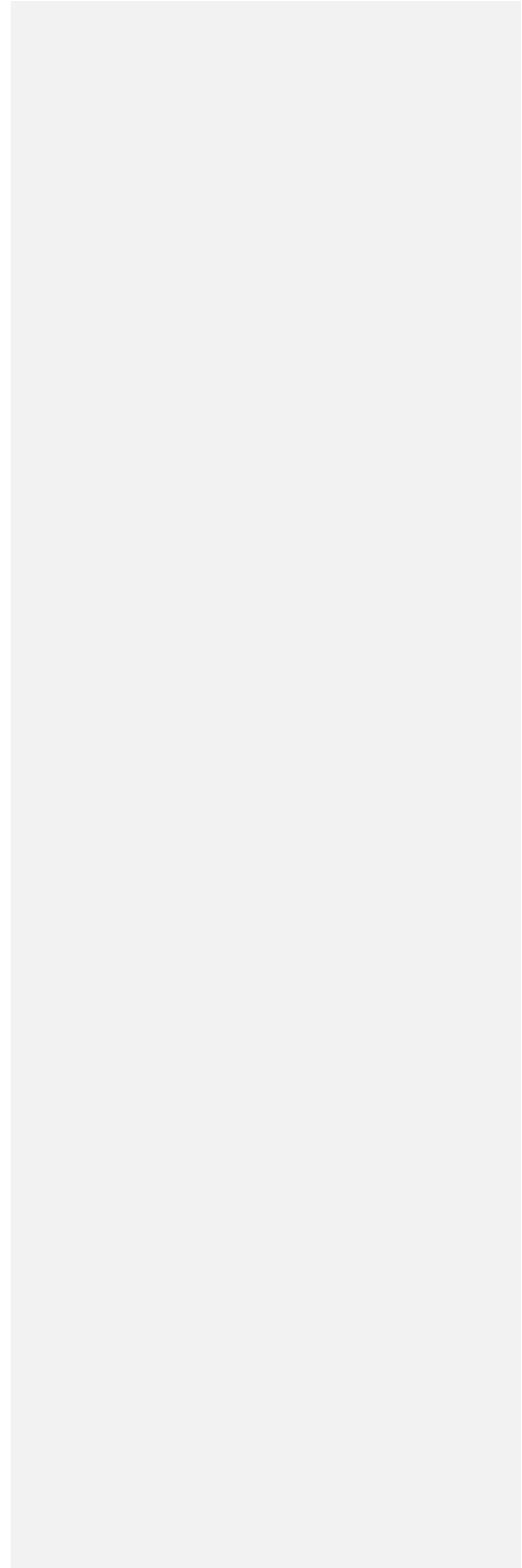
CT Fails

Counter terrorism is ineffective now- their evidence is hype

Brooks 15 [June 24, 2015 Rosa Brooks is a law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation. She served as a counselor to the U.S. defense undersecretary for policy from 2009 to 2011 and previously served as a senior advisor at the U.S. State Department. <http://foreignpolicy.com/2015/06/24/u-s-counterterrorism-strategy-is-the-definition-of-insanity/> "U.S. Counterterrorism Strategy Is the Definition of Insanity"] (Vaibhav)

Loyalty to your employer is a fine thing, especially in a press spokesman, but outside the ranks of officials in President Barack Obama's administration, experts are far more dubious about the heavy U.S. reliance on air power and targeted strikes. "The tactical, whack-a-mole approach is not having the desired effect," my Foreign Policy colleague Michah Zenko told the New York Times. "Not having the desired effect" was a polite circumlocution: As Zenko recently noted for FP, State Department figures show a substantial recent uptick in global terrorism. In 2014, terrorist attacks increased 39 percent over the previous year, while the number of fatalities caused by terrorist attacks went up 83 percent. In Yemen, which the administration inexplicably continues to tout as a counterterrorism "success," U.S. policy in in shambles. "If you're looking for logic here, you're not going to find much," Stephen Seche, a former U.S. ambassador to Yemen, told the New York Times. In mid-June, the Washington Post reported that "[al]-Qaeda affiliates are significantly expanding their footholds" in both Yemen and Syria. And the Islamic State also continues to gain ground in both countries. Meanwhile, in Libya, it's "utter chaos," former U.N. advisor Dirk Vandewalle told the Times: The Islamic State and al Qaeda-linked groups are vying for power, and a recent U.S. drone strike against al Qaeda operative Mokhtar Belmokhtar "shows that we're still relying on ad hoc measures." In Iraq, Somalia, and Afghanistan, it's the same story. The United States continues to rely heavily on airstrikes and targeted killings, while terrorist groups continue to cause mayhem and gain adherents. Even some of those who do get paid by Uncle Sam have grown more openly skeptical of U.S. counterterrorism policy. Capt. Robert Newson, a Navy SEAL who served as director of the Joint Interagency Task Force-Counter Terrorism, told an interviewer at West Point's Combating Terrorism Center that "drone strikes, manned airstrikes, and special operations raids ... buy space and time. But by themselves they are only a delaying action, and everywhere I have been, in Iraq, Afghanistan, Yemen, every military person up and down the chain of command acknowledges this. This 'CT concept' — the solution that some people champion where the main or whole effort is drone strikes and special operations raids — is a fantasy." Like Newson, I haven't encountered many defenders of U.S. counterterrorism strikes. Last year, I co-chaired a Stimson Center commission on U.S. drone policy with retired Gen. John Abizaid. The commission, which included former senior military and intelligence officials from both Obama's and George W. Bush's administrations, concluded in June 2014 that "the Obama administration's heavy reliance on targeted killings as a pillar of US counterterrorism strategy rests on questionable assumptions, and risks increasing instability and escalating conflicts. While tactical strikes may have helped keep the homeland free of major terrorist attacks, existing evidence indicates that both Sunni and Shia Islamic extremist groups have grown in scope, lethality and influence in the broader area of operations in the Middle East, Africa and South Asia." In dozens of interviews and conversations with national security experts since June 2014, I have yet to find anyone who won't admit, off the record, that U.S. counterterrorism policy is flailing badly.

Link



AT: Data Link

Mathematic Analysis proves- Data collection is widely ineffective at stopping terrorism.

Leonard 14 (<http://www.computing.co.uk/ctg/news/2355787/nsa-data-collection-ineffective-against-terrorism-and-dangerous-for-democracy-say-mathematicians>, John Leonard is responsible for the setting up and running qualitative and quantitative surveys for Computing Research's clients in order to assess the opinions and experiences of IT professionals on issues important to the industry, such as cloud computing, bring-your-own-device (BYOD) and the IT decision making process as a whole.)

Two American **mathematicians have spoken** of their concern that the **mass data collection** undertaken by the NSA with the aim of 'preventing terrorism' **is both ineffective in achieving the stated goal and dangerous for democracy.** Writing in **Notices of the AMS June/July 2014** (PDF), **Keith Devlin**, a mathematician at Stanford University who **spent five years researching** the area of extracting actionable information from vast amounts of **data' funded by the US** Department of Defense, claimed that mass data collection is an ineffective way of preventing terrorism, and that resources would be **better deployed elsewhere.** "I concentrate on whether indiscriminate 'vacuuming up' of personal information that, according to the documents Edward Snowden has released, the NSA has routinely engaged in for several years, can effectively predict terrorist attacks," Devlin writes. "I'll say up front that, **based on everything I learned in those five years, blanket surveillance is highly unlikely to prevent a terrorist attack** and is a dangerous misuse of resources that, if used in other ways, possibly could prevent attacks such as the 2013 Boston Marathon bombing. **Anyone with a reasonable sense of large numbers could surmise a similar conclusion.** When the goal is to identify a very small number of key signals in a large ocean of noise, indiscriminately increasing the size of the ocean is self-evidently not the way to go."¶

It is statistically impossible for Surveillance to be an effective tool for catching terrorists

Corrigan 15

[Ray Corrigan is a senior lecturer in mathematics, computing, and technology at the Open University, U.K. http://www.slate.com/articles/health_and_science/new_scientist/2015/01/mass_surveillance_against_terrorism_gathering_intelligence_on_all_is_statistically.html]

It is statistically impossible for total population surveillance to be an effective tool for catching terrorists.¶ **Even if your magic terrorist-catching machine has a false positive rate of 1 in 1,000—and no security technology comes anywhere near this—every time you asked it for suspects in the U.K. it would flag 60,000 innocent people.** Law enforcement and security services need to be able to move with the times, using modern digital technologies intelligently and through targeted data preservation—not a mass surveillance regime—to engage in court-supervised technological surveillance of individuals whom they have reasonable cause to suspect. That is not, however, the same as building an infrastructure of mass surveillance. **Mass surveillance makes the job of the security services more difficult and the rest of us less secure.**

Turn- there is bulk data failure preventing surveillance agencies from effectively using data.

Whittaker 4/15 (http://www.zdnet.com/article/nsa-whistleblower-overwhelmed-with-data-ineffective/?tag=nl.e539&s_cid=e539&ttag=e539&ftag=TRE17cfd61, Zack Whittaker is a writer-editor for ZDNet, and sister sites CNET and CBS News. He is based in the New York newsroom.)

In a lunch meeting hosted by Contrast Security founder Jeff Williams on Wednesday, William Binney, a former NSA official who spent more than three decades at the agency, said the US government's mass surveillance programs have become so engorged with data that they are no longer effective, losing vital intelligence in the fray. That, he said, can -- and has -- led to terrorist attacks succeeding. Binney said that an analyst today can run one simple query across the NSA's various databases, only to become immediately overloaded with information. With about four billion people -- around two-thirds of the world's population -- under the NSA and partner agencies' watchful eyes, according to his estimates, there is too much data being collected. "That's why they couldn't stop the Boston bombing, or the Paris shootings, because the data was all there," said Binney. Because the agency isn't carefully and methodically setting its tools up for smart data collection, that leaves analysts to search for a needle in a haystack. "The data was all there... the NSA is great at going back over it forensically for years to see what they were doing before that," he said. "But that doesn't stop it." Binney called this a "bulk data failure" -- in that the NSA programs, leaked by Edward Snowden, are collecting too much for the agency to process. He said the problem runs deeper across law enforcement and other federal agencies, like the FBI, the CIA, and the Drug Enforcement Administration (DEA), which all have access to NSA intelligence.

Terrorists deterrence is impossible and only leads to unique forms of terrorist circumvention

Frey 2007 (Bruno Frey, Prof. emer. of Economics, University of Zurich and Basel Research Director, CREMA - Center for Research in Economics, Management and the Arts, Switzerland, http://www.tampereclub.org/e-publications/vol2_frey.pdf)

The second type of costs produced by deterrence policy relate to its effects on terrorists. It is generally agreed that full deterrence is impossible. No country, not even one having extensive surveillance and punishing power is able to thwart all conceivable future terrorist activity. Experience has shown that terrorists are capable of innovative responses to deterrence policy. They do not only seek new ways of achieving their aims but they quickly substitute to those targets impossible or too costly to protect. The costs are further raised if the terrorists move their attention away from less to more harmful objectives, resulting in more casualties and damage. A coercive response tends to reinforce terrorists' cohesiveness and influence. At the same time it exacerbates nationalism and xenophobia in the countries more or less associated with the terrorists. There are, thirdly, more general costs involved with fighting terrorism by deterrence. Deterrence is based on a negative approach: terrorists are

threatened with punishment if they continue their activities. Coercive action is answered by coercive action. Such interaction tends to degenerate into a negative sum game between the parties involved making each one of them worse off (see George and Simon 1994, Baldwin 1999): both the country engaging in the coercive response, and also the terrorists lose. Any war, including the proclaimed “war against terrorism” is a “dramatically non-zero sum activity” (Schelling 1984, 269). This consequence may be the most important argument against exclusively or even mainly relying on force to fight terrorism. It is argued here that there is an alternative anti-terrorism policy available based on a positive approach (see also Bernauer and Ruloff 1999 for positive incentives in non-proliferation policies). Such anti-terrorist policies tend to evolve into positive sum games: As a result, both parties will be better off.

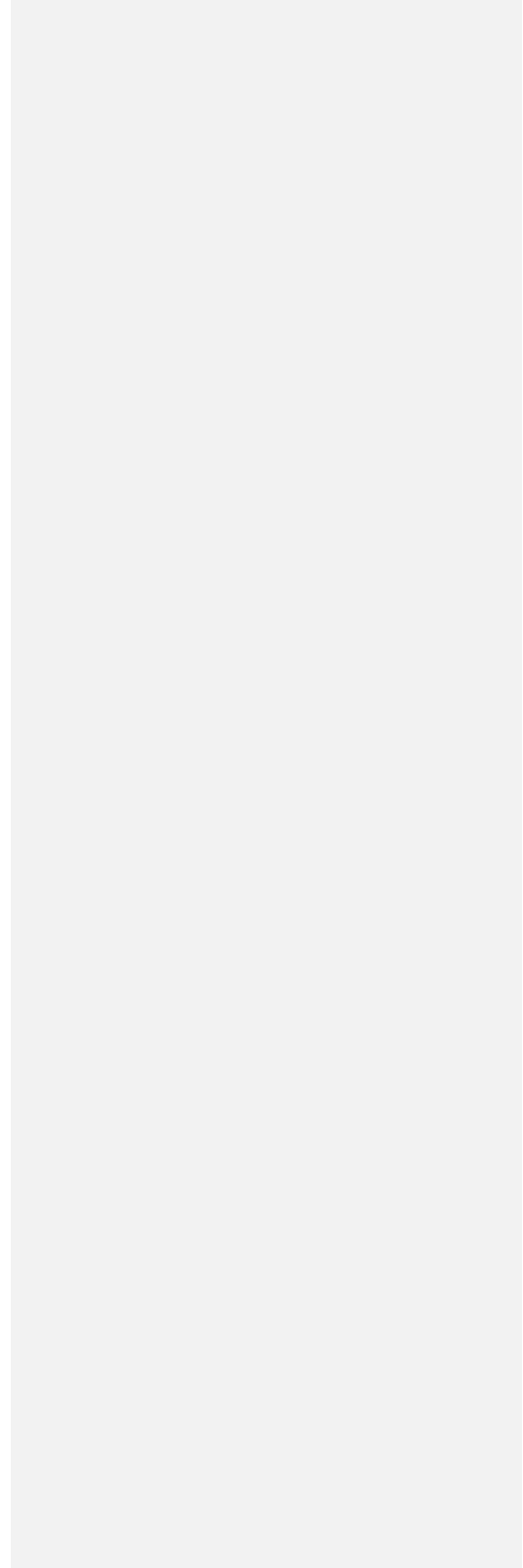
AT: Deterrence

Terrorists are either willing to sacrifice or have planned mechanisms of escape

Loren 14 (I focus on the strategic, economic and business implications of defense spending as the Chief Operating Officer of the non-profit Lexington Institute and Chief Executive Officer of Source Associates. I have also taught at Harvard University's Kennedy School of Government. I hold doctoral and masters degrees in government from Georgetown University and a bachelor of science degree in political science from Northeastern University. <http://www.forbes.com/sites/lorenthompson/>)

Elusive adversaries are hard to hold at risk. Deterrence is all about retaliation, or at least the threat of retaliation. It's the fear of horrible consequences that dissuades a potential aggressor from acting in the first place. But when it takes ten years to find the mastermind of the 9-11 conspiracy, accountability becomes tenuous. Many of the non-traditional adversaries who threaten America today lack a fixed address that can be targeted in retribution. That doesn't just apply to terrorists and insurgents who "move amongst the people as a fish swims in the sea" (to quote Mao Zedong), it also applies to hackers who invade our networks and traffickers in technologies of mass destruction. The most sophisticated hacks may originate in places like China, but if they arrive via the Chicago municipal healthcare system's information network and we can't identify their ultimate authors, how can we deter them?

Impact Work



Impact Framing

No risk of nuclear terror- prefer our evidence because it provides a framework by which to evaluate good public policy

Walt '13, Robert and Renée Belfer professor of international relations at Harvard University

Stephen M., "Why We Don't Need to Worry About a 'Nuclear Handoff'",
<http://foreignpolicy.com/2013/07/25/why-we-dont-need-to-worry-about-a-nuclear-handoff/>

After the 9/11 attacks, the U.S. national security establishment started focusing on the various ways that "international terrorism" might pose a threat to U.S. interests or the United States itself. Unsurprisingly, experts began to dream up all sorts of frightening scenarios and worry about all sorts of far-fetched scenarios. I remember this period well, and I recall sitting through seminars and workshops at which lots of very smart and creative people were imagining various nasty things that groups like al Qaeda might try to do. Hijack gas trucks and blow up the Lincoln Tunnel? Take over the Mall of America and create carnage on a big shopping day? Commandeer a supertanker and smash it into the Verrazano-Narrows Bridge? Wait until summer and then set forest fires all over the American West? The list of conceivable dangers was infinitely long, but if you sat in enough of those seminars, you could easily become convinced that it was only a matter of time before somebody did something really nasty to you or your loved ones.¶Imagination is one thing, but disciplined risk assessment is another. It's easy to dream up bad things that could conceivably happen, but intelligent public policy should rest on a more careful and sustained appraisal of how likely those various scary things are. And that's why I suggest you read Keir Lieber and Daryl Press's recent article in the journal *International Security* on "Why States Won't Give Nuclear Weapons to Terrorists."¶The fear that nuclear-armed states would hand weapons to terrorists has been a staple of U.S. threat-mongering ever since 9/11. It was a key part of the justification for invading Iraq in 2003, and it forms part of the constant drumbeat for military action against Iran. But it never made much sense for two reasons. First, a nuclear-armed state has little incentive to give up control over weapons it has labored long and hard to acquire, for what could the state possibly gain from doing so? Second, a state giving nuclear weapons to terrorists could never be sure that those weapons would not be traced back to it and thereby invite devastating retaliation.¶Lieber and Press examine the historical record and show that it is almost impossible to conduct a major terrorist operation and not be blamed for it. Here's the abstract for their article:¶Many experts consider nuclear terrorism the single greatest threat to U.S. security. The fear that a state might transfer nuclear materials to terrorists was a core justification for the invasion of Iraq in 2003 and, more recently, for a strike against Iran's nuclear program. The logical basis for this concern is sound: if a state could orchestrate an anonymous nuclear terror attack, it could destroy an enemy yet avoid retaliation. But how likely is it that the perpetrators of nuclear terrorism could remain anonymous?¶Data culled from a decade of terrorist incidents reveal that attribution is very likely after high-casualty terror attacks. Attribution rates are even higher for attacks on the U.S. homeland or the territory of a major U.S. ally — 97 percent for incidents in which ten or more people were killed. Moreover, tracing a terrorist group that used a nuclear weapon to its state sponsor would not be difficult, because few countries sponsor terror; few terror groups have multiple sponsors; and only one country that sponsors terrorism, Pakistan, has nuclear weapons or enough material to manufacture them. If leaders understand these facts, they will be as reluctant to give weapons to terrorists as they are to use them directly; both actions would invite devastating retaliation.¶I might add that this is the kind of important, nonpartisan,

policy-relevant work that more social scientists ought to be doing. It is also important to disseminate these findings widely, so that 1) U.S. policymakers won't keep chasing phantom dangers, 2) the leaders of nuclear-armed states understand that their arsenals are good for deterrence and not much else, and 3) said leaders also understand the need to keep whatever weapons they might have under very reliable control.

No Impact

No risk of nuclear terror- retaliation threats prove

Lieber and Press '13, Associate Professor in the Edmund A. Walsh School of Foreign Service and the Department of Government at Georgetown University, and Associate Professor of Government at Dartmouth College

Kier A. and Daryl G., "Why States Won't Give Nuclear Weapons to Terrorists",
http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC_a_00127

The concern that a nuclear-armed state might transfer weapons to terrorists is part of the foundation of U.S. nonproliferation policy. Nonproliferation is pursued for a variety of reasons, including the fear that new nuclear states will use their weapons directly against adversaries, even in the face of a clear risk of retaliation; lose control of their nuclear weapons or materials through regime incompetence, corruption, or instability; trigger regional proliferation cascades among nervous neighbors; or be emboldened to use nuclear weapons as a "shield" for undertaking aggressive diplomatic and military actions, confident that other states could thus be deterred from responding forcefully.⁵ The concern that a state might transfer nuclear weapons to terrorists, however, is among the greatest of these worries, and to many analysts it is the most compelling justification for costly actions—including the use of military force—aimed at preventing proliferation. Despite the issue's importance, the danger of deliberate nuclear weapons transfer to terrorists remains understudied.⁶ Scholars have scrutinized many other proliferation concerns more extensively. Analysts have investigated the deductive and empirical bases for claims that new nuclear states would be deterrable;⁷ the likelihood that Iran, in particular, would behave rationally and avoid using nuclear weapons recklessly;⁸ and the risks of proliferation cascades,⁹ "loose nukes,"¹⁰ and nuclear-armed states using their weapons as a shield for aggression or blackmail.¹¹ To the extent that analysts have debated the possibility of covert state sponsorship of nuclear terrorism, however, the arguments have consisted mostly of competing deductive logics—with little empirical analysis. This article assesses the risk that states would give nuclear weapons to terrorists. We examine the logical and empirical basis of the core proposition: that a state could surreptitiously transfer a nuclear weapon to a like-minded terrorist group, thus providing the means for a devastating attack on a common enemy, while remaining anonymous and avoiding retaliation. The strategy of nuclear attack by proxy hinges on one key question: What is the likelihood that a country could sponsor a nuclear terror attack and remain anonymous? We examine this question in two ways. First, having no data on the aftermath of nuclear terrorist incidents, we use the ample data on conventional terrorism to discover attribution rates. We examine the fraction of terrorist incidents attributed to the perpetrating terrorist organization and the patterns in the rates of attribution. Second, we explore the challenge of tracing culpability for a nuclear terror event from the guilty terrorist group back to its state sponsor. We ask: How many suspects would there be in the wake of a nuclear detonation? How many foreign terrorist organizations have state sponsors? Of those that do, how many state sponsors do they typically have? And how many state sponsors of terrorism have nuclear weapons or sufficient stockpiles of nuclear materials on which to base such a concern? We conclude that neither a terror group nor a state sponsor would remain anonymous after a nuclear terror attack. We draw this conclusion on the basis of four main findings. First, data on a decade of terrorist incidents reveal a strong positive relationship between the number of fatalities caused in a terror attack and the likelihood of attribution. Roughly three-quarters of the attacks that kill 100 people

or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the U.S. homeland or the territory of a major U.S. ally—97 percent (thirty-six of thirty-seven) for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult: few countries sponsor terrorism; few terrorist groups have state sponsors; each sponsored terror group has few sponsors (typically one); and only one country that sponsors terrorism, Pakistan, has nuclear weapons or enough missile material to manufacture a weapon. In sum, attribution of nuclear terror incidents would be easier than is typically suggested, and passing weapons to terrorists would not offer countries an escape from the constraints of deterrence.¹² This analysis has two important implications for U.S. foreign policy. First, the fear of terrorist transfer seems greatly exaggerated and does not—in itself—seem to justify costly measures to prevent proliferation. Nuclear proliferation poses risks, so working to prevent it should remain a U.S. foreign policy goal, but the dangers of a state giving nuclear weapons to terrorists have been overstated, and thus arguments for taking costly steps to prevent proliferation on those grounds—as used to justify the invasion of Iraq and fuel the debate over attacking Iran—rest on a shaky foundation. Second, analysts and policymakers should stop understating the ability of the United States to attribute terrorist attacks to their sponsoring states. Such rhetoric not only is untrue, but it also undermines deterrence. States sometimes exaggerate their capabilities to deter an enemy's attacks;¹³ but U.S. analysts and leaders, by understating U.S. attribution capabilities, inadvertently increase the odds of catastrophic terrorist attacks on the United States and its allies.

Their impact lacks rationality and is empirically denied- logical dilemmas and threats of being caught

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Kier A. and Daryl G., "Why States Won't Give Nuclear Weapons to Terrorists", http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC_a_00127

Conclusion President Obama has identified nuclear terrorism as "the single biggest threat to U.S. security," describing it as "something that could change the security landscape of this country and around the world for years to come."⁵⁴ The prospect of an adversary state covertly giving a nuclear weapon or nuclear materials to a terrorist organization has been the animating force in U.S. grand strategy for more than a decade. The scenario was used to justify the invasion of Iraq and toppling of the Iraqi regime in 2003; and in 2012 and 2013, proponents of a preventive military strike on Iran's nuclear facilities frequently argued that such attacks are necessary to eliminate the possibility of Iran trying a nuclear attack by proxy against Israel or the United States. We demonstrate here that such fears are overblown. The rationale for state sponsorship of nuclear terrorism lacks sound deductive logic and is empirically unsupported by the most relevant available evidence. The United States and its allies should be able to deter nuclear-armed states from passing their weapons to terrorists, because a terrorist nuclear strike would not remain anonymous for long and would soon be traced back to the originating state. This conclusion is based on two empirical findings. First, among the relevant past cases of conventional terrorist attacks—those targeting the homelands of powerful states and causing significant casualties—almost all were successfully attributed to the perpetrating terrorist organization. Second, linking the attributed terrorist organization to a state sponsor would not be difficult. Few

foreign terrorist organizations have state sponsors; those that do typically have only one; and only one suspected state sponsor of terrorism (Pakistan) has nuclear weapons or sufficient stockpiles of nuclear materials. Furthermore, potential sponsors of nuclear terror face a wicked dilemma: to maintain distance by passing the weapon to a terrorist group they do not know well or trust, or to maintain control by giving it to a group they have cooperated with repeatedly. The former strategy is mind-bogglingly dangerous; the latter option makes attribution from terror group to sponsor simple. Our findings have two important policy implications. First, the fear of nuclear attack by proxy by itself does not justify costly military steps to prevent nuclear proliferation. Nuclear proliferation may pose a variety of other risks, and the appropriate level of U.S. efforts to stop proliferation should depend on the cumulative effect of these risks, but the dangers of a nuclear handoff to terrorists have been overstated. For example, Iranian leaders would have to be crazy or suicidal to think that they could give a nuclear weapon to one of their terrorist collaborators and face no repercussions. If leaders were that irrational, the bigger problem would be direct nuclear attack without concern for the retaliatory consequences, not the alleged problem of a nuclear handoff. A second implication is that instead of publicly stressing the dangers of nuclear attack by proxy and lamenting the limits of U.S. nuclear forensic capabilities (and thus potentially misleading enemies to overestimate the feasibility of an anonymous attack against America), the United States should be advertising its impressive record of attributing highly lethal terrorist attacks. Understating one's own capabilities is a reasonable strategy for luring an enemy into making an unwise attack, but it is a disastrous policy if the goal is deterrence. The most effective way to deter countries from passing weapons to terrorists is to demonstrate the ease of nuclear attribution and the devastating consequences of such attribution to the sponsoring state.

A2 Terror Now

Terrorism is getting lower and lower

The Nation 15 [April 27, 2015 <http://nation.com.pk/national/27-Apr-2015/terrorism-incidents-witness-a-decline-in-2015> "Terrorism incidents witness a decline in 2015"] (Vaibhav)

Terrorism incidents throughout the country witnessed a substantial decline as compared to previous years. According to official documents, around 252 incidents of terror occurred since January 1, 2015 till date in which 139 citizens and 51 security men were martyred. The documents revealed that in the past 5 years, a total of 8520 terror incidents occurred in which 28779 people were killed. In 2010, 2061 incidents of terror occurred in which 502 security men were killed and 1454 civilians lost their lives. In 2011, 1680 incidents of terror occurred in which 948 civilians and 408 security men were killed. In 2012, 1316 incidents occurred in which 347 security men and 816 civilians were killed. In 2013, 1571 incidents claimed lives of 555 security men and 1239 civilians. According to the report in 2014, 1640 incidents of terror occurred in which 434 security men and 672 civilians were martyred.

A2 Loose Nukes

No risk of loose nukes- countries don't want the blame and there's none with major security issues

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Kier A. and Daryl G., "Why States Won't Give Nuclear Weapons to Terrorists", http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC_a_00127

counterargument #1: capitalizing on "loose nukes" In the wake of a nuclear detonation, investigators would need to consider the possibility that the nuclear device or missile materials were obtained without the consent of any state. The attack might not have resulted from a state's attack-by-proxy strategy, but rather from the problem of "loose nukes"—poorly secured nuclear weapons or materials falling into the wrong hands through illicit means. Knowing that a victim would need to at least consider the possibility of nuclear theft, a state sponsor might hope to succeed with its nuclear handoff under one of two logics. First, a state might give nuclear weapons or materials to a terrorist organization with full awareness that it would be identified as the source, but then try to avoid responsibility by claiming that the weapons or materials had been stolen from its stockpiles. Second, a state might give nuclear weapons or materials to a terrorist organization and try to avoid responsibility by claiming that the weapons or materials were stolen from a different foreign stockpile. The first strategy—giving nuclear weapons to terrorists and then pleading guilty to the lesser charge of maintaining inadequate stockpile security—is highly dubious. Any state rational enough to seek to avoid retaliation for a nuclear attack would recognize the incredible risk that this strategy entails. In the wake of an act of nuclear terrorism, facing an enraged and vindictive victim, would the state sponsor step forward to admit that its weapons or materials were used to attack a staunch enemy, with the hope that the victim would believe a story about theft and grant clemency on those grounds? If that logic does not appear implausible enough, recall that no state would be likely to give its nuclear weapons or materials to a terrorist organization with which it did not have a long record of cooperation and trust. Thus, a state sponsor acknowledging that it was the source of materials used in a nuclear attack would be doing so in light of its enemies' knowledge that the terrorists who allegedly stole the materials happened to have been its close collaborators in prior acts of terrorism. This strategy would be nearly as suicidal as launching a direct nuclear attack.³⁷ The second strategy—giving nuclear weapons to terrorists and then hiding behind the possibility that they were stolen from some unspecified insecure foreign source—deserves greater scrutiny. The list of potential global sources of missile material seems long. Nine countries possess nuclear weapons, and eleven more have enough missile material to fashion a crude fission device.³⁸ In 2011 the world's stockpile of highly enriched uranium (HEU), the missile material most likely to be sought by terrorists,³⁹ was about 1.3 million kilograms, meaning that the material needed for a single crude weapon could be found within the rounding error of the rounding error of global stocks. Perhaps, therefore, nearly all twenty countries with sufficient stocks of missile material would need to join the lineup of suspects after a terrorist nuclear attack, not as possible sponsors but as potential victims of theft. And if enough missile material to make a nuclear weapon could be purloined from any of these countries, then perhaps the victim would be unable to rule out all possible sources and thus be unable to punish the real culprit. This gloomy picture

overstates the difficulty of determining the source of stolen material after a nuclear terrorist attack. In the wake of a detonation, the possibility of stolen fissile material complicates the task of attribution—but only marginally. At the end of the Cold War, several countries—particularly in the former Soviet Union—confronted major nuclear security problems, but great progress has been made since then.⁴⁰ Although no country has perfect nuclear security, today the greatest concerns surround just a few countries: Belarus, Japan, Pakistan, Russia, and South Africa.⁴¹ In addition, not all of those states are equally worrisome as potential sources of nuclear theft. Substantial concerns exist about the security of fissile materials in Pakistan and Russia (the latter if simply because of the large size of its stockpile), but Belarus, Japan, and South Africa would likely be quickly and easily ruled out as the source of stolen fissile material. Belarus has a relatively small stockpile of fissile material—approximately 100 kilograms of HEU⁴²—so in the wake of a nuclear terrorist attack, it would be easy for Belarus to show that its stockpile remained intact.⁴³ Similarly, Japan (one of the United States’ closest allies) and South Africa as posing the greatest dangers, as summarized in Bunn, *Securing the Bomb 2010*, table 3.5. Bunn’s list of top concerns includes Kazakhstan, but that country has subsequently eliminated almost all of its highly enriched uranium, and its remaining stock—mostly in the range of 22 to 36 percent enrichment—would be inordinately difficult for a terror group to process into material for a nuclear bomb. Bunn’s discussion also includes Ukraine, but Ukraine has subsequently removed all HEU from its territory. On Ukraine, see Office of the Press Secretary, “Fact Sheet: Ukraine Highly Enriched Uranium Removal.”⁴⁴ Fissile Materials Working Group, “Nuclear Security’s Top Priority.”⁴⁵ As discussed above, a crude, gun-type HEU bomb—the type that terrorists might be able to steal—South Africa would be keen to allow the United States to verify the integrity of their full stocks of materials. (In the wake of a nuclear terror attack, a lack of full cooperation in showing all materials accounted for would be highly revealing.) Iran is not believed to have any weapons-usable nuclear material to steal,⁴⁶ although that could change. In short, a nuclear handoff strategy disguised as a loose nukes problem would be very precarious.⁴⁵

A2 US Retaliation

That's offense for us- proves terrorists wouldn't strike in the first place

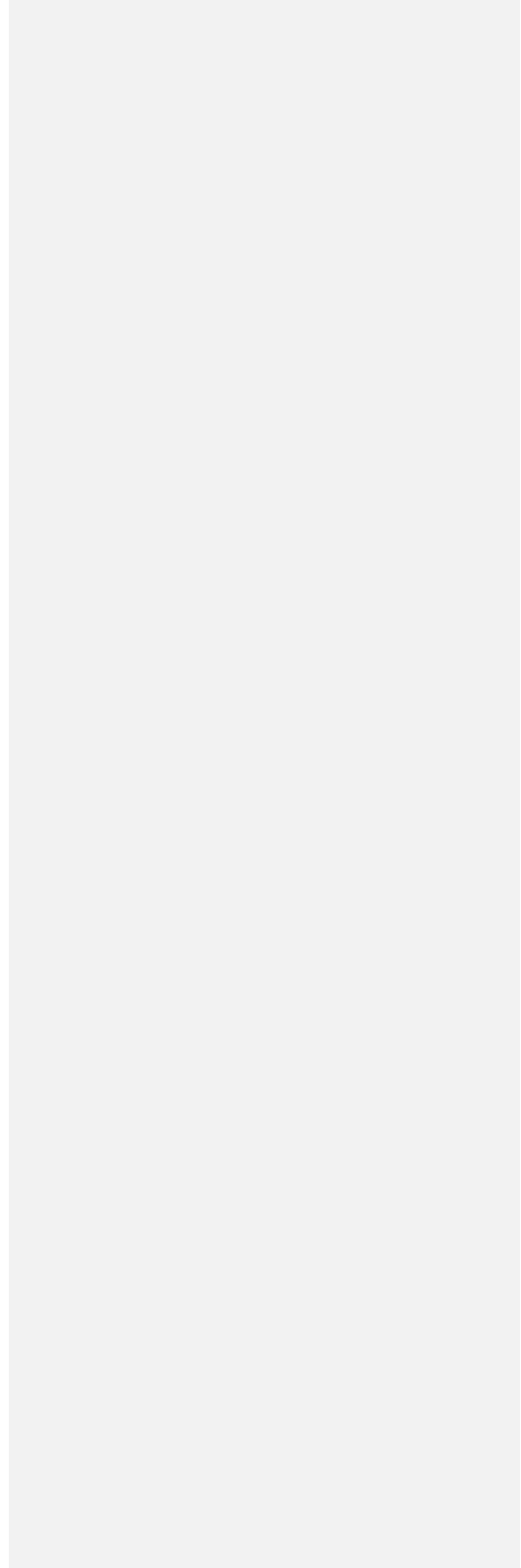
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There are two problems with this counterargument. First, while attribution uncertainty might restrain a state from responding to an act of nuclear terror with a major nuclear retaliatory strike, that option is not the only devastating response available to a country such as the United States or one of its allies. Indeed, regardless of the level of attribution certainty, a nuclear strike might not be the preferred response. For example, in the wake of a nuclear terror attack against the United States thought to be sponsored by Pakistan, Iran, or North Korea, U.S. leaders might not feel compelled to determine those countries' guilt "beyond a reasonable doubt" or to narrow down the suspect list further; Washington might simply decide that the era in which "rogue states" possessed nuclear weapons must end, and threaten to conquer any country that refused to disarm or that was less than forthcoming about the terror attack.⁵² Second, this counterargument would be unlikely to carry much weight with a leader contemplating nuclear attack by proxy. A leader tempted to attack because of the prospect of residual attribution uncertainty and the hope that such uncertainty would restrain his victim from lashing out in retaliation would need enormous confidence in the humaneness of his enemy, even at a time when that enemy would be boiling over with rage. For example, could one really imagine an Iranian aide convincing the supreme leader that if Iran gave a nuclear bomb to Hezbollah, knowing that Israel would strongly suspect Iran as the source, Israel's leaders would be too restrained by their deep humanity and lingering doubts about sponsorship to retaliate harshly against Tehran? In fact, the U.S. response to the September 11 attacks, including the invasions of Afghanistan and Iraq, indicates a willingness to retaliate strongly against those directly culpable (al-Qaida), their associates (the Taliban), and others simply deemed to be troublemakers in the neighborhood (Iraq). There was debate in the United States over the strategic wisdom of invading Iraq, but none of Saddam Hussein's crimes—either known, suspected, or fabricated—were held to an evidentiary standard even close to certainty.⁵³ States that consider giving nuclear weapons to terrorists cannot be certain how the victim will react, but basing one's hope for survival on a victim's reluctance to act on partial evidence of culpability would be a tremendous gamble.

AT: Internet BAD stuff

Innovation Addon



Internet K2 Innovation

Internet freedom is key to innovation – China proves

Hoffman 14 - Professor of Communication and Political Science, University of Delaware

Lindsay Hoffman, 2/5/2014, The Huffington Post, "Internet Censorship: A Threat to Economic Progress in China?", http://www.huffingtonpost.com/lindsay-hoffman/internet-censorship-a-thr_b_4395167.html, 7/18/2015, \\BD

Social media platforms such as Twitter and Facebook have helped to ignite an information revolution by allowing individuals around the world to use the Internet for communicating, learning, teaching, and protesting. However, these endless possibilities pose a threat to oppressive governments, and as a result, technology use has been severely limited in some nations. The Chinese government's strict regulation of Internet exemplifies these limitations within the context of an increasingly powerful nation. While the incredible economic progress of China over the past several decades suggests it is a threat to the status of the United States as the world's superpower, censorship may stop upward progress in its tracks. The expansion of the Internet in recent years has rendered this technology necessary to the day-to-day lives of people throughout China and the world, and that dependence has become a significant tool of power for oppressive governments. Beyond establishing a great firewall to block thousands of sites from being accessed within China, the government also works to prevent opposition on social media websites and blogs. The government listens to what citizens are saying online, thereby enabling officials "to address issues and problems before they get out of control" (see Rebecca MacKinnon's book, "Consent of the Networked"). In early September, a Chinese judge re-interpreted Internet restrictions so that any individual spreading "slanderous rumors" on the Internet that are seen by 5,000 people or shared by 500 people could face up to 10 years in prison. This stricter interpretation of Internet limitations indicates that an open Internet China is not on the immediate horizon. Google Chairman Eric Schmidt recently made headlines when he visited Hong Kong and suggested that China's prevention of free expression online may pose a threat to continuing economic progress for the country. Although many people may not connect the Internet to economic success, Schmidt suggests that the limitations placed on online speech by Chinese officials will prevent the country from overcoming the "middle-income trap." This occurs when countries move up from a place of poverty but are unable to further progress, leaving them trapped on a plateau below higher-income nations. Schmidt seems to be a celebrant, as his words echo the notion that the Internet "has the power to determine outcomes" for people, countries, and the entire world, although McChesney argues that this perspective is "ultimately unsatisfactory" in a complex reality (see McChesney's "Digital Disconnect"). Schmidt criticized the 500-repost rule as well as other restrictions placed on citizens' words and behavior on the Internet by the Chinese government. He suggested that in order to solve economic problems such as unemployment, nations require the "entrepreneurs" and "innovation" that an open Internet encourages. As the Chairman for such an economically successful company as Google understands, individuals must be allowed to think of fresh ideas when they use their technology. Extensive firewalls and harsh punishments for certain forms of expression prevent citizens from being able to make creative and helpful economic contributions through the Internet. Schmidt's warning to the Chinese government seems intended to persuade the Chinese government that there may be negative consequences of a closed and restrictive Internet that they had not previously considered. The tireless attempts to maintain power over citizens through Internet regulation and censorship may

actually be threatening the economic power of the nation in an increasingly technological world. The Chinese government may soon discover that when you hold on to something too tightly, it is far more likely to slip right out of your hands.

AT: Internet Bad K

State action key

Policy change is the only method to achieve internet freedom – their author

Power and Jablonski 2015 (Shawn M [Assistant Professor of Communication at Georgia State University] and Michael [attorney and presidential fellow in communication at Georgia State University]; *The Real Cyber War*; University of Illinois Press; p. 198; kdf)

Despite the fury, the private sector and technologists still depend on state actions for long-term solutions to privacy online. While AOL, Apple, Facebook, Google, LinkedIn, Microsoft, Twitter, Yahoo! and others condemn undue surveillance activities, their solution is to call for policy reform.⁶⁰ Technologists have promised to try and beat the government's invasive techniques, but even the best cryptographers in the world agree that it will take a tremendous amount of human effort, and years of work, to combat the NSA's surveillance programs. As Twitter's former head of cybersecurity Moxie Marlinspike explains, "We all have a long ways to go," adding, "[and] it's going to take all of us."⁶¹ Outraged governments—fueled by their outraged publics—are calling for greater control over the international information flows, not less. While it is easy for many in the United States and in parts of Europe to decry such perspectives as government censorship, or a power grab by international institutions (see chapters 4 and 5), the reality is that accepting some level of shared internet regulation is a far superior option to an internet splintered along geographical and national boundaries. This is exactly what will happen if current policies remain unchanged. Amid an onslaught of rhetoric that highlights how new technologies are changing societies and institutions around the world, it may be helpful to look back to how states navigated similar technological revolutions in the past, assess if and how those approaches worked, and determine their relevance to the challenges today's ICTs present. The history of interstate cooperation and rulemaking is, actually, neatly intertwined with developments in international communication. The first two intergovernmental organizations were created in order to coordinate the rules by which information flowed across national borders. The International Telegraph Convention established the first organization in 1865. After the invention and widespread adoption of radio technology, it was renamed the International Telecommunications Union (ITU) to encompass all types of transnational telecommunication issues.

Perm Solves

The permutation solves

Fish 2014 (Adam; Beyond surveillance fridges and socialized power drills: social media and the financialization of everyday life; Mar 29; savageminds.org/2014/03/29/beyond-surveillance-fridges-and-socialized-power-drills-social-media-and-the-financialization-of-everyday-life/; kdf)

Meanwhile, Jeremy Rifkin sees Morozov's "Internet of Things" not as a horror of surveillance and ever-sharper financial practices, but as the birth of a maker movement. When the net cost of production not just of digitized information like music and movies but of physical objects approaches zero, he claims, capitalism faces a fundamental challenge, one in which the winners will be found in the nonprofit sector. All those networked fridges and 3D printers, he says, are enabling a second economy to grow up alongside capitalist production, an economy based on sharing of goods and information, where we live "partly beyond markets," in "an increasingly interdependent global commons." Well, which will it be, dental espionage or ride-sharing our way into a global village? We've gone out into the field to try to find out, by examining new companies who're trying to combine big data and the sharing economy, and asking hard questions of their managers and of the people who're turning to them as alternatives to old-school consumerist products and services. In our project, "Third Party Dematerialization and Rematerialization of Capital," funded by the Engineering and Physical Sciences Research Council's "Digital Economy Research In The Wild" initiative, we are researching Zopa Limited, the sort of financial innovator Morozov has in mind when he speaks of Silicon Valley's ability to "disrupt" Wall Street with "better data and better engineers." Zopa is a "non-bank" – as regulation designed to discourage upstarts and protect the market share of slow-to-innovate and too-big-to-fail firms limits the use of the value-laden term "bank" – a "peer-to-peer lender." Zopa uses a proprietary algorithm to evaluate credit risk, and then matches individual borrowers of relatively small sums with potential investors of a bit of spare cash. Zopa claims that their highly stringent credit-evaluating algorithm, their lack of legacy infrastructure, both buildings and IT, and their individual evaluation of potential borrowers – rather than trusting entirely to automated processes – enable them to offer better rates to borrowers and lenders than high street banks can bother with. Zopa is a successful financial firm with only one top executive from the financial industry – their risk analyst. With Big Data experts and social marketing managers, Zopa explicitly applies Silicon Valley logics to a segment of what once was a UK high street banking monopoly – short to medium-term unsecured consumer lending and borrowing. Yet Zopa neither deploys fleets of drones or the latest gimmicks of "gamification" – the techniques developed from the realization that we'll do nearly anything for the quick hit of an endorphin rush from "rewards" as ephemeral as points or levels in a colorful game interface. While gamification is often claimed as the missing link between financialization and social mediatization – we'll do anything for rewards, and we want all our friends to see our status, so we'll click to create the data for others to profit from – today's reality is remarkably more old-fashioned. The twin challenges of social financialization are managing and marketing trust and risk. Once solely the province of banks, who used neoclassical architecture, three-piece suits, and free toasters to convey social messages of high trust and low risk, the largely dematerialized companies of social financialization necessarily use social media and internet user interfaces to do the same job. The trend-surfers and hipsters of the world aren't Zopa's clients: rather Zopa works to appeal to the newly financialized: older people with a bit of extra money who are neither wealthy nor connected enough to be worth the time of innovation-challenged, blue-blooded UK banks, and young families yet to see the "recovery" talked up on the newly-ubiquitous financial media. Zopa designers see their job as creating an online presence that looks enough like a bank to convey messages of trustworthiness and low risk, while simultaneously appealing to a demographic that feels abandoned by banks in their oscillations between high risk/high return algorithm-driven trading and "credit crunch" unwillingness to lend to anyone who might actually have a need for funds. It is in these everyday, slightly dowdy design choices that social financialization is being built, in a process of connecting the dots between a lost age of bricks-and-mortar rhetorics of trustworthiness – a trustworthiness coupled with incentives against too much financial literacy, too much desire to look behind the neoclassical facades to interrogate actual banking practices – and Morozov's all too likely future of trying to level up our gamified toothbrushes to lower our dental insurance premiums. We need the cautionary tales of the dystopias we're building and the utopian visions of data power to the people, but more, we need to know if our gateway drugs of social financialization really are harmless hits and performance enhancements, or whether they will lead inevitably to refrigerator madness. One thing we suspect is true: we can't "Just Say No."

Yes – Internet-> Democracy

The thesis of the K is wrong—Free Internet helps promote democracy movements—it is key to tackling authoritarian government—studies Prove

OSU 12—Ohio State University ("Internet use promotes democracy best in countries that are already partially free" April 4, 2012 <http://www.sciencedaily.com/releases/2012/04/120404152004.htm>)//JLee

Although use of the internet has been credited with helping spur democratic revolutions in the Arab world and elsewhere, a new multinational study suggests the internet is most likely to play a role only in specific situations. Researchers at Ohio State University found that the internet spurs pro-democratic attitudes most in countries that already have introduced some reforms in that direction. "Instead of the internet promoting fundamental political change, it seems to reinforce political change in countries that already have at least some level of democratic freedoms," said Erik Nisbet, lead author of the study and assistant professor of communication at Ohio State University. "Internet use is a less effective means to mobilize citizens for democracy in extremely authoritarian countries." In addition, demand for democracy is highest in a country when more people are connected to the internet and, most importantly, when they spend more time online. "Internet penetration in a country matters in terms of how much people want democratic reforms, but it is even more important that people are spending greater amounts of time on the internet and that they are connected to other people in their community," said Elizabeth Stoycheff, a co-author of the study and doctoral student in communication at Ohio State. Nisbet and Stoycheff conducted the study with Katy Pearce of the University of Washington. Their study appears in the April 2012 issue of the Journal of Communication, a special issue dedicated to social media and political change. The researchers analyzed previously collected data on 28 countries in sub-Saharan Africa and Asia. This included surveys of 37,549 people who participated in the 2008 Afrobarometer and 2006-2008 Asian Barometer surveys. Included were questions that evaluated how much the citizens in each country demanded democracy and their frequency of internet use. In addition, the researchers looked at country-level data that measured how democratic each country was, and their levels of internet penetration, international bandwidth per internet user and other sociodemographic factors. The results suggest that the internet is most likely to play a role in democratization in countries that have a moderate to high internet penetration and that have at least a partly democratic political regime. In countries ruled by authoritarian regimes, people may have access to the internet, but the rulers may control the content available, how users may interact with each other, and whether they may get information from outside their own country, Stoycheff said. "The internet's effect on citizen demand for democracy is somewhat contingent on both the technological context and the political context," Stoycheff said. Based on the results of the study, Nisbet said there are some countries that currently appear to have the right political and technological mix for the internet to play a role in social and political change. Those countries include Kenya, Senegal, Uganda, Singapore and Zambia. But countries in the survey that are run by highly authoritarian regimes, such as Vietnam and Zimbabwe, are not likely to see democracy flourishing anytime soon, regardless of use of the internet, the findings suggest. Other countries, like Mozambique and Tanzania, are partly free but have a low citizen demand for democracy and little internet penetration, Nisbet said. But if internet use grows in these countries, it has the potential to encourage people there to challenge their autocratic regimes. "Our results suggest that the internet can't plant the seed of democracy in a country," Nisbet said. "However, the internet may help democracy flourish if it has already started to grow."

Internet Capitalism Good

Internet makes capitalism good—creates low cost revenue and is easier to trade
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[//JLee](http://www.theguardian.com/commentisfree/2014/mar/31/capitalism-age-of-free-internet-of-things-economic-shift)

In a capitalist market, governed by the invisible hand of supply and demand, sellers are constantly searching for new technologies to increase productivity, allowing them to reduce the costs of producing their goods and services so they can sell them cheaper than their competitors, win over consumers and secure sufficient profit for their investors. Marx never asked what might happen if intense global competition some time in the future forced entrepreneurs to introduce ever more efficient technologies, accelerating productivity to the point where the marginal cost of production approached zero, making goods and services "priceless" and potentially free, putting an end to profit and rendering the market exchange economy obsolete. But that's now beginning to happen. Over the past decade millions of consumers have become prosumers, producing and sharing music, videos, news, and knowledge at near-zero marginal cost and nearly for free, shrinking revenues in the music, newspaper and book-publishing industries. Some of the US's leading economists are waking up to the paradox. Lawrence Summers, former US treasury secretary, and J Bradford DeLong, professor of economics at the University of California, Berkeley, addressed this in August 2001, in a speech delivered before the Federal Reserve Bank of Kansas City. Summers and DeLong focused their presentation on the new communication technologies that were already reducing the marginal (per-unit) cost of producing and sending information goods to near zero. They began by acknowledging that "the most basic condition for economic efficiency: [is] that price equal marginal cost", and further conceded that "with information goods the social marginal cost of distribution is close to zero". They then went to the crux of the problem. "If information goods are to be distributed at their marginal cost of production – zero – they cannot be created and produced by entrepreneurial firms that use revenues obtained from sales to consumers to cover their [fixed set-up] costs ... [companies] must be able to anticipate selling their products at a profit to someone." Summers and DeLong opposed government subsidies to cover up-front costs, arguing that they destroy the entrepreneurial spirit. Instead they supported short-term monopolies to ensure profits, declaring that this is "the reward needed to spur private enterprise to engage in such innovation". They realised the trap this put them in, recognising that "natural monopoly does not meet the most basic condition for economic efficiency: that price equal marginal cost" but nonetheless concluded that in the new economic era, this might be the only practical way to proceed. The pair had come up against the catch-22 of capitalism that was already freeing a growing amount of economic activity from the market, and threw up their hands, favouring monopolies to artificially keep prices above marginal cost, thwarting the ultimate triumph of the invisible hand. This final victory, if allowed, would signal not only capitalism's greatest accomplishment but also its death knell. While the notion of near-zero marginal cost raised a small flurry of attention 12 years ago, as its effects began to be felt in the music and entertainment industry and newspaper and publishing fields, the consensus was that it would likely be restricted to information goods, with limited effects on the rest of the economy. This is no longer the case. Now the zero-marginal cost revolution is beginning to affect other commercial sectors. The precipitating agent is an emerging general-purpose technology platform – the internet of things. The convergence of the communications internet with the fledgling renewable energy internet and automated logistics internet in a smart, inter-operable internet-of-things system is giving rise to a third industrial revolution. Siemens, IBM, Cisco and General Electric are among the firms

erecting an internet-of-things infrastructure, connecting the world in a global neural network. There are now 11 billion sensors connecting devices to the internet of things. by 2030, 100 trillion sensors will be attached to natural resources, production lines, warehouses, transportation networks, the electricity grid and recycling flows, and be implanted in homes, offices, stores, and vehicles – continually sending big data to the communications, energy and logistics internets. Anyone will be able to access the internet of things and use big data and analytics to develop predictive algorithms that can speed efficiency, dramatically increase productivity and lower the marginal cost of producing and distributing physical things, including energy, products and services, to near zero, just as we now do with information goods. Summers and DeLong glimpsed that as marginal costs approach zero, "the competitive paradigm cannot be fully appropriate" for organising commercial life, but admitted "we do not yet know what the right replacement paradigm will be". Now we know. A new economic paradigm – the collaborative commons – has leaped onto the world stage as a powerful challenger to the capitalist market. A growing legion of prosumers is producing and sharing information, not only knowledge, news and entertainment, but also renewable energy, 3D printed products and online college courses at near-zero marginal cost on the collaborative commons. They are even sharing cars, homes, clothes and tools, entirely bypassing the conventional capitalist market. An increasingly streamlined and savvy capitalist system will continue to operate at the edges of the new economy, finding sufficient vulnerabilities to exploit, primarily as an aggregator of network services and solutions, allowing it to flourish as a powerful niche player. But it will no longer reign. Hundreds of millions of people are already transferring bits and pieces of their lives from capitalist markets to the emerging global collaborative commons, operating on a ubiquitous internet-of-things platform. The great economic paradigm shift has begun.

The alt fails—its attempt to block the internet’s economic progress will fail due to new businesses

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Edited for Gendered Language

Attempts to block economic progress invariably fail because new entrepreneurs are continually roaming the edges of the system in search of innovations that increase productivity and reduce costs, allowing them to win over consumers with cheaper prices than those of their competitors. The race Lange outlines is relentless over the long run, with productivity continually pushing costs and prices down, forcing profit margins to shrink. While most economists today would look at an era of nearly free goods and services with a sense of foreboding, a few earlier economists expressed a guarded enthusiasm over the prospect. Keynes, the venerable twentieth-century economist whose economic theories still hold considerable weight, penned a small essay in 1930 entitled "Economic Possibilities for Our Grandchildren," which appeared as millions of Americans were beginning to sense that the sudden economic downturn of 1929 was in fact the beginning of a long plunge to the bottom. Keynes observed that new technologies were advancing productivity and reducing the cost of goods and services at an unprecedented rate. They were also dramatically reducing the amount of human labor needed to produce goods and services. Keynes even introduced a new term, which he told his readers, you "will hear a great deal in the years to come—namely, technological unemployment. This means unemployment due to our discovery of means of economising the use of labour outrunning the pace at which we can

find new uses for labour." Keynes hastened to add that technological unemployment, while vexing in the short run, is a great boon in the long run because it means "that mankind [Society] is solving its economic problem."⁷

Internet Capitalism Good -- Environment

The internet is able to help the environment, detect Natural Disasters, and farmers
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The Internet of Things is quickly being applied in the natural environment to better steward the Earth’s ecosystems. Sensors are being used in forests to alert firefighters of dangerous conditions that could precipitate fires. Scientists are installing sensors across cities, suburbs, and rural communities to measure pollution levels and warn the public of toxic conditions so they can minimize exposure by remaining indoors. In 2013, sensors placed atop the U.S. Embassy in Beijing reported hour to hour changes in carbon emissions across the Chinese capital. The data was instantaneously posted on the Internet, warning inhabitants of dangerous pollution levels. The information pushed the Chinese government into implementing drastic measures to reduce carbon emissions in nearby coal-powered plants and even restrict automobile traffic and production in energy-intensive factories in the region to protect public health. Sensors are being placed in soil to detect subtle changes in vibrations and earth density to provide an early warning system for avalanches, sink holes, volcanic eruptions, and earthquakes. IBM is placing sensors in the air and in the ground in Rio de Janeiro to predict heavy rains and mudslides up to two days in advance to enable city authorities to evacuate local populations.²¹ Researchers are implanting sensors in wild animals and placing sensors along migratory trails to assess environmental and behavioral changes that might affect their well-being so that preventative actions can be taken to restore ecosystem dynamics. Sensors are also being installed in rivers, lakes, and oceans to detect changes in the quality of water and measure the impact on flora and fauna in these ecosystems for potential remediation. In a pilot program in Dubuque, Iowa, digital water meters and accompanying software have been installed in homes to monitor water use patterns to inform homeowners of likely leaks as well as ways to reduce water consumption.²² The IoT is also transforming the way we produce and deliver food. Farmers are using sensors to monitor weather conditions, changes in soil moisture, the spread of pollen, and other factors that 16 affect yields, and automated response mechanisms are being installed to ensure proper growing conditions. Sensors are being attached to vegetable and fruit cartons in transit to both track their whereabouts and sniff the produce to warn of imminent spoilage so shipments can be rerouted to closer vendors.²

Internet Inevitable

The expansion of the internet is coming—makes Capitalism inevitable—alt cannot do anything about it

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The enormous leap in productivity is possible because the emerging Internet of Things is the first smart-infrastructure revolution in history: one that will connect every machine, business, residence, and vehicle in an intelligent network comprised of a Communications Internet, Energy Internet, and Logistics Internet, all embedded in a single operating system. In the United States alone, 37 million digital smart meters are now providing real-time information on electricity use.⁹ Within ten years, every building in America and Europe, as well as other countries around the world, will be equipped with smart meters. And every device—thermostats, assembly lines, warehouse equipment, TVs, washing machines, and computers—will have sensors connected to the smart meter and the Internet of Things platform. In 2007, there were 10 million sensors connecting every type of human contrivance to the Internet of Things. In 2013, that number was set to exceed 3.5 billion, and even more impressive, by 2030 it is projected that 100 trillion sensors will connect to the IoT.¹⁰ Other sensing devices, including aerial sensory technologies, software logs, radio frequency identification readers, and wireless sensor networks, will assist in collecting Big Data on a wide range of subjects from the changing price of electricity on the grid, to logistics traffic across supply chains, production flows on the assembly line, services in the back and front office, as well as up-to-the-moment tracking of consumer activities.¹¹ As mentioned in chapter 1, the intelligent infrastructure, in turn, will feed a continuous stream of Big Data to every business connected to the network, which they can then process with advanced analytics to create predictive algorithms and automated systems to improve their thermodynamic efficiency, dramatically increase their productivity, and reduce their marginal costs across the value chain to near zero. Cisco systems forecasts that by 2022, the Internet of Everything will generate \$14.4 trillion in cost savings and revenue.¹² A General Electric study published in November 2012 concludes that the efficiency gains and productivity advances made possible by a smart industrial Internet could resound across virtually every economic sector by 2025, impacting “approximately one half of the global economy.” It’s when we look at each industry, however, that we begin to understand the productive potential of establishing the first intelligent infrastructure in history. For example, in just the aviation industry alone, a mere 1 percent improvement in fuel efficiency, brought about by using Big Data analytics to more successfully route traffic, monitor equipment, and make repairs, would generate savings of \$30 billion over 15 years.¹³ The health-care field is still another poignant example of the productive potential that comes with being embedded in an Internet of Things. Health care accounted for 10 percent of global GDP, or \$7.1 trillion in 2011, and 10 percent of the expenditures in the sector “are wasted from inefficiencies in the system,” amounting to at least \$731 billion per year. Moreover, according to the GE study, 59 percent of the health-care inefficiencies, or \$429 billion, could be directly impacted by the deployment of an industrial Internet. Big Data feedback, advanced analytics, predictive algorithms, and automation 62 systems could cut the cost in the global health-care sector by 25 percent according to the GE study, for a savings of \$100 billion per year. Just a 1 percent reduction in cost would result in a savings of \$4.2 billion per year, or \$63 billion over a 15-year period.¹⁴ Push these gains in efficiency from 1 percent, to 2 percent, to 5 percent, to 10 percent, in the aviation and health-care sectors and across every other sector, and the magnitude of the economic change becomes readily apparent. The term Internet of Things was coined by Kevin Ashton, one of the founders of the MIT Auto ID Center, back in 1995. In the years that followed, the IoT languished, in part, because the cost of sensors and actuators embedded in “things” was still relatively expensive. In an 18 month period between 2012 and 2013, however, the cost of radio-frequency identification (RFID) chips, which are used to monitor and track things, plummeted by 40 percent. These tags now cost less than ten cents each.¹⁵ Moreover, the tags don’t require a power source because they are able to transmit their data using the energy from the radio signals that are probing them. The price of micro-electromechanical systems (MEMS), including gyroscopes,

accelerometers, and pressure sensors, has also dropped by 80 to 90 percent in the past five years.¹⁶ The other obstacle that slowed the deployment of the IoT has been the Internet protocol, IPv4 which allows only 4.3 billion unique addresses on the Internet (every device on the Internet must be assigned an Internet protocol address). With most of the IP addresses already gobbled up by the more than 2 billion people now connected to the Internet, few addresses remain available to connect millions and eventually trillions of things to the Internet. Now, a new Internet protocol version, IPv6, has been developed by the Internet Engineering Task Force; it will expand the number of available addresses to a staggering 340 trillion trillion trillion—more than enough to accommodate the projected 2 trillion devices expected to be connected to the Internet in the next ten years

Indict – Morozov

Morozov's idea is wrong—he fails to recognize technology have biases

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Morozov's rational actor famously performed center stage in classical economic theory, which assumed that people maximize their own well-being when making purchases. Ironically, though, he scolds engineers for curtailing choice by offering consumers the choices they crave. Rather than follow his own advice and provide unbiased information about smart products, he imports his idiosyncratic ideas about choice, and labels these products "bad," and suggests they make us dumb. They appeal to "base instincts," as if Runkeeper users are baboons. By his own confused standards, his words "fall somewhere between good smart and bad smart." Even Morozov's modest suggestion that BinCam should benchmark customer's recycling habits is a known tactic for creating comparison and appealing to "base" instincts like people's pride and their desire to keep up with others. Perhaps Morozov fails to recognize that all technologies have biases, as Rushkoff has argued. Guns and pillows can kill, but their bias toward doing so differs exponentially. We can pick any kind of car to get to work - gas, diesel, electric--and among hundreds of models, but "this sense of choice blinds us to the fundamental bias of the automobile toward distance, commuting, suburbs, and energy consumption." Morozov has strangely singled out smart technology for criticism, though bias is common to all products and at least smart technologies make many of their nudges explicit. People buy them because they want to change their behavior. It's hard to say the same for the biases that come with products like ramen and chips and fast food. People don't purchase these with chronic disease and early death in mind, though unfortunately that's often part of the package. Morozov misses the forest and then cuts down the wrong tress. This doesn't mean all products are evil. But it seems that bias and base instincts are unavoidable. Technologies frame our decisions. Marketers influence our choices by bombarding us with messages that appeal to impulses like pride, fear, sex, exclusivity and security. Animal urges - like starvation avoidance, push us to overeat. City planning, or the lack thereof, constrains our choices about where we live and how we travel. In other words, we are up against all kind of intentional and unintentional forces that we didn't ask for, all of which conspire to curtail our autonomy. And, in rarer cases, we should circumscribe choice. Even libertarians have long acknowledged that freedom should be limited when our actions harm others. This is why we have a criminal code. Breathalyzers that keep drunks from driving should limit their liberty to injure innocents, just as the threat of prison or an officer's pistol strongly encourages people to avoid violent altercations. Appropriate autonomy is more than mere license. Morozov raises more serious concerns, like privacy and the possibility of people getting forced to turn over information or engage with coercive technology. But he offers nothing new here: these worries are widely shared and decent legislation can protect citizens from overzealous technocrats and rapacious businesses. More important, Morozov's rubric for "good" and "bad" relies on discredited ideas about human autonomy and choice, causing him to so wildly miss the mark that he criticizes smart technology as autonomy-limiting, when it actually offers us the chance to play a greater role in choosing our own destinies.

Morozov advocates a critique without a coherent understanding of IT, falls prey to his own critique, fails to undertake analysis of the state, all the while moving debate away from central questions of internet freedom with smoke and mirrors

Muller 11, (Milton, Professor at the Syracuse University School of Information Studies, “WHAT IS EVGENY MOROZOV TRYING TO PROVE? A REVIEW OF “THE NET DELUSION” , <http://www.internetgovernance.org/2011/01/13/what-is-evgeny-morozov-trying-to-prove-a-review-of-the-net-delusion/>)

Flirting with “the dark side”^a The subtitle suggests that Morozov wants to position himself on the authoritarian side of the political spectrum. But he doesn’t really. That is, I don’t think he does. He seems to oppose censorship and authoritarianism and doesn’t want to join the copyright holders, the cyber-spooks, the Chinese Communist Party, the Islamic fundamentalists and the Christian morality-in-media types in singling out freedom online for destroying the fabric of civilization. What he does is remind us that there is a dark side to human nature which often manifests itself on the Internet. To attribute this dark side to the Internet itself, however – which Morozov sometimes does – is to fall prey to the Internet-centrism he tries to attack. Moreover, some of his most vivid stories are not about the “dark side of Internet freedom” but rather about how unfree networks can be controlled and manipulated by authoritarian states in unfree societies.^a When it comes to deflating cyber-utopianism related to the Internet, I don’t think anyone has done it better, and with more detail and empirical knowledge of Internet developments around the world. At some level, however, his basic point is trivial. Any sentient user of the internet knows by now that creating a gigantic, globalized sphere for social interaction means that the activity there will exhibit all the classical problems of human society: bullying, fads and follies, propaganda, political domination, rumor-mongering, theft, fraud, and inter-group conflicts ranging from nationalism to racism. We have been accepting and responding to that reality for the past decade, instituting various technical, legal and behavioral controls on Internet use while seeking to preserve the freedom and openness that made the Internet such a valuable resource. That is why we are having dialogue about internet governance and security at the global, national and local levels.^d Yes, it’s wrong to assume that open information will necessarily and automatically topple dictatorships and advance democracy. But you don’t advance that dialogue very much by wallowing in colorful horror stories of bad Internet-enabled activities and peddling them as a byproduct of “Internet freedom.” That’s what the copyright interests do to carve their pound of flesh out of our freedom; that’s what the cyber-security interests (elsewhere, so ably attacked and satirized by Morozov himself) have done and are doing; that’s what the content regulation and web site blocking hawks have done and are doing. Is Morozov intent on feeding this frenzy?^a In his zeal to deflate utopian notions that “networking is always good” Morozov sometimes embraces the other idea he wants to attack, Internet centrism. The Internet is to be blamed, he implies, for gang wars in Cuernavaca, the illegal trade in endangered species, and many other things – because the practitioners “use the Internet.” “Text messaging has been used to spread hate in Africa,” he writes (apparently oblivious to the fact that SMS technology is not the Internet) – implying both that communication-information technology itself created the problem of tribal warfare, and that we can make it go away if we regulate or control the way the technology is used. He writes approvingly of China’s decision to shut down the internet in Xinjiang province in the summer of 2009 as tensions flared between Uighurs and Han Chinese.^a But Morozov never articulates a consistent position on what Internet freedom means and how and when it should be

supported. All in all, one comes away with the conclusion that he doesn't really know where to go with his critique. The two "Internet freedoms" That is because a fundamental confusion lies at the very core of this book. His subtitle and much of his material identifies "Internet freedom" as its object. But careful readers (and of course, most readers will not be) soon notice that this term means two distinct things. Most of the time, especially in the earlier pages, Morozov's notion of "Internet freedom" can be accurately defined as "the support of Internet freedom by the US government as a way of meeting US foreign policy and public diplomacy goals of promoting democracy and human rights overseas." When the book is narrowly focused on this topic, it is excellent. I say this not because I completely agree with the critique, but because it raises the right questions and calls attention to many possible unintended side effects. On the other hand, Internet freedom can – and usually does – refer to a normative political position on how much or how little the people using the internet should be controlled by states, or some other hierarchical authority. This notion of Internet freedom recognizes that the U.S. government, like any other state, can adopt policies and practices hostile to freedom. More broadly, it denotes the debate over what is the proper role of freedom of expression, freedom of association online, and the free flow of information in society. Although it is usually universalistic, this notion does not commit its proponents to any tactical belief that freeing the Internet is inherently transformative of repressive societies. Although at times Morozov does manage to separate analytically these two approaches to "Internet freedom," just as often he conflates them. Worse, he repeatedly equates support for Internet freedom in the normative sense with cyber-utopianism, which is both incorrect and irresponsible. Networks and states? Insofar as he tried to weigh in on the deeper issues of Internet freedom, Morozov is unsuccessful. He makes (in passing) a vague argument that freedom requires "the state." But M's discussion of "the state" is abstract, ahistorical and tautological; it confuses "the state" with "order." The definition of the state he relies on refers broadly to the way society institutionalizes the capacity to produce and enforce order. With such a definition, the assertion that "the state" is needed to secure freedom is nothing more than a tautology. It describes an idealized outcome of having the right kind of state but tells us nothing about what states should do to the internet now. And it begs the question of what kind of a state should act, whether it should be the nation-state or some other form, and how globalized communication infrastructure alters the way states function. Any concrete, historically specific instantiation of the capacity for supplying order may, in fact, generate as much disorder and chaos as its absence in specific situations. Morozov claims that there has been no engagement with this issue. He is wrong. There is a robust dialogue going on about the degree to which the Internet does or does not require new forms of global governance. Entire books have been written about it [wink]. The many faces of Morozov's Contributing to the overall sense of inconsistency, Morozov adopts differing identities or perspectives, as long as they can be used to score points. He writes: "internet freedom may make policymakers overlook their own [political and strategic] interests." Here he postures as jaded realpolitik advisor to powerful decision makers in existing governments. They have to look after their interests, and not worry about ideals. Elsewhere, we find a different Morozov – one who rips into the hypocrisy of the US government for promoting Internet freedom on the one hand and supporting dictators, surveillance of Internet users both domestic and foreign, and other policies designed to advance and promote US state's power. This critique, unlike the first one, presumes that freedom is a higher value that should not be subordinated to national interests and realpolitik. In yet other places, Morozov positions himself as earnest giver of advice about how we [NGOs, govts] need to promote civil society, democracy and liberalism in the rest of the world and how

Internet policy may help us do that. Typically, his style is to take long, detailed and rhetorically convincing excursions into narrative alleys that link Internet technology to social problems, and then cover his ass by issuing two or three concluding sentences as a more nuanced escape valve: e.g., “Networks can be good or bad. Promoting internet freedom must include measures to mitigate the negative side effects of increased interconnectedness.” Most readers emerging from this tunnel are simply going to come away with the conclusion that the internet is responsible for a lot of problems and should be regulated more in order to avoid them. Regulated how? By whom? How to ensure that the cures aren’t worse than the diseases? Those are the real issues.

Even if Morozov is right, his critique ultimately devolves into pessimism and hopefulness – vote aff for at least a chance to reform the inter

Chatfield 11, (Tom, doctorate from and professor at St John's College, Oxford, author and technology theorist, <http://www.theguardian.com/books/2011/jan/09/net-delusion-morozov-review>)

In this sense, all of Morozov’s arguments boil down to the same thing: a war against complacency. The masses are mired in dross – but the echo chambers of the elite are equally pernicious, as intellectuals travel the world from conference to book signing, chatting to each other about freedom while their native countries clamp down. There’s an anguish here that emerges most clearly when Morozov talks about his native Belarus, where “no angry tweets or text messages, no matter how eloquent, have been able to rekindle the democratic spirit of the masses, who, to a large extent, have drowned in a bottomless reservoir of spin and hedonism, created by a government that has read its Huxley.” Is this really what our brave new world amounts to? Morozov longs for the sacred light of reason to shine into the web’s dark corners. But, as his own diagnosis suggests, politics has always been a matter for the passions. And if it’s naive to think that the internet can save us, it’s naive to think that it can damn us too. Here, his avowedly realist programme runs into idealistic trouble: for if the twinned, venal natures of man and media are to blame for our ills, there’s not much we can do. This helps no one, and runs counter to his incisive anatomy of the issues at stake. For better and for worse, the world has arrived online – and duly busied itself looking at cute pictures of cats, building encyclopedias and distributing classified diplomatic cables. If there is hope, it lies exactly where Morozov himself seems most hopeless: in acknowledging and building on what it is that people actually fear, desire and believe in.

Morozov fails to undertake statistical analysis and cherry-picks empirics to support his arguments

Thierer 11, (Adam, senior research fellow at the Mercatus Center at George Mason University, “Book Review: The Net Delusion by Evgeny Morozov” , <http://techliberation.com/2011/01/04/book-review-the-net-delusion-by-evgeny-morozov/>)

Morozov thinks that the “ridiculously easy group-forming” that his leading nemesis Clay Shirky described in his recent book Cognitive Surplus is, in reality, leading largely to cognitive crap, at least as it pertains to civic action and political activism. Indeed, at one point in Chapter 7 (the creatively-titled, “Why Kierkegaard Hates Slacktivism”), Morozov speaks of the development of what we might think of as a “tragedy of the civic commons” (my term, not his). He argues that: “When everyone in the group performs the same mundane tasks, it’s impossible to evaluate individual contributions, and people

inevitably begin slacking off... Increasing the number of participants diminishes the relative social pressure on each and often results in inferior outputs. (p 193) It's an interesting theory, as far as it goes, but Morozov doesn't muster much more than a handful of anecdotes in support of it. He notes, for example, that even back in the Berlin Wall era, young East German students were more likely to know intimate facts about popular American dramas like Dallas and Dynasty than current political affairs. And, echoing the recent laments of Andrew Keen (Cult of the Amateur) and Lee Siegel (Against the Machine), Morozov worries about the "narcissism" and "attention seeking" of social networking denizens. "There's nothing wrong with the self-promotion per se, but it seems quite unlikely that such narcissistic campaigners would be able to develop true feelings of empathy or be prepared to make sacrifices that political life, especially political life in authoritarian states, requires." (p 187) But this ignores many legitimate forms of social organization / protesting that have been facilitated by the Net and digital technologies. Despite what Morozov suggests, we haven't all become lethargic, asocial, apolitical cave-dwelling Baywatch-rerun-watching junkies. If all Netizens are just hooked on a cyber-sedative that saps their civic virtue, what are we to make of the millions of progressives who so successfully used the Net and digital technologies to organize and elect President Obama? (Believe me, I wish they wouldn't have been so civic-minded and rushed to the polls in record numbers to elect that guy!)

Morozov fails to understand the internet as a way of disseminating information and instead dismisses it without subjecting it to any analysis.

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Yet, in his zeal to counter those who have placed too great an emphasis on the role of information technology, Morozov himself has gone too far in the opposite extreme in The Net Delusion by suggesting that technology's role in transforming States or politics is either mostly irrelevant or even, at times, counter-productive. I'm just not buying it. I think you'll find a more nuanced and balanced set of conclusions in this new white paper, "Political Change in the Digital Age: The Fragility and Promise of Online Organizing," by Bruce Etling, Robert Faris and John Palfrey. In it, they conclude: The Internet has an important role in increasing information sharing, access to alternative platforms, and allowing new voices to join political debates. The Internet will continue to serve these functions, even with state pushback, as activists devise ways around state online restrictions. Conditions that contribute to success are likely determined not by the given technological tool, but by human skill and facility in using the networks that are being mobilized. ... It is less clear how far online organizing and digital communities will be allowed to push states toward drastic political change and greater democratization, especially in states where offline restrictions to civic and political organization are severe. As scholars, we ought to focus our attention on the people involved and their competencies in using digitally-mediated tools to organize themselves and their fellow citizens, whether as flash mobs or through sustained social movements or organizations, rather than the flow of information as such. In other words, we should view information as one of many means to the end and not the end in and of itself. But we also shouldn't discount its importance too lightly.

Morozov fails to clarify an alternative to his critique and promotes the same internet authoritarianism he critiques – only the perm is able to overcome this solvency defect

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There’s a more profound problem with Morozov’s thesis. If he is correct that the Net poses such risks, or undermines the cause of democracy-promotion, isn’t the logical recommendation that flows from it technology control or entertainment repression? If, as Morozov implies, Netizens are spending too much time viewing Lolcats and not enough in the streets protesting or running down to the Peace Corps to sign up for a tour of duty, then what would he have us do about it? Shall we restrict access to the growing abundance of technological / entertainment choices that he laments? Amazingly, he never really clarifies his views on this important point. Like so many other cultural critics before him, Morozov finds it easy to use caustic wit to tear apart inflated arguments and egos on the other side while also conveniently ignoring the logical consequences of their critiques or bothering to set forth a constructive alternative. About the closest he comes is to detailing his views in Chapter 9, which focuses on the danger of the Net and modern digital technology being used to spread extremist views. Even though he refuses to get more specific about potential responses, what, exactly, are we to conclude when we hear Morozov speak of the need for “measures to mitigate the negative side effects of increased interconnectedness.” (p. 261) And what are we to make of his claim that “More and cheaper tools in the wrong hands can result in less, not more, democracy.” (p. 264) Or, his argument that: The danger is that the colorful banner of Internet freedom may further conceal the fact that the Internet is much more than a megaphone for democratic speech, that is other uses can be extremely antidemocratic in nature, and the without addressing those uses the very project of democracy promotion might be in great danger.” (p. 265-6) Or, finally, his conclusion in that chapter that: If the sad experience of the 1990s has taught us anything, it’s that successful (democratic) transitions require a strong state and a relatively orderly public life. The Internet, so far, has posed something of a threat to both. (p. 274) Reading those passages — especially the words I’ve highlighted — it’s hard not to conclude that Morozov would like to put the information genie back in the bottle. To be clear, he never says that directly since he simply refuses to be nailed down on specifics. But, again, his tone seems to suggest that some form of technological control or information repression may be necessary. I hope that in coming essays Evgeny will be willing to clarify his views on this issue since The Net Delusion leaves us scratching our heads and wondering just how far he would go to counter the supposed “danger” or “threat” posed by digital technology.

Morozov fails to understand the historical context of the internet and doesn't undertake cost benefit analysis of the internet – on balance it has improved quality of life and government accountability.

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Moreover, Morozov once again overplays his hand here. He spends so much time arguing that digital technologies have made our lives more transparent to the State that he underplays the myriad ways it has simultaneously made government activities more visible than at any point in history. It is extraordinarily difficult for even the most repressive of States today to completely bottle up all its secrets and actions. Morozov says modern China, Putin's Russia and Hugo Chavez are embracing new digital technologies in an attempt to better control them or learn how to use them to better spy on their citizens, and he implies that this is just another way they will dupe the citizenry and seduce them into a slumber so they will avert their eyes and ears to the truth of the repression that surrounds them. Sorry, but once again, I'm not buying it. Repressive regimes really do face a tension when they embrace modern information and communications technologies. It does force them to make certain trade-offs as they look to modernize their economies. Morozov thinks this so-called “dictator's dilemma” hypothesis is largely bunk, but he seems to expect this process to unfold overnight once new technology moves in. In reality, these things take more time. The general progression of things in most states is toward somewhat greater transparency and openness, even if it does not magically spawn regime change overnight. Importantly, he never really offers a credible cost-benefit analysis of the life of citizens in those regimes today relative to the past. Are we seriously supposed to believe that information-deprived Chinese peasants of the Mao era were somehow better positioned to influence positive regime change than the more empowered modern Chinese citizen? It's a tough sell. Are their downsides associated with those new technologies (especially the potential for citizen surveillance)? Yes, of course. But let's not use that as an excuse for marching backwards, technologically-speaking.

Morozov concludes affirmative – policy action is a necessary prerequisite to challenging internet delusion – this link turns the kritik

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Chapter 8 of the book focuses on what Morozov describes as the “Cultural Contradictions of Internet Freedom.” He again scores some points for rightly pointing to the hypocrisy at play in the United States today — by both government and corporations — when it comes to the promotion of Net freedom globally. He correctly notes that “while American diplomats are preaching the virtues of a free and open Internet abroad, an Internet unburdened by police, court orders, and censorship, their counterparts in domestic law enforcement, security, and military agencies are preaching — and some are already pursuing — policies informed by a completely different assessment of those virtues.” (p. 218) Similarly, Morozov castigates many of America's leading high-tech companies — Facebook,

Google, Microsoft, Apple, Twitter, etc. – for preaching the values of Net freedom but then all too willingly handed over information about dissidents to repressive State actors, or playing ball with foreign thugs in other ways. Morozov is right; American leaders in both government and business need to better align their actions with their rhetoric when it comes to the interaction of government and technology. Too often, both groups are guilty of talking a big game about the Internet and freedom, only to later take steps to undermine that cause. As Morozov asks in a recent New York Post column, “Shouldn’ t America’ s fight for Internet freedom start at home for it to be taken seriously by the rest of the world?” Yes, it should.

AT: Tech Bubble DA

No Bubble

No such thing as a tech bubble—tons of stats prove

Harris 7/16—Melissa joined the Chicago Tribune as a business columnist in 2009 after nearly five years as an award-winning metro reporter at The Baltimore Sun. Prior to joining the Sun, she was a metro reporter at The Orlando Sentinel. She is a graduate of Northwestern and Johns Hopkins universities (Bachelor of Science in journalism and Master of Arts in government), and a two-time finalist for the Livingston Award, honoring outstanding reporting by journalists younger than 35. (“Hate to burst your bubble, but tech investment is healthy” July 16, 2015
<http://www.chicagotribune.com/business/columnists/ct-harris-tech-bubble-0717-biz-20150716-column.html>)/JLee

The tech bubble doesn't exist. That's the point of a 53-slide presentation last month in which three partners from the Silicon Valley venture capital firm Andreessen Horowitz supplied evidence that the tech market is nowhere near the mania levels of 1999 and 2000. Andreessen Horowitz's data show that private and public funding for tech companies remains at about 40 percent of what it was in 1999. There's been no surge in venture capital fundraising. It's rising but still below 2006 levels. And venture capital funding as a percentage of the gross domestic product created by the sector is down by half since 1980. There's also a real market for these businesses now. The number of Internet users has increased from 738 million in 2000 to 3.2 billion in 2015, according to a new report from the International Telecommunication Union. Venture funding per person online has been flat since the bubble, while people are spending more on it. Yes, the S&P 500 Information Technology Index is approaching 1999 levels but this time, Andreessen Horowitz argues, profits are driving these returns with price-to-earnings multiples at early 1990s levels. (A price-to-earnings ratio is the current price of a share of stock divided by its earnings per share. A large multiple can signal that the market's perception of the company is inflated.) The price-to-earnings ratio of the tech component of the S&P is in fact lower than for the index as a whole, Bloomberg reported. Instead, almost all of the returns are being had in private markets, meaning without a company going public. In other words, you have to know someone or be a large institutional investor to be able to buy equity in privately held companies like Uber even though its estimated worth is some \$40 billion. Overall dollars raised by technology companies are being dominated by such deals. The good news is that mom-and-pops can't bet their retirement funds on Uber. The bad news is that there was at least \$32.97 billion in venture capital sitting out there for 4,378 venture deals in 2014. That first number comes from Dow Jones VentureSource and represents a 62 percent increase from 2013 and the highest total since 2007. The deal number comes from PricewaterhouseCoopers' MoneyTree, a quarterly study of venture capital activity in the United States, and represents a 4 percent increase from 2013. Why is that bad? Keep reading. The way to look at the tech sector is to think of it like an hourglass, explained Waverly Deutsch, a clinical professor of entrepreneurship at the University of Chicago Booth School of Business. (Disclaimer: I attend Booth. Deutsch previously coached a startup I founded.) There is an increasing number of companies being created at the bottom, and about 60 highly valued startups worth \$1 billion or more, known as unicorns, at the top. In the middle is a big squeeze. The base at the bottom of the hourglass is widening. The number of companies raising capital has doubled since 2009, and the number of funding rounds has grown by 150 percent. But the size of those rounds has fallen by a third since 2004. The collapse of the cost of creating tech companies in the last two decades means many more are being created, Andreessen Horowitz's Morgan Bender, Benedict Evans and Scott Kupor wrote. With each one needing less money to get started, there are a lot more small rounds. That is, there is a surge in seed-stage funding. There has been a seven-times increase over 10 years in the amount of money raised in \$1 million to \$2 million funding rounds, although that totals to only \$1.1 billion, or about 5 percent of all funding going into deals of less than \$40 million, according to Andreessen Horowitz. At the other end of the hourglass, all unicorns combined equal the value of about one Facebook. Still, these private funding rounds of \$40 million or more dominate fundraising. The headlines are ominous," Bender, Evans and Kupor acknowledge. Seventy-five percent of the

largest VC investments have been raised in the last five years. ... Many companies that would have in the past done an IPO are now doing late-stage rounds (effectively quasi-IPOs). ... Thus, traditional public market investors and buyout funds, who would not typically invest in companies at this stage, have moved into the private markets." Sixteen of the Top 20 tech deals last year had participation from "non-traditional investors," according to Andreessen Horowitz. More large investors want access to these fast-growing, scalable tech companies than there are fast-growing, scalable tech companies. Comparatively few exist because right before that comes the squeeze. Funding to get to proof of concept — a company has a product and a few customers — is plentiful and cheap. Heck, many companies can get that far without raising any outside funding at all. But scaling that product to reach millions of customers is very expensive. There are so few ideas that can make that leap, even with stellar leadership. That's reflected in the venture data. Total funding for deals in the \$10 million to \$25 million range has fallen in half since 1999, according to Andreessen Horowitz. And total money going into deals under \$40 million is back to 2001, post-bubble-burst levels. "You get terms in the valley, like the cockroaches, companies that are just kind of crawling along, self-funding with small streams of revenue, but not enough to pay founders legitimate salaries, not enough to grow and not enough to invest in marketing," Deutsch said. "You've got tens of thousands of companies getting money from angels, graduating from accelerators all thinking the way they're going to grow their business is through venture capital, and there are 2,365 seed and early-stage deals being done. "The early-stage venture capitalists whittle this giant pool of tens of thousands of companies down to 2,365 companies, then they can overpay for the growth of those companies," Deutsch continued. "The pipeline is kind of broken in the middle. ... But if you squeeze through this neck, you've got this massive amount of venture capital that's waiting. The valuations are crazy because there's competition among the big funds to get their billions of dollars placed." The funnel is frustrating for entrepreneurs, but that squeeze is the only thing preventing a bubble. The unicorn euphoria can't be allowed to cascade down, and the Andreessen Horowitz presentation makes a persuasive case that it hasn't. Yet.

The tech bubble does not exist—Unicorn start-ups do not exist

Smith 7/6—Noah is an assistant professor of finance at Stony Brook University and a freelance writer for a number of finance and business publications. He maintains a personal blog, called Noahpinion. ("There Is No Tech Bubble. Still, Be Worried." July 6, 2015
<http://www.bloombergview.com/articles/2015-07-06/there-is-no-tech-bubble-still-be-worried-///JLee>

Andreessen Horowitz, the most innovative and outspoken of Silicon Valley's big venture capital firms, recently came out with a presentation intended to kill the idea that there's a new tech bubble under way. The 53-slide presentation, by Morgan Bender, Benedict Evans and Scott Kupor, takes on the idea that too much money is flowing into private technology companies, especially in the highly valued startups called "unicorns." First, a little background. Bubbles, by definition, pop, and if tech crashed it would hurt a lot of investors. People making the case for a bubble often focus on unicorn startups (those with a valuation of greater than \$1 billion) such as Uber, which is now valued at \$40 billion without having gone public. They claim that large private financing by late-stage venture capital, backed up by large asset managers like Fidelity or Tiger Global Management, have replaced initial public offerings as the driver of overvaluation. This is known as the "private IPO." The pro-bubble case is that these private financing rounds have inflated the value of the unicorns without spilling over into the public markets. Andreessen Horowitz's team attacks this idea from a number of directions. First, they show that overall funding for tech startups — both private financing and IPOs — is still nowhere near the dizzying heights it reached in 1999 and 2000, especially when measured as a share of the economy. The same is true of venture capital fundraising. They also present various arguments that long-term earning potential for tech startups is much stronger this time around. (Bloomberg LP, the parent company of Bloomberg News, is an investor in Andreessen Horowitz.) The Andreessen Horowitz presentation makes a very convincing case. We should not be drawing a parallel between the boom in private late-stage funding of unicorn startups and the late-'90s IPO boom. They just don't look like the same phenomenon. So there's probably not a unicorn bubble. How about a tech bubble more generally? The Andreessen Horowitz team points out that the tech sector isn't taking over the

Standard & Poor's 500 stock index the way it did in the late-'90s tech bubble: The share of tech in the index has been flat for about 12 years now. And, as Sam Altman pointed out on Twitter, stock valuations for technology companies don't look any higher than other stock valuations; the price-to-earnings ratio of the tech component of the S&P is in fact lower than for the index as a whole. So we're probably not in a tech bubble of any kind. That said, there was one Andreessen Horowitz slide that's ominous. It shows that all the unicorns together are valued at slightly less than Facebook. That reminded me of an e-mail debate between financial economists Eugene Fama and Ivo Welch, on the question of whether the '90s tech bubble was really an episode of market irrationality. In that debate, Fama said the following: During 1999-2000 there [were] 803 IPOs with an average market cap of \$1.46 billion ... 576 of the IPOs are tech and internet-related ... [thus] their total market cap [was] about \$840 billion, or about twice Microsoft's valuation at that time. Given expectations at that time about high tech and the business revolution to be generated by the internet, is it unreasonable that the equivalent of two Microsofts would eventually emerge from the tech and internet-related IPOs?

AT ISIS Turns

No Link – Internet Not Key

The internet is not the main point of ISIS recruitment—even if they do recruit through the internet the recruitment is small

Franz, 6/2- (Barbara Franz teaches political science at Rider University, Lawrenceville and Princeton, New Jersey.) “Popjihadism: Why Young European Muslims Are Joining the Islamic State” Mediterranean Quarterly Volume 26, Number 2, June 2015, Dunke University press, Project Muse.//droneofark

Jihadism has become a media phenomenon. Videos distributed by IS and other radical groups, with their own YouTube accounts, flourish on the Internet. The films appeal to Muslim youth with messages of martyrdom and loyalty packaged in rock and rap video formats.¹⁶ A Viennese social worker states, “All like Jihadism. It has a pull.”¹⁷ Some have dubbed the new genre popjihadism.¹⁸ However, one German study found that only 18 percent of jihadists were radicalized through online resources. By far the most important variable for the radicalization of German youth is contact with imams [End Page 9] and mosques (23 percent) and with friends who have gone off to fight in the jihad before them (30 percent).¹⁹ What these popjihadists express in blogs is crucial and highly influential for their friends at home. For example, the young woman behind the Umm Layth blog presents herself as a British immigrant to the caliphate. She asks, while posting photos of herself and her “sisters” clothed in black burqas, “How can you not want to produce offspring who may be, God willing, part of the great Islamic revival?”²⁰ Just as curious are the ventures of Samra Kesinovic and Sabina Selimovic, two Austrian teenagers of Bosnian background ages fifteen and sixteen, whose story has circulated throughout the local media scene.²¹ The two young women left Vienna in April 2014, and in August Selimovic appeared in a selfie on Instagram wearing a hijab. The woman is a jihadi now — the picture depicts her wearing a burqa and holding a gun. A number of Austrian teenage women, including some recent converts and one thirteen-year-old girl, have formed a Whatsapp group and are planning to sojourn to Syria as well.²² Other IS fighters, such as the nineteen-year-old Firas Abdullah, an Austrian with Tunisian roots, currently stationed in ar-Raqqa, Syria, use online platforms like ask.fm to blog about their experiences.²³ Through Twitter, Facebook, Instagram, and Tumblr, IS easily spreads its message to a Western audience. Yilmaz, a smiling Dutch jihadist with Turkish roots, has become a social media sensation with his Tumblr account Chechclear.Tumblr.com glorifying his stint in Syria as the ultimate adventure by posting photos of warfare alongside children and kittens.²⁴ Although YouTube videos, Instagram, Twitter, and Tumblr accounts often initiate interest in the jihad, recruitment is a more complex issue and does usually not occur via electronic means. The sympathizer group is usually small and concise. In Vienna, for example, only a dozen or so people really know how recruitment actually happens. The recruitment of individuals occurs not only in the virtual world but also in public places. There are a [End Page 10] number of known meeting areas for possible recruits in Vienna, according to two anonymous informants of the weekly paper Der Falter. They are, for example, on the Danube Island, at the Handelskai, and the Jägerstraße, all working-class locales close to public transportation frequented daily by crowds of commuters.²⁵ Some youth might have been recruited by Salafite imams. Recently, some radical voices in Vienna apparently have begun to call for volunteers for the holy war, including a Bosnian imam in a mosque in Vienna’s second district, Leopoldstadt, who incited hatred against Jews, Christians, atheists, and women. His followers supposedly have engaged in military exercises in the woods around Vienna.²⁶ An Egyptian preacher in Styria’s capital Graz labeled Christian Austrians as successors of “apes and pigs,” and a preacher from Gaza called Western women whores and argued that the pope is a fool and not worth the “nail in the sandals of the prophet.”²⁷ While this might distress good Austrian Christians, whether this language is enough to entice individuals to become jihadists is questionable. It is, however, part of a rhetorical strategy to divide the world into the good and the bad in general, the believers and the infidels, and good and bad Muslims.²⁸ In the mosque, nationality does not matter; Bosnians, Chechens, Turks, Kurds, and Austrians pray side by side. In a society in which discrimination and marginalization of ethnic minorities remains a key feature, the mosque provides something new for young Muslims. For many young converts who feel they have no career prospects and no economic opportunities, these are spaces where they are given self-worth because they are given a choice: if they chose the “right” side, Salafite jihadism, they are promised that they will become heroes. [End Page 11]

No internal link—governments use the internet to discredit ISIS as much as they use it as a persuasion tactic.

Farwell, 14- (holds a B.A. from Tulane University, a J.D. in Law from Tulane University, and a D.C.L.S. in Comparative Law from the University of Cambridge (Trinity College). In addition, he is a Senior Research Scholar in Strategic Studies at the Canada Centre for Global Security Studies, Munk School of Global Affairs, University of Toronto) “The Media Strategy of ISIS” From “Survival: Global Politics and Strategy”, Routledge Publishing vol. 56 no. 6 | December 2014–January 2015 | pp. 49–55, pdf, //droneofark

Yet there is a strategic downside to ISIS's approach. The ubiquity of smartphones has empowered individual fighters to spread messages and images of their own, including videos of atrocities, such as the chopping off of a man's hand in Raqqa, whose filming ISIS leaders had banned to avoid sparking a backlash. ISIS fighters may take pride in tweeting and bragging about their experiences, but such material provides fodder for the group's opponents, who can use it to discredit the militants' narrative while mobilising opposition.¹⁷ The US State Department, for example, has created a video mocking ISIS recruitment efforts by showing, in graphic detail, the group's ugly brutality and suggesting that the group's adventure trail ends in an inglorious death.¹⁸ During an earlier phase of conflict in Iraq, al-Qaeda realised that images of Muslims killing Muslims were counterproductive, and became critical of ISIS for carrying out such actions. Likewise, Egyptian cleric Yusuf alQaradawi and the Association of Muslim Scholars in Iraq have spoken out against ISIS beheadings.¹⁹ Releasing warm and fuzzy images of ISIS murderers hugging pets was a good gambit, but the emotional impact of images depicting ISIS militants drenched in the blood of Muslims and other innocents is likely to backfire. That doesn't mean the road ahead will be easy for ISIS's opponents. The Iraqi government has tried to shut down Internet access in regions where ISIS has gained a physical foothold, and has cut Internet traffic across Iraq by one-third.²⁰ But the government in Baghdad lacks centralised control over the country's telecommunications infrastructure, limiting its ability to get its own messages out. ISIS has proven more adroit, leveraging the capabilities of providers in Turkey and Iran for its own purposes. It will be interesting to see how Ankara and Tehran respond. ISIS leaders seem to recognise that social media is a double-edged sword. The group tries to protect the identity and location of its leadership by minimising electronic communications among top cadres and using couriers to deliver command-and-control messages by hand. Social media is reserved for propaganda. Still, advances in technology may eventually leave the group vulnerable to cyber attacks, similar to those reportedly urged by US intelligence sources to intercept and seize funds controlled by Mexican drug cartels.²¹ Ultimately, defeating ISIS will require focused efforts aimed at discrediting and delegitimising the group among Muslims, while working towards the only long-term solution for the evil the group has brought to the world: eradication. One hopes the policymakers building coalitions and launching strikes against ISIS have these aims in mind, and will calibrate their narratives, themes and messages accordingly.

No Link – Fill in solves

Even if the aff curtails surveillance, other countries solve the impact

Dodd 6/21 – writer for The Guardian

Vikram Dodd, 6/21/2015, The Guardian, “Europol web unit to hunt extremists behind Isis social media propaganda”, <http://www.theguardian.com/world/2015/jun/21/europol-internet-unit-track-down-extremists-isis-social-media-propaganda>, 7/17/2015, \\BD

A new Europe-wide police unit is being set up to scour the internet for the ring leaders behind Islamic State’s social media propaganda campaign, which it has used to recruit foreign fighters and jihadi brides. The police team will seek to track down the key figures behind the estimated 100,000 tweets a day pumped out from 45,000 to 50,000 accounts linked to the Islamist terror group, which controls parts of Iraq and Syria. Run by the European police agency Europol, it will start work on 1 July, with a remit to take down Isis accounts within two hours of them being detected. Europol’s director, Rob Wainwright, told the Guardian that the new internet referral unit would monitor social media output to identify people who might be vulnerable and those preying on them. He said: “Who is it reaching out to young people, in particular, by social media, to get them to come, in the first place? It’s very difficult because of the dynamic nature of social media.” The director added that the police team would be working with social media companies to identify the most important accounts operating in a range of languages that are “underpinning what Isis are doing”. Europol said it would not name the social media firms who have agreed to help the police. It will use network analytics to identify the most active accounts, such as those pumping out the most messages and those part of an established online community. Wainwright said the new unit would aim to “identify the ringleaders online”, but even then counter-terrorism investigators could not go through every one of the estimated 50,000 targeted accounts, as there were too many and new ones could easily be set up. Last week, Isis’s ability to reach into British communities to gain recruits was demonstrated once again. One Briton, Talha Asmal, a 17-year-old from Dewsbury, West Yorkshire, is believed to have killed himself in a suicide bombing in Iraq, while three Bradford sisters are feared to have fled to Syria with their nine children in the hope of joining a brother who has been fighting the Assad regime. A total of 700 Britons have travelled to territory controlled by Isis in Syria and Iraq – a problem shared with other European countries. Europol’s database tracking suspected foreign fighters in the two countries has 6,000 names. Some of those may be facilitators, or their associates. Wainwright said up to 5,000 were believed to have travelled to Isis-held territory from countries including Holland, France and Belgium, as well as from the UK. He said some were “disaffected” youths migrating from teenage gangs in their own countries seeing Isis as a “bigger gang in Syria”. But he added that others being attracted are those who had bright futures in their home countries. The new European initiative is in part based on Scotland Yard’s counter-terrorism internet-referral unit. The hope is the new unit will boost efforts across European countries, with results passed back to nations to take action against the individuals running the accounts. The unit is part of European governments’ response to the terrorist attacks on the office of satirical magazine Charlie Hebdo in Paris in January. Wainwright said money used to fund Isis activities will also be hunted down. He added: “Where you follow the money trail, it helps find who they are, what they are doing and who their associates are.” The home secretary, Theresa May, stressed in a speech this week the need to tackle the cross-border threat of Isis. She said: “The threat ... that we face is a common one shared by many of your countries. And if we are to defeat it, we need to work together. We have also supported the EU

in setting up an internet-referral unit at Europol to address the increasing amount of terrorist and extremist propaganda available on the internet, and I am pleased to say the UK will be seconding a police officer to this unit."

Link Turn -- Internet Solves ISIS

The Internet allows us to monitor information about their location

Starr 5/12 – writer for CNN

Barbara Starr, 5/12/2015, CNN, "Pentagon hunts for ISIS on the secret Internet",
<http://www.cnn.com/2015/05/12/politics/pentagon-isis-dark-web-google-internet/>, 7/17/2015, \\BD

Though a tough space to shed light on, now the Pentagon is developing a way to pry the doors open and chase ISIS and others down. "We need a technology to discover where that content is and make it available for analysis," said Chris White of the Defense Advanced Research Projects Agency, or DARPA. DARPA has a new military technology known as MEMEX that acts as a unique search engine -- seeing patterns of activity on the Dark Web and websites not available via traditional routes like Google or Bing. "MEMEX allows you to characterize how many websites there are and what kind of content is on them," White said. "It was actually first developed to track down human trafficking on the web -- it's an idea that works for an illicit activity users try to keep hidden." It all starts, White said, by being able to track down locations where activity is happening.

Increased marketing allows us to combat ISIS

AFP 2/20

AGENCE FRANCE-PRESSE, 2/20/2015, Raw Story, "Winning the Internet war is key in ISIS fight: experts",
<http://www.rawstory.com/2015/02/winning-the-internet-war-is-key-in-isis-fight-experts/>, 7/17/2015, \\BD

The Internet has become a crucial battleground in the fight against jihadist propaganda and Western nations need to step up their game, according to participants in a Washington meeting on countering radical groups. Experts say governments must engage in corporate-style marketing if they are to combat the Islamic State, which is using slick videos to lure foreign nationals to the battlefields of Iraq and Syria. "If ISIS has a branding and marketing department, where is ours?" said Sasha Havlicek, the founding chief executive officer of the London-based Institute for Strategic Dialogue (ISD). The think tank has carried out several experiments using Google Ideas, Twitter and Facebook to try to directly engage with potential recruits — and dissuade them from joining the brutal jihadist movement. In one campaign, ISD released several videos of Abdullah X — a fictional character who tries to convince young Muslims that following the Islamic State is not the way forward. "We were able to 'hypercharge' that content — inserting him in the very spaces the extremists were using (...) anchoring this content to extremist Twitter accounts, posting it on extremist pages, having it pop out whenever you search for jihad in Syria," said Havlicek. "And within a few months, this went from reaching 50 people to 100,000 people of our target group of individuals searching to go to Syria for jihad," she said. The best indicator of success was that ISIS responded by running five pages of "urgent refutation" of the arguments of Abdullah X, she added. The ISD think tank also launched a pilot project using Facebook to "walk back people from the edge" of extremism by proposing a one on-one chat with people expressing interest in violent jihad. "Right now, only extremist groups and intelligence services are really engaging with this constituency online," Havlicek said. The next step is to see "if see if that outreach can be automated," she added. For that to happen, private companies with well-developed online marketing strategies can offer that knowledge to associations and activists working against the IS message, Havlicek said. —

Counter 'brainwashing' → The US government is already working to weaken extremist groups online — a digital blitz involving a State Department team that posts opinion pieces on radical Islam, cartoons and graphic photos.

Unmasking online profiles allows us to gain info about ISIS

Matthews 2/24 – writer for Open Canada

Kyle Matthews, 2/24/2015, "Five ways to fight ISIS online", <http://opencanada.org/features/five-ways-to-fight-isis-online/>, 7/17/2015, \\BD

4. Unmask online profiles It is essential that action is taken to expose, disrupt and make public ISIS members on social media, as well as their cheerleaders. Last year a business executive in India was exposed as the person behind the country's most prolific ISIS Twitter account. He was arrested and then apologized, with no proof that he has since urged others to wage holy war. Recently, the hacker group known as Anonymous, following the murder of the journalists at Charlie Hebdo in Paris, declared a social media war against jihadist groups online and recently shut down over one hundred such Twitter and Facebook accounts.

--xt Internet Segregation Turn

The Internet is key to solve ISIS

Dettmer 6/2 – journalist for The Daily Beast

Jamie Dettmer, 6/2/2015, The Daily Beast, “Can the West Beat ISIS on the Web?”,
<http://www.thedailybeast.com/articles/2015/03/10/can-the-west-beat-isis-on-the-web.html>,
7/17/2015, \\BD

But that could result in a tremendous loss of useful information in the fight against the Islamic State. “If every single ISIS supporter disappeared from Twitter tomorrow, it would represent a staggering loss of intelligence—assuming that intelligence is in fact being mined effectively by someone somewhere,” argue analysts J.M. Berger and Jonatho Morgan in a study published Friday for Brookings, a U.S. think tank, called “The ISIS Twitter Census.”³ The report garnered media coverage at the weekend for its estimate that last autumn the followers of the terror group had over 46,000 and possibly as many as 90,000 accounts on Twitter, which has become the main social media hub for ISIS, allowing it to disseminate links to digital content hosted on other online platforms.⁴ The authors argued, “By virtue of its large number of supporters and highly organized tactics, ISIS has been able to exert an outsized impact on how the world perceives it, by disseminating images of graphic violence (including the beheading of Western journalists and aid workers, and more recently, the immolation of a Jordanian air force pilot), while using social media to attract new recruits and inspire lone actor attacks.”⁵ But the authors maintain that Twitter’s aggressive suspension of jihadist accounts in recent weeks—a policy that has earned the threat of retaliation against the company’s executives by the terror group—could well be counter-productive. A total suspension, they say, could have unintended consequences. Not only would it deny intelligence agencies useful operational and tactical information, they fear, it could speed up radicalization by channeling potential recruits and lone wolves like Cornell into segregated ISIS Internet channels.⁶ That, they maintain, would reduce any possibility of moderating influences being brought to bear by the intelligence services and de-radicalizing experts on potential recruits. But such sophisticated efforts seem a long way from being applied.

Iraq Solves

Iraq solves propaganda – ISIS can't post their memes online

Harris 14 – senior staff writer at Foreign Policy, four times been named a finalist for the Livingston Awards for Young Journalists

Shane Harris, 6/17/2014, Foreign Policy, "Iraqi Government Takes Its Fight With ISIS Online", <http://foreignpolicy.com/2014/06/17/iraqi-government-takes-its-fight-with-isis-online/>, 7/17/2015, \\BD

Iraqi soldiers may have dropped their weapons, stripped off their uniforms, and fled the Islamist jihadists who have conquered a growing list of cities as they move closer to Baghdad. On the battlefields of cyberspace, by contrast, the Iraqi government is putting up a fierce fight against the forces of the Islamic State of Iraq and al-Sham (ISIS). In the past week, government ministries have blocked Internet access in regions where ISIS has a physical foothold in an attempt to stop the group from spreading propaganda and recruiting followers among Iraq's repressed Sunni minority. The government has also ordered Internet service providers across the country to block all access to certain social media sites, including Facebook, YouTube, and Twitter, which are ISIS's favorite tools for spreading propaganda and posting photos and videos of their victories over the Iraqi military and their wholesale slaughter of unarmed Shiites — both sources of tremendous embarrassment for the government of Prime Minister Nouri al-Maliki, a Shiite. Baghdad's online offensive appears to be having some effect. As of Tuesday, June 17, daily Internet traffic across Iraq had dropped by roughly a third, said David Belson, editor of the State of the Internet Report, published by web services company Akamai Technologies, which monitors Internet access around the world.

Europol Solves

Europol solves – ending data localization is key

Chorley 7/1 – writer for Daily Mail

Matt Chorley, 7/1/2015, Daily Mail, “100,000 terror web posts removed since 2010 as Europol sets up dedicated unit to stem tide of ISIS propaganda”, <http://www.dailymail.co.uk/news/article-3145689/Europe-wide-police-team-launches-wipe-ISIS-web-aim-terrorist-accounts-taken-two-hours.html>, 7/17/2015, \\BD

Almost 100,000 pieces of terrorist or extremist web posts have been removed from the internet by the British authorities in the last five years, it emerged today. The government says it is proof that it takes 'seriously the threat from online terrorist and extremist propaganda'. But with some 46,000 accounts linked to the terror group operating in Iraq and Syria, there are fears it could be an impossible task to halt its sophisticated internet publicity machine. In a sign of an escalation in the problem, Europol today set up a Europe-wide police unit begins work today to tackle the tide of ISIS propaganda online being used to radicalise and recruit extremists around the world. Officers say they aim to have new accounts on Twitter, Facebook and other social media sites closed down within two hours to protect the 'the safety and liberty of the internet'. It follows the revelation that Tunisian gunman Seifeddine Rezgui, who killed 38 tourists including up to 30 Britons, posted increasingly extreme messages on Facebook after becoming radicalised. A Home Office spokesman said today: 'This Government takes seriously the threat from online terrorist and extremist propaganda, which can directly influence people who are vulnerable to radicalisation.' 'We are working with the internet industry to remove terrorist material hosted in the UK or overseas and since 2010 we have successfully removed more than 95,000 pieces of terrorist-related content.' Building on this, the UK worked with Europol and other EU Member States to establish the new EU Internet Referral Unit, which will be able to remove a wider range of sources and in a wider range of languages. 'We also support the work of civil society groups to challenge those who promote extremist ideologies online, and we are working on projects in local areas that increase the awareness, confidence and capability of parents and teaching staff by building an understanding of how the internet is used to radicalise young people.' 'Social media companies have come under increased pressure from the UK government to take 'stronger, faster and further action' to stop ISIS and other terror groups from recruiting fighters and spreading propaganda online.' Police and intelligence agencies claim their ability to track the work of extremists is hampered by web firms protecting users' privacy.

Memes Solve

Government trolling solves ISIS – memes are key

Branstetter 2/3 – writer for The Daily Dot

Ben Branstetter, 2/3/2015, The Daily Dot, "To fight ISIS, government spies are trolling you on the Internet", <http://www.dailydot.com/opinion/government-agents-online-trolling/>, 7/17/2015, \\BD

Once again, it's time to admit the conspiracy theorists were right: Government agents are distributing misinformation online as a massive propaganda campaign. While much has been made of the social media campaigns of ISIS and other nefarious groups, it's also becoming more clear how much governments—both Western and not—are spreading their message online. The Israeli Defense Force has long had an active online propaganda campaign, even offering scholarships to college students for circulating pro-IDF messages online. The Daily Dot's own James Neimeister explored how Russian operatives spread rumors to the press through Twitter to assist pro-Russian rebels in the fight against Ukraine. Just this week, Great Britain unveiled their own troop of "Facebook warriors" for the information age. The 77th Brigade—so named after a legendary and controversial group of British-Burmese guerrilla fighters—will practice "non-lethal warfare" by creating "dynamic narratives" on social media. In short, these 1,500 British troops will be scouring Facebook and Twitter to promote pro-Western narratives to combat the storyline ISIS uses to recruit young people across the planet. If you aren't a government agent or a terrorist operative, however, this still affects your life. The Internet, for all of its ability to bring the world's libraries to your fingertips, is also a hotbed of misinformation, deceit, and plain old lies. While such campaigns have been waged by corporations, special interest groups, and trolling pranksters, this evolution of world governments participating—especially clandestinely—deserves the attention of even the most discerning consumer. On many levels, this British force is a necessary part of combatting groups like ISIS or the misinformation campaigns of Putin's Russia. ISIS has created one of the most effective recruiting campaigns of any terrorist group in history, convincing thousands of Westerners to join their fight in Syria. Such a nefarious use of social media needs the truth to combat against it, such as this French campaign that promises future ISIS fighters "you will discover Hell on Earth and die alone and far from home."

Memes are the only effective method to stop ISIS

RT 5/8 – Russian Times

Russian Times, 5/8/2015, Russian Times, "Meme's the word: US lawmakers want to 'blow ISIS out of the water' with...the internet", <http://www.rt.com/usa/256717-senators-isis-recruitment-internet-memes/>, 7/17/2015, \\BD

While the US is fighting ISIS intensively on the ground, some lawmakers also want Washington to take the battle online. One even proposed using internet memes, noting that the terrorist group has successfully used them to further its mission. During a 'Jihad 2.0' hearing on social media and terrorism, the Senate Homeland Securities and Government Affairs Committee discovered that the Islamic State (IS, formerly ISIS/ISIL) has managed to attract the interest of 62 people in the US through social media. The interested online parties either tried to join IS (some successfully) or supported others in doing so. Of the 62 people, 53 were very active on social media, downloading jihadist propaganda. Some of them directly communicated with IS. But Sen. Ron Johnson (R-Wisc.) had just the answer to the problem –

and it didn't involve deadly weapons or military troops. "Let's face it: We invented the Internet. We invented the social network sites. We've got Hollywood. We've got the capabilities...to blow these guys out of the water from the standpoint of communications," he said. "He was supported by Sen. Cory Booker (D-N.J.), who had an unconventional trick up his sleeve: internet memes. "Look at their fancy memes compared to what we're not doing," Booker said while clutching print-outs of ISIS memes. "He said the Islamic State is busying making "slick, fancy and attractive" videos, while the US is spending "millions and millions on old school forms of media." "A prolific user of Twitter, Booker said he knows "something about memes." He became a viral sensation himself after rescuing his neighbor from a burning building in 2012. "The heroic move inspired his own Twitter hashtag, with social media users sharing their own (false) superhero encounters with Booker. One user tweeted that when he needed a kidney, Booker "instantly ripped out his own, handed it to me & flew away." "The hearing, titled 'Jihad 2.0: Social Media in the Next Evolution of Terrorist Recruitment,' is part of an ongoing attempt by Congress to identify ways to thwart efforts by overseas terrorists to lure foreign fighters or incite jihadists to commit attacks inside the US.

Literally, government meming solves

Donoghue 3/12 – witer for ABC News

Paul Donoghue, 3/12/2015, ABC News, "Twitter wars: How the US is fighting Islamic State propaganda through internet memes", <http://www.abc.net.au/news/2015-03-12/state-department-counter-radicalisation-twitter/6290436>, 7/18/2015, \\BD

The Islamic State group's widespread use of social media to recruit fighters is well publicised, and this week prompted a Sydney Muslim community leader to call for Australia to immediately launch a social media campaign to halt the grooming of jihadists. But what might such a campaign look like? "The US State Department already runs three Twitter accounts - @DOTArabic, @DSDOTAR, and @DigitalOutreach - that fire off dozens of tweets a day in Arabic and often directly reply to people who espouse radical views." The aim, it says, is to "counter terrorist propaganda and misinformation about the United States across a wide variety of interactive digital environments that had previously been ceded to extremists". "Many of the tweets poke fun at IS beliefs and use images that resemble internet memes to target the group's hypocrisy. Here are 12 such memes, with translations into English.

Epist Indict

Be skeptical – overestimating the threat legitimizes jihadists

Gander 7/7 – writer for The Independent

Kashmira Gander, 7/7/2015, The Independent, "Isis: Threat posed by extremist group should not be amplified, urges Australian politician Malcolm Turnbull",
<http://www.independent.co.uk/news/world/politics/isis-threat-posed-by-extremist-group-should-not-be-amplified-urges-australian-politician-malcolm-turnball-10373544.html>, 7/18/2015, \\BD

Politicians must be careful not to over-hype the threat that Isis poses, so as not to legitimise the "delusions" held by jihadists, an Australian politician has urged. Communications minister Malcolm Turnbull has called for the debate on terrorism to remain calm, civil and proportional. His comments come after Prime Minister Tony Abbott warned the country that Isis is "coming after us", Australia's ABC reported. In a speech to the Sydney Institute, Turnbull urged Australia to avoid inadvertently aiding Isis by making them appear more dangerous than they are, or else risk becoming "amplifiers of their wickedness and significance", The Guardian. He told the audience that while the security threat Isis poses should not be underestimated, politicians must maintain a sense of perspective. "We should be careful not to say or do things which can be seen to add credibility to those delusions," he said, arguing that Isis' leaders "dream" of sweeping across the Middle East and into Europe like medieval Arab armies.

ISIS Impact D

ISIS not a threat – comparative evidence citing the Air Force General

Klimas 7/14 – writer for The Washington Post, citing the Air Force General

Jacqueline Klimas, 7/14/2015, The Washington Post, “Islamic State no threat to U.S. homeland: Air Force general”, <http://www.washingtontimes.com/news/2015/jul/14/isis-no-threat-us-homeland-air-force-general-says/>, 7/18/2015, \\BD

Air Force Gen. Paul Selva on Tuesday ranked the Islamic State the least-threatening group to the U.S., saying that the terrorists do not pose a threat to the homeland. At a Senate Armed Services Committee hearing on his nomination to be the vice chairman of the joint chiefs of staff, Sen. John McCain, Arizona Republican, asked Gen. Selva to rank the threats the U.S. is facing today. “I would put the threats to this nation in the following order: Russia, China, Iran, North Korea, and all of the organizations that have grown around ideology that was articulated by al Qaeda,” he said, mirroring the list gave by Marine Corps Gen. Joseph Dunford last week in his nomination to be chairman of the joint chiefs of staff. Gen. Selva, pressed by Mr. McCain on why he would put terrorists groups such as the Islamic State last, said that the group **does not threaten** Americans or its allies at home. “Right now [the Islamic State] does not present a clear and presence threat to our homeland and to our nation,” he said. “It is a threat we must deal with ... but it does not threaten us at home.”

AT ISIS Bioweapons

ISIS Ebola threat is all hype

Evans 14 – writer for Slate

Nicholas G. Evans, 10/10/2014, Slate, “Ebola Is Not a Weapon”,
http://www.slate.com/articles/health_and_science/science/2014/10/ebola_and_bioterrorism_the_virus_is_not_a_bioweapon_despite_media_myths.html, 7/18/2015, \\BD

Stop it. Just stop it. Ebola isn't a potential weapon for terrorists. It isn't, as reported by Forbes and the Daily Mail, a low-tech weapon of bioterror for ISIS. It isn't the final refuge of a lone wolf on a suicide mission, in the words of Fox News. It isn't a U.S.-built race-targeting bioweapon, as the leader of the Nation of Islam declared. Ebola is very real, and very scary. But this outbreak isn't a recipe for a bioweapon. Not unless you want to be the most incompetent bioterrorist in history. First, the virus isn't a viable bioweapon candidate. It doesn't spread quickly—its R0, a measure of how infectious a virus is, is about 2. That means that, in a population where everyone is at risk, each infected person will, on average, infect two more people. But because someone with Ebola is infectious only when she shows symptoms, we've got plenty of chances to clamp down on an outbreak in a country with a developed public health system. And unlike some bioweapons, such as anthrax, Ebola's transmission mechanism makes it really hard to weaponize. Anthrax spores can be dried and milled so they form little particles that can float on the air and be inhaled. Ebola requires the transmission of bodily fluids, and those don't make efficient or stealthy weapons. (And no—even though you may have heard this—Ebola is not “airborne.” The one study everyone talks about showed that pigs could transmit Ebola to macaques through an unknown mechanism that may have involved respiratory droplets. The researchers noted, however, that they couldn't get macaques to transmit it to each other. The take-home from the study is really that pigs can spread Ebola.) This alone pretty much rules it out as a bioweapon. A terrorist organization would have to go door to door with bags of blood and vomit to infect even a handful of people—and you'd probably notice it. What about “suicide sneezers,” you may ask? Someone who deliberately infects herself with Ebola and then proceeds to pass it on to others? That's a losing game for the terrorist. Someone with Ebola isn't infectious until she has symptoms, and even then, there is often only a small window for action before the disease takes hold. Many people who contract Ebola do so while caring for someone who is crippled by the affliction. A terrorist who wants to infect others isn't likely to be functional enough to run around spreading the disease for very long—and even then, will find it hard to transmit the virus. As for conspiracies about engineered Ebola, we know the virus appeared in 1976. The 1970s was also a time when genetic engineering was in its infancy—no one could've engineered a virus, even if he'd wanted to. Short of a time-traveling bioterrorist, that particular theory isn't tenable. What about now, though? Could a bioterrorist group—or, more likely, a secret national bioweapons program, like the one run by the Soviet Union during the Cold War—take Ebola and modify it to be airborne or more contagious? It isn't likely. Why? One, because it is really difficult—we just don't know enough about viruses to spontaneously engineer new traits. There is also a whole host of other nasty bugs that are already better designed to be weapons. Bugs like smallpox. If terrorists are going to go to all the trouble of engineering a bioweapon, they are likely to pick a much, much better starting point than Ebola. Finally, even if one of these unlikely scenarios came to pass, what enemy is going to be able to claim to have weaponized Ebola and have anyone believe them? ISIS and other militant groups rely on carefully managed reputations to achieve their goals. Executions and explosions

work for terrorists because there is something to be gained in doing so: fear, and credit for causing fear. There's nothing to be gained in using a disease like Ebola during an outbreak because it is difficult prove it was deliberate, and thus you can't brag about it. The fear that an emerging infectious disease could in fact be a weapon is not new. In 1918, Lt. Col. Philip S. Doane voiced a suspicion that the pandemic "Spanish flu" strain was in fact a germ weapon wielded by German forces. More recently, an Australian professor of epidemiology argued that Middle Eastern respiratory syndrome could be a bioterror agent. People love to craft theories that provide malevolent agency to disease outbreaks. Yet while bioterrorism is possible—advances in technology are making that easier—for now, nature is almost always the culprit. Ebola isn't a weapon; it's the collision between humans and their environment. It's about the failure of public health in Guinea, Liberia, and Sierra Leone. And it's a failure, on our parts, to act and assist the people of these countries. That's a failure of trust. In developed countries, the biggest threat is not the terrorist, but fear. That fear is causing lawmakers to campaign for stepping up screening, even though it is unlikely to work—it is too hard to track people in air travel, and it isn't effective at detecting cases. That fear is causing politicians to claim that we should seal the border to Mexico, or ban all flights out of West Africa. That fear is a powerful weapon that can be used against us. Terror leading us to make bad decisions is much more effective against rich, developed nations than Ebola could be. If we want to beat the latter, we have to beat the former. To beat Ebola, we have to worry less about terrorists, and more about helping others.

AT: Democracy Cloud Computing D.A

New Democracy ! Cards

Democracy decreases the likelihood of conflicts – assumes non-democracy wars

Desposato and Gartzke 4/4 – Associate Professor at UC San Diego in Political Science, Associate Professor at UC San Diego in Political Science

Scott Desposato and Erik Gartzke, 4/4/2015, “How ‘Democratic’ is the Democratic Peace?”, <http://www.democracy.uci.edu/files/docs/conferences/suong.pdf>, 7/20/2015, \\BD

Discussion: This study provides evidence of democracy’s pacifist effect among publics of all regime types. Not only are citizens of Brazil, a democracy, hesitant to go to war against another democracy, but citizens of China, a non-democratic country, are also more reluctant to strike a democratic country. Our results imply that the reluctance to fight a democracy is more widespread than many may have thought. Put slightly differently, rather than possessing uniquely pacifistic publics, democracies appear to benefit from a “halo effect,” in which citizens of other countries are generally reluctant to initiate military aggression against them. Empirically, the effect of democracy is substantially and consistently larger in Brazil than in China; in most comparisons, the effect of democracy is twice as big in Brazil as in China. These patterns, while intriguing, are also not statistically significant. However, they suggest a critical next step. We now know that democracies enjoy a peace surplus of opinion both in democracies and in non-democracies—but are there systematic differences in the magnitude of this affect across countries? Future work involving larger data collection efforts will clarify whether there are cross-national differences in affect toward democracies. Our study has other limitations. Like other scholars working in this area (Tomz and Weeks, 2013b), we used an internet based survey drawn from a commercial panel, not random samples.¹² Although Brazilian and Chinese respondents seem to share a reluctance to strike at a democratic target without UN approval, observed differences or non-differences may reflect different sampling frames instead of different or similar attitudes. The effect of democracy is consistently smaller in China than Brazil by a small margin. A bigger sample size may allow us to propose an alternative hypothesis about the differing effect of regime type in Brazil and China. At present we cannot reject the null hypothesis of no difference between Brazil and China.

Internet K2 Democracy Camp Cards

Data localization will end internet freedom – that's key to freedom of expression

Hill 14 – Internet Policy at U.S. Department of Commerce (Jonah, “The Growth of Data Localization Post-Snowden: Analysis and Recommendations for U.S. Policymakers and Business Leaders”, The Hague Institute for Global Justice, Conference on the Future of Cyber Governance, 2014, May 1, 2014, SSRN)//TT

Free Expression and Internet Freedoms Are Not Well Served. Most troubling of all the potential harms of data localization is its effect on free expression and Internet freedom. This is ironic, in that to many of its advocates, data localization is a remedy to the threat posed by the NSA to free expression and Internet freedom. I suggest that the opposite is actually true, that the “remedy” only serves to make the danger greater. The Internet and other online media have become indispensable tools for individuals to communicate globally and have furthered individual participation in the political process, increased transparency of governmental activities, and promoted fundamental rights. Data localization, by centralizing control over digital infrastructure, can diminish this capacity in a number of ways. As was discussed above, data localization as a local server or local data storage requirement can limit freedom by permitting countries more easily to collect information on their citizens (through domestic surveillance). It allows a government more quickly and effectively to shut down Internet services (usually via legal threats to local Internet service providers) that the government believes is abetting unwanted political opposition. ¹¹⁵ Data localization mandates also can obstruct Internet freedom in other, indirect ways. Restricted routing, in particular, is problematic, because it is not technically possible as the existing Internet is designed or organized. Unlike the telephone network, the Internet operates under a model known as “best effort delivery,” where data is delivered to its destination in the most efficient manner possible, without predetermined routes. For instance, data sent from the United States to Botswana will attempt to travel along the shortest and most direct route possible. However, if there is a bottleneck along the shortest route, a packet may find a longer but more expeditious route. This is a core feature of the Internet that makes network congestion easy to navigate around. In order to restrict data routing to specific geographies as governments are advocating, all Internet routers that are currently programmed to follow this “best effort” routing model would have to be reconfigured to prohibit data from one country from moving through the territory of “prohibited” countries. Moreover, since Internet addresses are not always assigned according to a specific geography, the Internet’s addressing system currently would have to be dramatically altered as well. Thus, the Border Gateway Protocol (one of the core Internet networking protocols), the Internet’s routing tables (the address books by which routers send data), and the process by which IP addresses are allocated, would all have to be modified. Such an undertaking would require a fundamental overhaul not only of the Internet’s operating structures, but also of the governance structures by which those structures are implemented and standardized. These are not just arcane concerns of those involved in Internet governance, although they surely are matters that greatly trouble those who favor an efficient and interoperable Internet. These alterations in the way the Internet works will, I believe, materially restrict the power of the Internet to support free expression. These modifications to these core characteristic of the current Internet – modifications that localization would require – may result in intelligence agencies acquiring a previously unavailable capacity to assess where data had originated and where it was heading, because the origin and destination information would be included in the data packet.¹¹⁶ A centralized governance process, further, which would be required to change the routing protocols and IP allocation system, would give authoritarian countries significantly more influence over how information on the Internet is regulated. In fact, this is one of the main reasons why China, Russia, many Arab states (among others) have pushed for tracked routing protocols in the past,¹¹⁷ just as they have lobbied for a handover of the global Internet governance system to the U.N.’s International Telecommunications Union.¹¹⁸ In short, localization would require dramatic changes to the current structure of the Internet, changes that would have adverse consequences for those who see it as a principal – if not the principal – means of global democratization. For some, those adverse consequences would be unintended; more chillingly, there are those who intend precisely those consequences. This would be an enormous price to pay, particularly since the other objectives that are promoted as justifications for localization – namely, security for communications and economic development – are illusory.

Other countries will use US Internet surveillance as an excuse to oppress their citizens

Solash '13 – contributor to SG News, (Richard S., “US Internet surveillance could backfire,”

<http://sgnews.ca/2013/07/22/us-internet-surveillance-could-backfire/0->) VD

The University of Toronto’s Deibert says the NSA affair could also lead to renewed calls for an international agreement on cyberspace governance — calls that Internet freedom advocates and Western governments have found problematic in the past. He recalls a “code of conduct” for cyberspace proposed by China, Russia, Tajikistan, and Uzbekistan at the UN General Assembly in 2011 that favored state controls. “The proposals that were made by Russia and other countries at the UN were more or less fumbles politically and were scuttled for that reason,” Deibert says. “But in the wake of the NSA revelation, I am sure those types of proposals will be resurrected and find much greater traction among a wide range of swing countries which no doubt are now looking with a great deal of skepticism towards the United States-led Internet freedom agenda.” Some have also expressed concern that

the US government's explanation for its surveillance program — legitimate or not — could be manipulated by repressive governments: Washington has defended the program as a legally authorized method of helping to guard the country against terrorist attacks. Countries ranging from China to Belarus to Uzbekistan have previously rationalized pervasive online censorship under the banner of national security. ¶ Rebecca MacKinnon, an expert on internet freedom at the New America Foundation in Washington, says the United States can still work against the misuse of the NSA revelations by foreign governments. ¶ Implementing reforms and ensuring accountability is the way to do so, she says. ¶ "The United States needs to absolutely bring its system of surveillance and national security into line with constitutional checks and balances and if it fails to do so, I think then rest of the world will use our failure to do so as an excuse to be unaccountable themselves," MacKinnon says. "Unless and until we begin to lead by example, unfortunately, things are not going to be pretty."

***Internet freedom facilitates democratic transitions—extensive scholarship proves Nisbet 12**

et al 12 – PhD in communication, assistant professor at the School of Communication at The Ohio State University, research on public diplomacy, foreign policy, comparative democratization, and communication (Erik, "Internet Use and Democratic Demands: A Multinational, Multilevel Model of Internet Use and Citizen Attitudes About Democracy", Journal of Communication, April 2012, <http://onlinelibrary.wiley.com/doi/10.1111/j.1460-2466.2012.01627.x/epdf//DBI>

Moving from institutions to citizens, an open question is whether greater Internet penetration and use influence individual attitudes about democracy? Though not empirically tested, Howard (2009) answers this question in the affirmative, theorizing that Internet use plays an important role in shaping and mobilizing citizen attitudes about democracy in transitioning or emerging democracies. Howard asserts that traditional media in nondemocratic states "constrains" public opinion to those of ruling elites, creating a passive public incapable of challenging autocratic institutions and power-relations. Leslie (2002) and Howard view the Internet as distinct from the one-way communication of radio, television, and print media that provide information to an audience, but are incapable of soliciting immediate feedback. The Internet is lauded as having great democratic potential because it does allow for feedback and encourages the development of "participant" citizens, as described by Almond and Verba (1963). Rather than acting as passive receptors of political information, participant citizens are more sophisticated and engage with political information provided to them and subsequently respond or make "demands" from it (Almond & Verba, 1963). For example, as Lei (2011) observes in the case of China, the "Internet has contributed to a more critical and politicized citizenry" with "citizens no longer merely compliant receivers of official discourse" (p. 311). In this sense, Howard sees the potential of the Internet, especially when paired with organizations such as political parties or movements, to promote the formation of "mass" public opinion that demands political change within authoritarian or democratizing states. Other scholars also embrace the Internet's capacity to promote political change by serving as a pluralistic media platform (Bratton et al., 2005; Groshek, 2009; Lei, 2011). Bratton and colleagues (2005) argue that media use in transitioning or emerging democracies "expands the range of considerations that people bear in forming their political and economic attitudes," which promotes democratic citizenship and greater demand for democratic processes and reform (Bratton et al., 2005, p. 209). Media that enjoys low government regulation and high plurality of content have "the greatest impact in inducing an audience to reject authoritarian rule, especially one-party rule," compared to other forms of media use (p. 210). In this context, Groshek (2009) draws upon media dependency theory (Ball-Rokeach & DeFleur, 1976) to argue that Internet use influences the democratic orientations of audiences—which in turn promotes (democratic) change in sociopolitical systems in which audiences are embedded. Internet penetration, in other words, allows citizens to access more pluralistic content that increases citizen demand for democracy. Increased demand promotes "bottom-up" democratization by increasing the likelihood of democratic transitions in nondemocratic states or strengthening democratic institutions in young democracies. Lei (2011) asserts this bottom-up democratization has emerged in China, with "netizens" constituting "an important social force that imposes much pressure on the authoritarian state" (p. 311). Moreover, this theoretical perspective is

consistent with scholarship examining the role of citizen attitudes in processes of democratization (Inglehart & Welzel, 2005; Mattes & Bratton, 2007; Welzel, 2007).

The Internet is vital to the emergence of global publics – that's key to democracy

Keane 11 – Professor of Politics at the University of Sydney (John, "Democracy in the Age of Google, Facebook and WikiLeaks" <http://sydney.edu.au/arts/downloads/news/ALR.pdf>)

o **Communicative abundance enables one other trend that is of life-and-death importance to the future of democracy: the growth of cross-border publics whose footprint is potentially or actually global** in scope. o The Canadian Scholar

Harold Innis famously showed that communications media like the wheel and the printing press and the telegraph had distance-shrinking effects, but genuinely globalised communication only began (during the nineteenth century) with overland and underwater telegraphy and the early development of international news agencies like Reuters. The process is currently undergoing an evolutionary jump, thanks to the development of a combination of forces:

wide-footprint geo-stationary satellites, **weblogs and other specialist computer-networked media, the growth of global**

journalism and the expanding and merging flows of international news, **electronic data exchange**, entertainment and education materials controlled by giant firms like Thorn-EMI,

AOL/Time-Warner, News Corporation International, the BBC, Al Jazeera, Disney, Bertelsmann, Microsoft, Sony and CNN. o **Global media linkages certainly have downsides**

for democracy. Global media integration has encouraged loose talk of the abolition of barriers to communication (John Perry Barlow). It is said to be synonymous with the rise of a 'McWorld' (Benjamin Barber)

dominated by consumers who dance to the music of logos, advertising slogans, sponsorship, trademarks and jingles. In the most media-saturated societies, such as the United States, global media integration nurtures pockets of parochialism; citizens who read local 'content engine' newspapers like The Desert Sun in Palm Springs or Cheyenne's Wyoming Tribune-Eagle are fed a starvation diet of global stories, which typically occupy no more than about 2% of column space. And not to be overlooked is the way governments distort global information flows. Protected by what in Washington are called 'flack packs' and dissimulation experts, governments cultivate links with trusted or

'embedded' journalists, organise press briefings and advertising campaigns, so framing - and wilfully distorting and censoring - global events to suit current government policies. o All **these fickle counter-**

trends are sobering, but they are not the whole story. For in the age of communicative abundance there

are signs that the spell of parochialism upon citizens is not absolute because global media integration is

having an unanticipated political effect: by nurturing a world stage or theatrum mundi, global journalism and other

acts of communication are slowly but surely cultivating public spheres in which many millions of people scattered

across the earth witness mediated controversies about who gets what, when, and how, on a world

scale. o Not all global media events - sporting fixtures, blockbuster movies, media awards, for instance - sustain global publics, which is to say that audiences are not publics and public spheres are not simply domains of entertainment or play. Strictly speaking, global publics are scenes of the political. Within global publics, people at various points on the earth witness the powers of governmental and non-governmental organisations being publicly named, monitored, praised, challenged, and condemned, in defiance of the old tyrannies of time and space and publicly unaccountable power. It is true that global publics are neither strongly institutionalised nor effectively linked to mechanisms of representative government. This lack is a great challenge for democratic thinking and democratic politics. Global publics are voices without a coherent body politic; it is as if they try to show the world that it resembles a chrysalis capable of hatching the butterfly of cross-border democracy - despite the fact that we currently have no good account of what 'regional' or 'global' or 'cross border' democratic representation might mean in

practice. o Still, in spite of everything, **global publics have marked political effects**, for instance **On** the suit-and-tie worlds of **diplomacy, global**

business, inter-governmental meetings and independent non-governmental organizations. Every great

global issue since 1945 - human rights, the dangers of nuclear war, continuing discrimination against

women, the greening of politics - every one of these issues **first crystallised within these publics** Global publics sometimes have 'meta-political'

effects, in the sense that they help create citizens of a new global order. The speech addressed to 'global citizens' by Barack Obama at the Siegestaule in the Tiergarten in July 2008 is a powerful case in point, a harbinger of a remarkable trend in which those who are caught up within global publics learn that the boundaries between native and foreigner are blurred. They consequently become footloose. They live here and there; they discover the

'foreigner' within themselves. o Global publics centred on ground-breaking media events like Live-Aid (in 1985 it attracted an estimated one billion viewers) can be spaces of fun, in which millions taste something of the joy of acting publicly with and against others for some defined common purpose. When by contrast they come in the form of televised world news of the suffering of distant strangers, global publics highlight cruelty; they make possible what Hannah Arendt once called the 'politics of pity'. And especially during dramatic media events - like the nuclear meltdown at Chernobyl, the Tiananmen massacre, the 1989 revolutions in central-eastern Europe, the overthrow and arrest of Slobodan Milosevic, the 9/11 terrorist attacks and the recent struggles for dignity in Tunisia and Egypt - public spheres intensify audiences' shared sense of living their lives contingently, on a knife edge, in the subjective

tense. o **The witnesses of such events** (contrary to McLuhan) do not experience uninterrupted togetherness. They do not enter a 'global village' dressed in the skins of humankind and thinking in

the terms of a primordial 'village or tribal outlook'. They instead **come to feel the pinch of the world's power relations; in consequence,**

they put matters like representation, accountability and legitimacy on the global political agenda, in

effect by asking whether new democratic measures could inch our little blue and white planet towards greater

openness and humility, potentially to the point where power, wherever it is exercised within and across

borders, would come to feel more 'biodegradable', a bit more responsive to those whose lives it

currently shapes and reshapes, secures or wrecks

Data localization leads to authoritarian information control – collapses democracy

Chandler and Le 15 – Professor of Law, B.A. from UC Davis, J.D. from Harvard; B.A. from Yale, J.D. from US Davis

- * Director, California International Law Center, Professor of Law and Martin Luther King, Jr. Hall Research Scholar, University of California, Davis; A.B., Harvard College; J.D., Yale Law School AND **Free Speech and Technology Fellow, California International Law Center; A.B., Yale College; J.D., University of California, Davis School of Law (Anupam and Uyen, "DATA NATIONALISM" 64 Emory L.J. 677, lexis)

E. Freedom Information control is central to the survival of authoritarian regimes. Such regimes require the suppression of adverse information in order to maintain their semblance of authority. This is because "even authoritarian governments allege a public mandate to govern and assert that the government is acting in the best interests of the people." n280 Information that disturbs the claim of a popular mandate and a beneficent government is thus to be eliminated at all costs. Opposition newspapers or television is routinely targeted, with licenses revoked or printing presses confiscated. The Internet has made this process of information control far more difficult by giving many dissidents the ability to use services based outside the country to share information. The Internet has made it harder, though not impossible, for authoritarian regimes to suppress their citizens from both sharing and learning information. n281 Data localization will erode that liberty-enhancing feature of the Internet. The end result of data localization is to bring information increasingly under the control of the local authorities, regardless of whether that was originally intended. The dangers inherent in this are plain. Take the following cases. The official motivation for the Iranian Internet, as set forth by Iran's [*736] head of economic affairs Ali Aghamohammadi, was to create an Internet that is "a genuinely halal network, aimed at Muslims on an ethical and moral level," which is also safe from cyberattacks (like Stuxnet) and dangers posed by using foreign networks. n282 However, human rights activists believe that "based on [the country's] track record, obscenity is just a mask to cover the government's real desire: to stifle dissent and prevent international communication." n283 An Iranian journalist agreed, "this is a ploy by the regime," which will "only allow[] [Iranians] to visit permitted websites." n284 More recently, even Iran's Culture Minister Ali Janati acknowledged this underlying motivation: "We cannot restrict the advance of [such technology] under the pretext of protecting Islamic values." n285 Well aware of this possibility, Internet companies have sought at times to place their servers outside the country in order to avoid the information held therein being used to target dissidents. Consider one example: when it began offering services in Vietnam, Yahoo! made the decision to use servers outside the country, perhaps to avoid becoming complicit in that country's surveillance regime. n286 This provides important context for the new Vietnamese decree mandating local accessibility of data. While the head of the Ministry of Information's Online Information Section defends Decree 72 as "misunderstood" and consistent with "human rights commitments," n287 the Committee to Protect Journalists worries that this decree will require "both local and foreign companies that provide Internet services ... to reveal the identities of users who violate numerous vague prohibitions against certain speech in Vietnamese law." n288 As Phil Robertson of Human Rights Watch argues, "This is a law that has been established for selective persecution. This [*737] is a law that will be used against certain people who have become a thorn in the side of the authorities in Hanoi." n289 Data localization efforts in liberal societies thus offer cover for more pernicious efforts by authoritarian states. When Brazil's government proposed a data localization mandate, a civil society organization focused on cultural policies compared the measure to the goals of China and Iran: [SEE FIGURE IN ORIGINAL] Translated, this reads as follows: "Understand this: storing data in-country is the Internet dream of China, Iran, and other totalitarian countries, but it is IMPOSSIBLE #MarcoCivil." n290 Thus, perhaps the most pernicious and long-lasting effect of data localization regulations is the template and precedent they offer to continue and enlarge such controls. When liberal nations decry efforts to control information by authoritarian regimes, the authoritarian states will cite our own efforts to bring data within national control. If liberal states can cite security, privacy, law enforcement, and social economic reasons to justify data controls, so can authoritarian states. Of course, the Snowden revelations of widespread U.S. surveillance will themselves justify surveillance efforts by other states. For example, Russia has begun to use NSA surveillance to justify increasing control over companies such as Facebook and Google. n291 Such rules have led critics to worry about increasing surveillance powers of the Russian state. n292 Critics caution, "In the future, Russia may even succeed in splintering the web, [*738] breaking off from the global Internet a Russian intranet that's easier for it to control." n293 Even though officials describe such rules as being antiterrorist, others see a more sinister motive. The editor of Agentura.ru, Andrei Soldatov, believes that Zheleznyak's proposal is motivated by the government's desire to control internal dissent. n294 Ivan Begtin, the director of the group Information Culture, echoes this, arguing that Zheleznyak's surveillance power "will be yet another tool for controlling the Internet." n295 Begtin warns, "In fact, we are moving very fast down the Chinese path." n296 Finally, creating a poor precedent for more authoritarian countries to emulate is not the only impact on liberty of data localization by liberal states. Even liberal states have used surveillance to undermine the civil rights of their citizens and residents. n297 The proposal for a German "Internetz" has drawn worries that national routing would require deep packet inspection, raising fears of extensive surveillance. n298 The newspaper Frankfurter Allgemeine argues that not only would a state-sanctioned network provide "no help against spying," it would lead to "a centralization of surveillance capabilities" for German spy agencies. n299 India's proposed localization measures in combination with the various surveillance systems in play - including Aadhaar, CMS, National Intelligence Grid (Natgrid), and Netra - have raised concerns for human rights, including freedom of expression. n300 [*739] In addition to concerns regarding human rights violations based on surveillance and censorship, data localization measures also interfere with the freedom of expression - particular the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontier[]." n301 Preventing citizens from using foreign political forums because such use might cause personal data to be stored or processed abroad might interfere with an individuals' right to knowledge. n302 Armed with the ability to block information from going out and to filter the information coming in, data location consolidates power in governments by making available an infrastructure for surveillance and censorship.

That will collapse the global internet

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The era of a global Internet may be passing. Governments across the world are putting up barriers to the free flow of information across borders. Driven by concerns over privacy, security, surveillance, and law enforcement, governments are erecting borders in cyberspace, breaking apart the World Wide Web. The first generation of Internet border controls sought to keep information out of a country - from Nazi paraphernalia to copyright infringing material. n1 The new generation of Internet border controls seeks not to keep information out but rather to keep data in. Where the first generation was relatively narrow in the information excluded, the new generation seeks to keep all data about individuals within a country. a Efforts to keep data within national borders have gained traction in the wake of revelations of widespread electronic spying by United States intelligence agencies. n2 Governments across the world, indignant at the recent disclosures, have cited foreign surveillance as an argument to prevent data from leaving their borders, allegedly into foreign hands. n3 As the argument [*680] goes, placing data in other nations jeopardizes the security and privacy of such information. We define "data localization" measures as those that specifically encumber the transfer of data across national borders. These measures take a wide variety of forms - including rules preventing information from being sent outside the country, rules requiring prior consent of the data subject before information is transmitted across national borders, rules requiring copies of information to be stored domestically, and even a tax on the export of data. We argue here that data localization will backfire and that it in fact undermines privacy and security, while still leaving data vulnerable to foreign surveillance. Even more importantly, data localization increases the ability of governments to surveil and even oppress their own populations. a Imagine an Internet where data must stop at national borders, examined to see whether it is allowed to leave the country and possibly taxed when it does. While this may sound fanciful, this is precisely the impact of various measures undertaken or planned by many nations to curtail the flow of data outside their borders. Countries around the world are in the process of creating Checkpoint Charlies - not just for highly secret national security data but for ordinary data about citizens. The very nature of the World Wide Web is at stake. We will show how countries across the world have implemented or have planned dramatic steps to curtail the flow of information outside their borders. By creating national barriers to data, data localization measures break up the World Wide Web, which was designed to share information across the globe. n4 The Internet is a global network based on a protocol for interconnecting computers without regard for national borders. Information is routed across this network through decisions made autonomously and automatically at local routers, which choose paths based largely on efficiency, unaware of political borders. n5 Thus, the services built on the Internet, from email to the World [*681] Wide Web, pay little heed to national borders. Services such as cloud computing exemplify this, making the physical locations for the storage and processing of their data largely invisible to users. Data localization would dramatically alter this fundamental architecture of the Internet. a Such a change poses a mortal threat to the new kind of international trade made possible by the Internet - information services such as those supplied by Bangalore or Silicon Valley. n6 Barriers of distance or immigration restrictions had long kept such services confined within national borders. But the new services of the Electronic Silk Road often depend on processing information about the user, information that crosses borders from the user's country to the service provider's country. Data localization would thus require the information service provider to build out a physical, local infrastructure in every jurisdiction in which it operates, increasing costs and other burdens enormously for both providers and consumers and rendering many of such global services impossible. a While others have observed some of the hazards of data localization, especially for American companies, n7 this Article offers three major advances over earlier work in the area. First, while the earlier analyses have referred to a data localization measure in a country in the most general of terms, our Article provides a detailed legal description of localization measures. Second, by examining a variety of key countries around the world, the study allows us to see the forms in which data localization is emerging and the justifications offered for such measures in both liberal and illiberal states. Third, the Article works to comprehensively refute the various arguments for data localization offered around the world, showing that data localization measures are in fact likely to undermine security, privacy, economic development, and innovation where adopted. a [*682] Our paper proceeds as follows. Part I describes the particular data localization measures in place or proposed in different countries around the world, as well as in the European Union. Part II then discusses the justifications commonly offered for these measures - such as avoiding foreign surveillance, enhancing security and privacy, promoting economic development, and facilitating domestic law enforcement. We appraise these arguments, concluding that, in fact, such measures are likely to backfire on all fronts. Data localization will erode privacy and security without rendering information free of foreign surveillance, while at the same time increasing the risks of domestic surveillance.

Mandatory data localization wrecks US internet company competitiveness and US internet freedom – also threatens the functioning of the internet itself

Kehl, 14 – Policy Analyst at New America’s Open Technology Institute (Danielle, “Surveillance Costs: The NSA’s Impact on the Economy, Internet Freedom & Cybersecurity” July, <https://www.newamerica.org/oti/surveillance-costs-the-nsas-impact-on-the-economy-internet-freedom-cybersecurity/>)

Some analysts have questioned whether data localization and protection proposals are politically motivated and if they would actually enhance privacy and security for ordinary individuals living in foreign countries,¹⁶⁰ especially given the existence of similar laws in a number of countries and Mutual Legal Assistance Treaties (MLATs) between nations that provide cross-border access to data stored for lawful investigations.¹⁶¹ Yet there is no doubt that American companies will pay a steep price if these policies move forward. Mandatory data localization laws could lead to soaring costs for major Internet companies such as Google, Facebook, and Twitter, who would be faced with the choice of investing in additional, duplicative infrastructure and data centers in order to comply with new regulations or pulling their business out of the market altogether.¹⁶² In testimony before Congress last November, for example, Google’s Director of Law Enforcement and Information Security suggested that requirements being discussed in Brazil could be so onerous that they would effectively bar Google from doing business in the country.¹⁶³ The penalties that companies face for violating these new rules are also significant. In some cases, unless U.S. policy changes, it may be virtually impossible for American companies to avoid violating either domestic or foreign laws when operating overseas.¹⁶⁴ The costs and legal challenges could easily prevent firms from expanding in the first place or cause them to leave existing markets because they are no longer profitable.¹⁶⁵ ITIF’s Daniel Castro has suggested that data privacy rules and other restrictions could slow the growth of the U.S. technology-services industry by as much as four percent.¹⁶⁶ Data localization proposals also threaten to undermine the functioning of the Internet, which was built on protocols that send packets over the fastest and most efficient route possible, regardless of physical location. If actually implemented, policies like those suggested by India and Brazil would subvert those protocols by altering the way Internet traffic is routed in order to exert more national control over data.¹⁶⁷ The localization of Internet traffic may also have significant ancillary impacts on privacy and human rights by making it easier for countries to engage in national surveillance, censorship, and persecution of online dissidents, particularly where countries have a history of violating human rights and ignoring rule of law.¹⁶⁸ Ironically, data localization policies will likely degrade – rather than improve – data security for the countries considering them, making surveillance, protection from which is the ostensible reason for localization, easier for domestic governments, if not foreign powers, to achieve.” writes Jonah Force Hill.¹⁶⁹ The rise in data localization and data protection proposals in response to NSA surveillance threatens not only U.S. economic interests, but also Internet Freedom around the world.

The last tech bubble caused premiums to go sky high – natural bubbles ruin the economy

Tabb 04 [Tabb, William K.. *Economic Governance in the Age of Globalization*. New York, NY, USA: Columbia University Press, 2004. ProQuest eLibrary. Web. 19 July 2015.].//kmc

If war and terrorism are to frame the world’s prospects a number of costly consequences follow for important sectors such as the travel industry, airlines and hotels, and more widely in such aspects as the cost of insurance coverage for buildings, ships, and factories for which premiums jumped in a number of locations in the wake of military activity in the Persian Gulf. Security concerns add to the cost of transporting goods and can have an impact on industries whose products are considered strategic. William Archey, president of the American Electronics Association, fearing more restrictions on sales, spoke for the thousands of companies he represented of the impact of export controls. Two years after the high tech bubble had peaked, the sector had lost over half a million jobs, and fear of a security state augured to make matters worse. Archey’s

members, he said, “are worried that politicians will take a short sighted approach to national security that will not make us more secure but will harm our economy” (Foremski, 2003: 1). U.S.-based producers were losing out to overseas competitors who were profiting from those restrictions. The group was also alarmed at massive cutbacks to education from squeezed state budgets. “We need well-educated people; it is what feeds the high tech sector,” he said adding that loss of a skilled workforce would push firms to go abroad. His was not the only industry which expressed such concerns.

The tech bubble isn't real – venture capital, demand

Harris 7/16 [Melissa, 2015. Hate to burst your bubble, but tech investment is healthy.

<http://www.chicagotribune.com/business/columnists/ct-harris-tech-bubble-0717-biz-20150716-column.html> 7/19)//kmc

The tech bubble doesn't exist.^a That's the point of a 53-slide presentation last month in which three partners from the Silicon Valley venture capital firm Andreessen Horowitz supplied evidence that the tech market is nowhere near the mania levels of 1999 and 2000.^a Andreessen Horowitz's data show that private and public funding for tech companies remains at about 40 percent of what it was in 1999. There's been no surge in venture capital fundraising. It's rising but still below 2006 levels. And venture capital funding as a percentage of the gross domestic product created by the sector is down by half since 1980.^a **There's also a real market for these businesses now. The number of Internet users has increased from 738 million in 2000 to 3.2 billion in 2015, according to a new report from the International Telecommunication Union. Venture funding per person online has been flat since the bubble, while people are spending more on it.**^a Yes, the S&P 500 Information Technology Index is approaching 1999 levels but this time, Andreessen Horowitz argues, profits are driving these returns with price-to-earnings multiples at early 1990s levels.^a (A price-to-earnings ratio is the current price of a share of stock divided by its earnings per share. A large multiple can signal that the market's perception of the company is inflated.)^a “The price-to-earnings ratio of the tech component of the S&P is in fact lower than for the index as a whole,” Bloomberg reported.^a Instead, almost all of the returns are being had in private markets, meaning without a company going public. In other words, you have to know someone or be a large institutional investor to be able to buy equity in privately held companies like Uber even though its estimated worth is some \$40 billion.^a **Overall dollars raised by technology companies are being dominated by such deals.**^a The good news is that mom-and-pops can't bet their retirement funds on Uber.

Censorship Bad -> Localization

Censorship creates inconsistencies within internet localization that spurs innovation to bypass them.

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First-generation controls tend to be “defensive,” and involve erecting national cyberborders that limit citizens’ access to information from abroad. The archetypal example is the Great Firewall of China, a system for filtering keywords and URLs to control what computer users within the country can see on the Internet. Although few countries have matched the Great Firewall (Iran, Pakistan, Saudi Arabia, Bahrain, Yemen, and Vietnam have come the closest), first-generation controls are common. Indeed, Internet filtering of one sort or another is now normal even in democracies. Where countries vary is in terms of the content targeted for blocking and the transparency of filtering practices. Some countries, including Canada, the United Kingdom, and the United States, block content [End Page 65] related to the sexual exploitation of children as well as content that infringes copyrights. Other countries focus primarily on guarding religious sensitivities. Since September 2012, Pakistan has

been blocking all of YouTube over a video, titled “Innocence of Muslims,” that Pakistani authorities deem blasphemous.⁴ A growing number of countries are blocking access to political and security-related content, especially content posted by opposition and human-rights groups, insurgents, “extremists,” or “terrorists.” Those last two terms are in quotation marks because in some places, such as the Gulf states, they are defined so broadly that content is blocked which in most other countries would fall within the bounds of legitimate expression. National-level Internet filtering is notoriously crude.

Errors and inconsistencies are common. One Citizen Lab study found that Blue Coat (a U.S. software widely used to automate national filtering systems) mistakenly blocked hundreds of nonpornographic websites.⁵ Another Citizen Lab study found that Oman residents were blocked from a Bollywood-related website not because it was banned in Oman, but because of upstream filtering in India, the pass-through country for a portion of Oman’s Internet traffic.⁶ In Indonesia, Internet-censorship rules are applied at the level of Internet Service Providers (ISPs). The country has more than three-hundred of these; what you can see online has much to do with which one you use.⁷ As

censorship extends into social media and applications, inconsistencies bloom, as is famously the case in China. In some countries, a user cannot see the filtering, which displays as a “network error.” Although relatively easy to bypass and document,⁸ first-generation controls have won enough acceptance to have opened the door to more expansive measures. Second-generation controls are best thought of as deepening and extending information controls into society through laws, regulations, or requirements that force the private sector to do the state’s bidding by policing privately owned and operated networks according to the state’s demands. Second-generation controls can now be found in every region of the world, and their number is growing. Turkey is passing new laws, on the pretext of protecting national security and fighting cybercrime, that will expand wiretapping and other surveillance and detention powers while allowing the state to censor websites without a court order. Ethiopia charged six bloggers from the Zone 9 group and three independent journalists with terrorism and treason after they covered political issues. Thailand is considering new cybercrime laws that would grant authorities the right to access emails, telephone records, computers, and postal mail without needing prior court approval. Under reimposed martial [End Page 66] law, Egypt has tightened regulations on demonstrations and arrested prominent bloggers, including Arab Spring icon Alaa Abd El Fattah. Saudi blogger Raif Badawi is looking at ten years in jail and 950 remaining lashes (he received the first fifty lashes in January 2015) for criticizing Saudi clerics online. Tunisia passed broad reforms after the Arab Spring, but even there a blogger has been arrested under an obscure older law for “defaming the military” and “insulting military commanders” on Facebook. Between 2008 and March 2015 (when the Supreme Court struck it down), India had a law that banned “menacing” or “offensive” social-media posts. In 2012, Renu Srinivasan of Mumbai found herself arrested merely for hitting the “like” button below a friend’s Facebook post. In Singapore, blogger and LGBT activist Alex Au was fined in March 2015 for criticizing how a pair of court cases was handled. Second-generation controls also include various forms of “baked-in” surveillance, censorship, and “backdoor” functionalities that governments, wielding their licensing authority, require manufacturers and service providers to build into their products. Under new antiterrorism laws, Beijing recently announced that it would require companies offering services in China to turn over encryption keys for state inspection and build into all systems backdoors open to police and security agencies. Existing regulations already require social-media companies to survey and censor their own networks. Citizen Lab has documented that many chat applications popular in China come preconfigured with censorship and surveillance capabilities.⁹ For many years, the Russian government has required telecommunications companies and ISPs to be “SORM-

compliant”—SORM is the Russian acronym for the surveillance system that directs copies of all electronic communications to local security offices for archiving and inspection. In like fashion, India’s Central Monitoring System gives the government direct access to the country’s telecommunications networks. Agents can listen in on broadband phone calls, SMS messages, and email traffic, while all call-data records are archived and analyzed. In Indonesia, where BlackBerry smartphones remain popular, the government has repeatedly pressured Canada-based BlackBerry Limited to comply with “lawful-access” demands, even threatening to ban the company’s services unless BlackBerry agreed to host data on servers in the country. Similar demands have come from India, Saudi Arabia, and the United Arab Emirates. The company has even agreed to bring Indian technicians to Canada for special surveillance training.¹⁰ Also spreading are new laws that ban security and anonymizing tools, including software that permits users to bypass first-generation blocks. Iran has arrested those who distribute circumvention tools, and it has throttled Internet traffic to frustrate users trying to connect to popular circumvention and anonymizer tools such as Psiphon and Tor. Belarus and Russia have both recently proposed making Tor and similar tools illegal. China has banned virtual private networks (VPNs) nationwide—the [End Page 67] latest in a long line of such bans—despite the difficulties that this causes for business. Pakistan has banned encryption since 2011, although its widespread use in financial and other communications inside the country suggests that enforcement is lax. The United Arab Emirates has banned VPNs, and police there have stressed that individuals caught using them may be charged with violating the country’s harsh cybercrime laws. Second-generation controls include finer-grained registration and identification requirements that tie people to specific accounts or devices, or even require citizens to obtain government permission before using the Internet. Pakistan has outlawed the sale of prepaid SIM cards and demands that all citizens register their SIM cards using biometric identification technology. The Thai military junta has extended such registration rules to cover free WiFi accounts as well. China has imposed real-name registration policies on Internet and social-media accounts, and companies have dutifully deleted tens of thousands of accounts that could not be authenticated. Chinese users must also commit to respect the seven “baselines,” including “laws and regulations, the Socialist system, the national interest, citizens’ lawful rights and interests public order, morals, and the veracity of information.”¹¹ By expanding the reach of laws and broad regulations, second-generation controls narrow the space left free for civil society, and subject the once “wild frontier” of the Internet to growing regulation. While enforcement may be uneven, in country after country these laws hang like dark clouds over civil society, creating a climate of uncertainty and fear.

Aff solves Democracy

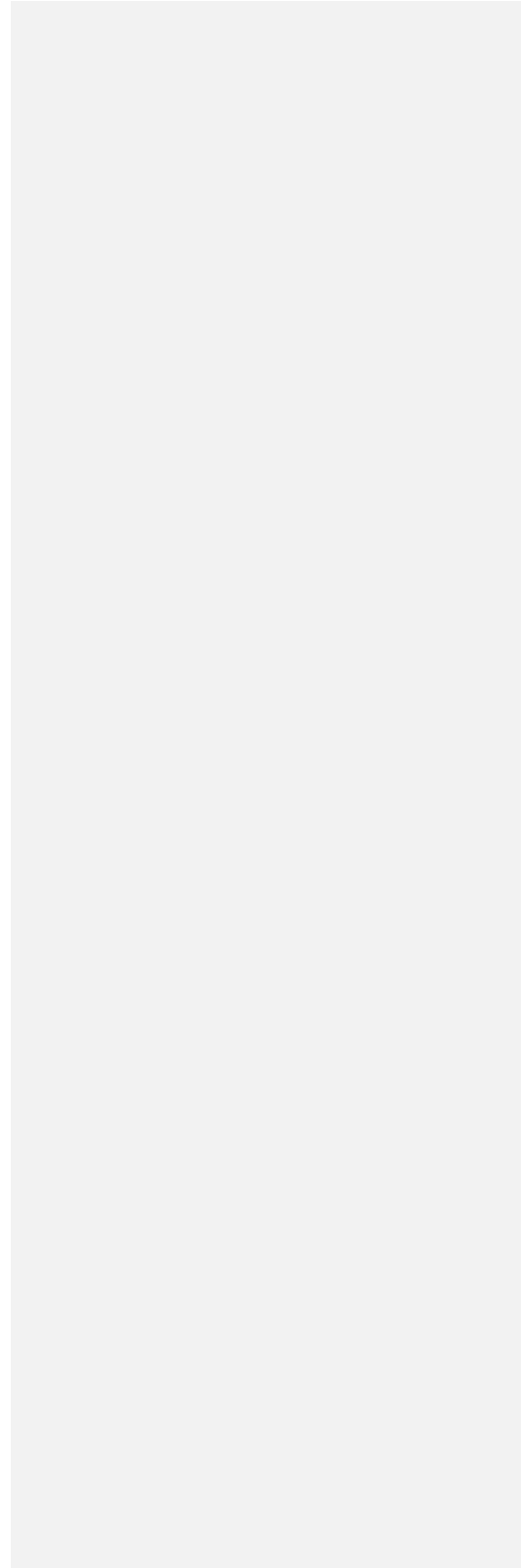
The aff is an example of providing greater accountability and HR reliance to solve back for anti-democratic rhetoric—sill solves for democracy.

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Since June 2013, barely a month has gone by without new revelations concerning U.S. and allied spying—revelations that flow from the disclosures made by former NSA contractor Edward Snowden. The disclosures fill in the picture of a remarkable effort to marshal extraordinary capacities for information control across the entire spectrum of cyberspace. The Snowden revelations will continue to fuel an important public debate about the proper balance to be struck between liberty and security. While the value of Snowden's disclosures in helping to start a long-needed discussion is undeniable, the revelations have also had unintended [End Page 74] consequences for resurgent authoritarianism and cyberspace. First, they have served to deflect attention away from authoritarian-regime cyberespionage campaigns such as China's. Before Snowden fled to Hong Kong, U.S. diplomacy was taking an aggressive stand against cyberespionage. Individuals in the pay of the Chinese military and allegedly linked to Chinese cyberespionage were finding themselves under indictment. Since Snowden, the pressure on China has eased. Beijing, Moscow, and others have found it easy to complain loudly about a double standard supposedly favoring the United States while they rationalize their own actions as "normal" great-power behavior and congratulate themselves for correcting the imbalance that they say has beset cyberspace for too long. Second, the disclosures have created an atmosphere of suspicion around Western governments' intentions and raised questions about the legitimacy of the "Internet Freedom" agenda backed by the United States and its allies. Since the Snowden disclosures—revealing top-secret exploitation and disruption programs that in some respects are indistinguishable from those that Washington and its allies have routinely condemned—the rhetoric of the Internet Freedom coalition has rung rather hollow. In February 2015, it even came out that British, Canadian, and U.S. signals-intelligence agencies had been "piggybacking" on China-based cyberespionage campaigns—stealing data from Chinese hackers who had not properly secured their own command-and-control networks. Third, the disclosures have opened up foreign investment opportunities for IT companies that used to run afoul of national-security concerns. Before Snowden, rumors of hidden "backdoors" in Chinese-made technology such as Huawei routers put a damper on that company's sales. Then it came out that the United States and allied governments had been compelling (legally or otherwise) U.S.-based tech companies to do precisely what many had feared China was doing—namely, installing secret backdoors. So now Western companies have a "Huawei" problem of their own, and Huawei no longer looks so bad. In the longer term, the Snowden disclosures may have the salutary effect of educating a large number of citizens about mass surveillance. In the nearer term, however, the revelations have handed countries other than the United States and its allies an opportunity for the self-interested promotion of local IT wares under the convenient rhetorical guise of striking a blow for "technological sovereignty" and bypassing U.S. information controls. There was a time when authoritarian regimes seemed like slow-footed, technologically challenged dinosaurs whom the Information Age was sure to put on a path toward ultimate extinction. That time is no more—these regimes have proven themselves surprisingly (and dismayingly) light-footed and adaptable. National-level information controls are now deeply entrenched and growing. Authoritarian regimes are becoming more active and assertive, sharing norms, technologies, and "best" practices with one [End Page 75] another as they look to shape cyberspace in ways that legitimize their national interests and domestic goals. Sadly, prospects for halting these trends anytime soon look bleak. As resurgent authoritarianism in cyberspace increases, civil society will struggle: A web of ever more fine-grained information controls tightens the grip of unaccountable elites. Given the comprehensive range of information controls outlined here, and their interlocking sources deep within societies, economies, and political systems, it is clear that an equally comprehensive approach to the problem is required. Those who seek to promote human rights and democracy through cyberspace will err gravely if they stick to high-profile "Internet Freedom" conferences or investments in "secure apps" and digital training. No amount

of rhetoric or technological development alone will solve a problem whose roots run this deep and cut across the borders of so many regions and countries. What we need is a patient, multipronged, and well-grounded approach across numerous spheres, with engagement in a variety of venues. Researchers, investigative journalists, and others must learn to pay more attention to developments in regional security settings and obscure trade fairs. The long-term goal should be to open these venues to greater civil society participation and public accountability so that considerations of human rights and privacy are at least raised, even if not immediately respected. The private sector now gathers and retains staggering mountains of data about countless millions of people. It is no longer enough for states to conduct themselves according to the principles of transparency, accountability, and oversight that democracy prizes; the companies that own and operate cyberspace—and that often come under tremendous pressure from states—must do so as well. Export controls and “smart sanctions” that target rights-offending technologies without infringing on academic freedom can play a role. A highly distributed, independent, and powerful system of cyberspace verification should be built on a global scale that monitors for rights violations, dual-use technologies, targeted malware attacks, and privacy breaches. A model for such a system might be found in traditional arms-control verification regimes such as the one administered by the Organization for the Prohibition of Chemical Weapons. Or it might come from the research of academic groups such as Citizen Lab, or the setup of national computer emergency-response teams (CERTs) once these are freed from their current subordination to parochial national-security concerns.²⁹ However it is ultimately constituted, there needs to be a system for monitoring cyberspace rights and freedoms that is globally distributed and independent of governments and the private sector. Finally, we need models of cyberspace security that can show us how to prevent disruptions or threats to life and property without sacrificing liberties and rights. Internet-freedom advocates must reckon with [End Page 76] the realization that a free, open, and secure cyberspace will materialize only within a framework of democratic oversight, public accountability, transparent checks and balances, and the rule of law. For individuals living under authoritarianism’s heavy hand, achieving such lofty goals must sound like a distant dream. Yet for those who reside in affluent countries, especially ones where these principles have lost ground to antiterror measures and mass-surveillance programs, fighting for them should loom as an urgent priority and a practically achievable first step on the road to remediation.

AT: Cloud computing Bad



Cloud Computing solves Warming

Green cloud computing solves the warming impact

Zhang et al. 11, (Yanwei, University of Tennessee-Knoxville, Master of Science, “GreenWare: Greening Cloud-Scale Data Centers to Maximize the Use of Renewable Energy” <http://www2.ece.ohio-state.edu/~xwang/papers/middleware11.pdf>)

In this paper, we propose GreenWare, a novel middleware system that conducts dynamic request dispatching to maximize the percentage of renewable energy used to power a network of distributed data centers, subject to the desired cost budgets of Internet service operators. We first model the intermittent generation of renewable energy, i.e., wind power and solar power, with respect to the varying weather conditions in the geographical location of each data center. For example, the available wind power generated from wind turbines is modeled based on the ambient wind speed [35,9], while the available solar power from solar plants is estimated by modeling the maximum power point on irradiance (i.e., solar energy per unit area of the solar panel’s face) and temperature [31,41]. Based on the models, we formulate the core objective of GreenWare as a constrained optimization problem, in which the constraints capture the Quality of Service (QoS, e.g., response time) requirements from customers, the intermittent availabilities of renewable energy in different locations, the peak power limit of each data center, and the monthly cost budget of the Internet service operator. We then transfer the optimization problem into a linear-fractional programming (LFP) formulation for an efficient request dispatching solution with a polynomial time average complexity. Specifically, this paper makes the following major contributions: – We propose a novel GreenWare middleware system in operating geographically distributed cloud-scale data centers. GreenWare dynamically dispatches incoming service requests among different data centers, based on the timevarying electricity prices and availabilities of renewable energy in their geographical locations, to maximize the use of renewable energy, while enforcing the monthly budget determined by the Internet service operator. – We explicitly model renewable energy generation, i.e., wind turbines and solar panels, with respect to the varying weather conditions in the geographical location of each data center. As a result, our solution can effectively handle the intermittent supplies of renewable energy. – We formulate the core objective of GreenWare as a constrained optimization problem and propose an efficient request dispatching solution based on LFP. – We evaluate GreenWare with real-world weather, electricity price, and workload traces. Our experimental results show that GreenWare can significantly reduce the dependence of cloud-scale data centers on fossil-fuel-based energy without violating the desired cost budget, despite the intermittent supplies of renewable energy and time-varying electricity prices and workloads.

Cloud Computing Solves Environment

Cloud computing is good for the environment – prefer actual studies with comparative analysis to the squo rather than their uncontextual evidence

Matthews 13, (Richard, The Green Market Group President, Owner/President Small Business Consulting, “How Environmentally Sustainable is Cloud Computing and Storage?” , <http://globalwarmingisreal.com/2013/09/12/sustainable-cloud-computing/>)

The case for the cloud being environmentally sustainable Many see the cloud as a key feature of IT environmental sustainability. Cloud infrastructure addresses two critical elements of a green IT approach: energy efficiency and resource efficiency. As explained by BSR, “Cloud services make a positive contribution to sustainability: The cloud encourages important clean-tech applications like smart grids and it also encourages consumers to use virtual services such as video streaming to replace resource-heavy physical products. The cloud also draws resources to where they are used most efficiently and its jobs tend to be cleaner and safer than those of more traditional industries.” Saving energy, money, time, hardware and waste The cloud saves energy and provides more efficient supplier management. Another of the cloud’s green attributes take the form of “dematerializing” the economy which involves reducing the number of physical materials. The cloud’s efficiency and scalability help reduce energy usage and trash. By reducing the need for hardware, companies can reduce costs and eliminate the need for maintenance and upgrades. The cloud offers cheaper running costs and more flexibility for businesses hoping to expand. The cloud is ideal for businesses with time sensitive data, and it significantly reduces computing time and expenses. The cloud also increases productivity through its ability to accommodate online collaboration that reduces the need for face to face meetings. Many of the firms interviewed by Verdantix reported cost savings as a primary motivator for adopting the cloud, with anticipated cost reductions as high as 40 to 50 percent. According to a report by the Carbon Disclosure Project (CDP) titled Cloud Computing: The IT Solution for the 21st Century, cloud computing can save U.S. Companies \$12 billion. A 2011 Pike Research report titled “Cloud Computing Energy Efficiency,” said data center energy consumption will drop by 31 percent from 2010 to 2020 due to the continued adoption of cloud computing and other virtualized data options. The technological reason for these energy savings is that the cloud uses energy in a more streamlined and efficient way than traditional, in-house data centers. Cloud computing uses multi-tenant architecture and this tends to be more efficient than the typical, single-tenant, statically-allocated data centers. Carbon reduction The cloud reduces carbon emissions through minimized energy requirements. According to the CDP report, offsite servers have the potential to prevent 85.7 million metric tons of annual carbon emissions by 2020. Research carried out by Google suggested that businesses could save around 60-85 percent on their energy costs simply by switching to a cloud facility. The environmental impact of these substantial reductions in energy are significant. One study surveying the clients of Salesforce, a fast-growing cloud computing giant, suggested carbon reductions of 95 percent compared to companies with servers on their premises. “The Salesforce community saved an estimated 170,900 tons of carbon in 2010—the equivalent of taking 37,000 cars off the road, or avoiding the consumption of 19.5 million gallons of gas.” said Marc Benioff, Salesforce’s chairman and CEO. A 2010 study from Accenture, Microsoft and WSP Environment and Energy reported a huge impact of the cloud on CO2 emissions. They

found out that businesses with systems and applications on the cloud could reduce per-user carbon footprint by 30 percent for large companies and 90 percent for small businesses. Cloud providers are getting even more efficient with companies like Cheeky Munkey further diminishing environmental impacts by using servers designed to use hardware as efficiently as possible, driving down energy resource and also keeping costs low.

We will link turn this bad impact with our even worse advantage scenario (seriously is advantage is a joke) – even if they win squo computing is bad innovations solve – there’ s only a risk we improve the market

Foster 11, (Pete, Pete Foster is a writer, researcher and consultant on sustainable information and communications technologies, "Cloud computing – a green opportunity or climate change risk?" , <http://www.theguardian.com/sustainable-business/cloud-computing-climate-change>)

Cloud computing enables users to share resources and carry out tasks remotely. Rather than using your own local PCs or servers to do the work, you connect to a remote data centre, often provided by an IT services or software company. It means more computing is migrating to purpose-built data centres. From a low carbon perspective it's no bad thing. Data centres tend to be more energy efficient than individual servers distributed around an organisation and, while there is still vast room for improvement, many companies are working to make their computing facilities more energy efficient. Software and IT services suppliers, for example, have been vying to be seen as the greenest provider – apart from the PR value there is a great deal of money to be saved in greater energy efficiency. There is also growing evidence of the extent of energy and emissions that can be saved from cloud computing. A report from cleantech market intelligence firm Pike Research found that the adoption of cloud computing will lead to a 38% reduction in worldwide data centre energy expenditure by 2020, compared to what would otherwise be used. The Carbon Disclosure Project (CDP) reached a similar conclusion, finding that large US companies that use cloud computing will be able to save \$12.3bn in energy costs and 85.7 million metric tons of CO2 emissions annually by 2020. The energy savings are equivalent to 200 million barrels of oil – enough to power 5.7 million cars for one year.

AT: China Liberalization D.A

Non-ug

China will curtail the firewall now- WTO pressure

Holden 14, Kevin Holden is a freelance journalist based in Asia. **Internally cites the co-directors of the European Centre for International Political Economy and Andrew Nathan, an expert on Chinese Censorship Policies at Columbia University. "Breaking through China's Great Firewall", 6/30/14, < <http://thediplomat.com/2014/07/breaking-through-chinas-great-firewall/>>

This new American resolve to publicly confront Chinese hackers could also portend a growing willingness in Washington to challenge the Great Firewall in the WTO. Yet Andrew Nathan, an expert on Chinese Internet censorship policies at Columbia University, suggests that Beijing might balk at a WTO ruling that strikes down its barriers to American newspapers, British news sites and Google's provision of access to information across the World Wide Web. "I believe that information control is too important for the Chinese government to sacrifice it," says Nathan, who also heads Columbia's Center for the Study of Human Rights. But the co-directors of the European Centre for International Political Economy say the chances of China's refusing to comply with a WTO decision against its cyber-blockades are virtually zero. China's reputation as a member in good standing of the global group is too important, they say, to jeopardize in any way. The WTO is the leading guardian of China's expansion into a trading superpower, they add, with the People's Republic's worldwide trade surpassing \$4 trillion last year. With the stakes so high, China cannot afford to risk being seen as resisting the group's rules and rulings.

No L

Self-censorship checks rebellion- and even if, citizens criticize the local government not Beijing

Zhang 15 Yuxin Zhang is a Congressional aide. Previously, he was a research fellow at Asia Policy Point, a think tank in Washington, D.C. He is the executive director of the Heisei Sedai Association of Future Leaders of East Asia. He is a member of the National Committee on US-China Relations as well as Young Professionals in Foreign Policy. "China: Self-Censorship Displaces Western Threats", 3/3/15, <<http://thediplomat.com/2015/03/china-self-censorship-displaces-western-threats/>>

But we have entered a new millennium. If one doesn't see harsh criticisms about the Chinese central government on Weibo or WeChat, one would assume they are being removed by the Internet "supervisors" (wang-luo-guan-li-yuan) under the leaders' instructions (ling-dao-zhi-shi). They are not. They don't appear because most Chinese people don't post them. Chinese society has moved into an era of self-censorship where people themselves automatically "purify" the Internet environment. There are too many interests at stake to attack the CCP online. You could lose your job. You would be "invited" to "drink a cup of tea" (qing-he-cha, meaning you'll be asked to have a talk with some officials in the government). You may be held in detention. You might go to prison. Your life could be at risk. By the end of 2014, more than 500 million Chinese were online. Western academics are optimistic about this number, believing advances in digital communications will revolutionize China, even though Facebook, YouTube, and Google are all blocked. Their pivotal argument is that technology makes information flow and collective action easier, citing the Arab Spring as evidence. Transnational quantitative research suggests an association between exposure to the Internet and demands for democracy in the Middle East. Yet China is different. Like Egyptians or Tunisians, Chinese people harbor anger. The difference between China and the Middle East is that general disaffection in China is more likely to be directed at local government, instead of Beijing. Unlike people in the Middle East, Chinese use the Internet in a way that helps to consolidate the CCP's rule. Rather than criticizing the CCP or the central government, Chinese nationals choose to vent their anger at local government. Additionally, the majority has successfully been convinced that there is such a thing as a "foreign force" harming China's national interests. Chinese people are accustomed to what I call "patricocracy," leadership inherited from one's predecessor or the past. As a consequence they are not highly motivated to overthrow the central government. As long as the mechanisms of self-censorship and propaganda continue to work effectively to stabilize Chinese society, the education minister need not worry.

Alt causes—intellectual property and a culture of innovation

Bao 13 Beibei Bao is a China analyst at the Rhodium Group. "How Internet Censorship Is Curbing Innovation in China", 4/22/13, <<http://www.theatlantic.com/china/archive/2013/04/how-internet-censorship-is-curbing-innovation-in-china/275188/>>

The hindering effect of Internet control on homegrown innovation, as Meng sees it, is far-reaching yet less explicit than causing efficiency loss or service instability. When he studied at the prestigious Peking University in Beijing, the school charged (and still charges) students \$1.50 a month for unlimited domestic Internet use, but \$14.50 for unlimited access to the World Wide Web. Meng sensibly chose the lower rate. "I didn't need to visit foreign websites," he explained. "Nobody talked about them, and I didn't feel curious about them at all. It wasn't until I came to Wandou Labs that I felt like the world was flat." Meng's experience wasn't at all unusual, and it reflects something deeper in China's Internet policy. Bishop believes the Great Firewall is simply a symptom, not the cause, of much broader issues that are actually hampering creativity and innovation across the economy. "If people say 'if only we didn't have the Great Firewall, we would have innovation and creativity', I think that's actually not true," said Bishop. "I think the fact the Great Firewall exists is indicative of a much broader approach to how you educate people and how you manage the economy." Bishop's point of view resonates with that of a few other sophisticated China observers, including Wang Haiyan, the China-born and U.S.-educated managing partner of the China India Institute, a Maryland-based consultancy. Wang said that China lacks the right mix of conditions that feed real innovation, including free flow of information from across society, strong intellectual property rights, and an education

and culture that encourages people to think creatively and speak up for themselves. Web censorship, she said, is only part of the government's efforts to control information flow.

No !

CCP decline will be peaceful—spurs needed social and economic reform

Lee 15 Peter Lee writes on East and South Asian affairs and their intersection with US foreign policy. Peter Lee blogs at China Matters and his columns appear in Asia Times Online and elsewhere. “Twilight of the CCP and Shambaughism”, 3/14/15, <<http://www.internationalpolicydigest.org/2015/03/14/twilight-of-the-ccp-and-shambaughism/>> //ak

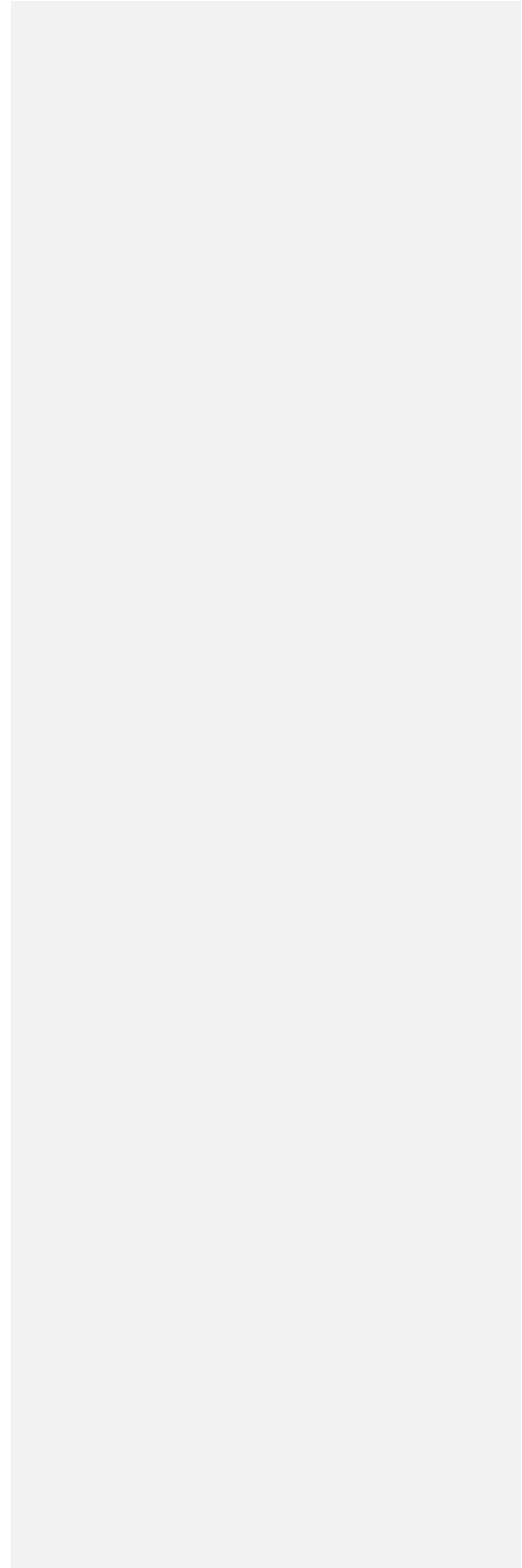
But his objective, I believe, will be to leave a party/state/economic structure that cannot easily be screwed up even by a Chinese Gorbachev. If the CCP regime collapses, I believe the regime will degrade relatively gracefully—and the longer Xi is in power and can effectively advance his agenda, the more graceful that decline will be. In particular, I believe a failure of governance at the Center will be answered by the devolution of actual power to the coastal provinces: Guangdong, Shanghai etc. Without a strong Center to restrain them and by shedding the incubus of the poorer provinces, provincial heavyweights will pursue their own paths to political power and economic advantage—that may or may not involve appeasing the urban well-to-do with political liberalization or even the hollowing-out or sidelining of the CCP, locally and eventually at the national level. But my prediction is that in the near, medium, and long term, China will be run by jerks in suits...just like the rest of the world. It is also a process that has little to do with the central shibboleth of Shambaughism: the need for political as well as economic reform to rescue the PRC from its looming national cul-de-sac. Or as he put it in his op-ed: “Until and unless China relaxes its draconian political controls, it will never become an innovative society and a ‘knowledge economy’—a main goal of the Third Plenum reforms. The political system has become the primary impediment to China’s needed social and economic reforms. If Mr. Xi and party leaders don’t relax their grip, they may be summoning precisely the fate they hope to avoid.” But using political reform as a diagnosis of China’s ills, and its panacea, isn’t quite a logical and evidentiary slam dunk, in my opinion. Letting 100 flowers bloom may not be the only or even the most practical way of handling the big challenges and risks that China is facing.

No CCP collapse – economic strength and lack of dissent among students

Liu 11, Yao Liu is a PhD candidate at Stanford University, specializing in political science, China, and economic studies. He was formerly a junior policy analyst for the Federal Government of Canada and received a Masters of Arts from the University of Toronto. “Governing the Restless and Young in Contemporary China: in Search for the Chinese Communist Party’s Ruling Logic”, 1/10/11<https://tspace.library.utoronto.ca/bitstream/1807/25769/5/Liu_Yao_201011_MA_thesis.pdf> //ak

Chen Yun’s “bird cage” logic has survived and thrived in the realm of post-Tiananmen university governance: the party-state simultaneously strengthened its control measures and expanded the zone of political opportunity and tolerance.¹³⁹ For example, the reestablishment of control institutions on campus is accompanied by the creation of new outlets such as the USVO program for political participation, and heightened internet monitoring is parallel with greater toleration of subtle anti-hegemonic political expressions. Furthermore, unprecedented economic development since 1989 has allowed the party-state to be ever more responsive to, and effective in managing, potential crises which could trigger student unrest. The CCP is also, to use the word of many students, “fortunate” to have such leaders as Hu and Wen, who are capable of utilizing the media to mediate psychologically between the party’s not-so-desirable control measures and an increasingly informed and self-centered generation of university students. More than twenty years of relative tranquility in Chinese universities, with several instantaneous but well-managed bursts of nationalistic sentiments, might well suggest that the party’s cage—both institutional and ideational—is well and alive. And it really seems to be so, according to some university students themselves. The four-city, seven-university survey shows that the majority of the student respondents believe that the party’s institutions are still playing significant roles in campus governance and student life. It also unequivocally suggests that “big political ideas” promoted by the party are perhaps genuinely endorsed by the majority of the student respondents (with political fear being ruled out through statistical test). Of course, as stated at the very outset, this thesis examines only one particular aspect in contemporary state-society relationship in China, which contains a patchwork of numerous, variegated aspects and elements. Yet, I hope, by examining the state-student relationship in relative detail, that I have shed a provocative new light on the ways of looking at the overall state-society relationship. In 2007, Yu Keping—one of President Hu’s key advisors, at least allegedly—wrote his famous article “Democracy is a Good Thing”, in which he argues that the party must achieve “dynamic stability” rather than “static stability” of the society, the former of which refers to channelling people’s desires and dissents, and the latter constraining them.¹⁴⁰ In the case of governing university students, the CCP has undoubtedly experimented with both constraining and channelling. And this

might become increasingly manifest in the party's overall approach to governing Chinese society—an approach that combines both “static control” and “dynamic control”, and an approach that increasingly resembles an ever growing “bird cage”.



Econ Turn

Internet freedom key to innovation and government austerity

Bao 13 Beibei Bao is a China analyst at the Rhodium Group. "How Internet Censorship Is Curbing Innovation in China", 4/22/13, <
<http://www.theatlantic.com/china/archive/2013/04/how-internet-censorship-is-curbing-innovation-in-china/275188/>>

In the eyes of Michael Li, founder and CEO of Chuangtouquan, this inefficiency costs China dearly, especially in the area of indigenous innovation. China's lack of innovation derives partially from entrepreneurs not knowing enough about the latest trends, something attributable to the closed nature of the country's Internet. Slow traffic – even with tools to hop over the Great Firewall – also hinders creativity. For example, if people are unable to watch videos without frequent buffering on YouTube, they may get frustrated in the process of seeking inspiration. "I didn't need to visit foreign websites. Nobody talked about them, and I didn't feel curious about them at all." "In this Internet era, we invested so much money and effort to build an Intranet. This is very distressing," Li said. *** The Chinese government has invested heavily to build the Great Firewall, part of what the Ministry of Public Security called the "Golden Shield Project" that kicked off in May 2001. The project is a complex system that monitors all levels of information flow within the state and across China's borders. Its total cost remains a state secret, but the state-run China Central Television (CCTV) was quoted by one of the participating developers, Guangdong Hong'an Group, as saying that the investment had already reached 6.4 billion RMB, or \$770 million, in 2002.

CCP Turn

Internet freedom bolsters CCP rule

MacKinnon 10 Rebecca MacKinnon is the Director of the Ranking Digital Rights project at the New America Foundation, author of "Consent of the Networked: The Worldwide Struggle for Internet Freedom", and an adjunct lecturer at the University of Pennsylvania Law School and visiting affiliate at the Center for Global Communication Studies at UPenn's Annenberg School. She received her AB in government from Harvard University. "Networked Authoritarianism in China and Beyond: Implications for global Internet freedom" 10/11/10< http://iis-db.stanford.edu/evnts/6349/MacKinnon_Libtech.pdf>

In his book *Technological Empowerment: The Internet, State, and Society in China*, Yongnian Zheng points out that the success or failure of online activism in China depends on its scope and focus, and that some online activism – particularly at the local level, or targeting specific policy issues over which there are divisions or turf-wars between different parts of the government – can actually serve to bolster regime legitimacy.¹⁷ The most spectacularly unsuccessful online movements (and the ones leading to the most brutal crackdowns both online and offline) tend to be those that advocate various forms of political "exit," including calls for an end of one-party rule by the Chinese Communist Party, and greater political autonomy or independence for particular ethnic or religious groups. When a movement or group challenges the regime's overall legitimacy, the people involved with it can expect to be silenced – either through censorship, intimidation, or arrest depending on the situation – because all power-holders in the system have a common interest in doing so. "When the regime is threatened by challengers," Zheng writes. "The soft-liners and hard-liners are likely to stand on the same side and fight the challengers."¹⁸ On the other hand, successful online movements in China are usually characterized by what Zheng calls the 'voice' option, or what other¹⁶ *Ibid.*, p. 243¹⁷ Yongnian Zheng, *Technological Empowerment: The Internet, State, and Society in China*, (Stanford University Press, 2008) 18 *Ibid.*, p. 164¹⁰ political scientists call the "cooperation option." Such online insurgencies actually provide ammunition to reformist leaders or liberal local bureaucrats in their power struggles against hard-line conservative colleagues. "Voice" activism helps reduce political risks to reformist officials, who can point to online sentiment and argue that without action or policy change there will be more unrest and public unhappiness. Zheng writes: "The voice does not aim to undermine or overthrow the state. Instead, through a voice mechanism, the state can receive feedback from social groups to respond to state decline and improve its legitimacy."¹⁹ Thus, rising levels of online activism in China cannot automatically be interpreted as a sign of regime instability or vulnerability. Nor do rising levels of online activism necessarily signal impending democratization. One must examine what kind of online activism is succeeding and what kind of online activism is failing. If "voice" activism is for the most part succeeding while "exit" activism is systematically being stifled and crushed – thanks to high levels of systematic censorship and surveillance, in addition to the lack of an independent or impartial judiciary – one can in fact conclude that the Chinese Communist Party has adapted to the Internet much more successfully than most Western observers realize. The "Iron Curtain 2.0" mentality criticized by Tsui may indeed have blinded many Western policymakers, human rights activists, and journalists to what is really happening in China. In 2005 New York Times columnist Nicholas Kristof wrote breathlessly: "it's the Chinese leadership itself that is digging the Communist Party's grave, by giving the Chinese people broadband."²⁰ Zheng's analysis, however, supports the opposite conclusion: that the Internet is a subtle and effective tool through which the CCP is actually prolonging its rule, bolstering its domestic power and legitimacy, while enacting no meaningful political or legal reforms.

AT:Presidential Powers MSDI

2AC – Pres Powers Weak

USA Freedom Act decked presidential powers

Saudi Gazette, 6-3-2015, President Obama signs bill curbing NSA powers into law," No Publication, <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20150604246156>, Accessed: 6-25-2015, /Bingham-MB

The changes were rejected, with at least 11 **Republicans** opposing McConnell to vote against the amendments. McConnell **decried the reform bill as "a step backward."** **"This is going to diminish our ability to respond to the myriad threats we have today,"** he said in a provocative floor speech in which he accused the Obama administration of withdrawing from leadership **in the battle against extremism.** **"It is also a resounding victory for those who continually plot against our homeland,"** McConnell said. The vote occurred against a backdrop of Republican infighting and tension about the bill. House leaders had warned that any change to the bill could delay its final passage or even kill it, which would have meant several national security authorizations expiring for good. Many major Internet firms declared victory with the congressional approval. "The USA Freedom Act realizes hard-fought and much-needed wins for Internet users everywhere, including prohibiting the bulk collection of user data," Yahoo said in a statement. But Republican presidential candidate Marco Rubio, a Florida senator who voted against the act, slammed it as result of "weak presidential leadership." **"The USA Freedom Act weakens US national security by outlawing the very programs our intelligence community and the FBI have used to protect us time and time again,"** Rubio said. **"Unfortunately, weak presidential leadership combined with a politically motivated misinformation campaign have now left the American people less safe than we've been at any point since the 9/11 attacks,"** he added. Hawkish Republican Senator John **McCain**, who also voted against it, **added that a diverse array of possible threats meant the "intelligence community must have access to the vital authorities and capabilities they need to stop another terrorist attack before it happens."** — AFP

NSA was a significant cut back against government powers

Kristina **Peterson** and Damian **Paletta**, **6-2-2015**, Congress Reins In NSA's Spying Powers," WSJ, <http://www.wsj.com/articles/senate-passes-house-bill-overhauling-nsa-surveillance-program-1433277227>, Accessed: 6-25-2015, /Bingham-MB

WASHINGTON—**A long-running congressional battle over privacy and surveillance ended Tuesday when the Senate voted to curb the collection of millions of Americans' phone records, the first significant retrenchment of government spying powers since the 9/11 attacks. The measure,** which was signed Tuesday night by President Barack Obama, will reauthorize and reboot the provisions of the USA Patriot Act that lapsed Sunday at midnight, but it **will phase out the National Security Agency's bulk phone-records program.** The bill, passed by the Senate Tuesday in a 67-32 vote, will shift storage of the phone records to telecommunications companies over six months. Supporters said the legislation marked a victory for civil liberties diminished by laws put in place in the wake of the September 2001 terror attacks. "Today the American people are now safe from the federal government's collection of their personal data," said Sen. Mike Lee of Utah, the bill's chief GOP proponent in the Senate. The House approved the bill, known as the USA Freedom Act, in May. The bill will require the NSA and Federal Bureau of Investigation to obtain phone records for most counterterror investigations and other probes on a case-by-case basis from telecommunications companies. **This would end the nine-year-old practice**

underpinned by Section 215 of the Patriot Act, which allowed the NSA to hold the telephone records of millions of Americans, regardless of any person's background or behavior. The bulk data collection didn't include the content of the calls themselves.

2AC – Not Zero Sum

Legislative-Executive power isn't zero-sum – it's a rubber band – it can be exercised without changing the structure

Rottinghaus, Assistant Prof of Poli Sci at the University of Houston, 11 [Brandon Rottinghaus, "The Presidency and Congress", from *New Directions in the American Presidency*, ed. Lori Cox Han] page 96-97

Conclusion: "Rubber Band" Relations

Alexander Hamilton's edict for "energy" in the executive can creatively contradict the constitutional authority given to the legislative branch. A visible and powerful president necessarily detracts from a legislature whose job it is (at least on paper) to be the engine of legislative ingenuity. The Constitution sought to buttress 'parchment barriers' by pitting ambition against ambition; and the principle means of doing that was the election of public officials at different times, by different people and for somewhat different reasons." 107 **Although the powers of the president have grown** immeasurably beyond **what the framers envisioned and have surpassed Congress in terms of the ability to lead in the American system, the function of shared powers continues to shape the political process in America.**

To consider this relationship a pendulum (an analogy some have used¹⁰⁸ to suggest the power balance swings from one branch to another) **may overstate the zero-sum game of Washington politics—the truth is that legislative powers are shared, even if certain powers are exercised** at certain times by specific institutions **that** perhaps **encroach** on the power of another branch. **A pendulum analogy implies that the power shifts** between the branches (potentially at regular, predictable intervals). **This arrangement is false since, even during times when one branch appears to have more power** than another, **the truth is that the branches still rely on one another for shared policy-making power.** In reality, **the executive-legislative relationship is more like a rubber band**, where **it retains a fundamental shape but can be stretched** to change as legislative and executive tools change and political events occur. **So, for instance, in utilizing unilateral powers, presidents can stretch that part of the rubber band, even while members of Congress assert themselves** on matters of foreign policy or the appointments process.

Indeed, perpetuating **the rubber band analogy**, jointly understanding presidency- centered and Congress-centered variables **is also shown to better account for variations in policy making.**¹⁰⁹ For instance, **recent evidence suggests a resurgent Congress** in the creation of foreign policy, a fact that seems at odds with the "two presidencies" thesis ¹¹⁰ **or other literature that claims that Congress always defers** to the president in foreign policy matters. ¹¹¹ **This supports the literature that Congress may not be involved** in the formal aspects of foreign policy making **but does play a role** in the informal aspects.¹¹² The evidence presented here also reveals that **Congress has more say on when and how the president uses his unilateral powers and whom the president recommends** for nomination and confirmation **than was previously assumed.**

2AC – No Impact

Less powerful executive won't hurt US foreign policy

Paul, Professor at University of Connecticut School of Law, 98

[Joel Paul, July 1998. "The Geopolitical Constitution: Executive Expediency and Executive Agreements," California Law Review, 86 Calif. L. Rev. 671, Lexis.]

A less powerful executive would not weaken U.S. foreign policy. Public scrutiny of the deliberative process and an independent judiciary have been a source of political stability and vitality in our system of government. The advantages of the President acting with the support of a strong consensus are evident. A congressional authorization to use force overseas sends a serious message to a foreign adversary that the nation is united. Congressional debate can educate the public about the nature of a foreign situation and consolidate public support for foreign assistance. Compelling members of Congress to take a public position in favor of a policy makes it less likely that they will abandon the policy when the going gets tough. For a generation the executive has told us how to imagine the world beyond our borders. Our collective fear displaced reason as we deferred to the President's greater wisdom. As a consequence, the people no longer hold Congress accountable for the failures and excesses of U.S. [*773] foreign policy. We cannot afford to ignore global forces that are reshaping our economy and our politics. Foreign and domestic issues have converged. Accordingly, we must reassert some measure of democracy in the formulation of foreign policy. Holding our government accountable for foreign policy requires the vigilance of the courts no less than Congress.

2AC – AT: Rogue Nations

The United States has no way to stop rogue nations, the public and the president have given up

David Francis, 13, 8-23-2013, "A War-Weary America Gives Rogue Nations a Free Pass," Fiscal Times, ([//EG">http://www.thefiscaltimes.com/Articles/2013/08/23/A-War-Weary-America-Gives-Rogue-Nations-a-Free-Pass">//EG](http://www.thefiscaltimes.com/Articles/2013/08/23/A-War-Weary-America-Gives-Rogue-Nations-a-Free-Pass))

Badran added that the lack of follow through on steps to stop Assad also makes the United States look weak. "Assad thinks the word of the United States is meaningless. He can deploy whatever weapon he wants and the United States will convene the Security Council, which is pointless because Russia will upset it every time," he said. "Obama has been more concerned about staying out than articulating what's important. If you declared that the Assad regime has to go, which is a strategic priority, you have to develop a possibility that follows though on that," he added. Badran said Washington's failure to act on Syria, as well as its inability to shape events in Egypt, sends the wrong message to the real problem in the Middle East: Iran. "What does this mean for the deterrence policy of the United States for others in the region, mainly Iran?" he asked. "The fact that he did declare it, watch it get crossed and did absolutely nothing is abhorrent for a superpower." But it's not just the Middle East where the United States has failed to follow through on threats. Consider these other incidents: North Korean leader Kim Jong-un defied the United States and its allies by continuing to test its missile program while threatening the West with nuclear annihilation. Despite U.S. protests, Afghan President Harmid Karzai is now backing a former terrorist as the next leader of the country. Moscow ignored harsh U.S. rhetoric over Edward Snowden and granted the NSA leaker asylum in Russia. Russian President Vladimir Putin has made it his job to be a professional thorn in Barack Obama's side on nearly every important international issue. Violence in Iraq continues unabated despite U.S. pleas to stop. The lack of bite behind U.S. threats might simply be a byproduct of Obama's withdrawal from the world stage. And the U.S. public has tired of overseas military adventures. But the failure of rivals to even acknowledge a U.S. request is troubling. Simply put, America, which caused nations to tremble during the Cold War, can bark but has no bite.

2AC – AT: Cred Impact

No risk of losing international credibility- significant chance of the US gaining credibility
Ganesh, **Sitarman, 2014**, Assistant Professor of Law at Vanderbilt Law School and a Senior Fellow at the Center for American Progress, “Harvard Law review forum: “Credibility and Powers”

The leading alternative to the past actions and reputation theories of credibility is the *current calculus* theory.¹⁶ Current calculus theory holds that credibility is not a function of past actions or reputation, but rather a function of a country’s present capabilities and interests in a particular situation. On this theory, an adversary assesses credibility based on the country’s ability to effectuate its threat and the costs and benefits to that country in enforcing its threat. Two other theories are worth noting. The *ingrained lessons* theory holds that decisionmakers do not look to the threatening country’s history, but instead to their own history. For example, they will expect today’s adversary to back down if their previous adversaries also backed down. The *never again* theory holds that breaking a commitment actually increases credibility of future threats because decisionmakers will understand that backing down a second time is too costly. In the context of military threats and the use of force, credibility arguments suffer from some important limitations. First, because both past actions and reputation are based on audience interpretations, a country can have multiple reputations and a single action can create different reputations among different audiences.¹⁷ To some, following through on a threat demonstrates resolve; to others, foolishness. Second, action in one context might not migrate into reputation in another.¹⁸ If the United States sets a “red line on a fishing issue for Micronesia and then backs down, it is unlikely to send a signal to Iran that all American “red lines are bluffs. The Iranians may ignore the Micronesian case because it is fundamentally different from their own.

2AC – No Impact Failed States

No impact to failed states

Patrick, senior fellow, director – program on international institutions and global governance @ CFR, 4/15/'11

(Stewart M, “Why Failed States Shouldn’t Be Our Biggest National Security Fear,” <http://www.cfr.org/international-peace-and-security/why-failed-states-shouldnt-our-biggest-national-security-fear/p24689>)

In truth, while **failed states** may be worthy of America's attention on humanitarian and development grounds, most of them **are irrelevant to U.S. national security**. The **risks they pose are mainly to their own inhabitants. Sweeping claims to the contrary are not only inaccurate but distracting and unhelpful, providing little guidance to policymakers** seeking to prioritize scarce attention and resources. In 2008, I collaborated with Brookings Institution senior fellow Susan E. Rice, now President Obama's permanent representative to the United Nations, on **an index of state weakness** in developing countries. The study **ranked all 141 developing nations on 20 indicators of state strength**, such as the government's ability to provide basic services. More recently, **I've examined whether these rankings reveal anything about each nation's role in major global threats: transnational terrorism, proliferation of weapons of mass destruction, international crime and infectious disease. The findings are** startlingly **clear**. Only a handful of the world's failed states pose security concerns to the United States. Far **greater dangers emerge from stronger developing countries** that may suffer from corruption and lack of government accountability but come **nowhere near** qualifying as **failed states. The link between failed states and transnational terrorism**, for instance, **is tenuous. Al-Qaeda franchises are** concentrated in South Asia, North Africa, the Middle East and Southeast Asia but are markedly **absent in most failed states**, including in sub-Saharan Africa. Why? From a terrorist's perspective, **the notion of finding haven in a failed state is an oxymoron. Al-Qaeda discovered this in the 1990s** when seeking a foothold in anarchic **Somalia**. In intercepted cables, **operatives bemoaned** the insuperable **difficulties of working under chaos, given their need for security and for access to the global financial and communications infrastructure**. Al-Qaeda has generally found it easier to maneuver in corrupt but functional states, such as Kenya, where sovereignty provides some protection from outside interdiction. **Pakistan and Yemen became sanctuaries for terrorism not only because they are weak but because their governments lack the will to launch** sustained counterterrorism **operations** against militants whom they value for other purposes. Terrorists also need support from local power brokers and populations. Along the Afghanistan-Pakistan border, al-Qaeda finds succor in the Pashtun code of pashtunwali, which requires hospitality to strangers, and in the severe brand of Sunni Islam practiced locally. Likewise in Yemen, al-Qaeda in the Arabian Peninsula has found sympathetic tribal hosts who have long welcomed mujaheddin back from jihadist struggles. Al-Qaeda has met less success in northern Africa's Sahel region, where a moderate, Sufi version of Islam dominates. But **as the organization evolves** from a centrally directed network **to a diffuse movement** with autonomous cells in dozens of countries, **it is as likely to find haven in** the banlieues of **Paris** or high-rises of Minneapolis **as in remote Pakistani valleys**. What about **failed states and weapons of mass destruction**? Many U.S. analysts worry that poorly governed countries will pursue nuclear, biological, chemical or radiological weapons; be unable to control existing weapons; or decide to share WMD materials. These **fears are misplaced**. With two notable exceptions — North Korea and Pakistan — **the world's weakest states pose minimal proliferation risks, since they have limited stocks of fissile or other WMD material and are unlikely to pursue them. Far more threatening are capable countries** (say, Iran and Syria) intent on pursuing WMD, **corrupt nations** (such as Russia) that possess loosely secured nuclear arsenals **and poorly policed nations** (try Georgia) through which proliferators can smuggle illicit materials or weapons. When it comes to crime, the story is more complex. Failed states do dominate production of some narcotics: Afghanistan cultivates the lion's share of global opium, and war-torn Colombia rules coca production. The tiny African failed state of Guinea-Bissau has become a transshipment point for cocaine bound for Europe. (At one point, the contraband transiting through the country each month was equal to the nation's gross domestic product.) And Somalia, of

course, has seen an explosion of maritime piracy. Yet **failed states have little or no connection with** other categories of **transnational crime, from human trafficking to money laundering**, intellectual **property theft, cyber-crime or counterfeiting** of manufactured goods. **Criminal networks** typically **prefer** operating in **functional countries that provide baseline political order as well as opportunities to corrupt authorities. They** also **accept higher risks to work in nations straddling major commercial routes.** Thus narco-trafficking has exploded in Mexico, which has far stronger institutions than many developing nations but borders the United States. **South Africa presents** its own **advantages.** It is a country where “the first and the developing worlds exist side by side,” author Misha Glenn writes. “The first world provides good roads, 728 airports . . . the largest cargo port in Africa, and an efficient banking system. . . . **The developing world accounts for the low tax revenue, overstretched social services, high levels of corruption** throughout the administration, **and** 7,600 kilometers of **land and sea borders** that have more holes than a second-hand dartboard.” Weak and **failing African states**, such as Niger, simply **cannot compete.** Nor do failed states pose the greatest threats of pandemic disease. Over the past decade, outbreaks of SARS, avian influenza and swine flu have raised the specter that fast-moving pandemics could kill tens of millions worldwide. Failed states, in this regard, might seem easy incubators of deadly viruses. In fact, recent fast-onset pandemics have bypassed most failed states, which are relatively isolated from the global trade and transportation links needed to spread disease rapidly. Certainly, the world’s **weakest states** — particularly in sub-Saharan Africa — suffer disproportionately from disease, with infection rates higher than in the rest of the world. But their principal **health challenges are endemic diseases with local effects, such as malaria, measles and tuberculosis. While** U.S. national security **officials** and Hollywood screenwriters **obsess over** the gruesome **Ebola and Marburg** viruses, **outbreaks** of these hemorrhagic fevers **are rare and self-contained.** I do not counsel complacency. The world’s richest nations have a moral obligation to bolster health systems in Africa, as the Obama administration is doing through its Global Health Initiative. And they have a duty to ameliorate the challenges posed by HIV/AIDS, which continues to ravage many of the world’s weakest states. But **poor performance** by developing countries **in preventing**, detecting and responding to infectious **disease is** often **shaped less by budgetary and infrastructure constraints than** by conscious **decisions by unaccountable** or unresponsive **regimes. Such** deliberate **inaction has occurred** not only in the world’s weakest states but also **in stronger developing countries, even in** promising **democracies.** The list is long. It includes **Nigeria’s** feckless **response to** a 2003-05 **polio** epidemic, **China’s lack of candor about** the 2003 **SARS** outbreak, **Indonesia’s** obstructionist **attitude to** addressing **bird flu** in 2008 and South Africa’s denial for many years about the causes of HIV/AIDS. Unfortunately, **misperceptions about** the **dangers of failed states have transformed budgets and bureaucracies.** U.S. intelligence agencies are mapping the world’s “ungoverned spaces.” The Pentagon has turned its regional Combatant Commands into platforms to head off state failure and address its spillover effects. The new Quadrennial Diplomacy and Development Review completed by the State Department and the U.S. Agency for International Development depicts fragile and conflict-riddled states as epicenters of terrorism, proliferation, crime and disease. Yet such **preoccupations reflect more hype than analysis.** U.S. national **security officials would be better served** — and would serve all of us better — **if they turned their strategic lens** toward stronger developing countries, from which transnational threats are more likely to emanate.

2AC – Turn – Dictatorship

Presidential power leads to a dictatorship, this allows all thinkable impacts.

Rozeff 14'

Professor at state university of New York, PhD, University of Rochester MS, University of Illinois MBA, University of Illinois MAT, Harvard Graduate School of Education BA, Harvard College

*We do not agree with the authors use of sexist language.

U.S. presidents have dictatorial powers Many have already been exercised and become precedents, **Many more and worse are potential powers, to be invoked when a president feels like it. If a president can get away with some new exercise of power**, which he can **if it doesn't create too much resistance in the rest of the government**, his party, the media and the people, then that's the end of the matter. **He then has augmented the dictatorship, which is both his and that of "enough" of the nation to leave the power in place. Over time, the dictatorship grows. It is already so large that a list of presidential powers is both amazing and frightening. President Roosevelt interned Japanese-Americans in camps by Executive Order 9066.** If this were done today and applied to Texas and Hawaii, it would mean that 7 relatives of mine would be separated from their families and be removed to camps. One of these powers is to prevent Americans from trading with non-Americans. **Obama used this power by an executive order on December 19, 2014 that "prohibits the export of goods, technology, or services to Crimea and prohibits the import of goods, technology, or services from Crimea, as well as new investments in Crimea. The E.O. also authorizes** the Secretary of the Treasury to impose sanctions on individuals and entities operating in Crimea." The president can relax trading with Cuba and tighten trading with Crimea. This is a dictatorial power, a ruling by his edict alone. **Obama is actively extending this kind of dictatorial power whenever he can** . Obama and any president also claims and has the power to speak and act for all Americans on foreign relations. He can say things like this: "...the United States will not accept Russia's occupation and attempted annexation of Crimea." **A U.S. president can steer the nation into conflicts, hostilities, and wars. These can last for decades. This is a seriously dictatorial power,** moderated only by resistance in other parts of the government and people but supported also by elements of both. Whenever I think about the state and the powers that it has, I can always find reason after reason why **these powers are harmful** and only very weak arguments why these powers are supposed to be helpful or right. I will listen if someone can provide convincing arguments as to why Americans are now forbidden to trade in Crimea and why Obama says that the "United States will not accept Russia's occupation and attempted annexation of Crimea." There are no such reasons, as far as I can see, anymore than there were reasons to isolate Cuba or for President Kennedy to authorize the Bay of Pigs invasion, another dictatorial action.

Letting the president harness such powers leads to tyranny

Michiko **Kakutani 7**, 7-6-2007, Kakutani is an American Pulitzer Prize-winning critic for The New York Times. "Unchecked and Unbalanced: Presidential Power in a Time of Terror," New York Times, (http://www.nytimes.com/2007/07/06/books/06book.html?pagewanted&_r=0)/EG

"Making the executive supreme makes the nation no safer -- either from its enemies or its own worse impulses," the authors conclude. "Indeed, the abiding genius of the Founding Generation was its rejection of the idea that unchecked unilateral power is ever properly vested in any one branch of government. Our government was framed 'to control itself,' as James Madison wrote in the Federalist Papers. 'Ambition must be made to counteract ambition.' **Dividing powers between three branches, the Founders harnessed human passions in the cause of limited government.** Madison, again writing in the Federalist Papers, provided the enduring explanation for this division of government: **The accumulation of all power, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.'** "

Most uses of presidential power are unconstitutional

George, **Weiner**, Assistant Professor of Political Science at Assumption College and the author of *Madison's Metronome: The Constitution, Majority Rule, and the Tempo of American Politics*, **2013**, "Terrorism: Presidential power and the war on terror"
<http://www.theimaginativeconservative.org/2013/02/terrorismpresidential-power-and-the-war-on-terror-whence-congress.html>

This is, in the age of terrorism, non-controversial stuff. But it is also, constitutionally speaking, pabulum. To begin with, the president, whose actual authority under Article II is remarkably sparse, has no blanket power to "protect the country"; if he did, it is difficult to see what authority would not fall under it, which also explains why presidents would prefer to believe they did indeed possess it: again, power. The United States does have an "inherent right of self defense," but note the sleight-of-hand in the presumed concentration of that right and its attendant powers in the person of the president.

2AC – No Link

No long term threat exists that legitimizes the presidential authorization of surveillance
Richard Henry **Seamen**, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 452

The President's power to authorize surveillance outside FISA in a genuine national security emergency does not justify the TSP's continuance beyond the weeks immediately after 9/11. Indeed, the program's very status as an ongoing, broad "program" prevents it from falling within the President's "genuine emergency" power. The genuine emergency power is limited in scope and duration when it is exercised in contravention of legislation, such as FISA, that is a generally valid regulation of the President's power to conduct domestic surveillance for national security purposes. For example, the President may well have had broad power to conduct surveillance outside FISA in the days and weeks immediately after the terrorist attacks on September 11, 2001. That power subsided, however, as time and a still-functioning civil government permitted the President to consult Congress on the appropriate scope of surveillance powers. Thus, the President's "genuine emergency" power cannot support a broad surveillance program that violates a generally valid Act of Congress. By the same token, by recently amending FISA so as to avoid a conflict between that statute and certain features of the TSP, Congress's enactment of the Protect America Act of 2007 supports the validity of those same features.¹ Congressional ratification of the President's conduct both reinforces the President's power to engage in that conduct and supports its reasonableness for Fourth Amendment purposes.

Presidential powers fall short when used on domestic surveillance policies

Richard Henry **Seamen**, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 452

The President's power to authorize surveillance outside FISA in a genuine national security emergency does not justify the TSP's continuance beyond the weeks immediately after 9/11. Indeed, the program's very status as an ongoing, broad "program" prevents it from falling within the President's "genuine emergency" power. The genuine emergency power is limited in scope and duration when it is exercised in contravention of legislation, such as FISA, that is a generally valid regulation of the President's power to conduct domestic surveillance for national security purposes. For example, the President may well have had broad power to conduct surveillance outside FISA in the days and weeks immediately after the terrorist attacks on September 11, 2001. That power subsided, however, as time and a still-functioning civil government permitted the President to consult Congress on the appropriate scope of surveillance powers. Thus, the President's "genuine emergency" power cannot support a broad surveillance program that violates a generally valid Act of Congress. By the same token, by recently amending FISA so as to avoid a conflict between that statute and certain features of

the TSP, Congress's enactment of the Protect America Act of 2007 supports the validity of those same features.' Congressional ratification of the President's conduct both reinforces the President's power to engage in that conduct and supports its reasonableness for Fourth Amendment purposes.

No risk of plan reducing presidential powers

Richard Henry **Seamen**, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 477

More recently, two Justices in *Hamdi v. Rumsfeld* recognized a similar, but broader, emergency power to respond to threats to national security.⁹⁴ In *Hamdi*, Justice Souter (joined by Justice Ginsburg) dissented from a decision upholding the detention of an asserted enemy combatant who is also a U.S. citizen.⁹⁵ Justice Souter concluded that an Act of Congress barred the detention.⁹⁶ He suggested, however, that the executive branch might be able to detain a citizen, even in violation of the statute, "in a moment of genuine emergency, when the Government must act with no time for deliberation." The plurality did not address this issue because it held—contrary to Justice Souter's dissent (but in basic agreement with Justice Thomas' dissent)—that the detention in that case was authorized by federal statute. The *Hamdi* dissent implies that the President's power to take action "incompatible with the expressed or implied will of Congress" (the third situation identified by Justice Jackson's *Youngstown* concurrence) may include the power to take immediate action to respond to a "genuine emergency" threatening national security. Furthermore, the *Hamdi* dissent did not limit its implication of presidential power to situations involving an actual attack. Indeed, even before *Hamdi* many commentators believed that the President's power encompasses taking defensive measures necessary to thwart imminent attacks. The position staked out here does, however, reject the view that "there is no constitutional impediment to Congress restricting the President's ability to conduct electronic surveillance within the United States and targeted at United States persons."¹²³ That view would apparently preclude the President's violation of statutory surveillance restrictions even if the President reasonably concluded that violation of those restrictions was necessary to respond to a national security emergency.

2AC – No Spillover

Even if the US were to lose credibility in one scenario, this won't influence our overall credibility

Ganesh, **Sitarman, 2014**, Assistant Professor of Law at Vanderbilt Law School and a Senior Fellow at the Center for American Progress, "Harvard Law review forum: "Credibility and Powers"

The leading alternative to the past actions and reputation theories of credibility is the *current calculus* theory.¹⁶ Current calculus theory holds that credibility is not a function of past actions or reputation, but rather a function of a country's present capabilities and interests in a particular situation. On this theory, an adversary assesses credibility based on the country's ability to effectuate its threat and the costs and benefits to that country in enforcing its threat. Two other theories are worth noting. The *ingrained lessons* theory holds that decisionmakers do not look to the threatening country's history, but instead to their own history. For example, they will expect today's adversary to back down if their previous adversaries also backed down. The *never again* theory holds that breaking a commitment actually *increases* credibility of future threats because decisionmakers will understand that backing down a second time is too costly. **In the context of military threats and the use of force, credibility arguments suffer from some important limitations.** First, because both past actions and reputation are based on audience interpretations, a country can have multiple reputations and a single action can create different reputations among different audiences.¹⁷ **To some, following through on a threat demonstrates resolve; to others, foolishness.** Second, **action in one context might not migrate into reputation in another.**¹⁸ **If the United States sets a "red line on a fishing issue for Micronesia and then backs down, it is unlikely to send a signal to Iran that all American "red lines are bluffs. The Iranians may ignore the Micronesian case because it is fundamentally different from their own.**

There's no spillover

Jack **Balkin**, The Atlantic, 9/3/13, What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal, www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/

Wouldn't congressional refusal make the United States look weak, as critics including Senator John McCain warn loudly? **Hardly. The next dictator who acts rashly will face a different situation and a different calculus.** The UN Security Council or NATO may feel differently about the need to act. **There may be a new threat to American interests that lets Obama or the next president offer a different justification for acting. It just won't matter very much what Obama said about red lines in the past. World leaders say provocative things all the time and then ignore them. Their motto is: That was then, and this is now.**

If Congress turns him down, won't Obama be undermined at home, as other critics claim? **In what sense? It is hard to see how the Republicans could be less cooperative than they already are.** And it's not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally.

Some commentators argue (or hope) that whatever happens, Obama's request for military authorization will be an important precedent that will begin to restore the constitutional balance between the president and Congress in the area of war powers. Don't bet on it. By asking for congressional authorization in this case, Obama has not ceded any authority that he or any other president has previously asserted in war powers.

It is naive to think that the next time a president wants to send forces abroad without congressional approval, **he or she will be deterred by the fact that Barack Obama once sought congressional permission** to bomb Syria. If a president can plausibly assert that any of the previous justifications apply -including those offered in the Libya intervention -the case of Syria is easily distinguishable.

Perhaps more to the point, **Congress still cannot go to the courts to stop the president, given existing legal precedents. Congress may respond by refusing to appropriate funds, but that is a remedy that they have always had -and have rarely had the political will to exercise.**

The most important **limit on presidential adventurism is political, not legal. It will turn less on the precedent of Syria than on whether the last adventure turned out well or badly.**

2AC – Thumpers

Presidential powers have no power- History shows active judicial and congressional vetoes

Richard Henry **Seamen**, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 466-469

As noted above, the President seemingly admits that after 9/11 he authorized "electronic surveillance" within the meaning of FISA without following FISA's requirements. As also noted above, -this surveillance outside FISA is not authorized by the later-enacted AUMF (or any other statute). Because neither the AUMF nor any other statute authorizes the surveillance, only the President's "inherent powers" can do so, and they can do so only to the extent that those inherent powers cannot validly be restricted by FISA. To say that FISA invalidly restricts the President's inherent powers reflects a conclusion that FISA violates the separation of powers doctrine. I join other commentators in believing that analysis of this separation of powers issue is guided by *Youngstown Sheet and Tube Co. v. Sawyer*. In *Youngstown*, the Court invalidated President Truman's attempt to take over the nation's steel mills. Truman attempted the takeover to ensure that, despite labor unrest, the mills would continue to produce materiel for the Korean War.⁷¹ Truman argued that "his action was necessary to avert a national catastrophe" which would inevitably result from a stoppage of steel production, and that in meeting this grave emergency [he] was acting within the aggregate of his constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces.⁷² The Court rejected that argument. It held that Truman's action was not authorized by any statute or any extra-statutory power that the President has under the Constitution.⁷³ The most authoritative opinion from *Youngstown* has come to be, not the majority's opinion, but Justice Jackson's concurrence.⁷⁴ In his concurrence, Justice Jackson set out a three-part framework for analyzing the President's power.⁷⁵ The framework reflects the interdependence of the President and Congress in certain matters, including war.⁷⁶ Under the first part of the framework, the President's power is "at its maximum" when he or she acts with the express or implied authorization of Congress.⁷⁷ In this first situation, the President has "all [of the power] that he [or she] possesses in his [or her] own right plus all that Congress can delegate."⁷⁸ The second part of the framework applies when the President acts with neither congressional approval nor congressional denial of his or her authority. In this second situation, the President "can only rely upon his [or her] own independent powers."⁷⁹ The third part of the framework applies when the President takes action "incompatible with the expressed or implied will of Congress."⁸⁰ In this third situation, the President's power "is at its lowest ebb, for then he [or she] can rely only upon his [or her] own constitutional powers minus any constitutional powers of Congress over the matter. Courts can sustain exclusive presidential control" in such a case⁸¹

only by disabling Congress from acting upon the subject., Justice Jackson's framework makes it important to determine whether the TSP is authorized by-or is instead inconsistent with-the express or implied will of Congress. The President argues that the TSP was authorized at its inception by the AUMF, but this argument lacks merit.⁸² Without the AUMF to support it, the TSP violates FISA and so presents Justice Jackson's third situation. Accordingly, the surveillance can fall within the President's power, despite violating FISA, only to the extent that Congress is constitutionally "disabl[ed]" from curbing the President's power.⁸³ The question becomes to what extent Congress can regulate the President's conduct of domestic electronic surveillance for national security purposes.

2NC – Checks Key

Congressional checks on presidential power only way to solve 4th amendment violations
Richard Henry **Seamen**, 2007, “Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits” 452

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Congressional power is key to minimizing both domestic and international threats—
Presidential power will offset

Richard Henry **Seamen**, 2007, “Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits” 469-470

Precedent establishes that Congress has some regulatory power in this matter, but the precedent leaves the scope of that power unclear. The relevant precedent includes FISA itself, which was supported by Presidents Carter and Ford as a legitimate regulation of the President's power. Unfortunately, this legislative precedent has no direct analog in Supreme Court precedent. The Supreme Court has said that Congress can regulate electronic surveillance in the United States to investigate national security threats posed by *domestic* organizations. The Court has not addressed congressional regulation of surveillance of threats to national security posed by *foreign* agents and powers. Though not addressing that specific issue, the Court has recognized that Congress has significant power over foreign relations—power that stems from, among other places, its power over foreign commerce and certain national defense matters. On the other hand, the Court has recognized that the President, too, has significant power over foreign affairs, including matters of foreign intelligence, which exists independently of

Congress's power. Precedent does not establish to what extent the President's power is not only independent but also "plenary"--meaning not reducible **by** Congress.

Congressional powers are critical in retaliation measures

Richard Henry **Seaman**, 2007, "Domestic Surveillance for International terrorists: presidential powers and 4th amendment limits" 474-477

This reliance on the unitary executive concept is deliberately narrow. It does not embrace broader claims that have been asserted under the unitary executive theory. Unitary executive extremists assert Presidential power to ignore congressional restrictions on removal of executive branch officials and congressional enactments vesting exclusive power to administer statutory programs in officials other than the President.¹²¹ In particular, recognition of congressionally irreducible presidential power in national security emergencies does not imply that the President has a greater role than Congress in the prosecution of war.¹²² The position staked out here does, however, reject the view that "there is no constitutional impediment to Congress restricting the President's ability to conduct electronic surveillance within the United States and targeted at United States persons."¹²³ That view would apparently preclude the President's violation of statutory surveillance restrictions even if the President reasonably concluded that violation of those restrictions was necessary to respond to a national security emergency.

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2ac PC Fails

Presidential influence is wildly exaggerated --- their ev just quotes political pundits

Nyhan, assistant professor of government at Dartmouth, 14 (Brendan, "Obama and the Myth of Presidential Control," http://www.nytimes.com/2014/07/25/upshot/obama-and-the-myth-of-presidential-control.html?_r=0&abt=0002&abg=1, JMP)

ONE OF THE MOST COMMON CRITICISMS OF PRESIDENTS — especially struggling ones during their second term — IS THAT THEY HAVE LOST CONTROL OF EVENTS.

This charge, which has been leveled at chief executives such as Ronald Reagan and George W. Bush, has become a mantra lately in coverage of President Obama, who faces a stalled legislative agenda and crises in Ukraine, Gaza and at the border with Mexico.

What happened? ONE FREQUENT EXPLANATION FROM PUNDITS AND JOURNALISTS IS THAT Mr. OBAMA HAS "LITTLE CONTROL" AND IS INSTEAD BEING "DRIVEN" OR "BUFFETED" BY EVENTS.

This notion pervades commentary and debate on the presidency. WE WANT TO BELIEVE THAT THE PRESIDENT IS (OR SHOULD BE) IN CONTROL. It's the impulse behind holding the president responsible for a bad economy and giving him credit for a good one (the most important factor in presidential approval and election outcomes). THE REASSURING NATURE OF PRESIDENTIAL CONTROL IS ALSO WHY NEWS MEDIA COVERAGE OF FOREIGN POLICY CRISES AND OTHER EVENTS THAT RALLY THE COUNTRY TENDS TO USE LANGUAGE THAT DEPICTS THE PRESIDENT AS BEING IN COMMAND.

The flip side of the demand for presidential control is disappointment when he can't magically work his will. ADVOCATES OF what I've called THE GREEN LANTERN THEORY OF THE PRESIDENCY SUGGEST that Mr. OBAMA'S FAILURE TO ACHIEVE HIS GOALS IN CONGRESS REFLECTS A LACK OF EFFORT OR WILLPOWER. If he only tried harder or were tougher, they suggest, he could control events rather than being controlled by them.

THESE ANALYSES GET THE DIRECTION OF CAUSALITY BACKWARD, however. **Under favorable circumstances, presidents seem to be in command of events, but that's largely a reflection of the context they face.** It's not hard to seem in control when the economy is booming, the president's party has a large majority in Congress or the nation is rallying around the president after a national tragedy.

Once unfavorable circumstances arise, though, even the most accomplished chief executives seem to lose control. My research has found, for example, that scandals are not simply about misconduct. They are more likely to arise when presidents are unpopular with self-identified members of the opposition party or when there are few competing stories in the news.

Obviously, the modern presidency is a powerful office with enormous influence, especially in foreign policy. Iraq and Afghanistan, for instance, might look very different today if Mr. Bush had made different decisions. Even in the domestic realm, the president can have success with a supportive Congress, as Mr. Obama's success in passing the Affordable Care Act demonstrates.

At the same time, THE POWERS OF THE PRESIDENCY ARE OUTSTRIPPED BY THE UNREALISTIC EXPECTATIONS PLACED ON THE CHIEF EXECUTIVE IN THE MODERN ERA. When problems arise, it's only natural that people want the most powerful person in the country to fix them, but these demands often lack a plausible account of how the problem could be solved. And even when the president has a proposal that he thinks would provide a solution, he's likely to struggle to persuade Congress or the public to support it, as Mr. Reagan discovered despite his reputation as the "Great Communicator."

The limits of the president's power can be scary — as human beings, we find a lack of control threatening — but **the idea that they can control events is a comforting fiction, NOT AN EXPLANATION FOR THEIR SUCCESS OR FAILURE**. AS Abraham LINCOLN (perhaps our greatest president) WROTE, "I CLAIM NOT TO HAVE CONTROLLED EVENTS, BUT CONFESS PLAINLY THAT EVENTS CONTROLLED ME." IMAGINE WHAT THE PUNDITS WOULD DO WITH THAT ADMISSION TODAY!

2ac AT: Losers-Lose Link

Obama's recent wins won't spillover --- no chance for cooperation on other issues

Drezner, 6/30/15 --- professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University (Daniel W., "What can Obama really do in his fourth quarter? He had a good week last week. What does that mean for his presidency going forward?" <http://www.washingtonpost.com/posteverything/wp/2015/06/30/what-can-obama-really-do-in-his-fourth-quarter/>, JMP)

So the consensus among the political cognoscenti was that last week was the best week of Barack Obama's presidency. I guess that includes me. Last week I tweeted:

[image omitted]

And this was all before the Supreme Court eliminated all restrictions on same-sex marriage and Obama gave the speech of his presidency in eulogizing the Rev. Clementa Pinckney:

So, naturally, THE SUNDAY MORNING SHOWS WERE ALL ABOUT OBAMA REBORN AND THE POLITICAL PRESS WAS WRITING ALL ABOUT "AFTER MOMENTOUS WEEK, OBAMA'S PRESIDENCY IS REBORN," AND I THINK IT'S TIME TO JUST TAKE A STEP BACK AND THINK REAL HARD ABOUT THIS MEME A BIT.

THIS KIND OF ANALYSIS IS AKIN TO SPORTS-WRITING ABOUT MOMENTUM: THE NOTION THAT A PLAYER IS ON A HOT STREAK IMPLIES THAT HE WILL CONTINUE TO GO ON HIS HOT STREAK, when in point of fact, regression to the mean is the far more likely outcome. To be fair, IN POLITICS, THERE'S THE "POLITICAL CAPITAL" ARGUMENT THAT PRIOR SUCCESSES BURNISHES A PRESIDENT'S POPULARITY, WHICH IN TURN GIVES HIM SOME FORM OF POLITICAL CAPITAL TO SEEK OUT EVEN MORE SUCCESSES. And Obama's popularity is rising in some (but not all) polls.

Still, a dose of realism seems useful here. A president can advance his agenda through a number of means: acts of legislation, executive actions in domestic policy, foreign affairs accomplishments and burnishing his political legacy. Let's think about these in turn.

The president could reel off 10 consecutive speeches like he did in Charleston, but that's not going to make this Congress any more amenable to his policies. THE GOP LEADERSHIP HAS JUST COOPERATED WITH OBAMA ON THE ONE POLICY INITIATIVE THAT THEY AGREE ON — there isn't anything left in the hopper. And buried within Politico's "Obama reborn!" story is this little nugget:

Meanwhile, progressives on the Hill, especially those still burning over how hard he steamrolled them on trade, are rolling their eyes at the lionizing. Remember, they point out, that many of the big things Obama gets the credit for didn't originate with him — people like Nancy Pelosi were pushing him further on health care than the White House wanted to go, or out in favor of a gay marriage plank in the 2012 convention platform when he was still deciding what to say.

So the congressional route is pretty much stymied.

Then there's executive action, a route that this administration has been super-keen on since last year, particularly with respect to climate change (see also: new overtime rules). But lost among all the "huzzahs!" and "WTFs!!" about King vs. Burwell was the fact that Chief Justice John Roberts's ruling actually constricted the executive branch's ability to do that very thing. Roberts's opinion placed significant limits on the "Chevron deference" that the courts have bestowed to the executive branch in the past, as Chris Walker explains:

[T]he Chief went the extra step of reasserting the judiciary's primary role of interpreting statutes that raise questions of "deep economic and political significance." This is a major blow to a bright-line rule-based approach to Chevron deference....

One could say that King v. Burwell—while a critical win for the Obama Administration—is a judicial power grab over the Executive in the modern administrative state....

It will also be interesting to see how this amplified major questions doctrine affects other judicial challenges to executive action. Especially in light of the King Court's citation to UARG, one context that immediately comes to mind is the EPA's Clean Power Plan.

So while the health-care ruling was a substantive victory for the Obama administration, it was a process loss, and could make it difficult for the president to implement parts of his agenda through executive action.

Then there's foreign policy, his most promising avenue. Obama has the ability to rack up some significant accomplishments over the next 18 months: the Trans-Pacific Partnership, the Transatlantic Trade and Investment Partnership, an opening to Cuba, an Iran nuclear deal and a climate change deal in Paris at the end of this year.

I think it says something, however, that of the five things listed above, the Cuba opening is likely the least controversial. TPP and T-TIP are important but will not build him political capital since his own domestic allies hate it. The Iran deal and climate change negotiations are significant but will run into considerable

opposition. And, connected with the point above, political polarization will make it harder for Obama to make credible commitments in Paris. More significantly, I think foreign policy is an area where the president has lost the broader debate about how the United States should approach the world.

Finally, there's his political legacy. If Hillary Clinton wins the presidency in 2016, then Obama can legitimately compare himself to Ronald Reagan as the only postwar presidents who managed to bequeath his party the presidency after his two terms were up. But as Jonathan Martin noted over the weekend in the New York Times, the paradoxical effect of last week is that it clears the deck for GOP candidates:

[E]ven as conservatives appear under siege, some Republicans predict that this moment will be remembered as an effective wiping of the slate before the nation begins focusing in earnest on the presidential race.

As important as some of these issues may be to the most conservative elements of the party's base and in the primaries ahead, few Republican leaders want to contest the 2016 elections on social or cultural grounds, where polls suggest that they are sharply out of step with the American public.

"Every once in a while, we bring down the curtain on the politics of a prior era," said David Frum, the conservative writer. "The stage is now cleared for the next generation of issues. And Republicans can say, 'Whether you're gay, black or a recent migrant to our country, we are going to welcome you as a fully cherished member of our coalition.'"

So WILL OBAMA BE ABLE TO BUILD ON HIS GREAT WEEK TO HAVE A SUCCESSFUL FOURTH QUARTER? COLOR ME SOMEWHAT SKEPTICAL. ON THE DOMESTIC POLICY FRONT, the president is likely to find his political options more restricted rather than less restricted after last week. There are significant but polarizing opportunities on foreign policy. And his political legacy rests on Clinton's ability to fend off Bernie Sanders and a Republican who will be battle-tested from the most competitive party primary I've ever seen.

He's got decent chances on the latter two fronts — but let's put last week into perspective. It was a great week for the president. It does not mean that his presidency is reborn.

Link isn't unique --- Congress forcing Obama's hand now Lemieux 7/8

Scott Lemieux, is a professor of political science at the College of Saint Rose in Albany and frequently contributes to American Prospect, "How Congress learned to stop bowing to President Obama on national security," July 8, 2014, *The Week*, <http://theweek.com/articles/558953/how-congress-learned-stop-bowing-president-obama-national-security/NV>

FOR A BRIEF PERIOD OF TIME LAST WEEK, THE POST-9/11 NATIONAL SECURITY AGENCY TELEPHONE SURVEILLANCE PROGRAM WAS NO LONGER FULLY IN FORCE. IN AN ALL TOO RARE CASE OF SENATE PROCEDURES ACTUALLY PROTECTING CIVIL LIBERTIES, SEN. RAND PAUL WON A BATTLE WITH Majority Leader (and fellow Kentuckian) Mitch MCCONNELL in preventing the relevant sections of the USA Patriot Act from being re-authorized.

PAUL'S "VICTORY" WAS TEMPORARY, AND ULTIMATELY RESULTED IN ONLY MODEST CHANGES TO THE SURVEILLANCE STATE, in the form of the USA Freedom Act. But the new restrictions on the N.S.A.'s surveillance program can be a basis for cautious optimism going forward, not only on the topic of surveillance but on other issues related to civil liberties and national security. It appears Congress has finally recovered some of its clout.

The machinations in the Senate were an outgrowth of the political firestorm created by Edward Snowden, who revealed the N.S.A.'s secret surveillance program. A majority of the American public, which tends to be highly supportive of antiterrorism measures, opposes the collection of metadata revealed by Snowden. Whatever one thinks of Snowden's means, his whistleblowing has had a significant effect on American political culture, creating more skepticism about the NSA's antiterrorism efforts among both political elites and ordinary people.

As a result, CONGRESS FINALLY ACTED TO RESTRICT THE NSA'S POWERS. THE USA FREEDOM ACT, signed into law by President OBAMA, CONTAINS TWO SIGNIFICANT REFORMS. First of all, the NSA will not be permitted to collect bulk telephone and internet records. And second, at least some decisions of the FISA court that oversees NSA surveillance will be made transparent to the public, rather than be classified.

It is important not to overstate the significance of these changes. While the NSA will not be able to store data in bulk, private telecommunication companies will, and the government will be able to access that data with an order from the FISA court, which has generally been extremely deferential to government requests. And while it's good that the process will become more transparent, it's hard to imagine that making such information available will have a transformative effect. The new law is an improvement over the status quo ante, but not a major one.

Does the passage of the legislation at least signal the arrival of a new civil liberties hero in the Republican Party, who also happens to be running for president? Not really. Paul's procedural obstructions were more about bringing attention to himself than getting a better bill. After all, McConnell brought up the USA Freedom Act

for a vote that same day — it almost certainly could have passed had Paul supported it. Indeed, if not for Paul the bill could have passed the Senate last November — the cloture vote fell two votes short, and Paul was one of those votes.

Even though Paul was theoretically opposed to the bill because he (correctly) believed that it didn't go far enough, his obstructionism did not actually cause Congress to pass a better statute. As Russell Berman observes in *The Atlantic*, Paul is, in a sense, as much a political loser in this as McConnell.

The new restrictions on the NSA aren't about Rand Paul per se. But they do suggest the existence of a new civil libertarian coalition in Congress, consisting of most of the Democratic caucus and a handful of Republicans. This group of legislators might be able to make modest headway not only in pruning the surveillance state, but on other important issues, such as mass incarceration. I wouldn't hope for too much yet — the political headwinds are likely to be stronger against other kinds of reform, and Paul's presidential run is likely to expose the fact that even watered-down civil libertarianism has little constituency within his party. But supporters of NSA reform should consider whether bipartisan reform is possible on other civil liberties issues as well.

In addition to the policy changes, then, THE USA FREEDOM ACT IS ALSO POLITICALLY SIGNIFICANT. THE FACT THAT A SENATE SUPERMAJORITY WAS ABLE TO PASS A BILL OVER THE DEFIANCE OF THE SENATE MAJORITY LEADER SUGGESTS THAT **the days when Congress gave maximal deference to the executive branch might finally be over.** (Congress, of course, has shown little deference to the president when it comes to him trying do more to protect civil liberties, such as his attempt to stop imprisoning people at Guantanamo Bay.)

As we get further away from 9/11, hopefully a majority in Congress will finally begin to recognize that we do not need to diminish the civil liberties of American citizens to effectively fight terrorism.

Losers-lose is wrong --- won't impact rest of agenda

Sargent, 13 (Greg, 9/10/2013, Washington Post.com, "No, a loss on Syria would not destroy the Obama presidency," Factiva, JMP)

Get ready for a lot more of this sort of thing, should Congress vote No on Syria strikes:

The fate of President Obama's second term hangs on his Tuesday speech to the nation about Syria.

This is a particularly cartoonish version of what much of the punditry will be like if Obama doesn't get his way from Congress, but make no mistake, the roar of such punditry will be deafening. Jonathan Bernstein offers a much needed corrective:

There's one permutation that absolutely, no question about it, would destroy the rest of Barack Obama's presidency is: a disastrous war. Ask Lyndon Johnson or George W. Bush. Or Harry Truman. Unending, seemingly pointless wars are the one sure way to ruin a presidency.

Now, I'm not saying that's in the cards; in fact, I don't think it is. I'm just saying: that's the kind of thing that really does matter a lot to presidencies. And if you do believe that the administration is going down a path that winds up there, or a path that has a high risk of winding up there, then you should be very worried about the health of this presidency.

If not? None of the other permutations here are anywhere close to that kind of threat to the Obama presidency. PRESIDENTS lose key votes WHICH ARE THEN mostly forgotten all the time. THEY PURSUE POLICIES WHICH POLL BADLY, BUT ARE THEN MOSTLY FORGOTTEN, ALL THE TIME.

Look, there is no question that IF OBAMA LOSES SYRIA VOTE, the coverage will be absolutely merciless. But let's bring some perspective. The public will probably be relieved, and EVENTUALLY ALL THE "OBAMA IS A LOSER" TALK WILL sink out of the headlines AND BE REPLACED BY OTHER BIG STORIES with potentially serious ramifications for the country.

It's key to distinguish between two things here. One question is: How would a loss impact the credibility of the President and the United States with regard to upcoming foreign policy crises and confrontations? That's not the same as asking: How would a loss impact Obama's relations with Congress in upcoming domestic battles?

And on that latter score, there's a simple way to think about it: Look at what's ahead on the calendar. The two looming items are THE GOVERNMENT SHUTDOWN AND DEBT CEILING BATTLES, and when it comes down to it, THERE'S NO REASON TO BELIEVE A LOSS ON SYRIA WOULD SUBSTANTIALLY ALTER THE DYNAMICS ON EITHER. Both are ultimately about whether House Republicans can resolve their own internal differences.

Will a Syria loss weaken Obama to the point where Republicans would be even more reluctant than they are now to reach a deal to continue funding the government? Maybe, but even if a shutdown did result, would a loss on Syria make it any easier for the GOP to dodge blame for it? It's hard to see how that work in the eyes of the public. Same with the debt limit. IS THE ARGUMENT REALLY GOING TO BE, SEE, OBAMA LOST ON SYRIA, SO WE'RE GOING TO GO EVEN FURTHER IN THREATENING TO UNLEASH ECONOMIC HAVOC IN ORDER

TO DEFUND OBAMACARE AND/OR FORCE CUTS TO POPULAR ENTITLEMENTS? THERE'S JUST NO REASON WHY A CONGRESSIONAL VOTE AGAINST SYRIA STRIKES WOULD MAKE THE "BLAME GAME" ON THESE MATTERS ANY EASIER FOR REPUBLICANS.

IS IT POSSIBLE THAT A LOSS ON SYRIA WILL MAKE CONGRESSIONAL DEMS LESS WILLING TO DRAW A HARD LINE ALONG WITH THE PRESIDENT IN THESE TALKS, MAKING A CAVE TO THE GOP MORE LIKELY? I

DOUBT IT. It will still be in the interests of Congressional Dems to stand firm, because the bottom line remains the same: House Republicans face potentially unbridgeable differences over how far to push these confrontations, and a united Dem front exploits those divisions. Syria doesn't change any of that. If a short term deal on funding the government is reached, the prospects for a longer term deal to replace the sequester will be bleak, but they've been bleak for a long time. Syria will fade from public memory, leaving us stuck in the same stalemate -- the same war of attrition -- as before.

What about immigration? The chances of comprehensive reform passing the House have always been slim. Could a Syria loss make House Republicans even less likely to reach a deal? Maybe, but so what? Does anyone really imagine Latinos would see an Obama loss on Syria as a reason to somehow become less inclined to blame the GOP for killing reform? The House GOP's predicament on immigration will be unchanged.

WHATEVER HAPPENS ON SYRIA, AND **no matter how much "Obama is weak" punditry that results from it,** ALL OF THE REMAINING BATTLES WILL BE JUST AS PERILOUS FOR THE GOP AS THEY APPEARED BEFORE THE SYRIA DEBATE HEATED UP. FOLKS MAKING THE CASE THAT A SYRIA LOSS THROWS OBAMA'S SECOND TERM AGENDA INTO SERIOUS DOUBT -- AS IF CONGRESSIONAL INTRANSIGENCE WERE NOT ALREADY ABOUT AS BAD AS IT COULD POSSIBLY GET -- NEED TO EXPLAIN WHAT THEY REALLY MEAN WHEN THEY SAY THAT. **It's not clear even they know.**

--- 1ar Current Momentum Won't Spillover

Recent political momentum won't break GOP opposition on future issues Pace 6/25

Julia Pace, White House Correspondent for Associated Press, "Obama's Legacy Takes Shape With The Help Of Unlikely Allies," June 25, 2015, Associated Press, http://www.huffingtonpost.com/2015/06/25/obama-legacy-scotus-trade_n_7667946.html/NV

WASHINGTON (AP) -- Long past the prime of his presidency, Barack OBAMA IS DEFYING THE LAME-DUCK LABEL AND SOLIDIFYING THE CONTOURS OF HIS LEGACY WITH THE HELP OF UNLIKELY ALLIES IN CONGRESS AND THE SUPREME COURT.

Led by Chief Justice John Roberts, the high court preserved Obama's signature health care law Thursday, hours before a Republican-controlled Congress paved the way for an Asia-Pacific trade pact at the center of the president's international agenda. The Supreme Court also handed Obama a surprise win by upholding a key tool used to fight housing discrimination.

"This was a good day for America," Obama said, speaking from the White House Rose Garden shortly after the court rulings.

FOR A PRESIDENT DEEP INTO HIS SECOND TERM, THE LEGAL AND LEGISLATIVE VICTORIES WERE A VINDICATION OF POLICY PRIORITIES THAT HAVE SAPPED HIS POLITICAL CAPITAL AND EXPOSED RIFTS WITH HIS OWN DEMOCRATIC PARTY. THE BACK-TO-BACK SUCCESSSES also **ENERGIZED A WEARY WHITE HOUSE**, with senior officials and longtime advisers making little effort to hide their glee.

"I don't think that a lot of people expected that a lame-duck president could still very actively lead on every major issue being debated today," said Bill Burton, a former White House and campaign adviser to Obama.

The coming days could bring further clarity to president's legacy, as U.S. negotiators work feverishly to finalize a nuclear deal with Iran ahead of a June 30 deadline. While securing an elusive agreement would mark a major foreign policy breakthrough for Obama, it could be months or even years before it's known if a deal successfully prevents Iran from building a bomb.

Against the backdrop of his recent successes, Obama will also confront the stark limitations of his presidency when he travels to Charleston, South Carolina, Friday to deliver a eulogy for victims of last week's massacre at a black church. Obama has failed to make any progress on gun control legislation, and even against the backdrop of the tragedy in South Carolina, he made clear he had given up hope of pursuing such measures again during his remaining 19 months in office.

Despite the unfinished business Obama will leave behind, Thursday's health care ruling largely answered what has long been one of the biggest questions looming over his White House: Would the sweeping health care overhaul that has fueled so much Republican hostility toward Obama survive his presidency?

Now, that answer is all but guaranteed to be yes.

The Supreme Court ruling marked the second time the justices have saved the health care law, with Roberts writing the majority opinion both times. In an ironic twist, Obama as a senator voted against Roberts when he was nominated by former Republican President George W. Bush.

While House Republicans may still hold votes to repeal the health care measure, as they have already done more than 50 times, the Senate and Obama's veto power prevent such efforts from going any further. And even if Obama is succeeded by a Republican president, fully repealing the law could become less politically palatable given the millions of Americans who have gained health care coverage through its mandates.

"The 6-3 decision is strong validation of the constitutionality of the law," White House senior adviser Valerie Jarrett said of the court's ruling. "Coupled with over 16 million people who currently have health care who didn't have it before, that makes it very difficult to unwind."

Still, some Republican presidential candidates insisted that remained their goal.

"This decision is not the end of the fight against Obamacare," said Jeb Bush, the former Florida governor. "I will work with Congress to repeal and replace this flawed law with conservative reforms that empower consumers with more choices and control over their health care decisions."

Obama had to flip Washington's standard political scorecard in order to get support for the Asia-Pacific trade pact. While Republicans are largely supportive of free trade, many of Obama's fellow Democrats fear such agreements put American workers at a disadvantage and have weak environmental protections.

Just two weeks ago, Democrats dealt Obama an embarrassing defeat on trade, leaving him searching for a solution with many of the same Republicans lawmakers who decry the health care law.

The unusual coalition succeeded. On Wednesday, Obama secured the authority to get fast approval for a final Trans-Pacific Partnership deal, and on Thursday, Congress sent a workers' assistance package to his desk.

White House officials cast Obama's successful dealings with Republicans as evidence of what they had hoped would be another piece of the president's legacy: an ability to work with his political opponents and curb Washington's intense partisanship.

BUT few in the White House or elsewhere in the nation's capital expect this brief detente between Obama and the GOP to last for long, especially as they stare down deadlines this fall on taxes and spending - ISSUES THAT HAVE RIVALED HEALTH CARE IN DRIVING DEEP DIVISIONS BETWEEN THE DEMOCRATIC WHITE HOUSE AND REPUBLICAN LAWMAKERS.

"IT'S GOING TO GIVE THE WHITE HOUSE SOME MOMENTUM GOING INTO THE FALL," SAID Jim MANLEY, A FORMER ADVISER TO Senate Minority Leader Harry REID, D-Nev. "BUT I DON'T THINK ANYONE CAN EXPECT THE EFFORTS TO WORK WITH REPUBLICANS ON TRADE TO TRANSLATE INTO HELP ON THESE TAX AND SPENDING ISSUES."

2ac Winners-Win

Winners-win --- gives Obama critical momentum

Hirsh, 13 --- Chief correspondent (2/7/2013, Michael, "There's No Such Thing as Political Capital; The idea of political capital—or mandates, or momentum—is so poorly defined that presidents and pundits often get it wrong," <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>)

Naturally, ANY PRESIDENT HAS PRACTICAL AND ELECTORAL LIMITS. DOES HE HAVE A MAJORITY IN BOTH CHAMBERS OF CONGRESS AND A COHESIVE COALITION BEHIND HIM? OBAMA HAS NEITHER AT PRESENT. AND UNLESS a surge in the economy—at the moment, still stuck—or SOME other GREAT victory gives him more momentum, IT IS INEVITABLE THAT THE CLOSER OBAMA GETS TO THE 2014 ELECTION, THE LESS HE WILL BE ABLE TO GET DONE. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger.

But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple: You just don't know what you can do until you try. Or as ORNSTEIN himself ONCE WROTE years ago, "WINNING WINS." IN THEORY, AND IN PRACTICE, DEPENDING ON OBAMA'S HANDLING OF ANY PARTICULAR ISSUE, EVEN IN A POLARIZED TIME, HE COULD STILL DELIVER ON A LOT OF HIS SECOND-TERM GOALS, DEPENDING ON HIS SKILL AND THE BREAKS. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.

Some political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is, at best, an empty concept, and that almost nothing in the academic literature successfully quantifies or even defines it. "It can refer to a very abstract thing, like a president's popularity, but there's no mechanism there. That makes it kind of useless," says Richard Bense, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. WINNING ON ONE ISSUE OFTEN CHANGES THE CALCULATION FOR THE NEXT ISSUE; there is never any known amount of capital. "The idea here is, IF AN ISSUE COMES UP WHERE THE CONVENTIONAL WISDOM IS THAT PRESIDENT IS NOT GOING TO GET WHAT HE WANTS, AND HE GETS IT, THEN each time that happens, it changes the calculus of the other actors" ORNSTEIN SAYS. "IF THEY THINK HE'S GOING TO WIN, THEY MAY CHANGE POSITIONS TO GET ON THE WINNING SIDE. It's a bandwagon effect."

ALL THE WAY WITH LBJ

SOMETIMES, A CLEVER PRACTITIONER OF POWER can get more done just because he's aggressive AND KNOWS THE HALLWAYS OF CONGRESS WELL. Texas A&M's Edwards is right to say that the OUTCOME OF THE 1964 ELECTION, Lyndon JOHNSON'S LANDSLIDE VICTORY over Barry Goldwater, WAS ONE OF THE FEW THAT CONVEYED A MANDATE. BUT ONE OF THE MAIN REASONS FOR THAT MANDATE (in addition to Goldwater's ineptitude as a candidate) WAS President JOHNSON'S masterful use of power leading up to that election, and his ABILITY TO GET FAR MORE DONE THAN ANYONE THOUGHT POSSIBLE, GIVEN HIS LIMITED POLITICAL CAPITAL. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don't focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers' support for a tax cut and appropriations bills the president needed. "ONE OF THE WISE, PRACTICAL PEOPLE AROUND THE TABLE [SAID THAT] THE PRESIDENCY HAS ONLY A CERTAIN AMOUNT OF COINAGE TO EXPEND, AND YOU OUGHTN'T TO EXPEND IT ON THIS," CARO WRITES. (COINAGE, of course, WAS WHAT POLITICAL CAPITAL WAS CALLED in those days.) JOHNSON REPLIED, "WELL, WHAT THE HELL'S THE PRESIDENCY FOR?"

JOHNSON DIDN'T WORRY ABOUT COINAGE, AND HE GOT THE CIVIL RIGHTS ACT ENACTED, ALONG WITH MUCH ELSE: Medicare, a tax cut, antipoverty programs. HE APPEARED TO UNDERSTAND not just the ways of Congress but also THE WAY TO maximize the momentum he possessed in the lingering mood of national grief and determination by picking the right issues, as Caro

records. "Momentum is not a mysterious mistress," LBJ said. "It is a controllable fact of political life." JOHNSON HAD THE SKILL AND WHEREWITHAL TO REALIZE THAT, AT THAT MOMENT OF HISTORY, HE could have unlimited coinage if he handled the politics right. He did. (At least until Vietnam, that is.)

And then there are the presidents who get the politics, and the issues, wrong. It was the last president before Obama who was just starting a second term, George W. Bush, who really revived the claim of political capital, which he was very fond of wielding. Then Bush promptly demonstrated that he didn't fully understand the concept either.

Last month proves winners-win is true

Siddiqui, 7/1/15 (Sabrina, The Guardian, "Barack Obama basks in public approval after 'best week of his presidency'; President's approval ratings at 50% for first time in two years Obama vows to 'squeeze every last ounce of progress' from rest of term," Lexis, JMP)

Barack **OBAMA PLEDGED** on Tuesday **TO "SQUEEZE EVERY LAST OUNCE OF PROGRESS" OUT OF HIS REMAINING TIME IN THE WHITE HOUSE**, as his poll ratings reached a two-year high following what political commentators said was the best week of his presidency.

Asked to describe **A WEEK MARKED BY several victories for his administration**, including the passage by Congress of so-called "fast-track" authority for the president to negotiate trade deals and landmark supreme court rulings on gay marriage and his healthcare reforms, **OBAMA SAID** it **WAS GRATIFYING**.

The president also won acclaim for a stirring eulogy, during which he sang Amazing Grace, delivered on Friday in Charleston, South Carolina, after the racially motivated shooting of nine people at a historically black church there.

During a joint press conference with the Brazilian president, Dilma Rousseff, on Tuesday, Obama said the legislative and judicial achievements were "simply a culmination" of the work of his administration since he first came into office.

But **HE EXPRESSED** his **SATISFACTION AT BEING ABLE TO SECURE THE TRADE POWERS IN CONGRESS despite opposition from his own party**, and said the results of the supreme court decision to uphold a key component of his healthcare law "speak for themselves".

Obama's remarks coincided with the release of a new poll that found his approval ratings at 50% for the first time in more than two years. The CNN/ORC survey found that support for how Obama was handling the presidency had shot up five points since a similar poll in May, when just 45% approved of Obama's job performance and more than half of Americans disapproved.

Last week's news, as well as an improving economy, contributed to the climb in Obama's approval ratings, the poll found.

It also included higher marks for the way the president had handled race relations in the United States. According to the survey, 55% of Americans said they approved of Obama's handling of issues pertaining to race, while just 42% said they disapproved.

The subject has risen in prominence following a series of high-profile killings of unarmed black men by white police officers and the mass shooting in Charleston this month in which a white male gunned down nine African American churchgoers. The suspect seems to have been a white supremacist.

"My remarks in Charleston were heartfelt," Obama said on Tuesday of his eulogy for one of the victims, the pastor and state senator Clementa Pinckney. "It wasn't a celebration. It was, I think, a reflection on the consistent challenge of race in this country and how we can find a path towards a better way.

ASKED WHAT HE PLANNED TO DO WITH the political capital he appeared to gain from last week, OBAMA SAID: "THE LIST IS LONG."

"WE ARE GOING TO SQUEEZE EVERY LAST OUNCE OF PROGRESS THAT WE CAN MAKE ... as long as I have the privilege of holding this office," he said, before identifying issues such as infrastructure spending, criminal justice reform, and expanding free community college as potential opportunities.

--- 1ar Winners Win True Now

Winners-win is true in the current political climate

Nelson 6/30

Colleen McCain Nelson, is a Washington D.C. Reporter for the Wall Street Journal, "Obama Sees Recent Wins as 'Culmination' of Hard Work," June 30, 2015, Wall Street Journal, <http://blogs.wsj.com/washwire/2015/06/30/obama-sees-past-week-as-culmination-of-hard-work/NV>

AFTER CELEBRATING VICTORIES in the last several days ON TRADE, HEALTH CARE AND GAY MARRIAGE, President Barack OBAMA DEEMED IT A GRATIFYING WEEK AND PLEDGED TO KEEP PUSHING ON HIS AGENDA.

"In many ways, LAST WEEK WAS SIMPLY A CULMINATION OF A LOT OF WORK THAT WE'VE BEEN DOING SINCE I CAME INTO OFFICE," MR. OBAMA SAID Tuesday in a joint press conference with Brazilian President Dilma Rousseff. "HOW AM I GOING TO SPEND WHATEVER POLITICAL CAPITAL THAT I'VE BUILT UP? YOU KNOW, THE LIST IS LONG AND my instructions to my team and my instructions to myself have always been that WE ARE GOING TO SQUEEZE EVERY LAST OUNCE OF PROGRESS THAT WE CAN MAKE ...as long as I have the privilege of holding this office."

Congress last week gave the president broad authority to negotiate trade deals, and the Supreme Court upheld a key provision of the Affordable Care Act, preserving Mr. Obama's signature domestic achievement. The Supreme Court also ruled that same-sex marriage is a nationwide right, a decision that Mr. Obama lauded as a "thunderbolt" of justice.

The White House claimed another victory when the Supreme Court ruled that minorities could continue using a civil-rights era statute in housing discrimination lawsuits. And Mr. Obama closed last week by delivering an emotional eulogy for the pastor of the black church where nine people were slain, calling for gun-control measures and action to address racial disparities.

The string of wins and the president's compelling address in Charleston, S.C., prompted pronouncements that this had been Mr. Obama's best week in office. On Tuesday, the president brushed aside such commentary, suggesting that other life events trump a good week in politics.

Winners win is true now --- momentum from TPP proves

Nakamura 6/24

David Nakamura, reporter on the White House for the Washington Post, "Obama scores a major trade win, burnishing his foreign policy legacy," June 24, 2015, The Washington Post, http://www.washingtonpost.com/politics/obama-poised-for-a-major-trade-win-burnishing-his-foreign-policy-legacy/2015/06/24/e940c6fa-1a77-11e5-93b7-5eddc056ad8a_story.html/NV

President OBAMA WON NEW POWERS FROM CONGRESS on Wednesday, TO BRING HOME AN EXPANSIVE PACIFIC RIM FREE-TRADE DEAL THAT analysts said COULD BOOST U.S. ECONOMIC STANDING IN ASIA AND ULTIMATELY BURNISH HIS FOREIGN POLICY LEGACY.

Obama's victory on Capitol Hill, coming 12 days after House Democrats nearly scuttled his bid for "fast-track" trade authority, sets the stage for his administration to complete the multi-nation Trans-Pacific Partnership, or TPP, by year's end.

It represents a hard-won payoff for a president WHO WAS WILLING TO PARTNER WITH HIS REPUBLICAN RIVALS AND DEFY A MAJORITY OF HIS PARTY in pursuit of an accord that aides have said will ensure that the United States maintains an economic edge over a rising China.

"This looks like a big, strategic piece," said Ian Bremmer, president of the Eurasia Group, a global risk analysis firm. "It's a global strategy doctrine that will move the world in a direction that, in the long term, is useful for the investments of America."

The intensive legislative fight — WAGED FOR MONTHS BY A WHITE HOUSE EAGER TO SCORE A RARE, BIPARTISAN LEGISLATIVE VICTORY LATE IN OBAMA'S TENURE — APPEARED TO BE COMING TO A CLOSE AFTER THE SENATE VOTED 60-38 to grant final approval to the fast-track bill. Also Wednesday, key House Democrats signaled that they would

concede defeat and support related legislation — which they had blocked two weeks ago to stall the trade agenda — that provides retraining assistance for displaced workers.

"Within reach is an opportunity to shape tomorrow's global economy so that it reflects both our values and our interests," U.S. Trade Representative Michael Froman said.

[Earlier: Trade war heating up among Democrats]

The trade-promotion bill now heads to Obama's desk for his signature. It gives the executive branch additional powers for six years and authorizes the president, and his successor, to present trade deals to Congress for a vote on a specified timeline without lawmakers being able to amend the terms.

Although **the outcome is a full-fledged victory for Obama**, the acrimony along the way has raised questions about the Democratic Party's cohesion heading into the 2016 election cycle. Democratic front-runner Hillary Rodham Clinton, who supported the TPP as Obama's secretary of state, sought to distance herself from the pact more recently.

Most Democrats have dismissed the strategic foreign policy benefits of the trade deal, warning instead that the TPP will cost U.S. workers jobs in traditional manufacturing industries and exacerbate the nation's widening income gap.

"The foreign policy establishment of the executive branch has divorced itself from the domestic policy," said Rep. Marcy Kaptur (D-Ohio), who opposed the legislation.

U.S. officials expect the new authority to jump-start the final rounds of talks. Negotiators still must hammer out deals on a number of thorny issues, including new rules on access to Japanese auto and agriculture markets. In addition to lowering tariffs, the trade pact also aims to expand copyright and intellectual property protections and regulate the flow of information on the Internet.

ONCE NEGOTIATIONS ARE COMPLETE, THE ADMINISTRATION WILL HAVE TO GET A FINAL DEAL THROUGH ANOTHER VOTE IN CONGRESS, during which labor unions are certain to renew their opposition efforts. The whole process could take six months or more and plunge the Democratic Party into further political turmoil in the middle of a presidential campaign.

The passage of the fast-track bill "does not end our fight for working families," said House Minority Leader Nancy Pelosi (D-Calif.), who opposed the legislation.

--- AT: Plan is not a Win – It's Unpopular

Passing even controversial policies boosts Obama's political capital

Singer, 9 – Juris Doctorate candidate at Berkeley Law (Jonathon, "By Expending Capital, Obama Grows His Capital," 3/3/2009, <http://www.mydd.com/story/2009/3/3/191825/0428>)

Despite the country's struggling economy and vocal opposition to some of his policies, President Obama's favorability rating is at an all-time high. Two-thirds feel hopeful about his leadership and six in 10 approve of the job he's doing in the White House.

"What is amazing here is how much political capital Obama has spent in the first six weeks," said Democratic pollster Peter D. Hart, who conducted this survey with Republican pollster Bill McInturff. "And against that, he stands at the end of this six weeks with as much or more capital in the bank."

Peter Hart gets at a key point. Some believe that political capital is finite, that it can be used up. To an extent that's true. But it's important to note, too, that political capital can be regenerated -- and, specifically, that when a President expends a great deal of capital on a measure that was difficult to enact and then succeeds, he can build up more capital. Indeed, that appears to be what is happening with Barack Obama, who went to the mat to pass the stimulus package out of the gate, got it passed despite near-unanimous opposition of the Republicans on Capitol Hill, and is being rewarded by the American public as a result.

Take a look at the numbers. President Obama now has a 68 percent favorable rating in the NBC-WSJ poll, his highest ever showing in the survey. Nearly half of those surveyed (47 percent) view him very positively. Obama's Democratic Party earns a respectable 49 percent favorable rating. The Republican Party, however, is in the toilet, with its worst ever showing in the history of the NBC-WSJ poll, 26 percent favorable. On the question of blame for the partisanship in Washington, 56 percent place the onus on the Bush administration and another 41 percent place it on Congressional Republicans. Yet just 24 percent blame Congressional Democrats, and a mere 11 percent blame the Obama administration.

So at this point, with President Obama seemingly benefiting from his ambitious actions and the Republicans sinking further and further as a result of their knee-jerked opposition to that agenda, there appears to be no reason not to push forward on anything from universal healthcare to energy reform to ending the war in Iraq.

2ac Iran + Laundry List Thumper

Number of other priorities, including Iran thump

Lee 7/2 (Carol E. Lee, 7/2/15, "White House Gears Up for Domestic Policy Offensive", Wall Street Journal, <http://blogs.wsj.com/washwire/2015/07/02/white-house-gears-up-for-domestic-policy-offensive/>)/jmoney

While President Barack Obama's top foreign-policy initiatives—particularly on Cuba, trade and Iran—have dominated the headlines lately, the White House is gearing up for a domestic policy push that's largely been under the radar.

The effort is designed both to burnish Mr. Obama's domestic-policy legacy and to try to make headway on issues where progress has lagged.

Mr. Obama has already begun to showcase the strategy. The White House announced this week A PROPOSAL TO EXPAND OVERTIME PAY TO ABOUT FIVE MILLION MORE AMERICANS, and on Wednesday Mr. Obama traveled to Tennessee to highlight his health-care law in the wake of last week's Supreme Court ruling that upheld federal subsidies to millions of low-income

In coming weeks, the White House is expected to roll out more executive orders, perhaps on gun safety. And top White House officials are hoping to capitalize on their successful collaboration with congressional Republicans on trade to advance a business-tax overhaul and transportation initiatives targeted at shoring up the country's infrastructure.

Changes to the criminal justice system are also at the top of the president's domestic wish list.

He telegraphed his renewed domestic focus this week during a news conference with Brazilian President Dilma Rousseff.

"The list is long," Mr. Obama said. "What we're going to do is just keep on hammering away at all the issues that I think are going to have an impact on the American people. Some of them will be left undone. But we're going to try to make progress on every single one of them."

The renewed domestic offensive, coupled with an aggressive front on foreign-policy issues, are a reflection of a president who is, as former senior White House adviser David Axelrod recently told The Wall Street Journal, "feeling the pressures of time."

The challenge for Mr. Obama will be in the places where his domestic and foreign policy agendas intersect.

The president has limited political capital in Congress. AND HE NEEDS LAWMAKERS TO BACK—OR AT LEAST NOT AMASS A VETO-PROOF MAJORITY OPPOSITION TO—A NUCLEAR DEAL WITH IRAN if one is finalized in coming days. He'll also need to generate enough support among Republican and Democratic lawmakers for lifting the embargo on Cuba, which on Wednesday he again called on Congress to do as he announced finalized plans to open an American embassy in Havana.

It's unclear if Mr. Obama will also be able to persuade Congress to act on issues such as infrastructure, business taxes and the criminal JUSTICE SYSTEM. BUT White House officials have been instructed to make a strong effort.

"We are going to squeeze every last ounce of progress that we can make when I have the privilege—as long as I have the privilege of holding this office," Mr. Obama said Tuesday.

--- 1ar Iran Thumper

The Iran deal thumps the disad – will burn up PC AND failure will stall Obama’s political momentum

Fabian 7/7

Jordan Fabian, is a reporter who covers the White House for the Hill, “Nuclear deal with Iran appears elusive,” July 7, 2015, The Hill, <http://thehill.com/homenews/administration/247156-nuclear-deal-with-iran-appears-elusive/NV>

WHITE HOUSE HOPES FOR A NUCLEAR DEAL WITH IRAN —A TOP FOREIGN POLICY ACHIEVEMENT FOR PRESIDENT OBAMA — seemed in danger of crumbling on Tuesday.

Negotiators extended their talks again in Geneva, as Iran made new hard-line demands, including that the United Nations lifts its arms embargo on the country.

It was the second time the parties blew through a deadline since the original June 30 cutoff, and it raised fresh questions on whether Obama’s push to use diplomacy to cut off Tehran’s path to a nuclear weapon can succeed.

THE WHITE HOUSE ACKNOWLEDGED A NUMBER OF DIFFICULT ISSUES STAND IN THE WAY OF A DEAL BUT SAID THE COUNTRIES INVOLVED HAVE “NEVER BEEN CLOSER TO REACHING A FINAL AGREEMENT THAN WE ARE NOW.”

“THAT’S AN INDICATION THAT THESE TALKS, AT LEAST FOR NOW, ARE WORTH CONTINUING,” White House spokesman Josh EARNEST TOLD REPORTERS.

At the same time, Earnest declined to put odds on reaching a deal. “I’m not feeling like a betting man today,” he said.

The parties extended an interim agreement to July 10, allowing the talks to last into Friday. But Iran is warning it won’t sit at the negotiating table indefinitely.

“We’ve come to the end,” an Iranian official told Reuters on Tuesday. “Either it happens in the next 48 hours or not.”

THE STAKES ARE HIGH FOR OBAMA. ALONG WITH HIS BID TO RE-ESTABLISH TIES WITH CUBA, THE IRAN DEAL IS A MAJOR TEST OF THE PRESIDENT’S DOCTRINE OF ENGAGING WITH THE U.S.’S TRADITIONAL ADVERSARIES TO ADDRESS COMMON INTERESTS.

IF THE TALKS FALTER, IT WOULD WIPE AWAY AN ELUSIVE LEGACY-DEFINING FOREIGN POLICY ACHIEVEMENT FOR OBAMA, who has grappled with instability in the Middle East and the rise of the Islamic State in Iraq and Syria.

While Obama is riding the momentum from a series of successes on the domestic front, on trade, same-sex marriage and healthcare, failure on Iran could blunt his gains.

“He had secured his domestic legacy in a pretty dramatic fashion in the last two weeks. THAT’S ALWAYS BEEN HIS NO. 1 PRIORITY,” SAID JAMES JEFFREY, a distinguished fellow at the Washington Institute for Near East Policy and a former ambassador to Iraq under Obama. “He realizes his international legacy is a mess.”

Obama has spent a tremendous amount of political capital in pursuit of the deal — both with Democrats in Congress and the U.S.’s traditional allies in Persian Gulf states and Israel, who fear the deal could embolden Iran in its pursuit of dominance in the Middle East.

Deputy national security adviser Ben Rhodes acknowledged last week the president is “taking on some sacred cows” in dealing with hostile regimes.

But HE SAID THE AIM OF DEALING WITH IRAN IS TO AVOID BEING PULLED INTO ANOTHER CONFLICT IN THE MIDDLE EAST WHILE PREVENTING IT FROM BECOMING A NUCLEAR POWER.

Administration officials told The Wall Street Journal Monday that they hope a successful Iran deal could open the door to resolving lingering conflicts in Syria and Yemen, where Iran is involved.

But OBAMA IS COMING UNDER PRESSURE FROM LAWMAKERS IN BOTH PARTIES NOT TO AGREE TO A DEAL AT ALL COSTS.

ON TUESDAY EVENING, THE PRESIDENT MET WITH SENATE DEMOCRATS AT THE WHITE HOUSE, WHERE HE WAS EXPECTED TO SOOTH MEMBERS OF HIS PARTY WHO ARE WORRIED ABOUT THE TALKS.

Influential Democrats, including Senate Foreign Relations Committee ranking member Ben Cardin (Md.), have demanded “anytime, anywhere” inspections of Iranian nuclear facilities.

But those conditions are unlikely to be met, making it tougher for the administration to prevent a veto-proof majority from voting to disapprove of a deal, if one is reached.

COMPLICATING THAT EFFORT FURTHER IS THE FACT THAT A DEAL IS UNLIKELY TO BE REACHED BY THURSDAY, WHEN THE CONGRESSIONAL REVIEW PERIOD DOUBLES FROM 30 DAYS TO 60 DAYS. THAT COULD ALLOW OPPOSITION TO BUILD.

REPUBLICANS WERE EMBOLDENED IN THEIR CALLS FOR OBAMA TO WALK AWAY FROM THE TALKS following Tuesday’s extension.

“THE STAKES ARE TOO HIGH FOR THIS DIPLOMATIC CHARADE TO CONTINUE,” Sen. Marco RUBIO (R-Fla.), a 2016 presidential candidate, SAID in a statement. “Iranian leaders continue to walk back previous commitments, even as they actively sponsor terrorism, pursue regional domination and hold American citizens hostage.”

AT THE SAME TIME, OBAMA SEEMS TO UNDERSTAND THE RISKS FAILURE COULD POSE TO HIS LEGACY.

“Look, 20 years from now, I’m still going to be around, God willing. If Iran has a nuclear weapon, it’s my name on this,” he told The Atlantic in May.

Obama is closely following the talks, receiving updates from national security adviser Susan Rice and other aides multiple times daily, Earnest said.

There are major risks for Iran too. The regime in Tehran desperately wants relief from international sanctions related to its nuclear program, which have crippled the country’s economy.

Sanctions caused its gross domestic product to shrink by 5 percent in 2013, and its economy has recovered only slightly since an interim agreement was reached that year.

Despite the delay, JEFFREY believes Obama is in a strong position heading into the final stretch of the talks.

He PREDICTED THE PRESIDENT’S LEGACY WOULD NOT BE HURT IF, AT THIS POINT, A DEAL FALLS THROUGH BECAUSE IRANIAN INTRANSIGENCE.

“By taking a tough position at the talks to the point where we’ll walk out or the Iranians will have to walk out — we’re basically making it clear to the Iranians that we can’t be pushed around,” he said. “That we are deadly serious in this process.”

--- 1ar Laundry List Thumpers

Multiple issues thump the link, including infrastructure, overtime, criminal justice, and education

Balan 6/30 --- news analyst at Media Research Center, Bachelor's in political science and history at University of Delaware (Matthew Balan, 6/30/15, "CNN's Acosta Tosses Softball to Obama Over his 'Best Week Ever'", <http://newsbusters.org/blogs/matthew-balan/2015/06/30/cnns-acosta-tosses-softball-obama-over-his-best-week-ever>)//Jmoney

CNN's Jim Acosta quoted colleague John King at a Tuesday press conference at the White House by asking President Obama about "what some people are calling 'your best week ever.'" Acosta played up that "you had two Supreme Court decisions supportive of the Affordable Care Act and of gay rights. You also delivered a speech down in Charleston that was pretty warmly received."

The correspondent then underlined that 'it seems that you've built up some political capital for the remaining months of your presidency.' He asked, "I'm curious, how you want to use it? What hard things do you want to tackle at this point?" [video below]

The President led his answer with the obvious personal answer to the question – that the real "best weeks" in his life were the weeks where he married his wife, Michelle, and where his daughters were born. The CNN correspondent gushingly replied, "Good thing you remembered those." He then spotlighted something Acosta didn't mention: Congress passing his fast-track trade legislation. He continued by cheering the Supreme Court's ObamaCare decision, before touching on his remarks at the Charleston funeral of Rev. Clementa Pinckney, who was killed days earlier in a mass shooting. Interestingly, the President didn't mention the Court's decision on same-sex "marriage."

Near the end of his extended answer (altogether, Obama spoke for ten-plus minutes answering Acosta's "multi-part" question), the chief executive outlined that he planned to use his "political capital" to press for the passage of overtime rules, infrastructure spending, reforming the criminal justice system, education, and generally making "a difference in the lives of ordinary Americans."

When the President cracked that wanted to "see if we can make next week even better," Acosta wondered if there would be "another press conference." The Democrat replied by joking, "I love press conferences. It's my press team that's always holding me back. I want to talk to you guys everyday."

Congress's agenda is also filled with a number of must pass bills this month

Mimms 7/5 --- Staff Correspondent for the National Journal (Sarah Mimms, 7/5/15, "Must-Pass Highway Bill Dominates Jammed July", <http://www.nationaljournal.com/congress/must-pass-highway-bill-dominates-jammed-july-20150705>)//Jmoney

With a month-long recess looming in August, Congress is going to try to pack as much as possible into July.

In the next three weeks, members will have to contend with several pieces of must-pass legislation, meet a July 31 deadline to fill the nation's Highway Trust Fund, and lay the groundwork for even more critical legislation due in the early fall.

The House plans to take up two appropriations bills during its remaining summer stint in D.C., funding the Department of the Interior and filling the coffers for financial services, the White House, and a handful of other related agencies. Passing those two bills will get the House a third of the way through its appropriations process before the August recess, giving the lower chamber just three weeks to deal with eight additional bills—and coordinate passage through the Senate—before the government's funding runs out on Sept. 30.

The Senate is much further behind and has not passed a single appropriations bill yet this year. Whether the upper chamber will attempt to pass any of the 12 spending bills in July is unclear, given the current stalemate between the two parties. Democrats have not backed off their vow to block each of them until Republicans agree to raise the coming sequestration on nondefense programs. Given that each of the 12 appropriations bills takes about a

week in the Senate, the upper chamber is already running short on time, raising the likelihood of a last-minute omnibus spending bill to prevent a government shutdown this fall.

In the meantime, the Senate will take up education legislation revising No Child Left Behind as its first act of the July session.

The bipartisan bill, coauthored by Republican Lamar Alexander and Democrat Patty Murray, looks likely to pass. But the House will revive its own, much more conservative version of the education legislation during this session as well, likely leading both chambers to conference.

The only true deadline this session is July 31, when the nation's Highway Trust Fund—which gives federal funding to states to build and maintain roads and other infrastructure projects—runs dry.

With just three weeks to find a solution, neither chamber seems to have made much progress. Many in the Senate are pushing for a multi-year solution, with bipartisan legislation out of the Environment and Public Works Committee calling for a six-year extension, but the Senate's Finance Committee has yet to announce how it would be paid for. The House, meanwhile, appears to be moving toward another short-term patch, the third in the last year.

Complicating matters further, Democrats and some Republicans in the Senate plan to attach a bill reauthorizing the Export-Import Bank's charter as an amendment to the highway bill, or perhaps some other legislation. That won't go over well with House conservatives, who have been pushing to wind down the bank for years and praised its expiration on July 1. Senate Majority Leader Mitch McConnell has promised his members a vote to reopen the bank's doors sometime this month, and it's clear that there are enough votes in the upper chamber to pass it.

But it's unclear what House Speaker John Boehner, who opposed letting the bank expire abruptly, will do. Boehner has kept mum, telling reporters last month that the House would wait on the Senate before deciding what to do. The bank was not mentioned in House Majority Leader Kevin McCarthy's list of upcoming legislation for the July session.

The Senate could also see action on a forthcoming U.S. nuclear deal with Iran, which is set to be released to Congress by July 9, setting off a 30-day review period in the Senate on one of the most contentious issues the upper chamber has handled this year. If the administration misses that deadline, however—which is a possibility, given that negotiators this week announced they'll have to extend talks through July 7—senators will have 60 days to review the final accord whenever it comes through.

Both chambers will also begin conferences to resolve their differences on the National Defense Authorization Act as well as a customs-enforcement bill.

2ac Infrastructure Thumper

Infrastructure bill thumps --- it's a priority for Obama

Laing 6/30 --- Reporter at The Hill (Keith Lang, 6/30/15, "Obama: Road funding could be late-term achievement", The Hill, <http://thehill.com/policy/transportation/246554-obama-boosting-road-funding-a-possible-late-term-achievement//money>)

President Obama on Tuesday listed boosting the nation's infrastructure funding as an area where progress is possible before he leaves office in 2017.

Asked during a joint press conference with Brazilian President Dilma Rousseff about legislation he plans to pursue during his final months in the White House, **Obama identified a long-term transportation bill as a priority.**

"I want to see if we can get bipartisan work done with Congress around rebuilding our infrastructure," he said. "Brazil just talked about their rebuilding of highways and roads and ports and bridges. You know what? We've got the same work to do and **we need to put people back to work there.**"

Lawmakers face a July 31 deadline for the expiration of the current infrastructure measure, and are struggling to come up with a way to pay for even an extension that would keep the spending levels flat past this summer.

Obama has proposed a \$478 billion transportation bill that he says would cover six years worth of infrastructure projects. The administration has proposed paying for the measure by taxing corporate profits that are stored overseas through a process that is known as "repatriation."

The proposal is an effort to address a transportation funding shortfall that is estimated to be about \$16 billion per year.

The federal government typically spends about \$50 billion per year on transportation projects, but the gas tax only brings in approximately \$34 billion annually.

Congress has been grappling with the deficit for a decade, but they have not passed a transportation bill that lasts longer than two years in that span.

--- XT: Infrastructure Thumper

Infrastructure thumps the link --- there will be a fight over how to fund it

Bolton 6/28 --- News Reporter for The Hill (Alexander Bolton, 6/28/15, "Looming highway debate stirs tax fight", The Hill, [//Jmoney](http://thehill.com/homenews/senate/246354-looming-highway-debate-stirs-tax-fight)

A fight over raising taxes has bloomed as the chief obstacle to passing a desperately needed multi-year transportation bill by the end of next month, raising the specter of a possible shutdown of highway programs.

Senate Finance Committee Orrin Hatch (R-Utah), who is tasked with finding a way to pay for a multi-year deal, has ruled out the prospect of raising taxes, putting him on a collision course with Democrats.

Senate Democratic leaders have called for a six-year, \$478 billion transportation bill paid largely by taxing overseas corporate profits.

They warn it would be "very hard" for them to accept another short-term extension of highway funds after having done so 33 times.

A bipartisan group of senators, including Senate Environment and Public Works Committee Chairman Jim Inhofe (R-Okla.), and Sen. Barbara Boxer (Calif.), the ranking Democrat on the panel, have proposed a less ambitious six-year, \$275 billion highway bill.

But Inhofe and Boxer are leaving it up to the Finance Committee to find a way to pay for a \$90 billion funding shortfall not covered by federal gasoline and diesel taxes.

Lawmakers will have four weeks to solve the impasse before the Highway Trust Fund runs out of money on July 31.

The battle over tax increases will return to the forefront when lawmakers get back from the Fourth of July recess, now that the trade debate — which consumed May and June — is finally over.

"We hope we can get the highway bill done before the end of July," Hatch told reporters but he identified the funding shortfall as a major obstacle.

He says a three- or four-year transportation bill is more realistic than the six-year proposals put forth by the president and Senate colleagues.

"I know one thing. It's pretty tough to go six years. Six years is \$92 to \$94 billion," he said.

"I hope it's a multi-year, that's all I can say, and I'm going to make it as long as we can," he added.

Senate Democratic leaders are pushing the six-year transportation plan included in President Obama's budget, which calls for \$317 billion in spending on roads and \$143 billion on federal transit projects.

They want to pay for it by requiring U.S. corporations to repatriate overseas profits at a 14 percent tax rate, which would raise \$238 billion in revenue, and tax future foreign earnings at 19 percent.

"We're asking them for their proposal. Here's ours, what's yours? Let's not wait to get to that deadline again and do a short-term funding plan number 34," said New York Sen. Charles Schumer, who is leading the Democratic messaging strategy in the transportation fight.

Senate Democratic leaders say the six-year, \$275 billion bill sponsored by Inhofe and Boxer, which the Environment and Public Works Committee passed last week, does not go far enough.

"It's a step in the right direction because it's long term and it does increase funding, but not by enough to meet our needs and what Democrats would prefer," said a Democratic leadership aide.

Sens. David Vitter (R-La.) and Tom Carper (D-Del.) are cosponsors of the measure.

Republicans want to pass a multi-year transportation bill, but a schism has emerged within their conference over the thorny question of whether they should raise some taxes to pay for it.

Republican Sen. Bob Corker (Tenn.) has called for increasing federal taxes on gasoline and diesel by 12 cents over two years and indexing it to inflation.

The gas tax now stands at 18.4 cents per gallon while the tax on diesel is 24.4 cents per gallon.

Inhofe and Senate Commerce Committee Chairman John Thune (R-S.D.) have not ruled out increasing the gas tax.

"John Thune made the statement that 'nothing is off the table,' and I agree with his statement," Inhofe told reporters earlier this year.

The Commerce panel is responsible for about \$1 billion a year of the infrastructure budget, according to a Senate aide.

But any proposal to raise taxes would pick a fight with the conservative base led by Grover Norquist, the president of Americans for Tax Reform.

Norquist said Congress would have more funding for highway construction projects if it wipes out the federal requirement established by the Davis-Bacon Act to pay local prevailing wages.

"There is zero chance the Republican House and Senate will increase taxes. Highway spending is 25% above what is needed due to Davis-Bacon prevailing wage law.... eliminate that and your funding problem disappears," he said in a statement to The Hill.

"No need to raise taxes. This was tried in Michigan and Massachusetts and defeated by a vote of the people," he added.

So far, Hatch is siding with Norquist and other anti-tax conservatives.

"We're not willing to raise taxes," he said. "I'm willing to look at everything but we're not going to raise taxes to get there."

Democrats believe, however, that House Ways and Means Committee Chairman Paul Ryan (R-Wis.) has signaled interest in paying for a multi-year transportation bill with corporate tax reform.

"LOTS of other Republicans, including Paul Ryan, think international tax reforms that raise revenues are a good way to go. Democrats agree," said a senior Democratic aide.

Ryan has opposed paying for increased transportation funding by taxing overseas profits because he wants to use the reservoir of funding for a broader tax reform initiative.

Earlier this month he downplayed the likelihood of a major tax reform package passing Congress this year.

House Majority Leader Kevin McCarthy (R-Calif.) said last month he is exploring options to pay for a multiyear infrastructure bill and acknowledged it would need to be partly funded with revenue increases.

There will be a fight over infrastructure funding

Laing 6/19 --- News reporter for The Hill (Keith Lang, 6/19/15, "Feds warn of highway funding cutoff", The Hill, <http://thehill.com/policy/transportation/245591-feds-warn-of-highway-funding-cutoff//1money>)

The Obama administration is warning state transportation departments that it will have to stop authorizing payments for construction projects on July 31 unless Congress reaches a deal to extend federal infrastructure funding.

The current transportation funding measure is scheduled to expire on that date, and lawmakers are struggling to come up with a way to pay for an extension.

The Department of Transportation said Friday its Highway Trust Fund will dip below \$4 billion, which is the level that triggers "cash management procedures," on the day of the looming infrastructure deadline.

The agency revived a Highway Trust Fund ticker Friday that it has used in the past to warn lawmakers of the consequences of allowing the infrastructure funding measure to expire.

"With a shortfall in the Highway Trust Fund approaching, cash management steps are not far away," the transportation department said in a blog post on its website.

"Because the HTF supports critical roadwork by State DOTs, these cash management procedures will slow improvements and basic repairs on roads across the U.S," the blog post continued. "To keep Americans informed, we've posted on our website the projected cash flows for the HTF's Highway Account and Mass Transit Account."

Lawmakers are grappling with a shortfall in transportation spending that is estimated to be about \$16 billion per year, and they have not passed an infrastructure package that lasted longer than two years since 2005.

The current transportation funding legislation includes about \$50 billion in annual spending on road and transit projects.

The traditional source for transportation funding is revenue collected from the 18.4 cents per gallon federal gas tax. But the tax, which has not been increased since 1993, only brings in about \$34 billion per year.

Lawmakers have turned to other parts of the federal budget to fill the gap in recent years, but transportation advocates have complained the resulting temporary patches prevent states from completing long-term construction projects.

The Congressional Budget Office has estimated it will take about \$100 billion to close the gap long enough to pay for a six-year transportation funding bill, as requested by the Obama administration.

Transportation supporters have pushed for a gas tax increase. They say it would be about 30 cents per gallon now if it had been indexed to inflation in 1993.

Lawmakers have been reluctant to ask drivers to pay more at the pump, and Republicans have called an increase a nonstarter.

The OBAMA administration, meanwhile, has suggested lawmakers approve a six-year, \$478 billion transportation funding bill that it says can be paid for largely with taxes that could be collected on corporate profits that are stored overseas.

Republicans have said they are open to the idea, known as repatriation, but the parties have squabbled about how much to tax those corporate funds and whether it should be mandatory or voluntary.

2ac Cuba Thumper

Cuba thumps the link --- he is prioritizing and spending capital

Milbank 7/5 (Dana Milbank, 7/5/15, ["Obama spending his windfall of political capital on Cuba"](http://www.heraldnet.com/article/20150705/OPINION04/150709675//1/money), HeraldNet, <http://www.heraldnet.com/article/20150705/OPINION04/150709675//1/money>)

"This," President **OBAMA** said in the Rose Garden on Wednesday as he [ANNOUNCED THE RESTORATION OF DIPLOMATIC RELATIONS WITH CUBA](#). "is what change looks like."

This echo of his 2008 campaign theme was self-congratulatory but deserved, coming at a time of unexpected hope late in his presidency. [In the space of just over a week, Obama's tired tenure came back to life](#). He bested congressional Democrats and got trade legislation on his desk. The Supreme Court upheld the signature achievement of his presidency — Obamacare — and thereby cemented his legacy.

The high court also made same-sex marriage legal across the land following a tidal change in public opinion that Obama's own conversion accelerated. Had the court's decisions not dominated the nation's attention, Obama's eulogy Friday for those slain in a South Carolina church, and his extraordinary rendition of "Amazing Grace," would have itself been one of the most powerful moments of his presidency.

It is little surprise, then, that this lame duck's job approval rating hit a respectable 50 percent this week for the first time in two years in a CNN poll, and his disapproval rating dropped to 47.

The good tidings of the past week have been arguably more luck than achievement for Obama, but he deserves credit for his effort to use the momentum of his victories to revive what had been a moribund presidency. [When you earn political capital, as George W. Bush liked to say, you spend it. This is why it was shrewd of the surging Obama to demand new action from Congress on Cuba.](#)

"Americans and Cubans alike are ready to move forward; I believe it's time for Congress to do the same," he said, renewing his call to lift the travel and trade embargo. "Yes, there are those who want to turn back the clock and double down on a policy of isolation, but it's long past time for us to realize that this approach doesn't work. It hasn't worked for 50 years. ... [So I'd ask Congress to listen to the Cuban people, listen to the American people, listen to the words of a proud Cuban American](#) [former Bush commerce secretary] Carlos Gutierrez, who recently came out against the policy of the past."

[Fifteen minutes later, Obama lifted off](#) from the South Lawn in Marine One on his way [to Nashville](#), where he tried to use the momentum generated by the Supreme Court Obamacare victory [to spread the program to states where Republican governors have resisted](#).

"What I'm hoping is that with the Supreme Court case now behind us, what we can do is ... now focus on how we can make it even better," he said, adding, "My hope is that on a bipartisan basis, in places like Tennessee but all across the country, we can now focus on ... what have we learned? What's working? What's not working?"

He said that "because of politics, not all states have taken advantage of the options that are out there. Our hope is, is that more of them do." He urged people to "think about this in a practical American way instead of a partisan, political way."

This probably won't happen, but it's refreshing to see [Obama](#), too often passive, [regaining vigor as he approaches the final 18 months of his presidency](#). The energy had, at least for the moment, returned to the White House, where no fewer than six network correspondents were doing live stand-ups before Obama's appearance Wednesday morning. There was a spring in the president's step, if not a swagger, as he emerged from the Oval Office trailed by Vice President Biden.

[REPUBLICAN PRESIDENTIAL CANDIDATES WERE NEARLY UNANIMOUS IN DENOUNCING THE PLAN TO OPEN A U.S. EMBASSY IN HAVANA. BUT Obama](#), squinting in the sunlight as he read from his teleprompters, [welcomed the fight](#).

"The progress that we mark today is yet another demonstration that we don't have to be imprisoned by the past," he said. Quoting a Cuban-American's view that "you can't hold the future of Cuba hostage to what happened in the past," Obama added, "That's what this is about: a choice between the future and the past."

Obama turned to go back inside, ignoring the question shouted by Bloomberg's Margaret Talev: "How will you get an ambassador confirmed?"

That will indeed be tricky. But momentum is everything in politics — and for the moment, Obama has it again.

Prison Reform Thumper

Prison reform is Obama's biggest priority

Berman 7/10 --- (Russell Berman, 7/10/15, "Is this Obama's moment for criminal justice reform?", Government executive, <http://www.govexec.com/management/2015/07/obamas-moment-criminal-justice-reform/117481//>)//money

The U.S. locks up more of its citizens than any nation in the world, and far too many of them are African American and Hispanic men imprisoned for non-violent drug crimes. THE SAD STATE OF THE CRIMINAL-JUSTICE SYSTEM HAS BECOME, over the last decade, A CRISIS lamented with nearly equal measure of sorrow by Democrats and Republicans alike. To hear the politicians tell it, mass incarceration is both a financial drain on the government at all levels, and a moral stain that consigns families and entire communities to a cycle of poverty.

Yet despite no shortage of proposals for reform in recent years, Congress has done virtually nothing. That may, finally, be about to change, as an emboldened ^{President} Obama eyes what might be the last major addition to his domestic legacy in the White House.

Speaking at a press conference last week, the president was asked how he might follow the remarkable string of victories he earned in late June, which included a congressional win on trade, a pair of legacy-setting Supreme Court decisions, and a widely-praised eulogy in Charleston. He ticked off several unchecked boxes on his economic agenda, including a major infrastructure bill and enactment of his proposals to boost job training and access to community college. But the big-ticket item Obama mentioned that actually holds the most promise in the Republican Congress is a long-awaited overhaul of the nation's criminal-justice system. "We've seen some really interesting leadership from some unlikely Republican legislators very sincerely concerned about making progress there," the president observed.

He's right. The bipartisan coalition pushing to reduce incarceration rates in the world's most crowded prison system has been building for years, bringing together ardent foes like the Koch Brothers and the ACLU, and Rand Paul and Cory Booker, among others. Various proposals to eliminate mandatory minimum sentences for certain drug crimes, and to keep young, nonviolent offenders from receiving long, crippling prison sentences have circulated for a while without going anywhere. Yet that movement is cresting now, providing what lawmakers and advocates say is a genuine opportunity to enact legislation before the end of the year. "I am very optimistic that we will get something done. If you had told me a couple years ago, I would not have believed it," said Representative Elijah Cummings, a Maryland Democrat who is not known as a congressional Pollyanna.

As usual, however, Cummings's rosy view comes with a key caveat repeated by other advocates I interviewed: the looming presidential election. "I think the stars have aligned," Cummings said. "I do believe, however, that if we don't get it done now, I don't know that the stars will align like this again." Obama talked up the prospect of criminal-justice reform just a few days after lawmakers in the House unveiled the most ambitious and comprehensive proposal to modernize the system to date. Over the weekend, The New York Times reported that Obama was soon likely to commute the sentences of dozens of nonviolent drug offenders—an act of presidential clemency unprecedented in scope that would seek to galvanize the push for reform in Congress.

Obama pushing Prison Reform

Italiano and Boniello 7/12 --- (Laura Italiano and Kathianne Boniello, 7/12/15, "Obama, Democrats and republicans push for prison reform", nypost, <http://nypost.com/2015/07/12/obama-democrats-and-republicans-push-for-prison-reform//>)//money

An alliance of Republicans and Democrats led by ^{President} Obama is pushing to reform federal laws that have packed prisons with legions of aging, nonviolent drug dealers.

MANDATORY-MINIMUM- sentencing laws and guidelines, along with so-called "three strikes, you're out" statutes, a legacy of the crack epidemic of the 1980s and 1990s, have helped fill US prisons with drug offenders.

But warehousing them costs the government big money — up to a million dollars each in the case of teens locked up for life.

They are the legislative legacy of the crack epidemic that raged in the '80s and '90s — mandatory minimum and so-called “Three-Strikes, You’re Out” federal sentencing statutes meant to clear the streets of rampant crime.

Trouble is, those laws have left American prisons packed with aging drug dealers, many of them non-violent and costing up to a million dollars each to warehouse, in the case of teens locked up for life.

Now, a strange-bedfellows alliance of Republicans and Democrats — led by President Obama — is on board to reform those laws and start clearing prison space for violent convicts.

Proponents of reform include lawmakers from both parties, and even staunchly conservative billionaires Charles and David Koch.

This week, Obama is expected to call for a comprehensive federal sentencing package that includes reduced sentences and greater judicial sentencing discretion for nonviolent drug offenders.

He will likely make his pitch Tuesday, when he addresses the NAACP conference in Philadelphia.

On Thursday, he will become the first sitting president to visit a prison.

Obama will meet with prison officials and inmates inside the federal penitentiary in El Reno, Okla., to “underscore the administration’s focus on the need to reform and improve America’s criminal-justice system.” White House press secretary Josh Earnest said Friday.

And as early as Monday, the president may announce his latest round of clemencies of non-violent offenders.

In March, he shortened the sentences of nearly two dozen drug inmates, including eight who were doing life.

With prisons overcrowded by almost 40 percent, and more people behind bars — 2.3 million — than in any other country of the world, sentencing reform simply makes good fiscal and humanitarian sense, said Mike Riggs of Families Against Mandatory Minimums.

“The Bureau of Prisons is spending 25 percent of the DOJ budget — much of it on nonviolent drug offenders,” Riggs said. “Do we really need to do that, when we’re trying to fight cyberterrorism and ISIS?”

Sentencing reform would benefit New York state, said veteran defense lawyer George Goltzer.

“We deal with these guidelines every day, and the catalog of human tragedy is amazing,” he said. “These are not major drug dealers; these are not the leaders of a cartel.”

Obama committed to Prison Reform

Fabian 7/10 — (Jordan Fabian, 7/10/15, “Obama to visit federal prison in push for criminal justice reform”, The Hill, [//money](http://thehill.com/homenews/administration/247533-obama-to-visit-federal-prison-in-push-for-criminal-justice-reform)

President Obama will visit a federal prison in Oklahoma next Thursday as part of his push to overhaul the country’s criminal-justice system.

Obama will travel to the El Reno Correctional Institution outside of Oklahoma City, becoming the first sitting president to visit a federal prison, White House press secretary Josh Earnest announced Friday.

While at the prison, the president is likely to commute the sentences of dozens of non-violent drug offenders, The Washington Post reported.

Obama's trip to the prison will be recorded for a "Vice" documentary on America's prison system that will air on HBO. The president will speak with Vice founder Shane Smith and meet with prisoners, prison staff and law enforcement officials, according to Vice.

The White House has close ties to Vice. The media company hired former Obama deputy chief of staff Alyssa Mastromonaco last November as a senior executive. Reggie Love, the president's former body man and Duke University basketball player, was hired this week to cover sports.

The president's prison visit will come two days after he delivers a speech to the NAACP's national conference in Philadelphia. He is expected to call for lower sentences for non-violent offenders, according to reports.

Obama will "outline the unfairness in much of our criminal-justice system," Earnest said.

The president is stepping up his effort to push Congress to reform the nation's sentencing laws, an effort that has attracted support from members in both political parties.

In February, the White House threw its backing behind a bipartisan bill that would slash mandatory minimum sentences for many non-violent drug offenders.

Obama commuted the sentences of 22 drug offenders in March, the most aggressive use of his executive power to date to address the issue.

He has spoken out more frequently about the adverse effect current sentencing guidelines have on communities of color.

During a March interview with David Simon, the creator of HBO's "The Wire," Obama decried "the massive trend towards incarceration, even of non-violent drug offenders."

"The challenge, which you depict in your show, is folks going in at great expense to the state, many times trained to become more hardened criminals while in prison, come out and are basically unemployable," he said.

Obama is pushing prison legislation

Sink 7/10 --- (Justin Sink, 7/10/15, "Obama to push U.S. sentencing change backed by Koch brothers", Bloomberg Politics, [//money">http://www.bloomberg.com/politics/articles/2015-07-10/cost-of-vast-u-s-prison-population-allies-obama-and-republicans">//money](http://www.bloomberg.com/politics/articles/2015-07-10/cost-of-vast-u-s-prison-population-allies-obama-and-republicans)

The White House is preparing to seize advantage of bipartisan concern over the burgeoning U.S. prison population and push for legislation that would reduce federal sentences for nonviolent crimes.

President Barack Obama will champion sweeping reform of the criminal justice system during a speech to the NAACP annual convention on Tuesday in Philadelphia, press secretary Josh Earnest said Friday. Obama will present ideas to make the system "safer, fairer and more effective," Earnest said.

Later in the week, Obama will become the first sitting U.S. president to visit a federal prison when he goes to a medium-security facility in El Reno, Oklahoma. He'll also sit for an interview with Vice News for an HBO documentary on the criminal justice system, Earnest said.

"So it has more momentum than anybody realizes."

Representative Jason Chaffetz

Obama came to office promising to reduce the number of Americans imprisoned for nonviolent drug offenses, and in 2010 he signed a law reducing disparities in sentences for possession of crack and powder cocaine. Some Republicans and police organizations criticized the moves as too lenient, but now a bipartisan coalition that includes Obama's chief political antagonists, billionaires Charles and David Koch, have joined him to support relaxing federal sentencing guidelines.

Key lawmakers from both parties have been invited to the White House next week to discuss strategy.

And Obama is expected to soon issue a spate of commutations for nonviolent drug offenders identified by a Justice Department program launched last year.

Top officials from the department, including Deputy Attorney General Sally Yates, have recently met with members of Congress to express support for sentencing-reform legislation.

"Engagement with the president has been lacking for the past six years, but this is one topic where it has been refreshingly bipartisan," Representative Jason Chaffetz, the Utah Republican who heads the House Oversight Committee, said in a telephone interview.

AT: Cuba Scenario --- No Normalization / Lifting of Embargo

Congress will never normalize

Nachemson 7/1

Andrew Nachemson, staff writer for the Washington Times, "Embargo remains major hurdle in U.S.-Cuba thaw," July 1, 2015, The Washington Times, <http://www.washingtontimes.com/news/2015/jul/1/cuba-embargo-remains-hurdle-in-us-cuba-thaw/?page=all/NV>

THE EMBASSIES MAY BE REOPENING, BUT the embargo will take a lot longer to come down.

President OBAMA PAIRED THE ANNOUNCEMENT OF RENEWED DIPLOMATIC TIES WITH HAVANA AT THE WHITE HOUSE WEDNESDAY WITH A CALL FOR CONGRESS TO END THE ECONOMIC EMBARGO, but U.S. business groups anxious to crack the Cuban market say it's already clear the economic track will lag behind the political one for the president. Cuban President Raul Castro underscored the point himself Wednesday.

"There could be no normal relations between Cuba and the United States as long as the economic, commercial and financial blockade continues to be fully implemented," Mr. Castro said.

BUT, WITHOUT THE APPROVAL OF CONGRESS, OBAMA CANNOT LIFT THE ECONOMIC EMBARGO CURRENTLY LEVIED AGAINST CUBA. Many in Congress, both Republican and Democrat, are opposed to restoring diplomatic ties with the Communist island nation.

THE DISSENTERS CITE THE CUBAN GOVERNMENT'S HUMAN RIGHTS VIOLATIONS, HARBORING OF AMERICAN FUGITIVES, AND SEIZURE OF AMERICAN-OWNED PROPERTY WITHOUT COMPENSATION. Even the president's embassy move is in jeopardy, AS CONGRESS MUST APPROVE ANY PUBLIC SPENDING ON THE AMERICAN EMBASSY IN HAVANA.

Public opinion, on the other hand, seems to be embracing the changes. According to a survey conducted by the Chicago Council on Global Affairs, two in three Americans support ending the trade embargo.

Won't normalize – not enough funds

Snell 7/6

Snell, 7/6/15 (Kelsey, Washington Post.com, "How Republicans want to defund Obama's legacy ; Republicans want to use the appropriations process to prevent the White House from moving forward on a long list of policy priorities," Factiva/NV)

REPUBLICANS ARE PLANNING TO USE THE ANNUAL SPENDING BILLS TO CHALLENGE SOME OF President OBAMA'S BEST-LOVED POLICIES, ADDING ANOTHER LAYER TO A BUDGET BATTLE THAT ALREADY PROMISES TO BE MESSY as the two parties fight over how much money to spend on domestic programs.

The fiscal 2016 spending bills moving through THE HOUSE AND SENATE ARE FILLED WITH ATTEMPTS TO BLOCK OR DEFUND A SLEW OF OBAMA ADMINISTRATION INITIATIVES, INCLUDING environmental rules, THE EFFORT TO RENEW DIPLOMATIC TIES WITH CUBA and a Labor Department proposal to crackdown on the retirement savings industry.

While using so-called policy riders on appropriations bills is a time-honored tradition on Capitol Hill, REPUBLICANS HAVE SIGNALLED THEY PLAN TO BE EXTRA AGGRESSIVE THIS YEAR NOW THAT THEY CONTROL BOTH CHAMBERS OF CONGRESS AND OBAMA'S SECOND TERM IS RUNNING OUT.

When the fight over these policy-riders will come to a head is unclear. THE FIRST ORDER OF BUSINESS IS FIGURING OUT AN END TO THE STALEMATE OVER THE TOP-LINE SPENDING LEVEL FOR THE FISCAL 2016 APPROPRIATIONS BILLS, SOMETHING THAT COULD TAKE UNTIL THE END OF THE CALENDAR YEAR. Obama is threatening to veto any bill that

conforms to the Republican budget plan approved by Congress earlier this year. Senate Democrats are also threatening to filibuster any appropriations bill until a broader deal is reached allowing for more spending on domestic programs.

As negotiations over the broader funding battle progress, at some point in the coming months the policy-riders will likely lead to a showdown between Republicans and Obama.

What follows is a list of which ones could prove most contentious.

CUBA. THE COLD WAR MAY BE LONG OVER, BUT LAST WEEK'S ANNOUNCEMENT THAT THE UNITED STATES AND CUBA WILL OPEN EMBASSIES later this month after more than a half-century of diplomatic isolation FUELED ANGER AMONG MANY REPUBLICANS, WHO ARE ALREADY UPSET OVER THE ADMINISTRATION'S ANNOUNCEMENT IN DECEMBER THAT IT PLANNED TO RENEW DIPLOMATIC TIES WITH THE COMMUNIST COUNTRY.

THE GOP IS SEEKING TO THWART THE ADMINISTRATION'S CUBA AGENDA BY DENYING FUNDING FOR KEY PROGRAMS.

For instance, the House State and Foreign Operations spending bill includes language banning funds for a new embassy and its operations.

AND DENYING MONEY FOR OPENING AN EMBASSY IN CUBA ISN'T THE ONLY WAY REPUBLICANS ARE TARGETING OBAMA'S ASPIRATIONS IN CUBA. Rep. Mario-Diaz BALART (R-Fla.), the son of Cuban immigrants, ADDED LANGUAGE TO THE COMMERCE, JUSTICE AND SCIENCE SPENDING BILL THAT WOULD PREVENT THE UNITED STATES FROM PROVIDING MILITARY ASSISTANCE TO CUBA AND TO THE TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT BILL THAT WOULD BLOCK U.S. AIRLINES AND CRUISE SHIPS FROM TRAVELLING TO THE ISLAND.

"We must not permit the exploitation of properties stolen by the Castro regime, which is expressly prohibited in U.S. law," Diaz-Balart said in a statement.

REPUBLICANS IN THE SENATE ARE EXPECTED TO INCLUDE SIMILAR PROVISIONS IN THEIR SPENDING BILLS.

"I WILL DO ALL IN MY POWER TO BLOCK THE USE OF FUNDS TO OPEN AN EMBASSY IN CUBA." Appropriations Committee member Sen. Lindsey O. GRAHAM (R-S.C.) WROTE in a tweet in December. "Normalizing relations with Cuba is bad idea at a bad time."

Congress really hate the idea of lifting the embargo

Maloy 7/2

Simon Maloy, the Salon's political writer, "GOP's dead-end Cuba gamble: Republicans' Cold War-era tough talk won't come to anything," July 2, 2015, Salon, http://www.salon.com/2015/07/02/gops_dead_end_cuba_gamble_republicans_cold_war_era_tough_talk_wont_come_to_anything/NV

After winning a great victory for communism with the Supreme Court decision upholding the Affordable Care Act's subsidies, Barack Obama went for broke this week and surrendered to Cuba, thus ending the Cold War in a crippling defeat for global capitalism. ¡Que viva la gran revolución! ¡Venceremos!

Okay, maybe that's not precisely what happened. But what did happen is that THE WHITE HOUSE FOLLOWED THROUGH ON A KEY PORTION OF THE PRESIDENT'S PLAN TO NORMALIZE RELATIONS WITH our tiny communist island neighbor. In a Rose Garden ceremony yesterday, Obama officially announced that the United States and CUBA would open embassies in Havana and Washington, DC. THAT ANNOUNCEMENT CAME JUST OVER A MONTH AFTER CUBA WAS REMOVED FROM THE STATE DEPARTMENT'S LIST OF STATE SPONSORS OF TERRORISM.

THAT'S TWO BIG CHANGES TO THE UNITED STATES' CUBA POLICY, WHICH HAD REMAINED ESSENTIALLY UNCHANGED FOR 50 YEARS and made precisely zero progress towards its goal of dislodging the Castro regime. BUT REPUBLICANS IN CONGRESS AND THE 2016 PRESIDENTIAL FIELD ARE, AS IS THEIR WONT, PUSHING BACK ON THE PRESIDENT AND INSISTING THAT WE STICK WITH WHAT HASN'T BEEN WORKING. The two Cuban-American

Republican presidential candidates, Marco RUBIO AND Ted CRUZ, VOWED TO BLOCK SENATE CONFIRMATION OF ANY AMBASSADOR TO CUBA. House Speaker John Boehner said “relations with the Castro regime should not be revisited, let alone normalized, until Cubans enjoy freedom – and not one second sooner.” 2016 hopeful Carly Fiorina outdid everyone, promising to Hugh Hewitt that as president she would close the U.S. embassy in Cuba.

I guess IT’S NOT ENTIRELY SURPRISING THAT THE GOP WOULD STILL BE SO GUNG-HO ABOUT FIGHTING THE COLD WAR MORE THAN TWO DECADES AFTER IT ENDED. But there’s no real reason to think that all this tough talk and posturing on Cuba will amount to anything, even if a Republican wins the White House in 2016.

The reason is simple: corporate America very strongly approves of Obama’s plans to open up Cuba, and Republicans try very hard to not piss off the business community too much. For half a century the island has just been sitting there off the Florida coast, a market completely shut off from thorough exploitation by American business interests. Those same business interests would love nothing more than to see the 50-year trade embargo come crashing down, but OBAMA CAN’T UNILATERALLY END IT BECAUSE BILL CLINTON stupidly GAVE UP THE EXECUTIVE BRANCH’S AUTHORITY OVER THE EMBARGO BACK IN 1996. THE ONLY WAY TO END THE CUBA EMBARGO IS FOR CONGRESS TO VOTE TO KILL IT, AND STATEMENTS LIKE THE ONE FROM THE HOUSE SPEAKER QUOTED ABOVE DON’T LEAD ONE TO BELIEVE THAT THAT WILL HAPPEN ANY TIME SOON. But America’s corporate masters are apparently massing their armies of lobbyists to try and convince enough Republicans in Congress to give up on this obsolete relic from the Kennedy administration.

Too many roadblocks to lifting the embargo Marple 7/7

Marple, 7/7/15 --- Research Associate at the Council on Hemispheric Affairs (Olivia, ForeignAffairs.co.nz, “Roadblocks Remain in US-Cuba Rapprochement,” Factiva/NV)

Diplomatic relations between the United States and Cuba will finally be restored ON JULY 20, when WASHINGTON REOPENS ITS EMBASSY IN HAVANA AFTER MORE THAN 50 YEARS of political turmoil between the two countries. Cuba will also open its embassy in Washington that day, and John Kerry will visit Havana, making him the first U.S. secretary of state to go to Cuba in 70 years. [1]

This is a step in the right direction in regard to US-Cuban policy since the U.S. embargo, which was enacted in the early 1960s, has not been successful in bringing about regime change or some version of the Washington Consensus in Cuba. [2] “It hasn’t worked for 50 years,” Obama said in his announcement from the Rose Garden last week. “It shuts America out of Cuba’s future, and it only makes life worse for the Cuban people.” [3]

Instead of naming an ambassador right away, the Obama Administration announced it would make Jeffery DeLaurentis its charge d’affaires. DeLaurentis has led the U.S. diplomatic mission in Cuba beginning last year. SENATORS AND PRESIDENTIAL CANDIDATES Marco Rubio (R-FL) and Ted Cruz (R-TX) HAVE DECLARED THEY WILL OPPOSE ANY AMBASSADOR THAT OBAMA NOMINATES. [4]

These REPUBLICANS AND OTHER CRITICS OF THE NORMALIZATION PROCESS BETWEEN THE TWO COUNTRIES ARGUE THAT OBAMA IS LEGITIMIZING THE GOVERNMENT OF RAÚL CASTRO without attempting to seek guarantees of improvement in human rights on the island. RUBIO HAS BEEN ESPECIALLY INDIGNANT ABOUT THE EASING IN RELATIONS, insisting that it is “important that pro-democracy activities not be sacrificed in the name of ‘diplomacy’ just so that we can change the name of a building from ‘Interest Section’ to ‘Embassy.’” [5]

While this condemnation on Rubio’s part certainly makes him appear tough on governments that do not share Washington’s values, it does not offer any real solution to the problems dissenting Cubans face and ignores the valuable cultural exchange that can take place through increased levels of tourism and bilateral economic transaction.

The number of Americans who visited Cuba between January 1 and May 9 this year increased 36 percent compared to the same period in 2014. [6] Although the result of this influx of American tourists remains to be seen, it appears that if critics like Rubio want Cuba to inherit American ideals, contact between the countries would be a good start.

As part of the agreement between the United States and Cuba, Cuba has agreed to relax restrictions on Internet access, and, in fact, the American media streaming site Netflix announced Cubans can now stream its content. [7] Although independent Cuban websites are still blocked, this increase in Internet freedoms will most likely snowball into greater access. [8]

It should be noted that this exchange of ideas will not only be one way, and it should not be assumed that Cuban citizens will be the only ones learning from American tourists and companies. For example, Cuba provides healthcare for “all segments of the population” and still manages to boast a medical system with

"results similar to those of the most developed nations." [9] Its education system enjoys success as well; its literacy rate is 99.8 percent, far above many of its Caribbean neighbors. [10]

IN ADDITION TO THE REPUBLICANS' OPPOSITION TO APPOINTING AN AMBASSADOR, ANOTHER ROADBLOCK TO COMPLETE NORMALIZATION IS THE FACT THAT **the embargo can only be completely lifted by Congress, which is currently Republican-controlled.** [11] OBAMA CANNOT LIFT THESE SANCTIONS AGAINST CUBA HIMSELF BECAUSE IN 1996 former President Bill CLINTON SIGNED THE HELMS-BURTON LAW, WHICH DECLARED THE EMBARGO COULD ONLY BE LIFTED BY A MAJORITY OF VOTES IN CONGRESS. [12]

This illustrates that, DESPITE THE PROGRESS MADE ON OBAMA'S PART, BARRIERS REMAIN. **Rubio and other critics of this rapprochement are only gumming up a process** that could actually result in some of the increased human rights and democratic changes they have been calling for.

Won't pass LaFranchi 15

HOWARD LAFRANCHI, A REPORTER IN THE MONITOR'S WASHINGTON BUREAU, "US FLAG TO FLY OVER HAVANA AGAIN, BUT THAT WON'T END AMERICA'S CUBA DEBATE (+VIDEO)" JULY 1, 2015, THE CHRISTIAN MONITOR, [HTTP://WWW.CSMONITOR.COM/USA/FOREIGN-POLICY/2015/0701/US-FLAG-TO-FLY-OVER-HAVANA-AGAIN-BUT-THAT-WON-T-END-AMERICA-S-CUBA-DEBATE-VIDEO/NV](http://www.csmonitor.com/usa/foreign-policy/2015/0701/us-flag-to-fly-over-havana-again-but-that-won-t-end-america-s-cuba-debate-video/nv)

WASHINGTON – THE UNITED STATES AND CUBA MAY HAVE AGREED WEDNESDAY TO OPEN EMBASSIES IN EACH OTHER'S CAPITAL FOR THE FIRST TIME IN HALF A CENTURY, BUT **that doesn't mean it will be all salsa music and humdrum diplomacy between the two longtime adversaries anytime soon.**

President Obama emphasized that "very serious differences" remain between the two neighboring countries, particularly on human rights and democracy, as he announced a long-awaited accord between the two governments Wednesday. The agreement will allow each country's existing diplomatic offices in Washington and Havana to reopen as full-fledged embassies as of July 20.

"I believe that American engagement – through our embassy, our businesses, and most of all, through our people – is the best way to advance our interests and support for democracy and human rights," Mr. Obama said Wednesday in a Rose Garden speech.

Cuba is one of a number of key foreign-policy issues – Iran and Iraq also come to mind – in which Obama has sought to get beyond what he has seen as mistaken policies of the past. Such a foreign policy emphasizes trying diplomacy where, to the president's thinking, isolation and unilateral action have not worked. And in each instance, WHETHER CUBA OR IRAN, IT IS STILL BEING HOTLY DEBATED, WITH SOME VAUNTING AND OTHERS VILIFYING THE APPROACH.

THAT DEBATE PROMISES TO FIGURE PROMINENTLY IN THE 2016 PRESIDENTIAL ELECTION, AND THE EMOTIONAL TOPIC OF CUBA IS SURE TO STAND OUT.

On Wednesday, SEVERAL REPUBLICAN PRESIDENTIAL HOPEFULS – most notably two from Florida, with its politically crucial Cuban-American population – WERE QUICK TO BLAST THE REESTABLISHMENT OF DIPLOMATIC RELATIONS WITH CUBA AS A GIFT TO A REPRESSIVE REGIME.

Former Florida Gov. Jeb BUSH SAID DIPLOMATIC TIES "WILL LEGITIMIZE REPRESSION IN CUBA, NOT PROMOTE THE CAUSE OF FREEDOM AND DEMOCRACY."

Florida GOP Sen. Marco RUBIO CRITICIZED THE OBAMA ADMINISTRATION for being so eager to open an embassy in Havana that it has "continued to look the other way and offer concession after concession" as the Cuban government "has stepped up its repression of the Cuban people."

Insisting the US got nothing from the Cubans in the six months of negotiations since Obama announced his intention to renew diplomatic relations, Senator RUBIO SAID, "IT IS TIME FOR OUR UNILATERAL CONCESSIONS TO THIS ODIOUS REGIME TO END."

That theme of the US giving up much to an adversary for little or nothing in return can also be heard in reference to Iran and the negotiations to limit its nuclear program.

Most Democrats, on the other hand, hailed the reopening of the Havana and Washington embassies by echoing Obama's foreign-policy conviction that America's isolation of adversaries does little to resolve differences with them – while causing problems with allies who oppose unilateral steps like the 50-year-old US trade embargo on Cuba.

"Embargo and isolation failed to bring fundamental change to Cuba and have instead become a source of friction between the United States and our partners in the Western Hemisphere and across the globe," said Sen. Christopher Murphy (D) of Connecticut in a statement.

Preserving America's global stature, Senator Murphy added, "depends on strong diplomatic relationships and a willingness to learn from both our successes and our ... missteps in particular – from the failed isolation of Cuba to the disastrous occupation of Iraq."

WHAT CONGRESS IS EXPECTED TO DO

EVEN AS THE POLITICAL DEBATE OVER CUBA CONTINUES, THE REPUBLICAN-CONTROLLED CONGRESS IS EXPECTED TO TRY TO THWART OBAMA'S OPENING TO CUBA AS BEST IT CAN – LARGELY THROUGH ITS CONTROL OF GOVERNMENT PURSE STRINGS.

CONGRESS CAN'T STOP THE REESTABLISHING OF FULL DIPLOMATIC TIES WITH CUBA. On Wednesday, in fact, Secretary of State John Kerry said he will travel to Havana "later this summer" to mark both "the raising of the Stars and Stripes" over the embassy and "the beginning of a new era of a new relationship with the Cuban people."

It will be the first time since 1945 that a secretary of State has visited Havana, Mr. Kerry noted.

STILL, Congress can continue to place roadblocks on the way to a deeper US diplomatic presence in Cuba.

A NUMBER OF FUNDING BILLS FOR US GOVERNMENT DEPARTMENTS HAVE BEEN AMENDED IN THE HOUSE TO LIMIT ANY EXPANSION OF OPERATIONS IN CUBA. Most critically, State Department funding for US diplomats operating in Cuba has been frozen – even though the State Department won Havana's OK to boost the number of US diplomats in Cuba as part of the transition to a full-fledged embassy.

"It would be a shame if Congress impeded implementation of some of the very things we all agree we want to do," says a senior State Department official, referring to the ability to "reach out all over the island" with a beefed-up embassy staff.

AT: CUBA SCENARIO --- APPEASEMENT TURN

Lifting the embargo makes the US look weak internationally Campbell 15

Greg Campbell, contributor for tpnn, "Ten GREAT Reasons the U.S. Should NOT Lift the Embargo on Cuba," January 16, 2015, tpnn, <http://www.tpnn.com/2015/01/16/ten-great-reasons-the-u-s-should-not-lift-the-embargo-on-cuba/NV>

AS President OBAMA CONTINUES TO DISMANTLE WHAT HAS STOOD AS DIPLOMATIC BEDROCK FOR each and every president for the last FIFTY-PLUS YEARS, CUBAN LEADERS WAIT WITH HUSHED ANTICIPATION OF THE DAY WHEN THE U.S. WILL FINALLY LIFT THE ECONOMIC EMBARGO on the island that remains a bastion of Communist government just 90 miles off our shores.

To be clear, the citizens of Cuba are not to blame for this system of government. WHILE IT IS UNFORTUNATE THAT SO MANY MUST REMAIN IMPRISONED ON THIS ISLAND, stuck under the oppressive rule of this despotic Castro regime, THE SUREST HOPE FOR THEIR ULTIMATE FREEDOM IS FOR THE BREAKING OF THE COMMUNIST STRANGLEHOLD on Cuban citizens, NOT TO FACILITATE THE SURVIVAL of this method of tyrannous government.

Though President Obama and his assorted band of "yes men" and other diplomatic weaklings head towards lifting the Cuban embargo, Jim Meyers at Newsmax.com compiled a list of compelling reasons why those on the right and left ought to be in favor of maintaining the embargo:

1. Lifting the embargo would benefit the Cuban people far less than the Castro regime. Most of the Cuban economy is owned by the government and all foreign trade is channeled through its agencies. Companies pay wages in hard currency, including dollars and euros, but the government pays workers in Cuban pesos — 500 pesos is worth around \$21 USD — and then pockets about 90 percent of the wages.

2. Decades of trade between Cuba and market economies in Europe, Canada, and Latin America have not produced the political and economic benefits to the people that embargo opponents say a lifting of the sanctions would produce. What they have done is line the pockets of the Castro government. Corruption, not the embargo, denies people the benefits of trade.

3. OPENING UP TRADE WITH CUBA WOULD LEAD THE UNITED STATES INTO DEALINGS WITH A "DEADBEAT" NATION THAT REFUSES TO HONOR ITS COMMITMENTS. CUBA HAS DEFAULTED ON ITS ESTIMATED \$37 BILLION DEBT TO THE PARIS CLUB OF NATIONS. RUSSIA HAS BEEN FORCED TO WRITE OFF CUBA'S \$32 BILLION DEBT, and Mexico wrote off \$340 million of Cuba's debt.

4. CUBA HAS NOT RELEASED ALL THE POLITICAL PRISONERS OBAMA SAID THE REGIME HAD PROMISED TO FREE DURING RECENT CUBAN-AMERICAN DISCUSSIONS. ESTIMATES ARE THAT THERE ARE MORE THAN 6,000 POLITICAL DETAINEES IN CUBA, among the world's highest per capital, and some 65,000 prison inmates altogether.

5. ENDING THE EMBARGO WOULD BE A BLOW TO AMERICAN VALUES, Americans want free trade with free people and NOT RELATIONS THAT STRENGTHEN AN AUTHORITARIAN REGIME'S OPPRESSION OF ITS PEOPLE.

6. Lifting the embargo without getting concessions from Cuba would make the United States appear weak. ACCORDING TO U.S. LAW, CUBA MUST LEGALIZE ALL POLITICAL ACTIVITY, RELEASE POLITICAL PRISONERS, COMMIT TO FREE AND FAIR ELECTIONS, grant freedom of the press, and allow labor unions. Cuba has not met these conditions. Lifting the sanctions unilaterally would send the message that America is willing to appease an oppressive regime. MOREOVER, the embargo enables the United States to continue to pressure the Cuban government to improve human rights.

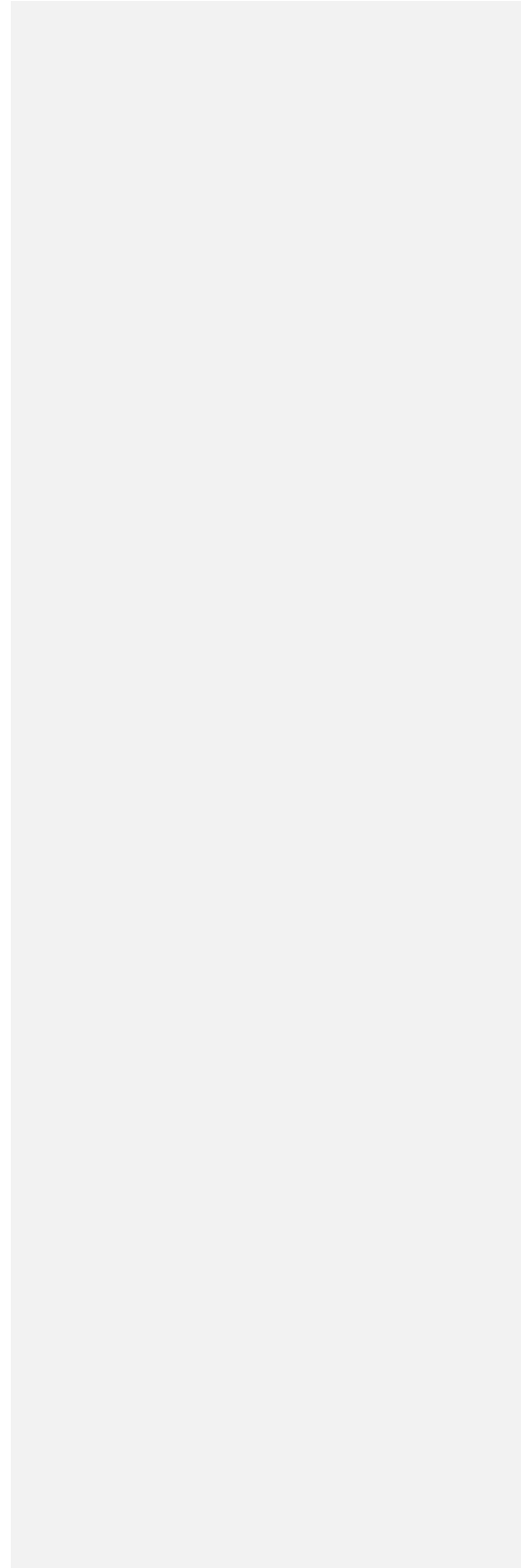
7. The embargo does not prevent Americans from providing assistance to the Cuban people. American policy allows people to visit family members and send money to relatives in Cuba. Over \$3.5 billion in remittances are sent to Cuban families each year.

8. Cuba remains on the U.S. "State Sponsors of Terrorism" list. Cuba has provided sanctuary for terrorists from other nations and harbored American fugitives. Black Panther activist and convicted murderer JoAnne Chesimard is among the 90 or more criminals who fled America and received political asylum in Cuba.

9. THE UNITED STATES SHOULD NOT LIFT THE EMBARGO UNTIL A NEW LEADER IS IN PLACE IN CUBA, Fidel Castro turned over control to his brother Raul, but Raul is over 80 years old and it is unclear who would succeed him. THE EMBARGO COULD BE USED AS A BARGAINING CHIP WHEN A NEW LEADER TAKES POWER.

10. The American people oppose lifting the embargo. A poll last year found that a slight majority still want the sanctions to remain in place. More importantly, an even larger majority of Cuban-Americans, those who understand the situation best, favor keeping the embargo in place.

{Insert the Russia Scenario here}



AT: CUBA SCENARIO --- HUMAN RIGHTS TURN

Turn – the embargo is key to stop human rights violations

Campbell 15

Greg Campbell, contributor for tpnn, "Ten GREAT Reasons the U.S. Should NOT Lift the Embargo on Cuba," January 16, 2015, tpnn, <http://www.tpnn.com/2015/01/16/ten-great-reasons-the-u-s-should-not-lift-the-embargo-on-cuba/NV>

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Lifting it just leads to more oppression – last 7 months prove Gonzalez 7/7

Mike Gonzalez, writer for Newsweek, "Cuban Rights Protestors Bloodily Beaten in Havana," July 7, 2015, Newsweek, <http://www.newsweek.com/cuban-rights-protesters-bloodily-beaten-havana-351091/NV>

When President OBAMA CONFIDENTLY ASSERTED, "THIS IS WHAT CHANGE LOOKS LIKE," DURING HIS CUBA EMBASSY ANNOUNCEMENT ON JULY 1, HE COULDN'T POSSIBLY HAVE HAD IN MIND THE PICTURE OF A BLOODIED AND BANDAGED ANTONIO RODILES.

AND YET, THE DISSIDENT LEADER WARNED OBAMA THAT VERY DAY IN A TWEET that appeasement meant more repression of dissidents.

RODILES HAD TO BE OPERATED ON OVERNIGHT TO REPAIR HIS NOSE AFTER RECEIVING A BEATING AT THE HANDS OF STATE SECURITY AGENTS. HE WAS ARRESTED ON JULY 5 ALONG WITH 20 OTHER PEOPLE WHO HAD THE TEMERITY TO MARCH TO MASS DEMANDING that HUMAN RIGHTS and individual freedom be respected in Castro's Caribbean island Gulag.

His prophetic tweet to Obama and U.N. Ambassador Samantha Power the day of the announcement simply asked, "HOW TO TALK ABOUT ENGAGEMENT AFTER 11 SUNDAYS OF STRONG REPRESSION."

Rodiles was responding to Obama's statement, "I strongly believe that the best way for America to support our values is through engagement," which the White House tweeted out and Power retweeted.

My retweet of Rodiles said, "@AmbassadorPower @BarackObama Pls listen to this dissident. He risks his life every day in #Cuba. Do u know better?"

And that's just it: Apparently they think they do.

It's either THIS HUBRISTIC BELIEF THAT OBAMA AND THE PEOPLE AROUND HIM KNOW BETTER ABOUT HOW TO ADVANCE DEMOCRACY AND HUMAN RIGHTS THAN THE CUBANS ACTUALLY FIGHTING FOR IT, OR THEY THINK THAT DISSIDENTS LIKE RODILES ARE A NUISANCE THAT GET IN THE WAY OF THE STATE-TO-STATE EXCHANGES BETWEEN THE GROWNUPS.

THERE IS SADLY A HISTORY OF SUCH DISMISSAL OF DEMOCRATIC FORCES FOR THIS ADMINISTRATION. Its very first on the world stage was to stand by as pro-democracy demonstrators took to the streets of Tehran.

THE WHITE HOUSE WAS NOT EVEN SWAYED BY THE GRUESOME MURDER OF DISSIDENT NEDA AGHA SOLTAN. SO WHY WOULD IT HAVE A MOMENT OF CONTRITION OVER RODILES'S BROKEN NOSE?

For THIS ARROGANT BELIEF IN THEIR OWN INTRINSIC KNOWLEDGE OF HOW TO BRING DEMOCRACY TO CUBA—OR THE WORSE DISMISSAL OF THOSE SUFFERING FOR SPEAKING THEIR MINDS—Obama has broken the law by attempting to open an embassy in Havana.

The Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 requires the fulfillment of two conditions before the restoration of diplomatic relations. The first is that the president must determine that "a transition to a democratically elected government in Cuba has begun." Not even Secretary of State John Kerry in his worst moments of euphoria could make this claim.

The second condition is "the satisfactory resolution of property claims by a Cuban Government recognized by the United States." The Castro regime's seizure of some \$8 billion in U.S. assets remains the largest theft in U.S. history.

THE 12TH SUNDAY OF REPRESSION IN CUBA IS UNLIKELY TO STOP OBAMA'S LEGITIMIZATION OF THE CASTROS, JUST LIKE SKULLDUGGERY ON THE PART OF THE MULLAHS WILL NOT SLOW DOWN THE RUSH "TO GET AN AGREEMENT" WITH IRAN.

Congress, on the other hand, has a responsibility to make sure that the president acts within the law and does not “fundamentally transform” America’s history of supporting democracy and freedom.

Removing embargo won’t change anything Washington Post 7/1

Washington Post, “Despite Mr. Obama’s ‘engagement,’ Cuba continues its repression,” July 1, 2015, Washington Post, http://www.washingtonpost.com.proxy.lib.umich.edu/opinions/the-reality-in-cuba/2015/07/01/5b891ba2-1b6a-11e5-bd7f-4611a60dd8e5_story.html/NV

IN ANNOUNCING THE REOPENING OF THE U.S. EMBASSY IN HAVANA, PRESIDENT OBAMA SAID “NOBODY EXPECTS CUBA TO BE TRANSFORMED OVERNIGHT” BY HIS POLICY OF “ENGAGEMENT.” That’s just as well because IN THE FIRST SIX MONTHS OF MR. OBAMA’S NORMALIZATION OF RELATIONS with the Communist regime, MOST INDICATORS OF HUMAN RIGHTS ON THE ISLAND HAVE MOVED IN THE WRONG DIRECTION.

SINCE DECEMBER, THERE HAVE BEEN MORE THAN 3,000 POLITICAL DETENTIONS IN CUBA, INCLUDING 641 IN MAY AND 220 ON SUNDAY ALONE, according to dissident sources. MOST WERE ACCOMPANIED BY BEATINGS; AT LEAST 20 DETAINEES REQUIRED MEDICAL TREATMENT IN MAY. After Cuba was invited for the first time to the Summit of the Americas in Panama, regime thugs attacked the civil society activists who also showed up.

“SOME OF US HAD HOPED . . . THAT THERE WOULD BE A STOP TO — OR AT LEAST A LESSENING OF — THE BEATINGS” OF PEACEFUL DEMONSTRATORS, WROTE ACTIVIST MARIO LLEONART RECENTLY, “BUT WE NOW KNOW THAT WHAT IS HAPPENING IS PRECISELY THE OPPOSITE.”

Visits by Americans to Cuba are reportedly up by a third, including plenty of political delegations. But IN THE MONTHS AFTER MR. OBAMA ANNOUNCED THE DIPLOMATIC OPENING IN DECEMBER, THERE WAS ALSO A 120 PERCENT INCREASE IN CUBANS SEEKING TO FLEE TO THE UNITED STATES. MANY WORRY THAT ONCE RELATIONS ARE NORMALIZED, THE UNITED STATES WILL STOP ACCEPTING REFUGEES; according to recent polling, MORE THAN HALF OF CUBANS WOULD LIKE TO LEAVE THE COUNTRY.

Mr. Obama eased regulations on U.S. food sales, but imports of American food to the island, controlled by the state, dropped by half in the first three months of 2015, compared with last year. Netflix announced that Cubans could stream its service — but the charge for an hour of access to one of the few government-controlled Internet hotspots equals 10 percent of a typical government worker’s monthly salary, and independent Cuban Web sites are blocked.

WE DON’T OPPOSE DIPLOMATIC CONTACTS OR U.S. EMBASSIES IN COUNTRIES SUCH AS CUBA, IN PRINCIPLE. BUT THE RESULTS OF MR. OBAMA’S INITIATIVE SO FAR UNDERLINE THE OPPORTUNITY HE MISSED IN NOT REQUIRING EVEN MODEST ALLEVIATION OF THE DICTATORSHIP’S REPRESSION IN EXCHANGE FOR WHAT AMOUNTS TO A POLITICAL AND ECONOMIC BAILOUT OF A FAILING REGIME. Mr.

Obama could have sought a guarantee, for example, that the Ladies in White, formed by the families of political prisoners, be allowed to carry out their peaceful weekly marches without arrests or beatings; as it is, attacks on the group have increased sharply.

THE STATE DEPARTMENT ALSO COULD HAVE INSISTED THAT U.S. DIPLOMATS HAVE UNRESTRICTED ACCESS TO AVERAGE CUBANS AND COULD HAVE REJECTED THE REGIME’S DEMANDS THAT ONGOING DEMOCRACY PROGRAMS BE CANCELED. Instead, a senior U.S. official said that, while access would improve, the State Department had accepted “constraints” on personnel in Cuba similar to those in other “restrictive environments.”

Thanks to congressional opposition, no U.S. ambassador to Cuba may be confirmed anytime soon. But Mr. Obama himself, according to his spokesman, is eager to visit Havana. We’d like to hope that the president will restrain himself until the Castro regime shows some sign of delivering the improvements in human rights he says are the goal of his outreach. SO FAR, U.S.-CUBA RAPPROCHEMENT IS LOOKING ENTIRELY ONE-SIDED.

AT: Cuba Scenario --- Lifting Embargo Increases Structural Violence

Lifting in the embargo only increases structural violence

Jacoby 7/8

Jeff Jacoby, columnist for the Boston Globe, "Cubans pay the price for Obama's 'engagement' with the Castros," July 8, 2015, Boston Globe, <http://www.therealcuba.com/NV>

ON JULY 1, President OBAMA ANNOUNCED THE FORMAL RESUMPTION OF DIPLOMATIC RELATIONS WITH CUBA, ASSERTING CONFIDENTLY THAT "American ENGAGEMENT . . . IS THE BEST WAY TO ADVANCE our interests and support for DEMOCRACY AND HUMAN rights."

ON JULY 5, the Communist regime in HAVANA DELIVERED ITS CUSTOMARY RESPONSE. IT ARRESTED MORE THAN 80 DEMOCRATIC DISSIDENTS, INCLUDING AT LEAST 60 MEMBERS OF LADIES IN WHITE, a peaceful group of brave women who march weekly in support of husbands, fathers, and other relatives imprisoned in the Castros' jails. MANY OF THOSE DETAINED WERE HURT, SOME SEVERELY. One prominent human rights activist, ANTONIO RODILES, WAS SENT TO THE HOSPITAL WITH A SHATTERED NOSE; HE had reportedly BEEN handcuffed by security forces, then BEATEN FOR SHOUTING "LONG LIVE FREEDOM" AND "LONG LIVE HUMAN RIGHTS."

THERE HAD BEEN EVEN MORE ARRESTS AND BEATINGS IN THE DAYS LEADING UP TO OBAMA'S ROSE GARDEN STATEMENT. SOME 225 CUBAN DISSIDENTS ACROSS THE ISLAND WERE ARRESTED THE PREVIOUS SUNDAY, with Ladies in White again prominent among those targeted. In fact, there have been police actions against Cuban democrats for 12 Sundays in a row — THE GOVERNMENT MAKES A POINT OF GOING AFTER DISSIDENTS AS THEY WALK TO MASS or emerge from church holding photos of imprisoned loved ones.

Like most US advocates of normalizing relations with the only all-out dictatorship in the Western Hemisphere, Obama claims that warming up to the Castro regime is the most effective way to promote freedom and liberal reform in Cuba. When he announced LAST DECEMBER that ties between Havana and Washington were going to be restored, THE PRESIDENT DECLARED THAT "WE CAN DO MORE TO SUPPORT THE CUBAN PEOPLE and promote our values through engagement." NOW, NEARLY SEVEN MONTHS LATER, HE REITERATES "AMERICA'S ENDURING SUPPORT FOR UNIVERSAL VALUES, like freedom of speech and assembly," AND he INSISTS THAT HIS ADMINISTRATION "WILL NOT HESITATE TO SPEAK OUT WHEN WE SEE ACTIONS THAT CONTRADICT THOSE VALUES."

NO? OVER THE PAST SEVEN MONTHS, LIFE FOR CUBA'S PEOPLE HAS GROWN EVEN MORE UNFREE. YET FAR FROM FORTHRIGHTLY CONDEMNING THE REPRESSION, OBAMA SERENELY COUNSELS PATIENCE: "Nobody expects Cuba to be transformed overnight," he says.

THERE HAVE BEEN MORE THAN 3,000 POLITICAL DETENTIONS ON THE ISLAND SINCE LAST DECEMBER, according to The Washington Post. The paper quotes Mario Felix Leonart, a Cuban Baptist pastor who laments that he, like many, "had hoped, following the announcement about normalizing relations between the US and Cuba, that there would be a stop to — or at least a lessening of — the beatings" of dissidents. "We now know that what is happening is precisely the opposite."

The policy that Obama now embraces is also "precisely the opposite" of the one he feigned to uphold as a candidate for president.

ONCE UPON A TIME, OBAMA MAINTAINED THAT THERE WOULD BE NO AMERICAN EMBASSY IN HAVANA UNTIL ALL OF CUBA'S POLITICAL PRISONERS WERE FREE. Now he trumpets John Kerry's forthcoming trip to Havana "to proudly raise the American flag over our embassy once more," even as Cuba continues to lock up men and women for daring to seek the democratic liberties Americans take for granted.

THE OBAMA ADMINISTRATION IS BESTOWING TREMENDOUS GIFTS ON CUBA'S RULERS: diplomatic legitimation, a public-relations triumph, an influx of hard currency, and expanded influence in Washington. ALL THIS THE CASTROS ARE GETTING IN

EXCHANGE FOR NOTHING: NO ELECTIONS, NO FREE PRESS, NO END TO BEATING PEACEFUL
PROTESTERS, NO JUSTICE FOR THE MANY VICTIMS OF CUBAN TOTALITARIANISM.

"CASTROISM HAS WON," MOURNED THE CUBAN DISSIDENT YOANI SÁNCHEZ last winter, when Obama announced an end to America's principled policy on Cuba. If it wasn't obvious then, it is now.

AT: Russia Impact

No Russia war – five warrants Margossian 14

Maral Margossian, a columnist for Massachusetts Daily Collegian, "Five reasons why Russia won't start World War III," March 27, 2014, The Massachusetts Daily Collegian, <http://dailycollegian.com/2014/03/27/five-reasons-why-russia-wont-start-world-war-iii/NV>

THE recent EVENTS IN EASTERN EUROPE INVOLVING RUSSIA AND UKRAINE HAVE SPAWNED, AT THEIR MOST EXTREME, APOCALYPTIC CLAIMS. HERE ARE FIVE REASONS WHY RUSSIA WON'T START WORLD WAR III, or any other war for that matter:

1. THE WORLD IS MAD. THE END OF WORLD WAR II USHERED THE WORLD INTO A precarious ATOMIC AGE that characterized the international atmosphere DURING THE COLD WAR. LUCKILY, THE COLD WAR NEVER ESCALATED TO NUCLEAR WAR. WHY? BECAUSE OF MUTUALLY ASSURED DESTRUCTION (or MAD). RUSSIA KNOWS THAT IF IT PUSHES THAT BIG RED BUTTON, WE HAVE OUR OWN EVEN BIGGER, REDDER BUTTON TO PUSH in retaliation. THE ODDS OF A NUCLEAR WAR WITH RUSSIA ARE EXTREMELY UNLIKELY.

2. THE IMPACT OF ECONOMIC SANCTIONS ON THE RUSSIAN ECONOMY IS FAR TOO CRIPPLING FOR RUSSIA TO FUND A war. As a part of a globalized world, economic sanctions are more than mere slaps on the wrist. ALREADY THE SANCTIONS IMPOSED ON RUSSIA HAVE BEGUN TO TAKE THEIR TOLL. The West has yet to attack Russia's strongest economic assets, but THE DECLINING STRENGTH OF THE RUSSIAN ECONOMY PUTS PUTIN FAR FROM A POSITION TO WAGE A WORLD WAR.

3. PUTIN'S ACTIONS DEMONSTRATE HIS LONGING FOR RUSSIA'S GLORY DAYS BEFORE THE FALL OF THE SOVIET UNION. HIS ANNEXATION OF CRIMEA IS MORE OUT OF FEAR THAN STRENGTH. Putin feels threatened by Russia's changing role in world affairs and is using Crimea to tell the world that Russia still matters.

4. RUSSIA IS ALREADY SEEN AS THE "BIG BAD WOLF" OF EUROPE. Though Putin may have been nominated for the Nobel Peace Prize for his involvement in the Syrian chemical weapons deal, RUSSIA'S POPULARITY AMONG MANY WESTERN COUNTRIES IS NOT VERY HIGH. THE RECENT SUSPENSION OF RUSSIA FROM THE G8 GROUP IS A SYMBOLIC ACTION THAT DEMONSTRATES THAT RUSSIA WILL HAVE TO FACE A UNITED FRONT OF WORLD POWERS IF IT CHOOSES TO START A WAR.

5. THERE IS JUST TOO MUCH AT STAKE. WAR BETWEEN UKRAINE AND RUSSIA IS ONE THING; Russia's military is large enough and strong enough to easily defeat Ukraine. HOWEVER, IF RUSSIA DECIDES TO TAKE FURTHER AGGRESSIVE ACTION, IT MUST ALSO CONTEND WITH SURROUNDING EUROPEAN UNION MEMBER NATIONS and their potential involvement in the war. Moreover, Russia's involvement in other international affairs will be affected. For example, the ongoing effort to normalize relations between Iran and the rest of the world will be jeopardized, considering Russia is involved in those efforts. CRIMEA MAY HAVE SYMBOLIC MEANING CLOSE TO THE HEARTS OF RUSSIANS, BUT IT ISN'T WORTH RISKING THE DOMINO EFFECT OF EVENTS THAT CAN POTENTIALLY OCCUR.

So, those of you who feel abnormally unsettled by the recent turn of events can rest easy. WHILE RUSSIA'S ACTIONS CAN'T BE BRUSHED ASIDE AND SHOULD BE TAKEN SERIOUSLY, THE CHANCES OF THIS CONFRONTATION ESCALATING TO A GREAT WAR ARE SLIM — assuming these countries act rationally.

AT: Iran Politics Samford

Iran Answers (Front-Line)

(--) Surveillance is issue-specific and won't spill over:

Jared **Metzker**, (staff writer), July 27, 2013. Retrieved Apr. 29, 2015 from <http://original.antiwar.com/jared-metzker/2013/07/26/poll-shows-voter-bi-partisan-split-mirrors-house-vote-on-nsa/>

By a ratio of about two-to-one, 60 to 29 percent, young respondents said they were more concerned about the government doing too much to weaken civil liberties than they were about it doing too little to defend the nation from terror. In terms of gender, 51 percent of men agreed with this statement, as opposed to only 29 percent of women. In the report, Pew concludes that the views of U.S. citizens on this issue are "complex", a conclusion based in part on the relative lack of correlation with party leanings. Spill Over **Ornstein believes that the cross-cutting divide splitting both major parties is "issue-specific" and unlikely to spill over into other major controversies,** for example on social issues such as spending on health care.

(--) The NSA director, not Obama, will lobby against the plan:

George **Zornick**, (staff writer) THE NATION, July 25, 2013. Retrieved Apr. 29, 2015 from <http://www.thenation.com/blog/175427/historic-bipartisan-vote-narrowly-fails-derail-nsa-spying>

Representatives Justin Amash and John Conyers created an amendment to a big defense appropriations bill, which used targeted language to defund the bulk collection of data by the National Security Agency. This was the practice disclosed by Edward Snowden and The Guardian in early June. Amash managed to get the amendment to the House floor. Politico suggests House leadership allowed a vote because they were sure it couldn't pass—though that seems like a contestable assumption. **The administration seemed quite worried that it would: NSA director Keith Alexander was immediately dispatched to the Hill to lobby members against the amendment.** The White House also released a veto threat on the same day, a somewhat unusual move for a single amendment that supposedly had no chance of passing. The White House declared, "This blunt approach is not the product of an informed, open, or deliberative process."

(--) The Iran deal will fail now:

David Ignatius, (staff writer), HUFFINGTON POST, FEB. 9, 2015. Retrieved Apr. 30, 2015 from http://www.washingtonpost.com/opinions/proceed-with-caution-on-iran-diplomacy/2015/02/09/35a601e4-b0a7-11e4-854b-a38d13486ba1_story.html

Pessimism about the negotiations is growing because the two sides seem far apart on key issues. Take the question of sanctions relief: Iranian Foreign Minister Mohammad Javad Zarif said Sunday that sanctions are a "liability" that should be removed quickly if there's a deal. But American negotiators have insisted that sanctions would be removed gradually, in a phased process, as Iran shows that it is abiding by the terms of the overall agreement. When the two sides are so far apart on this basic issue, it's hard to see how they will get to yes.

Deal will fail and Democrats will be forced to vote for sanctions:

Jennifer **Rubin, 2/9/2015** (staff writer, "Iran deals, loopholes and sanctions,"

<http://www.washingtonpost.com/blogs/right-turn/wp/2015/02/09/iran-deals-loopholes-and-sanctions/>, Accessed 2/19/2015, rwg)

Mr. Khamenei seems to oppose a procedure already agreed to by the two sides, which is to conclude an understanding of general principles by March 24 and to finalize details of a deal by the end of June. "If an agreement is reached," he said, "it must be concluded in one go and must encompass both general principles and details." Agreement on only principles would allow the Americans to raise "one objection after another" over details, he said, describing this as usual practice by the U.S." **If there is to be no interim "political framework" in March then Democrats' feet will be put to the fire and, according to the letter ten Democrats sent to the president, would then vote for additional sanctions conditioned on no final deal.**

Winners win- key to momentum and public approval.

Parnes, 12-27 – The Hill senior White House correspondent

[Amie, "'Liberated' Obama builds momentum," The Hill, 12-27-14, thehill.com/homenews/administration/228017-liberated-obama-builds-momentum, accessed 12-29-14]

President **Obama is responding to a drubbing in the midterm elections with action. So far, it's paying off. Obama's poll numbers — which had previously slid into the low 40's — are up, and the president has enjoyed a streak of good headlines.** Those factors, coupled with a rising economy, are making the White House optimistic about his final two years in office. White House allies say the president feels an increased sense of liberation with the elections over. They predict that he will continue to be proactive in the face of the Republican Congress that will take power early next year. After a mostly lackluster 2014, **Obama was able to score a series of wins in the last six weeks by going on the offensive with a string of executive actions,** a hitherto-secret plan to normalize relations with Cuba and a satisfying compromise on the omnibus. "He doesn't feel constrained anymore," said Steve Elmendorf, the prominent Democratic lobbyist and veteran of Capitol Hill. "I think he felt constrained before the election, a little too constrained, to protect vulnerable senators. Now he has a little more breathing room." A former senior administration official said that a more confident Obama has emerged since the midterm dustup: the one who hates to lose. While political pundits and others in the Beltway have been portraying him as a lame duck, Obama has fought back against that notion, the official said. "The most remarkable trait of Barack Obama is that he's always had a confidence about him regardless of political wins or what pundits are saying," the former official said. "Throughout his presidency, even in the lowest moments when everyone was piling on, he's always had this sense that ultimately he's going to be vindicated and I think these events certainly helped." Obama's winning streak was extended on Tuesday when new data from the Commerce Department showed that the economy grew at a 5 percent rate from July to September, the fastest pace in 11 years. The news will surely add to Obama's swagger on the economy. White House aide say he'll continue to tout the recovery – and remind people of just how dire the situation was when he first took office — as part of an effort to define his legacy. **But as the president continues to play in the "fourth quarter,"** as he put it at his year-end press conference last week, **even some of his most loyal allies are wondering how can he keep the momentum going.** Political observers caution that **Obama will face significant roadblocks in the months ahead,** especially **now that** all of **Capitol Hill is Republican-controlled territory** "**it will be much, much harder.**" said Julian Zelizer, a professor of history and public affairs at Princeton University.

No arms race or war

Layne 9 – Int'l Affairs Prof, Texas A&M, Visiting Fellow in Foreign Policy Studies, Cato Institute (Christopher, America's Middle East grand strategy after Iraq, Review of International Studies 35, Cambridge Journals)

Of course, hard-line US neoconservatives reject this approach and argue that a nuclear-armed Iran would have three bad consequences: there could be a nuclear arms race in the Middle East; Iran might supply nuclear weapons to terrorists; and Tehran could use its nuclear weapons to blackmail other

Commented [ME1]:

states in the region, or to engage in aggression. Each of these scenarios, however, is improbable.²⁴ A **nuclear Iran will not** touch off a proliferation **snowball** in the Middle East. Israel, of course, already is a nuclear power. The other three states that might be tempted to go for a nuclear weapons capability are **Egypt, Saudi Arabia, and Turkey**. However, each of these states **would be under** strong **pressure not to** do so, **and Saudi Arabia lacks** the industrial and engineering **capabilities** to develop nuclear weapons indigenously. Notwithstanding the Bush administration's hyperbolic rhetoric, **Iran is not going to give** nuclear **weapons to terrorists**. This is not to deny Tehran's close links to groups like Hezbollah and Hamas. However, there are good reasons that states – even those that have ties to terrorists – draw the line at giving them nuclear weapons (or other WMD): if the terrorists were to use these weapons against the US or its allies, the **weapons could be traced back** to the donor state, **which would** be at **risk of annihilation** by an American retaliatory strike.²⁵ **Iran's leaders** have too much at stake to run this risk. Even if one believes the administration's claims that rogue state leaders are indifferent to the fate of their populations, they do **care** very much **about** the **survival** of their regimes, which means that they can be deterred. For the same reason, Iran's possession of nuclear weapons will not invest Tehran with options to attack, or intimidate its neighbours. Israel's security with respect to Iran is guaranteed by its own formidable nuclear deterrent capabilities. By the same token, just as it did in Europe during the Cold War, the US can extend its own deterrence umbrella to protect its clients in the region – Saudi Arabia, the Gulf states, and Turkey. **American security guarantees** not only will **dissuade Iran from acting recklessly**, but also restrain proliferation by negating the incentives for states like Saudi Arabia and Turkey to acquire their own nuclear weapons. Given the overwhelming US advantage in both nuclear and conventional military capabilities, **Iran is not going to risk** national **suicide by challenging America's** security commitments in the region. In short, while a nuclear-armed Iran hardly is desirable, neither is it 'intolerable', because it could be contained and deterred successfully by the US.

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Winners Win 1ar

Extend our Parnes evidence: Winners Win for Obama and it assumes this term and right now—prefer that to generic old evidence.

Keeping the streak going is key- Obama needs a new win to prevent conservative reprieve

Yong, 12-27 -- Strait Times

[Jermei Au, "US President Obama gets his groove back," 12-27-14, news.asiaone.com/news/world/us-president-obama-gets-his-groove-back, accessed 1-4-15]

He gave a clear hint of the sort of thinking that will drive his interactions with a Republican-controlled Congress next year: He still has veto power and is not about to be bullied. "In order for their initiatives to become law, I'm going to have to sign off and that means they have to take into account the issues I care about, just as I'm going to take into account the issues they care about." The **turnaround has come almost entirely off the back of actions Mr Obama has taken** on his own. After his shellacking by the Republicans at the mid-term elections, it is almost as if a switch went off. In a few short weeks, he has signed a landmark emissions deal with China, taken significant executive action on immigration reform, managed to get a comprehensive budget passed and started the process of normalising relations with Cuba. **That rapid-fire string of achievements has now given Mr Obama the sort of momentum he struggled to achieve all year.** Throughout 2014, he seemed to be lurching from crisis to crisis, whether it was Russia invading Ukraine, China towing an oil rig into disputed waters in the South China Sea, the Ebola outbreak in West Africa or the threat of the Islamic State in Iraq and Syria militant group. His favourability among Hispanic voters has shot up, he has fired up his liberal political base and sent Republicans scrambling for a response. In pushing ahead with immigration reform despite a multitude of threats, he has also shown renewed political nous, gambling that the Republicans would not risk a mutually destructive government shutdown to punish him. Add to that a compressed time frame and the fact that the GOP had yet to take over the Senate, the Republicans indeed duly passed a US\$1.1 trillion (\$\$1.3 trillion) spending Bill with only a token symbol of their objection to his immigration action attached. But the **conservatives**, too, **will be looking forward to the new year because**, at some point, **the President is going to run out of things he can do** on his own.

Deal Failing Now: 1ar

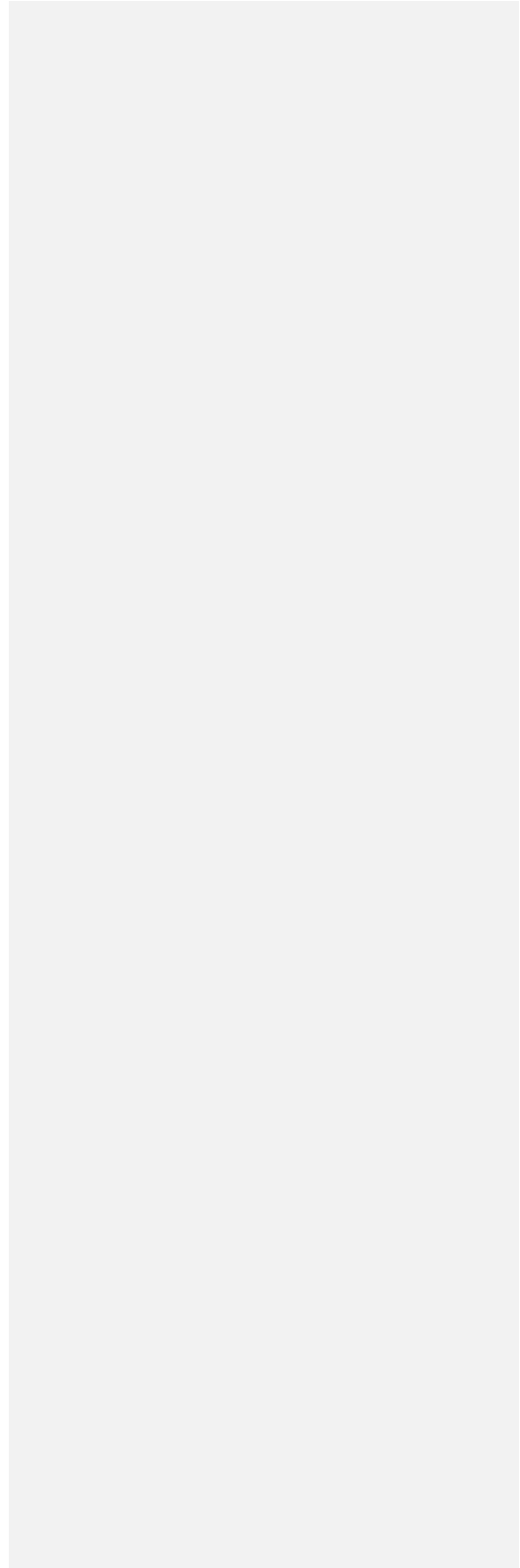
Deal is failing now:

David Ignatius, 2/9/2015 ("Proceed with caution on Iran diplomacy,"
http://www.washingtonpost.com/opinions/proceed-with-caution-on-iran-diplomacy/2015/02/09/35a601e4-b0a7-11e4-854b-a38d13486ba1_story.html, Accessed 2/19/2015, rwg)

Pessimism about the negotiations is growing because the two sides seem far apart on key issues. Take the question of sanctions relief: Iranian Foreign Minister Mohammad Javad Zarif said Sunday that sanctions are a "liability" that should be removed quickly if there's a deal. But American negotiators have insisted that sanctions would be removed gradually, in a phased process, as Iran shows that it is abiding by the terms of the overall agreement. **When the two sides are so far apart on this basic issue, it's hard to see how they will get to yes.**

AT: Iran DA Northwestern

UQ



UQ—Overwhelms the Link

Uniqueness overwhelms the link, Congress and Republicans can't do anything about the deal – Iran deal passing regardless whether the plan is done or not

Beauchamp 7/21 (<http://www.vox.com/2015/7/21/9007211/iran-nuclear-deal-republicans>, The GOP has no good options for killing the Iran deal, Zack Beauchamp, staff writer for the Vox and ThinkProgress. 7/21/2015)

Republican presidential candidates are climbing over one another to denounce the Iran nuclear deal. Jeb Bush called it a "terrible deal." Marco Rubio labeled it "a dangerous and destabilizing failure." Ted Cruz warned it "will result in the United States government becoming one of the leading funders of international terrorism." Rick Perry pledged to kill it as "one of my first official acts" as president; Scott Walker said he would "very possibly" order airstrikes on Iran on his first day in office. This all makes political sense. But don't take it too seriously as actual policy. The truth is that Republicans are in no real position to kill the Iran deal — probably not in Congress, and probably not even if they take the White House in 2016. Nor, really, should they want to: At this point, even if you are an Iran hawk who hates the deal, unilaterally torpedoing it would hurt your goals rather than advance them. Republicans have an Iran problem: They are politically wedding themselves to something that is, in practice, going to be very difficult or impossible for them to do. Unless something substantial changes on the ground — maybe Iran is caught in a major violation and refuses to fix it — American opponents of the Iran deal are probably not going to be able to kill it. Congressional Republicans are in a very weak position to kill the deal. The 2015 Iran Nuclear Agreement Review Act gives Congress 60 days to review the deal before Obama can begin lifting sanctions. In theory, they could vote to block US sanctions relief, which would violate the terms of the deal — effectively killing it. But that almost certainly won't happen. Congress is "effectively powerless to stop the Iran deal," writes Jack Goldsmith, the Henry L. Shattuck Professor at Harvard Law School. The simple explanation is numbers. Republicans would have to overcome a presidential veto. For that, they need every single Republican, plus 13 Senate Democrats and 44 House Democrats to vote in their favor — which, as Andrew Prokop points out, is a full fifth of the Democrats in each chamber. That's a huge hurdle. Even if you remove the actual foreign policy considerations, it would be politically bizarre for Democrats to so hurt their own party. This is President Obama's signature foreign policy achievement; over the course of 2015, supporting an Iran deal has increasingly become identified with supporting the president's foreign policy. Hillary Clinton, Democratic heir apparent, is on board with the deal — as is House Minority Leader Nancy Pelosi, who wields tremendous influence over House Democrats. Democratic voters support it by a whopping 69-25 margin, according to a Washington Post poll. The margin is pretty large among the general public, as well: 56 to 37. On foreign policy terms, killing the deal now is what you might call a tough sell. The most likely outcome, if the US Congress kills the deal, is that the international sanctions coalition against Iran would collapse. Keep in mind that the US signed this agreement not just with Iran but also with the UK, France, Russia, China, and Germany — all of whom would blame the US for breaking its word. Iran would suddenly be free from its obligations under the deal to dismantle its nuclear program. We would go from severe restrictions on Iran's nuclear program to effectively no restrictions, and we would go from a crippling sanctions regime to a very weak one. Even if you hate the Iran deal, that scenario is a lot worse. So in order to even have a chance of killing the Iran deal, Republicans will have to convince a large number of Democrats to abandon their president on his biggest foreign policy initiative, in defiance of the party's voters and top leaders — to support a bill that would be likely to end up accomplishing the opposite of what it's supposed to. That's a tough sell. Republicans' Iran problem only gets harder after Obama leaves office. As the years drag on, it will become harder for Republicans to unilaterally kill the deal — even if the Republicans take back the White House. By the time President Scott Walker or President Marco Rubio would be inaugurated, most of the international sanctions will already be gone. The whole point of killing the deal right now is to keep sanctions in place. Meanwhile, the international community will have a bunch of inspections and monitoring in place that the US would jeopardize by killing the deal. "The next president can start from scratch," Bob Corker, chairman of the Senate Foreign Relations Committee, told Reuters. "What would have happened, though, is the international sanctions process would have been totally dismantled." Merely withdrawing from the deal, in other words, isn't enough: A new Republican president would need to figure out some way to convince the world to put sanctions back in place. But it's really, really hard to imagine how the US could convince Russia and China and Europe to go back on a nuclear deal they so clearly see as a good thing. The entire point of the sanctions regime was to get Iran to agree to limits on its nuclear program. From the world's perspective, Iran has just agreed to put limits on its nuclear program. No major power would go along with a new American president who wants to kill the deal and roll the clock back to 2013. Destroying the deal would both 1) give Iran sanctions relief and 2) remove the strict limits the deal puts on Iran's nuclear program. That's the best of both worlds for Tehran — and the worst for Washington. Some of the more forthright hawks

recognize this. "If the next president is to have any hope of putting Iran back into the sanctions box, he or she will have to do some heroic diplomatic work to convince our allies to go along or else risk open economic warfare with our closest allies," Max Boot, a leading Iran hawk at the Council on Foreign Relations, writes in Commentary. Boot counsels a future Republican president "to keep the accord in place" while "building the case, both at home and abroad, for re-imposing sanctions and even using force if necessary to stop the Iranian nuclear program." It's hard to imagine the world powers deciding that it should join a President Walker or Rubio in renegeing on the deal and punishing Iran for its compliance (if Iran cheats, the deal has mechanisms for reimposing sanctions). The fact that this is where the anti-Iran-deal policy conversation is — super long-shot schemes premised on convincing all the world powers to betray a deal they just signed — tells you a lot about the likelihood of actually killing it. The deal is likely sealed. There are other imaginable avenues to killing the deal, but they're not much more attractive. A Republican president could simply launch a war out of thin air, as Walker suggested, but that'd be a disaster; the rest of the world would correctly see it as America betraying its commitments to the nuclear deal. The backlash would be even worse than it was to the 2003 Iraq invasion. And if a Democrat wins the White House, congressional Republicans will be in a worse place than they are now. It is certainly possible that the deal could fall apart in some other way: Maybe Iran will stonewall inspectors on verifying that it's complied with the terms, for example. But it is just very difficult to imagine any plausibly functional way in which Republicans can now unilaterally kill the deal. The Iran deal is almost certainly here to stay. Republican presidential candidates will likely say all sorts of things about rolling it back. The party's hawks are a critical constituency in the upcoming primary battle, and saying that you hate the deal and want to kill it helps convince those folks that you share their priorities. But don't confuse those pledges with, y'know, actual policy commitments. A Republican president will have little choice, like it or not, but to see the deal through.

Deal will pass—consensus of insiders

Foster 7/14 (Peter Foster; July 14, 2015; Correspondent for the Telegraph; "Iran deal: what happens next in Washington?" ; The Telegraph; <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/11730368/Iran-deal-what-happens-next-in-Washington.html>) jskullz

So CONGRESS COULD still SCUPPER THE DEAL? ¶ IN THEORY yes - ALTHOUGH IN PRACTICE THIS IS VERY UNLIKELY. ¶ Republicans have majorities in both houses of Congress so they can pass a motion rejecting the deal, but Mr Obama will then veto that motion. ¶ This is where the Congressional mathematics get very tough for opponents of an agreement. REPUBLICANS CAN OVERRIDE THE PRESIDENT'S VETO BUT ONLY IF THEY CAN RALLY TWO-THIRDS OF THE VOTE in both the Senate and the House. ¶ IN THE SENATE THAT MEANS THAT AT LEAST 13 DEMOCRATS MUST VOTE AGAINST MR OBAMA to derail the deal. GIVEN THAT THE DEAL IS OBAMA'S DEFINING FOREIGN POLICY ACHIEVEMENT, THE INFORMED CONSENSUS IS THAT THAT IS VERY UNLIKELY TO HAPPEN. ¶ In short, THERE ARE DEMOCRATS WHO DON'T LIKE THIS DEAL BUT NOT ENOUGH TO TORPEDO THEIR PRESIDENT'S FLAGSHIP FOREIGN POLICY ACHIEVEMENT.

No override—strong democratic support

Davis 7/14 (Susan Davis; July 14, 2015; Chief Washington correspondent for USA Today; "Congress unlikely to block Iran deal"; USA Today; <http://www.usatoday.com/story/news/politics/2015/07/14/congress-iran-deal/30125885/>) jskullz

IF CONGRESS WERE TO PASS A RESOLUTION seeking to block the deal, President OBAMA SAID TUESDAY HE WOULD VETO IT. OPponents WOULD then NEED A VETO-PROOF, TWO-THIRDS MAJORITY IN BOTH CHAMBERS TO OVERRIDE — A SCENARIO THAT SEEMS UNLIKELY TODAY AS TOP DEMOCRATS ISSUED EARLY STATEMENTS OF SUPPORT. ¶ "THE HISTORIC NUCLEAR AGREEMENT ANNOUNCED today IS THE

PRODUCT OF YEARS OF TOUGH, BOLD AND CLEAR-EYED LEADERSHIP from President Obama," SAID House Minority Leader Nancy PELOSI, D-Calif. "I commend the president for his strength throughout the historic negotiations that have led to this point."

No override—Democratic letter

Sargent 5/7 (Greg Sargent; May 7th 2015; Writer for the Washington Post's Plum Line political column; "The odds of an Iran nuclear deal just got better"; Washington Post; <http://www.washingtonpost.com/blogs/plum-line/wp/2015/05/07/the-odds-of-an-iran-nuclear-deal-just-got-higher/>) jskullz

ONE HUNDRED AND FIFTY HOUSE DEMOCRATS HAVE now SIGNED A LETTER EXPRESSING STRONG SUPPORT FOR PRESIDENT OBAMA'S ongoing NEGOTIATIONS WITH IRAN over its nuclear program, I've learned, IMPROVING THE CHANCES THAT AN EVENTUAL NUCLEAR DEAL COULD SURVIVE THE CONGRESSIONAL OVERSIGHT PROCESS.¶ The 150 DEMOCRATIC SIGNATORIES — WHICH INCLUDE DEM LEADERS LIKE NANCY PELOSI AND Chris VAN HOLLEN — are significant. Here's why: IF A DEAL IS REACHED that looks like the recently-announced framework, and THE GOP-CONTROLLED CONGRESS VOTES TO DISAPPROVE OF IT, IT'S NOW MORE LIKELY THAT THERE WILL BE ENOUGH HOUSE DEMOCRATS TO SUSTAIN OBAMA'S VETO of that disapproval legislation, allowing the deal to move forward.

Veto override's overwhelmingly slated to pass—house democrats won't abandon Obama.

Feeherey 7/14 (John Feeherey; July 14, 2015; staff writer for the Wall Street Journal; "Republicans Oppose the Iran Deal—but Can They Override a Veto?"; Wall Street Journal; <http://blogs.wsj.com/washwire/2015/07/14/republicans-oppose-the-iran-deal-but-can-they-override-a-veto/>) jskullz

Congress can pass either a resolution of approval or disapproval regarding the agreement. A TWO-THIRDS VOTE IN BOTH CHAMBERS IS NEEDED TO ASSERT CONGRESSIONAL DOMINANCE OVER THE PRESIDENT, and to reach that threshold, REPUBLICANS WILL MOST LIKELY NEED THE SUPPORT OF the incoming Democratic leader of the Senate, Chuck SCHUMER.¶¶ Senate Majority Leader Mitch McConnell will need Mr. Schumer, ALL OF THE OTHER JEWISH DEMOCRATS IN THE SENATE, AND THREE OTHER DEMOCRATS TO JOIN HIM in overcoming the veto that President Obama promised Tuesday in the face of congressional opposition. Sen. Robert MENENDEZ IS A LIKELY SUSPECT; Bill NELSON AND Kirsten GILLIBRAND ARE ALSO STRONG POSSIBILITIES.¶¶ IN THE HOUSE, GETTING ENOUGH VOTES WOULD BE AN EVEN TOUGHER SLOG. Iran is the one issue that unifies House Republicans. Indeed, when Speaker John Boehner invited the Israeli prime minister to address a joint session of Congress, it sent his stock sky-high among his most recalcitrant conservative colleagues. But THE ODDS OF GETTING ENOUGH BIPARTISAN SUPPORT FOR AN OVERRIDE ARE DICEY AT BEST.¶¶ There are 247 Republicans in the House. THEY NEED 290 MEMBERS TO OVERRIDE A VETO, WHICH MEANS THEY WOULD NEED 43 DEMOCRATS TO ABANDON MR. OBAMA.¶¶ IT'S HARD TO SEE WHERE THEY GET THAT MANY VOTES. THERE ARE 18 JEWISH DEMOCRATS IN THE HOUSE, AND MANY OF THEM WILL probably STICK WITH THE PRESIDENT.

NEITHER THE BLACK CAUCUS NOR THE HISPANIC CAUCUS IS LIKELY TO ABANDON MR. OBAMA, AND IT IS HIGHLY UNLIKELY THAT House Democratic leader Nancy PELOSI WILL either.

Iran deal will pass

Richter 7/12/2015 (Paul Richter, writer for the L.A. times, "Iran nuclear deal appears close, deal may come Monday, <http://www.latimes.com/world/middleeast/la-fg-iran-talks-20150712-story.html#page=1, 7/12/15>)

Diplomats from Iran and six world powers completed what may be their final

negotiating session after two years of talks Sunday amid signs that a comprehensive deal to keep Iran from building a nuclear bomb for at least a decade will be announced Monday. After 16 days of bargaining, top officials from the United States and five other world powers that have been negotiating with Iran met Sunday evening for a working dinner that lasted just over three hours. Before the meeting, diplomats said the foreign ministers were aiming to nail down the precise language of the agreement and of the United Nations Security Council resolution that will lay out its terms. The head of Iran's nuclear agency, Ali Akbar Salehi, was quoted by an Iranian news agency as saying

that **technical discussions are almost over**, and the text regarding the technical issues with their annexes is almost finished." Earlier in the day, diplomats said that if negotiators completed their work here, the lengthy final text of the deal would be sent to Washington and Tehran for a final review, with the expectation that the terms would be publicly revealed Monday, unless the talks hit a snag. "We are working hard, but a deal tonight is simply logistically impossible," said Alireza Miryousefi, a senior Iranian official at the talks. "This is a 100-page document, after all." But although the comments from all sides were optimistic throughout the day, the nuclear negotiations have hit last-minute roadblocks in the past, and officials from the U.S. and Iran cautioned that a deal was not yet certain. Secretary of State John F. Kerry and French Foreign Minister Laurent Fabius emphasized in public comments earlier Sunday that difficult decisions remained. Fabius described Sunday's meetings as the "final stage" of talks. Negotiators have failed to meet two deadlines in this round of talks and are facing a third deadline Monday night. If a deal is not reached, Kerry would be under strong political pressure to call at least a temporary halt in the negotiations. If a deal is reached, Congress would have 60 days to review it. **The Republican majorities in both**

houses virtually guarantee that a resolution disapproving **the deal will pass**, probably in September. President Obama would be certain to veto any such move, and vote counters currently do not think that Congress would have the votes to override a veto. That means the deal would take effect and probably become a significant issue in the 2016 elections, with nearly all the Republican presidential hopefuls pledging to overturn it if elected. Iran, the United States, France, Britain, Germany, Russia and China have spent almost two years trying to work out a deal that would lift sanctions on Iran if it agrees to restrictions intended to prevent it from obtaining a nuclear bomb for 10 to 15 years. Such a deal could resolve, at least for the next decade or more, one of the world's most worrisome security issues and could bring far-reaching changes in the Middle

East. In April, the negotiators, meeting in Lausanne, Switzerland, reached a preliminary agreement. Under it, Iran would mothball two-thirds of its newer high-speed centrifuges that enrich uranium, going from 19,000 devices to 6,104 older machines. It would reduce its stockpile of low-enriched uranium from 7,154 kilograms to 300 kilograms and not build any new facilities for enrichment for 15 years. Those limits, plus inspections to prevent Iran from using new, covert nuclear sites, would greatly restrain its ability to complete a bomb for at least a decade, U.S. and European officials said. Iran would be allowed to continue to enrich fuel, but only to a level useful for a commercial nuclear reactor producing electricity. It would be required to convert a reactor in Arak that was designed to produce plutonium, which can be used to fuel a nuclear bomb. In return, the U.S. and the other world powers would lift many of the economic sanctions that have strangled Iran's economy. With those issues largely resolved, the final round of negotiations has focused on a few of the most difficult issues — what access international inspectors would have to Iran's suspected nuclear sites, how quickly sanctions would be lifted and what procedures would be used to "snap back" sanctions if the U.S. and other countries decided Iran was cheating. Iran also insisted that the international embargo on its arms purchases be lifted. Even as they hashed out those issues, however, each side accused the other of trying to reopen issues that had been agreed upon earlier. The negotiators are believed to have settled on a process under which international inspectors will be able to obtain rapid, although not immediate, access to Iranian nuclear sites if they believe cheating has taken place. With those difficult issues under discussion, the process has often seemed close to a successful conclusion — and often close to collapse — in the last week. There were many indications Sunday that the process had swung back toward obtaining a deal. Russian Foreign Minister Sergei Lavrov, who has preferred to keep a distance from the laborious negotiations until decisions were needed, arrived in Vienna on Sunday afternoon. In Iran, Saeed Matazerulmahdi, chief of

the Tehran police, announced that officers would provide security if Iranians wanted to celebrate. In Jerusalem, Israeli Prime Minister Benjamin Netanyahu, long an opponent of the negotiations, warned again that the deal was a bad one. To illustrate the risk, he showed Israeli officials a video of President Clinton's promises about the 1994 nuclear agreement with North Korea. Clinton promised at the time that the agreement was a "good deal" that would lead to the dismantling of Pyongyang's nuclear infrastructure. Instead, North Korea soon began violating the agreement and ejected international inspectors. U.S. officials say that the North Korea deal was completed with few safeguards, in part because American officials at the time thought the North Korean government was on the verge of collapse. In the Iran negotiations, by contrast, months have been spent on the verification and enforcement procedures. In Washington, Senate Majority Leader Mitch McConnell (R-Ky.) said that the nuclear agreement would be a "hard sell" for the administration and that the Senate probably would pass a resolution to disapprove it. Sen. Bob Corker (R-Tenn.), chairman of the Foreign Relations Committee, said his main concern was that Iran would "cheat by inches," avoiding any violations that would trigger renewed economic sanctions, but still progressing toward a nuclear weapon.

UQ—Won't pass

Won't pass—democratic skepticism

RTT 7/13 (RTT News; July 13th 2015; online newswire; "McConnell: Iran Deal Going To Be A Very Hard Sell In Congress"; RTT News; <http://www.rttnews.com/2521995/mcconnell-iran-deal-going-to-be-a-very-hard-sell-in-congress.aspx?type=cong>) jskullz

We don't endorse ableist language

While international negotiators continue to work on a deal to address Iran's nuclear program, Senate Majority Leader Mitch MCCONNELL, R-Ken., ARGUED THE AGREEMENT WILL HAVE A HARD TIME MAKING IT THROUGH CONGRESS. ¶ In an appearance on "Fox News Sunday," McConnell claimed the agreement currently being negotiated will leave Iran as a threshold nuclear state. ¶ "It appears as if the administration's approach to this was to reach whatever agreement the Iranians are willing to enter into," McConnell said. ¶ "So I think IT'S GOING TO BE A VERY HARD SELL -- if it's completed -- in Congress." ¶ McConnell suggested CONGRESS WOULD LIKELY APPROVE A RESOLUTION OF DISAPPROVAL AFTER REVIEWING THE AGREEMENT AND NOTED PRESIDENT BARACK OBAMA WOULD NEED THE SUPPORT OF 34 SENATORS TO UPHOLD A VETO. ¶ "They'll have to get at least 34 votes assuming a resolution of disapproval passes," McConnell said. ¶ THE PRESIDENT VETOES IT, HE'LL HAVE TO GET AT LEAST 34 SENATORS TO GO FORWARD. ¶ A NUMBER OF DEMOCRATS, such as Sen. Robert Menendez, D-N.J., HAVE ALSO EXPRESSED SKEPTICISM ABOUT THE DEAL, which would limit Iran's nuclear program in exchange for lifting crippling economic sanctions. ¶

Arms embargo is a dealbreaker—ensures controversy

Rogers and Roubein 7/13 (Alex Rogers and Rebecca Roubein; July 13, 2015; staff correspondent for National Journal, writer for National Journal; "Last-Minute Iran Deal Details Make Democrats Nervous"; National Journal; <http://www.nationaljournal.com/congress/last-minute-iran-deal-details-make-democrats-nervous-20150713>) jskullz

On the eve of a landmark nuclear deal with Iran, President OBAMA'S DEMOCRATIC ALLIES IN CONGRESS ARE WORRYING OVER A PERIPHERAL ISSUE THAT, if included, COULD HAMPER SUPPORT FOR IT. ¶ DEMOCRATS ARE GRAPPLING WITH A REPORTED PHASED LIFTING OF A UNITED NATIONS ARMS EMBARGO, which the Iranians have demanded as the international community looks to lift sanctions worth some \$150 billion. In exchange, Iran would reduce its centrifuges, convert a once-secret, underground mountain facility to one used only for peaceful purposes, and increase access for international inspectors to all of its nuclear facilities, among other points described in the White House's framework struck in April. ¶ "MY CONCERNS would be the same that anybody would have, which IS a concern of a PROLIFERATION of weapons in that region by the Iranians," SAID Sen. Michael BENNET of Colorado, adding that the embargo concerning conventional arms "is not what this negotiation is about." ¶ On Monday, Sen. Robert CASEY of Pennsylvania SAID THE ISSUE WAS "OF GREAT CONCERN" to him, Sen. Christopher COONS of Delaware REITERATED HIS OPPOSITION, AND Sen. Richard BLUMENTHAL of Connecticut SAID IT "PROBABLY" WOULD BE A LINE HE COULDN'T CROSS. ¶ And Sen. Robert MENENDEZ of New Jersey, among the Democrats most skeptical of the talks, SAID HE COULDN'T SUPPORT THE DEAL if it relaxed the embargo as it would allow Russia, a negotiating partner, to sell Iran an advanced air-defense system. ¶ "Listen, the last thing we need to do is give Iran the ability to have the wherewithal to have arms going throughout the region," he said. "They're already involved in Yemen, in Syria, in Lebanon, in Iraq. ... What is lost here is that if we lift the arms embargo, then the Russians freely can sell the S-300 [missile] to them, and that makes it a lot more difficult in the future—

should Iran violate the agreement and move towards their nuclear capability for a nuclear weapon—of trying to strike them with the S-300 as a defense missile system. For all of those reasons, IT SHOULD BE A REDLINE. And the intercontinental missile issue should also be a redline."¶ DEMOCRATS' OPPOSITION FOLLOWS IN THE FOOTSTEPS OF TOP MEMBERS OF THE ADMINISTRATION, INCLUDING outgoing JOINT CHIEFS CHAIRMAN Martin DEMPSEY AND DEFENSE SECRETARY Ashton CARTER, who explained their views last week in a Senate Armed Services hearing. "The reason that we want to stop Iran from having an ICBM program is that the I in ICBM stands for intercontinental, which means having the capability from flying from Iran to the United States," said Carter. "And we don't want that."¶ "UNDER NO CIRCUMSTANCES SHOULD WE RELIEVE PRESSURE ON IRAN RELATIVE TO BALLISTIC CAPABILITIES AND ARMS TRAFFICKING," added Dempsey.¶ Republicans, who have criticized the administration's Iran strategy since before the Joint Plan of Action interim agreement of November 2013, have added it to their litany of concerns.¶ "There was a huge shift when under JPOA we went from dismantling their program to acknowledging enrichment," Senate Foreign Relations Committee Chairman Bob Corker said. "That was a pretty big shock to folks. And then from then on it's gotten—you know the anytime, anywhere inspections—where's that going to end up? They're saying military sites are off. Now the arms embargo seems to be coming in. I don't think anybody can say it's been going in a more positive way, OK?¶ "I mean, so MANY REDLINES HAVE BEEN CROSSED," he added.

Bipartisan disapproval of the deal

AP 7/14 (Associated Press; July 14, 2015; One of the premier international news bureaus; "Democrats skeptical of Iran nuclear deal, GOP mostly hostile"; Boston Herald; http://www.bostonherald.com/news_opinion/us_politics/2015/07/democrats_skeptical_of_iran_nuclear_deal_gop_mostly_hostile) jskullz

WASHINGTON — SOME OF PRESIDENT BARACK OBAMA'S FELLOW DEMOCRATS EXPRESSED SKEPTICISM AND REPUBLICANS VOICED OUTRIGHT HOSTILITY Tuesday TO THE landmark IRANIAN nuclear DEAL.¶ Under the historic accord, Iran's nuclear program would be curtailed in exchange for billions of dollars in relief from international sanctions. The agreement aims to avert the threat of a nuclear-armed Iran and another U.S. military intervention in the Middle East.¶ "I was skeptical at the beginning of this process, and I REMAIN SKEPTICAL of the Iranians," SAID Rep. Steve ISRAEL, THE HIGHEST RANKING JEWISH DEMOCRAT in the House. "In the fall, there will be a vote on this deal, and my obligation is to review every word, sentence and paragraph of the deal to ensure it satisfies my continued concerns."¶ "IF IT'S as BAD a deal as I think it is," SAID Republican House Speaker John BOEHNER of Ohio, "WE'RE GOING TO DO EVERYTHING WE CAN TO STOP IT."¶ Sen. Bob MENENDEZ, formerly a RANKING member of the Foreign Relations Committee, SAID HE WAS CONCERNED THAT THE DEAL "ultimately LEGITIMIZES IRAN AS A threshold NUCLEAR STATE."¶ "I'm concerned the red lines we drew have turned into green lights: that Iran will be required only to limit rather than eliminate its nuclear program, while the international community will be required to lift the sanctions," said Menendez, D-New Jersey.¶ After receiving a copy of the agreement, lawmakers will have 60 days to read the fine print, vote yea or nay — or take no action.¶ If Congress votes to disapprove it, Obama reiterated Tuesday that he would veto it. A two-thirds majority in both the House and Senate would be needed to override a veto.¶ Many Republicans, as expected, are vehemently opposed to the agreement. That's not surprising since the GOP-led House invited Israeli Prime Minister Benjamin Netanyahu to speak before a joint meeting of Congress earlier this year. Netanyahu assailed the negotiations with Iran, which has threatened to destroy Israel.¶ "It's like giving an alligator more teeth and thinking now they may be nice to you," said Rep. Ted Yoho, R-Florida.¶ Senate Majority Leader Mitch McConnell of Kentucky said the agreement was flawed. "Given what we do know so far it appears that Republicans and Democrats were right to be deeply worried about the direction of these talks," he said on the Senate floor.¶ Even if Congress votes to disapprove the deal, it doesn't scuttle the agreement.¶ The only way Congress can thwart the Iran deal is by passing new sanctions legislation or stripping away the authority Obama currently has to waive those sanctions that were imposed earlier by Congress. Moreover, even if Congress rejects the deal with Tehran, Obama could use his executive pen to offer a hefty portion of sanctions relief on his own. He could take unilateral actions that — when coupled with European and U.N. sanctions relief — would allow him to implement the deal. Obama can't lift the congressionally mandated sanctions; only Congress can do that.¶ "If this agreement is what the administration says it is, it is a major, historic diplomatic breakthrough," said Sen. Barbara Boxer, D-California.¶ The foreign relations committees in both chambers — and possibly other panels on intelligence and the armed services — are expected to quickly schedule hearings. It appears unlikely, though, that Congress will take any formal action before the August recess, when

they most certainly will hear from constituents on the issue.¶ When it comes to a vote, all eyes will be on Democrats to figure out whether they will back the deal brokered by the administration or turn their back on the president, as many of his fellow Democrats did in a recent battle involving trade negotiating authority for presidents.¶ KEY SENATORS to watch: New York Sen. Chuck SCHUMER, THE NO. 3 DEMOCRAT in the chamber; MENENDEZ, who has bucked the White House by voicing skepticism that Iran can be trusted to abide by terms of any deal; AND Maryland Sen. Ben CARDIN, THE RANKING DEMOCRAT ON THE SENATE FOREIGN RELATIONS COMMITTEE.

Iran deal won't pass – Senate Republicans have a strategy

Moran 7/15 (GOP strategy to defeat Iran deal: Convince Schumer to oppose it, http://www.americanthinker.com/blog/2015/07/gop_strategy_to_defeat_iran_deal_convince_schumer_to_oppose_it.html, Rick Moran, writer/editor for the American Thinker, blogger, 7/15/2015)

REPUBLICAN SENATORS ARE DEVELOPING A STRATEGY TO OVERRIDE AN EXPECTED PRESIDENTIAL VETO OF A RESOLUTION OF DISAPPROVAL OF THE IRAN NUCLEAR AGREEMENT. AND WHILE THEY WILL BE WORKING ON GETTING 13 DEMOCRATIC SENATORS TO GO AGAINST PRESIDENT OBAMA AND SUPPORT KILLING THE DEAL, ONE DEMOCRAT IS ABSOLUTELY KEY TO THEIR PLAN. NEW YORK SENATOR CHUCK SCHUMER, A STRONG FRIEND OF ISRAEL, IS GENUINELY TORN OVER SUPPORTING HIS PARTY LEADER OR VOTING AGAINST A DEAL HE KNOWS IS BAD FOR ISRAEL. IF REPUBLICANS CAN CONVINCE HIM TO SUPPORT THE DISAPPROVAL RESOLUTION, THAT WILL PRETTY MUCH BE THE BALL GAME. THERE ARE 7 OR 8 OTHER DEMOCRATIC SENATORS, STRONG FRIENDS OF ISRAEL ALL, WHO WOULD BE LIKELY TO FOLLOW SCHUMER IN OPPOSING THE AGREEMENT. Meanwhile, the GOP is crafting a PR strategy to get maximum effect from exposing a divided Democratic party unsure of supporting a bad deal. The Hill: Only one Senate Democrat, Sen. Bob Menendez (N.J.), announced opposition to the deal on Tuesday. But Republicans believe they will win the public relations battle on the deal, which largely unites the GOP and threatens to divide the Democratic Party. Some Senate Republicans are thinking about moving a motion of approval of the deal, believing it would put Democrats in a tough spot ahead of next year's elections. Such a move in the upper chamber could lead to less than half of the Senate backing the president, allowing for more favorable headlines for the GOP. The House, however, is more likely to pass a resolution of disapproval. A third option is to move legislation sponsored by Menendez and Sen. Mark Kirk (R-Ill.) placing new sanctions on Iran, which the Banking Committee passed earlier this year and has Democratic support. "All options are on the table," said a Republican member of the Senate Foreign Relations panel who requested anonymity. "I wouldn't take anything off." Republicans will likely use the Iran votes as ammunition on the campaign trail in 2016. But Democrats have the bully pulpit, and the Obama administration has initiated a huge campaign to sway the public. New York Sen. Charles Schumer, the third-ranking member of the Senate Democratic leadership, is emerging as a critical vote. Senate Republicans need to hold their ranks and persuade 13 Democrats to vote with them to override President Obama's threatened veto of a resolution of disapproval. "IF SCHUMER COMES OUT AND SAYS, 'I LOOKED AT THE BILL AND STUDIED ITS DETAILS AND THINK IT'S A GOOD DEAL AND WILL STOP IRAN FROM GETTING WEAPONS,' THERE WILL BE ZERO HOPE OF OVERRIDING AN OBAMA VETO," SAID NOAH POLLAK, EXECUTIVE DIRECTOR OF THE EMERGENCY COMMITTEE FOR ISRAEL, WHICH FUNDED A SIX-FIGURE WEB CAMPAIGN TARGETING SCHUMER EARLIER THIS YEAR. "IF SCHUMER SAYS THIS DOESN'T DO IT, IT LIFTS THE ARMS EMBARGO AND DOESN'T HAVE ANYTIME, ANYWHERE INSPECTIONS, THEN WE HAVE A FIGHT ON OUR HANDS. HE'S A LINCHPIN OR A BELLWETHER," HE ADDED. Both sides are confident they can win, given the circumstances. Realistically, Republicans have a tougher hill to climb given Obama's position as leader of the party. and his ability to appeal to Democrats to support one of

his singular achievements. But this deal is so bad, all bets are off. With pro-Israeli groups set to mount a massive lobbying campaign against the agreement, anything at this point can happen.

Iran deal won't pass – Jewish alt cause

Feehery 7/14 (<http://www.csmonitor.com/USA/Politics/Politics-Voices/2015/0714/Iran-deal-Can-it-pass-muster-in-Congress>, Iran deal: Can it pass muster in Congress?, John Feehery, policy analyst for Christian Science Monitor 7/14/2015)

I have a theory about this Iran nuclear deal. It's not about the bomb. It's about the sanctions. THE OBAMA ADMINISTRATION, BY RELAXING THE TOUGH SANCTIONS ON THE PERSIAN REGIME, IS BASICALLY DECLARING PEACE WITH THE IRANIANS. FOR THE ISRAELIS AND THE SAUDIS, WHO ARE FIGHTING PROXY WARS ON SEVERAL DIFFERENT FRONTS THROUGHOUT THE MIDEAST AGAINST IRAN, THIS IS TANTAMOUNT TO A MASS BETRAYAL. We are avoiding war but our allies can't. The sanctions have hurt the Iranian people. They have stunted the growth of their economy. They made it more difficult for the Iranian armed forces to get cash to buy conventional weapons. They delegitimized the government in the eyes of the people. In other words, the sanctions worked as a weapon in this shadow war between the Jews, the Sunni, and the Shia. The problem for the Obama administration is that the sanctions only worked as long as there was a grand coalition that was willing to enforce it. And that coalition was fraying. Sanctions are hard to enforce over the long term because the free market is hard to control. People want to do business. Iran has a lot of oil, which is attractive to the Europeans. Think of Cuba. It's a relatively small country and yet the pressure to lift the embargo that came from the American business sector was intense – intense enough that Republicans joined with Democrats to approve some limited business interaction as long as a decade ago. Of course, THE ISRAELIS DON'T HAVE ANY INTEREST IN THE AMERICANS BECOMING BASICALLY NEUTRAL IN THEIR PROXY WAR WITH IRAN. AND THEY HAVE CONSIDERABLE POLITICAL POWER IN THE UNITED STATES, MUCH MORE POLITICAL POWER THAN THE SAUDIS, WHO ARE FORMIDABLE IN THEIR OWN RIGHT. THE OBAMA ADMINISTRATION HAS BEEN PRETTY HOSTILE TO ISRAEL AND BENJAMIN NETANYAHU, MUCH MORE HOSTILE THAN I THOUGHT WAS POSSIBLE. THAT HOSTILITY HAS LED SEVERAL LEADING JEWISH BILLIONAIRES TO ACTIVELY AND AGGRESSIVELY SUPPORT REPUBLICANS IN THE CONGRESS AND IN THE PRESIDENTIAL FIELD. THE JEWISH VOTE IN AMERICA ISN'T VERY BIG BUT IT IS VERY INFLUENTIAL. AND IT HAS USUALLY BEEN RELIABLY DEMOCRATIC IN ITS LEANINGS, SOCIALLY PROGRESSIVE, AND USUALLY OPPOSED TO THE CHRISTIAN CONSERVATIVES WHO MAKE UP THE BULK OF THE REPUBLICAN PARTY. BUT THE MORE ORTHODOX JEWISH DEMOCRATS HAVE STEADILY MIGRATED TO THE GOP, NOT ONLY WITH THEIR VOTES, BUT ALSO WITH THEIR CAMPAIGN CONTRIBUTIONS. And big money men like Sheldon Adelson have become hugely influential in the Republican presidential primary. The Sheldon primary seems to be every bit as important in a presidential campaign as the Iowa straw poll. America's support of Israel used to be a thoroughly bipartisan affair, but as we saw with John Boehner's invitation to Netanyahu to address a joint meeting of the Congress, that bipartisanship is fraying. President Obama sees the deal with Iran as an important achievement for his legacy, as does John Kerry. But it's hard to see how this deal passes muster with the Congress. Much will be said about how Iran will soon get access to nuclear weapons because of this deal. That may or may not be the case. I don't know. But what I do know is that this deal relaxes sanctions against the Iranian regime. That is what concerns Netanyahu the most. No matter what deal John Kerry came up with, it was not going to be good enough for the Israeli prime minister, because he didn't want any kind of deal. He wants help in his proxy war with the Iranians. Relaxing the sanctions makes his situation worse not better. IT WOULD HAVE BEEN

FAR BETTER HAD MR. OBAMA TRIED TO REACH A GENERAL PEACE AGREEMENT THAT INCLUDED BOTH THE ISRAELIS AND THE SAUDIS, BUT HE DECIDED TO GO DOWN A DIFFERENT PATH, BASICALLY EXCLUDING THEM FOR THE DELIBERATIONS. AND SO, THEY WILL DO THEIR BEST TO GET CONGRESS TO KILL IT. And they might be successful.

Won't pass—bipartisan skepticism and tons of concerns

DeBonis and Mufson, writers for the Washington Post, **7/14/2015**

(Mike and Steven, "On Capitol Hill, deep skepticism persists as lawmakers react to Iran deal," http://www.washingtonpost.com/business/economy/on-capitol-hill-deep-skepticism-persists-as-lawmakers-react-to-iran-deal/2015/07/14/90190bfe-2a27-11e5-a5ea-cf74396e59ec_story.html)

THE DEBATE OVER THE FUTURE OF THE IRANIAN NUCLEAR PROGRAM quickly MOVED from the negotiating tables of Vienna TO THE HALLS OF THE U.S. CAPITOL on Tuesday, AS skeptical lawmakers BEGAN TAKING STOCK OF A DEAL THEY WILL HAVE ROUGHLY TWO MONTHS TO REVIEW AND possibly reject.

Initial reaction to the 159-page agreement ran largely along political lines that had been sketched out for months beforehand. But THE RELEASE OF SPECIFIC TERMS PROMPTED A new upheaval in Congress and the universe of think tanks, lobbyists and nongovernmental organizations, especially over the parts of the agreement that would lift many of the sanctions imposed over the past three decades.

MOST REPUBLICANS HAVE BEEN deeply skeptical OF THE TALKS and the prospect of relieving economic sanctions while leaving any Iranian nuclear capability intact. DEMOCRATS HAVE cautiously WELCOMED PROGRESS in the talks, and most have sought to lend support to President Obama as he pursues a cornerstone of his foreign policy.

House Speaker John A. Boehner (R-Ohio) accused Obama of abandoning his own objectives for the negotiations and called the agreement "unacceptable."

"It's going to hand a dangerous regime billions of dollars in sanctions relief while paving the way for a nuclear Iran," he said. "If it's as bad a deal as I think it is at this point, we'll do everything we can to stop it."

Senate Majority Leader Mitch McConnell (R-Ky.) said the deal announced Tuesday "appears to further the flawed elements" of a preliminary framework announced in April, criticizing the Obama administration for "reaching the best deal acceptable to Iran, rather than actually advancing our national goal of ending Iran's nuclear program."

Senate Minority Leader Harry M. Reid (D-Nev.) called the agreement "historic," while House Minority Leader Nancy Pelosi (D-Calif.) called it "the product of years of tough, bold and clear-eyed leadership from President Obama."

"The world community agrees that a nuclear-armed Iran is unacceptable and a threat to our national security, the safety of Israel and the stability of the Middle East," Reid said. "Now it is incumbent on Congress to review this agreement with the thoughtful, level-headed process an agreement of this magnitude deserves."

NOT SINCE George W. BUSH SOUGHT the approval of Congress TO GO TO WAR HAS A PRESIDENT TURNED TO LAWMAKERS FOR THEIR SUPPORT ON A MATTER OF SUCH INTERNATIONAL IMPORTANCE.

The congressional review of the deal will proceed according to A FRAMEWORK PASSED BY CONGRESS in May and signed into law by Obama. It PROVIDES, in this case, FOR A 60-DAY REVIEW PERIOD, DURING WHICH LAWMAKERS CAN VOTE THEIR DISAPPROVAL OF THE DEAL BY VOTING TO BLOCK SANCTIONS RELIEF.

While SUCH A VOTE would not directly reject the deal reached Tuesday, it WOULD REPRESENT A SERIOUS BREACH OF TERMS THAT WOULD LIKELY scuttle the agreement negotiated over the course of months by diplomats not only from the United States and Iran, but also five other world powers.

Passing A DISAPPROVAL MEASURE, however, WOULD HAVE TO SURVIVE A PRESIDENTIAL VETO, which Obama promised Tuesday he would deliver should Congress send one to his desk.

Sen. Bob CORKER (R-Tenn.), chairman of the Senate Foreign Relations Committee, SAID Monday that IT WAS LIKELY THAT VOTES WOULD BE HELD IN SEPTEMBER, AFTER THE congressional SUMMER RECESS and after a probable series of public hearings on the agreement.

Under the review law, the 60-day clock does not begin until the agreement is officially certified and submitted to Congress, but it begins no later than five days after the deal is reached.

LAWMAKERS HAVE LAID OUT A WIDE ARRAY OF CONCERNS, ranging from the terms under which international inspectors will be given access to Iranian facilities, to the pace of sanctions relief, to the extent that Iranians will be able to maintain a peaceful nuclear energy capability that includes equipment that might be converted to military use, to the Iranian regime's ongoing support for terrorist activities in the Middle East and beyond.

"The Senate must now weigh why a nuclear agreement should result in reduced pressure on the world's leading state sponsor of terror," McConnell said in his statement. "The test of the agreement should be whether it leaves our country and our allies safer."

UQ—PC Low

Obama Political Capital low now – Cuba

Milbank, 7/5/15 (Dana, writer at Herald Net, “Obama spending his windfall of political capital on Cuba”, [//BW">http://www.heraldnet.com/article/20150705/OPINION04/150709675">//BW](http://www.heraldnet.com/article/20150705/OPINION04/150709675)

The good tidings of the past week have been arguably more luck than achievement for OBAMA, BUT HE DESERVES CREDIT FOR HIS EFFORT TO USE THE MOMENTUM OF HIS VICTORIES TO REVIVE WHAT HAD BEEN A MORIBUND PRESIDENCY. WHEN YOU EARN POLITICAL CAPITAL, AS GEORGE W. BUSH LIKED TO SAY, YOU SPEND IT. This is why it was shrewd of the surging Obama to demand new action from Congress on Cuba. “Americans and Cubans alike are ready to move forward; I believe it's time for Congress to do the same,” he said, renewing his call to lift the travel and trade embargo. “YES, THERE ARE THOSE WHO WANT TO TURN BACK THE CLOCK AND DOUBLE DOWN ON A POLICY OF ISOLATION, BUT IT'S LONG PAST TIME FOR US TO REALIZE THAT THIS APPROACH DOESN'T WORK. IT HASN'T WORKED FOR 50 YEARS. ... So I'd ask Congress to listen to the Cuban people, listen to the American people, listen to the words of a proud Cuban American, [former Bush commerce secretary] Carlos Gutierrez, who recently came out against the policy of the past.”

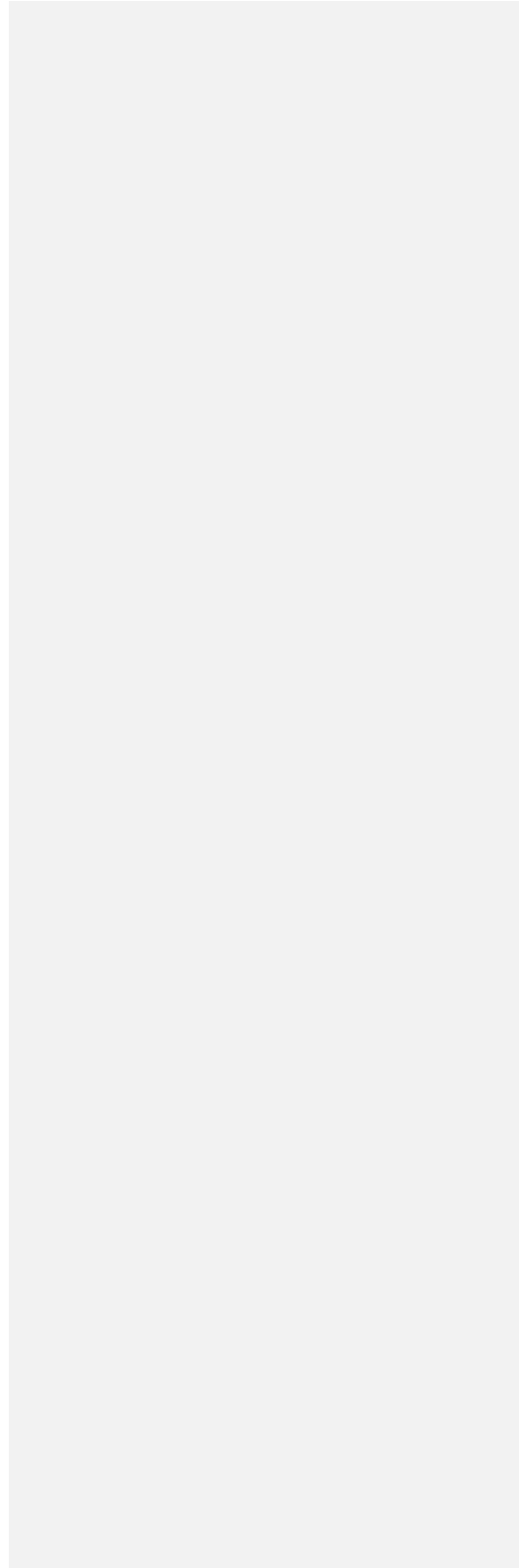
Thumper—Ads

Public opinion and ads thump

Mimms 7/13 (Sarah Mimms; July 13, 2015; staff correspondent for National Journal Daily, covering Congress; "For Iran Deal, Longer Review Means More Time for Political Attacks"; National Journal; http://www.nationaljournal.com/congress/for-iran-deal-longer-review-means-more-time-for-political-attacks-20150713?utm_content=buffer292b7&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer) jskullz

From the White House Tuesday morning, Obama announced the nuclear agreement with Iran -- threatening to veto any move that would scuttle the deal. IT WAS AN EARLY START IN WHAT WILL BE A HOT SUMMER OF DEBATE that will officially kick off when the final text is delivered to Congress for review later this week or early next. THAT WILL START THE CLOCK THAT GIVES LAWMAKERS 60 DAYS TO DISAPPROVE OF THE DEAL, rubber-stamp it, or ignore it altogether and allow it to go through without congressional input. Democrats had pushed for just a 30-day review period, but in a compromise with Republicans agreed to extend it for 60 days if negotiators failed to meet a July 9 deadline. As negotiations continued, MEMBERS ARE NOW LEFT WITH TWO MONTHS TO THINK OVER THE DEAL, ABOUT HALF OF WHICH WILL BE SPENT AT HOME IN THEIR DISTRICTS HEARING FROM CONSTITUENTS CONCERNED ABOUT A NUCLEAR IRAN AND SEEING THEIR OWN FACES ON TELEVISION IN A BARRAGE OF ADS FROM OUTSIDE GROUPS. It all adds up to a headache for vote-counters on both sides of the issue. THE AD WAR HAS ALREADY BEGUN, AND IT ONLY PROMISES TO GROW MORE INTENSE WITH A DEAL ON THE TABLE AND MEMBERS OF CONGRESS FAR AWAY FROM THEIR PEERS IN WASHINGTON DURING THE AUGUST RECESS. And THE ISSUE IS ALREADY BUBBLING UP AMONG THE PUBLIC, Republican pollster David Winston said. Although Iran remains far behind jobs and the economy as driving issues for voters, he said, "IN A LOT OF POLLS IT'S RIGHT AROUND DOUBLE DIGITS," MUCH HIGHER THAN IS TYPICAL FOR A FOREIGN POLICY ISSUE. But along with the issue of ISIS, Winston said, "THERE ARE VERY CLEAR POTENTIAL OUTCOMES THAT ARE VERY CLEAR SIGNIFICANT THREATS" AND THE AMERICAN PUBLIC IS PAYING ATTENTION. "THE BIGGER CHALLENGE AND THE BIGGER QUESTION IS GOING TO BE, AND IT DEPENDS ON HOW THIS [DEAL] GETS SHAPED: ... Is this a deal that people believe will allow Iran to create this weapon or not?" Winston said. HOW THAT MESSAGE IS SHAPED WILL, in part, BE UP TO AD-MAKERS WHO ARE ALREADY RUNNING TELEVISION SPOTS ENCOURAGING MEMBERS TO OPPOSE THE (as-yet-unannounced) DEAL WITH IRAN. The ads have largely targeted Democrats, who will be swing votes on the biggest foreign policy deal of President Obama's tenure.

I/L



No deal block

Mechanics of bill prevent deal block

Culhane 7/13 (Patty Culhane; July 13th 2015; Analyst for Al Jazeera; "The reality of the Iran deal: Congress can't 'kill' it"; Yahoo News; <https://en-maktoob.news.yahoo.com/reality-iran-deal-congress-cant-kill-214921511--spt.html>) jskullz

HERE IS WHAT THE LAW actually DOES. IT GIVES CONGRESS THE POWER TO STOP THE US PRESIDENT FROM LIFTING US SANCTIONS ON Iran.¶ If you look at the numbers, IT'S PRETTY CERTAIN THAT THEY WILL ONLY BE ABLE TO STOP HIM FOR A SHORT TIME. ¶ IT DOESN'T STOP President Barack OBAMA FROM MAKING THE AGREEMENT OR GOING TO THE UN AND LIFTING INTERNATIONAL SANCTIONS.¶ So I've been trying to figure out how that could "kill" any potential agreement.¶ The only thing I can think of is the mentality that the US is the centre of the world is behind the assumption.¶ Let's ASSUME for the sake of argument that CONGRESS WILL OVERRIDE A PRESIDENTIAL VETO AND FORBID HIM FROM WAIVING MOST US SANCTIONS on Iran.¶ I can only guess that THESE PEOPLE ARE ASSUMING THAT WITHOUT US SANCTIONS RELIEF IRAN WOULD WALK AWAY from their side of the bargain.¶ WHY WOULD THEY DO THAT? THEY WOULD BASICALLY BE SAYING "I CAN NOW DO BUSINESS WITH THE ENTIRE GLOBE EXCEPT AMERICA, BUT THAT IS JUST NOT GOOD ENOUGH."¶ The White House doesn't believe Congress can now say yes or no to a deal. This is what White House Press Secretary Josh Earnest said as the bill was making its way through Congress:¶ "The bill that has passed by the Senate Foreign Relations Committee with bipartisan support essentially is a vote to vote later on congressional sanctions and not the decision about whether or not to enter into the agreement, that would certainly resolve some of the concerns we've expressed about the authority that is exercised by the president of the United States to conduct foreign policy."¶ The president would never give up his right to act as the sole "decider" on foreign policy.¶ He doesn't need congressional approval to do whatever he feels like at the UN. He was smart enough to not frame this as an official treaty.¶ The Senate would have had to weigh in on that and with the lobbying that is taking place, it never would have passed.¶ I have to think the reason behind this mischaracterisation is coming from some members of Congress. They can tell their constituents that they are "being tough".¶ They can vote their disapproval knowing, in the end, it won't change a thing.¶ I don't know if the negotiators will actually get a deal, but I'm certain about this CONGRESS CAN'T KILL IT IF THEY DO. ¶ THEY CAN TRY TO FORCE IRAN TO WALK AWAY. THEY CAN EMBARRASS THEIR PRESIDENT ON THE WORLD STAGE. THEY CAN KEEP AMERICAN COMPANIES FROM BENEFITING FROM ANY SANCTIONS RELIEF IN IRAN.

AT: Compartmentalization

No compartmentalization—republicans fighting Obama at every level

Sargent 7/14 (Greg Sargent; July 14, 2015; writer for the Washington Post’s Morning Plum Column; “Morning Plum: Don’t fear the Iran debate, Democrats”; Washington Post; <http://www.washingtonpost.com/blogs/plum-line/wp/2015/07/14/morning-plum-dont-fear-the-iran-debate-democrats/>) jskullz

Thus, THE ARGUMENT THAT DEVELOPS AROUND THE AGREEMENT MAY ALSO TAKE SHAPE AROUND THE VIRTUES AND RISKS OF INTERNATIONAL ENGAGEMENT. And THIS COULD JOIN OTHER ISSUES TO FEED INTO A BROADER CONTRAST, IN WHICH REPUBLICANS ARE OPPOSING INTERNATIONAL ENGAGEMENT ON MULTIPLE FRONTS — INCLUDING CUBA AND CLIMATE CHANGE (on which we may have an accord later this year). Meanwhile, CLINTON MAY WELL EMBRACE INTERNATIONAL ENGAGEMENT ON MULTIPLE FRONTS, AND USE THIS CONTRAST TO CAST THE GOP AS TOO INWARD LOOKING AND TRAPPED IN THE PAST TO CONFRONT THE CHALLENGES OF THE FUTURE.¶

Next Prez

Republican president will kill Iran deal

Toosi 7/14 (How a Republican president could kill the Iran deal, <http://www.politico.com/story/2015/07/gop-president-iran-deal-kill-120077.html>, Nahal Toosi, Nahal Toosi is a foreign affairs correspondent at POLITICO, 7/14/2015)

IF THE NEXT PRESIDENT HATES THE NUCLEAR DEAL WITH IRAN, HE (OR SHE) CAN UNDO IT AFTER TAKING OFFICE. The dilemma: Use blunt force? Or go for a soft kill? Story Continued Below The accord reached this week in Vienna promises broad sanctions relief to Iran in exchange for significant curbs on its nuclear program. The agreement has taken years to negotiate, involves seven countries as well as the European Union and the United Nations, and relies upon the expertise of scientists as well as diplomats. But at the end of the day, the “deal” is at most a political arrangement — not a treaty or other form of signed legal document. That means that the pRESIDENTIAL CANDIDATES WHO HAVE THREATENED TO CANCEL THE DEAL — SO FAR ALL OF THEM REPUBLICANS — CAN KEEP THEIR PROMISE BY USING THE PRESIDENCY’S EXECUTIVE AUTHORITY TO REIMPOSE SUSPENDED U.S. SANCTIONS ON IRAN AND WITHDRAWING FROM PANELS INVOLVED IN IMPLEMENTING THE ACCORD. That abrupt approach may be quick, but it also carries risks. For one thing, a sudden U.S. withdrawal could anger the European and Asian countries also involved in the deal, making them less inclined to reimpose their own sanctions on a country they consider an alluring trading partner. The international business community may resist efforts to once again seal off a youthful, well-educated nation with vast energy reserves. And Iran could respond to the U.S. move by resuming elements of its nuclear program, which the West has long suspected is aimed at making weapons. “If we try to reimpose sanctions on Iran and no one follows, then we have the worst of all worlds,” said Robert Einhorn, a former Iran nuclear negotiator at the State Department. Instead, even the deal’s most ardent critics say, a new president might be better off taking a more subtle, longer-term approach, one that involves laying the groundwork to ultimately convince the world that Iran — through perceived violations, intransigence, foot-dragging or whatever a president chooses to highlight — has left the U.S. no choice but to quit the deal. “You say it’s a bad deal, but you don’t just rip up the deal,” said Mark Dubowitz, executive director of the Foundation for Defense of Democracies. THE FIRST STEP FOR A NEWLY INAUGURATED PRESIDENT WOULD BE TO ORDER A REVIEW OF THE ACCORD, WHICH WILL ALREADY HAVE BEEN IN EFFECT FOR ROUGHLY A YEAR AND A HALF. IT’S POSSIBLE THE IRANIANS WILL HAVE BEEN ACCUSED OF VIOLATING THE DEAL BY THE TIME A NEW PRESIDENT TAKES OFFICE, SO A REVIEW COULD TALLY THOSE TRANSGRESSIONS TO SOW DOUBTS IN THE MINDS OF THE AMERICAN PUBLIC ABOUT THE SOUNDNESS OF THE AGREEMENT. DEPENDING ON HOW MAJOR THE VIOLATIONS ARE, THE U.S. MIGHT ALSO BE ABLE TO CONVINC OTHER NATIONS THAT THE DEAL ISN’T WORKING. EVEN IF THE IRANIANS HAVEN’T COMMITTED ANY OR MANY NOTABLE VIOLATIONS, THERE ARE OTHER FACTORS A PRESIDENT COULD POINT TO. Take the regional situation: If Iran, either directly or through proxies, has escalated its interference in other countries in the Middle East, a president could blame the nuclear deal by saying it has given Tehran economic leverage to pursue mischief outside its borders. America’s Arab allies, who have watched Iran make inroads everywhere from Syria to Lebanon to Iraq, have long argued that the Iranian government will take advantage of sanctions relief to funnel more money toward its regional aggression. Here, a U.S. president — and a hawkish Congress — also has the option of leveling new sanctions on Iran that aren’t necessarily tied to its nuclear program but rather to its support for terrorist groups. (Existing sanctions that target Iran over its support for terrorism and its abuses of human rights won’t be lifted under the

nuclear deal.) At the very least, the new sanctions will increase the tension between the U.S. and Iran, possibly even leading to a backlash from Tehran that boosts the U.S. president's standing. Dubowitz said it's critical that the U.S. sanctions target in particular the Iranian Revolutionary Guard Corps, the powerful military unit that controls a large chunk of the Iranian economy and is behind much of the country's interference in other states. At the same time that the U.S. is adding sanctions, it should remind the international business community of the riskiness of doing business in Iran, Dubowitz added. How U.S. allies in the region — especially Israel — feel about the deal in 2017 and beyond could also affect a U.S. president's ability to make a case against the Islamic Republic. If Israel's leaders insist that the accord is not working and can point to intelligence or other evidence that backs up their claim that gives added credence to the president's decision to walk away from the agreement. (Already on Tuesday, Prime Minister Benjamin Netanyahu ripped the deal as "a historic mistake.") Not that any of this is simple or predictable. A president determined to get rid of the deal, but unwilling to do so through an abrupt withdrawal, could find that it will take longer than one term, or even two, to make his case to the world. He might even find it hard to get his own administration on board. "Even if you get a total nut job in the Oval Office, you're going to have a policy fight internally," arms control expert Jeffrey Lewis said. "Regardless of what Republicans say, they tend to do things that are much more moderate because it's hard to move the government." At least one Republican presidential candidate appears to be taking this reality into account. New Jersey Gov. Chris Christie said earlier this month that although he was disturbed by President Barack Obama's efforts to strike a deal with Iran, he wouldn't promise to undo it if elected. His stance was far more cautious than that of other GOP White House contenders such as Florida Sen. Marco Rubio and Wisconsin Gov. Scott Walker, who have said they'd revoke the deal unless it meets their more stringent requirements. "I'm not one of those guys who's going to say to you, 'On Day One, I will abrogate the agreement,'" CHRISTIE TOLD A GROUP OF REPUBLICANS IN NEW HAMPSHIRE. "ON DAY ONE, I WILL LOOK INTO AND TRY TO DECIDE WHAT TO DO WITH THE AGREEMENT, DEPENDING ON WHERE WE ARE AT THAT MOMENT. Because, by the way, it's not just us involved anymore. WE HAVE A NUMBER OF OUR ALLIES AROUND THE WORLD WHO'RE AT THAT TABLE AS WELL, AND SANCTIONS ARE MOST EFFECTIVE WHEN NOT ONLY WE DO IT, BUT THE OTHER ALLIES DO IT." Still, it's not unprecedented for an administration to abandon an agreement signed by a predecessor. EVEN IF THE AGREEMENT ROSE TO THE LEVEL OF A TREATY, A U.S. PRESIDENT HAS SO MUCH POWER IN THE REALM OF FOREIGN POLICY THAT HE COULD WITHDRAW FROM IT, the way George W. Bush left the 1972 Anti-Ballistic Missile Treaty with Russia. America's 1994 nuclear deal with North Korea, meanwhile, died a slow and painful death after years of alleged violations by both sides. AP Photo One potential wild card in the Iran case is whether the U.N. Security Council will pass a resolution that gives the deal some binding status under international law, said Tyler Cullis, a legal fellow with the National Iranian American Council, a group that supports the talks. Although a president could in theory simply disregard such a resolution, he would be taking the risk of putting the U.S. in violation of international law if he unilaterally withdraws without a lawful justification. Dubowitz, one of the most vocal skeptics of the Iran talks, insisted that if he were president his goal wouldn't be to outright destroy a deal but to try to ensure that Iran never achieves nuclear weapons capability. He doubts the current deal does that because, he says, Iran will be able to expand its economic might as sanctions fade, making it even easier for it to resume nuclear activity once restrictions on its program start to drop off after the first 10 years of the agreement. So he envisions a 10-year timeline to strengthen America's hand against Iran, one that would involve a U.S. president laying the groundwork for his successor and making some new demands from Iran. The president could insist, for instance, that if within five years

U.N. inspectors cannot verify that Iran's nuclear program is entirely peaceful, then the restrictions on Iran's nuclear activities that would have dropped off after year 10 would stay on. It might not make for an easy soundbite on the 2016 campaign trail, but this longer-term approach could ultimately yield a less-dangerous Iran without undermining America's international standing. "There's always a quicker way, but the question is, 'Is there a smarter way to accomplish your objective?'" Dubowitz said. "I hope all our candidates are thoughtful in how they deal with what I think is increasingly an incredibly difficult situation for the next president to handle. This deal is going to leave the next president with an excruciatingly difficult decision: either to accept an Iranian bomb or to bomb Iran."

XT Next Prez

This is a unique double bind. Either the Iran deal won't pass now or the Iran deal will be so unpopular with the public that they will end up blaming Obama, and instead elect a Republican president for the coming 2016 election causing the Iran deal to die of anyways.

PC Not Key/Fails

Pelosi key—doesn't get tied to Obama

Lake and Rogin 7/13 (Eli Lake and Josh Rogin; July 13th 2015; Bloomberg View columnists who write about politics and foreign affairs, "Obama Counting on Pelosi to Defend Iran Deal"; <http://www.bloombergview.com/articles/2015-07-13/obama-counting-on-pelosi-to-defend-iran-deal>) jskullz

With the deal over Iran's nuclear program announced, the White House will turn its attention to selling it to Congress -- and IT WILL BE DEPENDING ON ONE LAWMAKER TO SAVE President Barack OBAMA'S FOREIGN-POLICY LEGACY: House Minority Leader Nancy PELOSI. ¶ While the former House speaker has yet to publicly support any Iran deal, her behind-the-scenes campaign to whip votes to protect it has already begun. SHE HAS URGED HER DEMOCRATIC COLLEAGUES TO BACK THE PRESIDENT. SHE HAS HOSTED INFORMAL MEETINGS WITH EXPERTS WHO SUPPORT THE NEGOTIATIONS TO EDUCATE HER CAUCUS. SHE EVEN HELPED GATHER LAWMAKERS' SIGNATURES for a May 7 letter to President Barack Obama EXPRESSING SUPPORT FOR DIPLOMACY with Iran, though reserving judgment on a final deal.¶ Now PELOSI IS EXPECTED TO BE THE FIREWALL THE WHITE HOUSE WILL NEED TO PREVENT A TWO-THIRDS, VETO-PROOF MAJORITY IN THE HOUSE TO DISAPPROVE OF THE FINAL IRAN DEAL, staving off political humiliation for the lame-duck president.

PC Not key—activist lobbying

Brown and Mimms 7/15 (Alex Brown and Sarah Mimms; Mimms is a staff correspondent for National Journal Daily, Alex Brown Technology reporter for National Journal; "Congressional Democrats Don't Trust Iran, But Do They Trust Obama?"; Government Executive; <http://www.govexec.com/oversight/2015/07/congressional-democrats-dont-trust-iran-do-they-trust-obama/117805/>) jskullz

Ultimately, though, SOME THINK DEMOCRATS WILL HAVE LITTLE CHOICE BUT TO BACK THE DEAL. "[Vice President Joe] BIDEN'S COMING OVER TOMORROW to sway us in one direction," Rep. Brad Sherman said. "It will be hard to sway us in the other direction, because YOU'VE GOT OBAMA AND HILLARY AND DEMOCRATIC ACTIVISTS AROUND THE COUNTRY ALL ON ONE SIDE. ... The two PROBLEMS IN OVERRIDING A VETO ARE EVERY DEMOCRATIC INSTITUTION IS SAYING NOT TO and there's no crisp answer to 'and then what?' "

Iran deal won't pass – PC not key

Everett and French 7/16/15 (Burgess and Lauren, writers for politico, "Congress balks at Obama's UN move on Iran deal", <http://www.politico.com/story/2015/07/congress-responds-to-obamas-un-move-on-iran-deal-120257.html>)/BW

President Barack Obama has a new hurdle to selling his Iran deal on Capitol Hill: BIPARTISAN OPPOSITION TO HIS DECISION TO SUBMIT THE NUCLEAR ACCORD TO THE UNITED NATIONS BEFORE CONGRESS VOTES ON THE AGREEMENT. Sens. Bob Corker (R-Tenn.) and Ben Cardin (D-Md.) said on THURSDAY AFTERNOON THAT THEY DISAGREED WITH THE U.S. PUSHING THE AGREEMENT THROUGH THE UN BEFORE CONGRESS VOTES THIS SEPTEMBER TO APPROVE OR REJECT IT, a troubling development for an administration still trying to win over both men. Cardin, the top Democrat on the committee, questioned Vice President Joe Biden about the matter during a closed door meeting with committee Democrats on Thursday. He said Biden responded with an explanation of the "differences between the executive and legislative branches." THAT DIDN'T SATISFY CARDIN, WHO

SAID OBAMA SHOULD PUT THE BRAKES ON UN CONSIDERATION UNTIL CONGRESS HAS 60 DAYS TO REVIEW THE BILL, a period that technically hasn't even started yet because the agreement has not been formally submitted to Capitol Hill. "There was nothing to be lost by waiting until after the review period was over," Cardin said in an interview. "It could be inconsistent [with how Congress votes] and therefore it would have been better if that had been deferred until after the 60-day period." Senate Health, Education, Labor and Pensions Committee Chairman Sen. Lamar Alexander, R-Tenn., listens to testimony on Capitol Hill in Washington, Wednesday, Jan. 21, 2015, during the committee's hearing looking at ways to fix the No Child Left Behind law. Alexander said he is open to discussion on whether the federal government should dictate standardized testing or leave it up to states. Corker called Obama's move an "affront to the American people." He chastised U.S. Ambassador to the United Nations Samantha Power by telephone on Thursday morning and said because **CONGRESS HAS NOT YET VOTED ON LIFTING SANCTIONS THAT ARE CRUCIAL TO THE DEAL, THE UN IS MOVING FORWARD ON AN INTERNATIONAL AGREEMENT THEY MAY NOT BE ABLE TO IMPLEMENT**.

"I question the judgment of our president," Corker told reporters, fuming into the microphones as Biden escaped a press scrum down a narrow flight of stairs. "This is exactly what we were trying to stop. We wanted the American people to understand this agreement before it went in place." White House spokesman Eric Schultz said the UN process "does not lessen the importance of Congress or its review." "We will not begin implementation of the plan until after the Congressional review period is over," Schultz said. Despite frustrations among key lawmakers, **THE WHITE HOUSE WAS MAKING STEADY**

INROADS WITH SKEPTICAL DEMOCRATS AS OFFICIALS BLANKETED LAWMAKERS WITH BRIEFINGS BY BIDEN, TOP SECURITY OFFICIALS AND PERSONAL PHONE CALLS. BOTH THE HOUSE AND THE SENATE WILL GET ALL-MEMBERS BRIEFINGS NEXT WEEK. Senate Majority Leader Mitch McConnell of Ky., joined by from left, Sen. Lamar Alexander, R-Tenn., Sen. John Barrasso, R-Wy., Sen. John Thune, R-S.D., and Sen. John Cornyn, R-Texas., speaks to media after a policy luncheon on Capitol Hill in Washington, Wednesday, July 8, 2015. (AP Photo/Carolyn Kaster) In nearly a dozen interviews with lawmakers exiting this week's briefings, **DEMOCRATS SEEMED REASSURED BY ANSWERS THEY WERE GETTING, SUGGESTING THE ADMINISTRATION CAN BUILD THE SUPPORT IT NEEDS TO SUSTAIN A VETO OF ANY GOP LEGISLATION THAT WOULD SCUTTLE THE DEAL.**

"He answered a whole series of difficult and demanding questions and provided encouraging and thoughtful responses," said Sen. Chris Coons (D-Del.) of Biden. Meanwhile, Sen. Ted Cruz of Texas, a conservative aspirant for the GOP presidential nomination, announced his intent to delay all State Department nominees and legislation to authorize the agency until Obama tells Cruz that he will block a UN vote. "It seems your administration intended all along to circumvent this domestic review," Cruz wrote in a letter to the president. "That Samantha Power has already introduced a draft resolution to the Security Council portrays an offensive level of disrespect for the American people and their elected representatives in Congress." It's unclear how widespread the ramifications of the administration's submission to the U.N. will be. But **IT DOESN'T APPEAR TO BE DOING THE ADMINISTRATION ANY FAVORS WITH CARDIN, A KEY SWING DEMOCRAT THAT THE ADMINISTRATION IS LIKELY TO NEED ON ITS SIDE, OR CORKER, THE UNDECIDED CHAIRMAN WHO WILL LEAD AN AGGRESSIVE HEARING SCHEDULE OVER THE NEXT TWO WEEKS.**

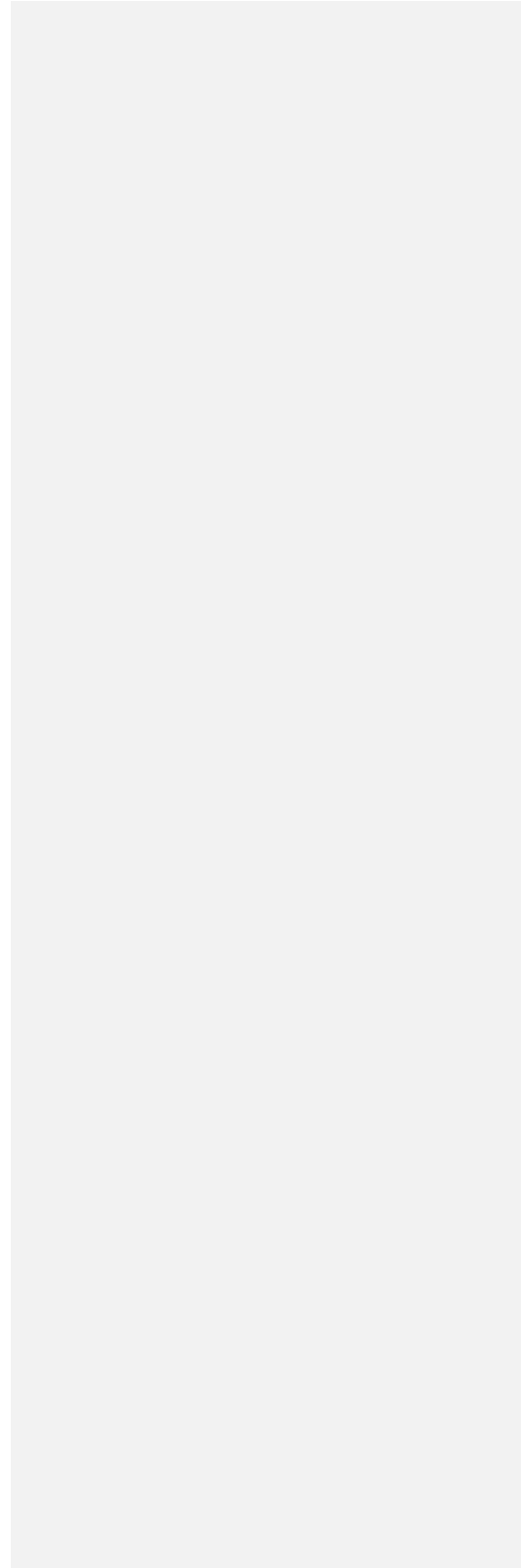
PC fails—poor congressional relations

Miller 7/21 (Aaron David Miller; July 21, 2015; American Middle East analyst, author, and negotiator. He is currently Vice President for New Initiatives at the Woodrow Wilson International Center for Scholars, and has been an advisor to both Republican and Democratic secretaries of state; Wall Street Journal; <http://blogs.wsj.com/washwire/2015/07/21/how-not-to-sell-the-iran-nuclear-deal/>) jskullz

The "Father Knows Best" demeanor: In more than 20 years at the State Department, I had to try to market my fair share of ideas, plans, and even agreements to a skeptical Congress and media. I know that negotiators can fall in love with their discussions and the accords they produce. **THERE IS** also **A TENDENCY IN GOVERNMENT TO FEEL THAT YOU HAVE ALL THE INFORMATION** (and your critics don't), **THAT YOU'RE CHARGED WITH PROTECTING THE NATIONAL INTEREST** (and critics have narrower agendas), and that you got the best deal you could (and critics are living in a fantasy land). **BUT TONE IS STILL IMPORTANT. AND THE ADMINISTRATION HAS ADOPTED A PREEMPTORY, AND SOMETIMES ARROGANT, TONE IN SELLING THIS ACCORD.** A better deal may or may not have been possible. But it doesn't help matters to suggest, as Secretary of State John Kerry has, that those who think there was an alternative are fantasizing or to dismiss as dumb any criticism that he wasn't tough enough with Iran. The more certain and authoritative the administration sounds, and **THE MORE IT SUGGESTS IN WORD AND TONE THAT IT ALONE KNOWS BEST, THE MORE PUSHBACK IT WILL DRAW.** After all, it's not as if this agreement doesn't have major flaws.¶ Preempting Congress: Maybe an adversarial relationship with

Congress was inevitable. The president eventually signed the bill giving lawmakers 60 days to review a deal, largely because Sen. Bob Corker managed to offer sensible legislation that had bipartisan support and seemed to give Congress a voice, though not an easy route to kill the accord. The White House probably figured that if worse came to worse, the administration would have the numbers in at least one house of Congress to sustain a presidential veto. Still, the U.N. Security Council's vote Monday to endorse the accord—even with a 90-day implementation period over actions on sanctions, to cover Congress's 60-day review—is being interpreted as boxing in Congress. CRITICISM IS COMING FROM DEMOCRATS WHOSE SUPPORT THE ADMINISTRATION NEEDS AND FROM REPUBLICANS WHO SAY THAT THE ADMINISTRATION IS DOING AN END-RUN AROUND THE HILL. It's hard not to draw that conclusion when Secretary Kerry says things like: "If Congress were to veto the deal, Congress—the United States of America—would be in noncompliance with this agreement and contrary to all of the other countries in the world." ¶ THIS ISN'T A PEACE TREATY: THE OBAMA ADMINISTRATION HAS ACKNOWLEDGED THAT EVEN WITH A NUCLEAR AGREEMENT, CHALLENGES REMAIN IN DEALING WITH IRAN, PARTICULARLY ITS BEHAVIOR AND REGIONAL POLICIES. The U.S. intends to hold Iran accountable for its actions, Secretary Kerry told NPR on Monday, largely by supporting regional allies such as Saudi Arabia. But the case is far from convincing. The administration was loath to challenge Iran's support for Syrian President Bashar al-Assad or Hezbollah in the run-up to the accord. Why would it risk causing problems during the implementation period? The U.S. tendency might well be the opposite: to test the possibility that Iran can be engaged as a partner in the region—precisely the outcome feared by traditional allies such as Israel and Saudi Arabia. Even before the agreement was reached, the White House was making the case that Iran would put assets unfrozen by sanctions relief into its economy, not toward funding terrorism. Secretary Kerry said as much to journalist Judy Woodruff last week, implying that Iran is somehow prevented from assisting its bad allies and suggesting that the CIA has concluded that Iran's fiscal needs will induce its regime to direct assistance to its economy. A more compelling (and honest) approach would have been to admit that there are problems with sanctions relief and to look into ways to address them. ¶ This Iran deal would be a hard sell under any circumstances. But SMART POLITICS IS ABOUT EXPANDING THE RANKS OF THOSE WHO SUPPORT YOU, NOT WILLFULLY MAKING ENEMIES. AT THIS POINT, EVEN IF THE DEAL GOES THROUGH, THE ADMINISTRATION HAS BROKEN MORE CROCKERY WITH CONGRESS AND AMONG ITS TRADITIONAL ALLIES IN THE MIDDLE EAST THAN IT HAD TO. On such a consequential foreign policy issue, that's really too bad.

Impact



Deal Bad

Iran deal leads to nuclear proliferation

Rogin 6/24/14 (Josh, writer for Bloomberg, "Clinton Defense Chief: Iran Deal Could Spark Proliferation", [//BW">http://www.bloombergtview.com/articles/2015-06-24/clinton-defense-chief-iran-deal-could-spark-proliferation\)//BW](http://www.bloombergtview.com/articles/2015-06-24/clinton-defense-chief-iran-deal-could-spark-proliferation)

GULF ARAB POWERS ARE LIKELY TO RESPOND TO PRESIDENT BARACK OBAMA'S PENDING NUCLEAR DEAL WITH IRAN BY DEVELOPING THEIR OWN NUCLEAR PROGRAMS, former Defense Secretary William Cohen said Wednesday. He said they don't trust either the Iranians or the United States to protect their interests. "THE ADMINISTRATION'S INTENT WAS TO HAVE A COUNTER-PROLIFERATION PROGRAM. AND THE IRONY IS, IT MAY BE JUST THE OPPOSITE," he told a meeting of Bloomberg reporters Wednesday morning. As Secretary of State John Kerry prepares to meet Iranian leaders for the final push toward a comprehensive nuclear deal with Iran, there's growing angst in countries like Saudi Arabia, the United Arab Emirates, Qatar and Israel about THE DEAL, which WILL LEAVE IRAN WITH SIGNIFICANT URANIUM ENRICHMENT CAPABILITIES and may not give the international community the right to inspect all of Iran's nuclear facilities. The administration argues that a deal with Iran will remove the need for other regional powers to pursue their own nuclear enrichment and weapons programs. Cohen said the region doesn't see it that way. "ONCE YOU SAY THEY ARE ALLOWED TO ENRICH, THE GAME IS PRETTY MUCH UP IN TERMS OF HOW DO YOU SUSTAIN AN INSPECTION REGIME IN A COUNTRY THAT HAS CARRIED ON SECRET PROGRAMS FOR 17 YEARS AND IS STILL DETERMINED TO MAINTAIN AS MUCH OF THAT SECRECY AS POSSIBLE," said Cohen, who was a Republican lawmaker from Maine before serving under President Clinton from 1997 to 2001. Other regional powers are further skeptical of the international community's ability to enforce any deal with Iran because the Obama administration has lost credibility in the region, according to Cohen. He said America's relationships in the region were damaged in 2013, when President Obama backed away from striking Syria after telling Gulf allies he would do so, even though the Assad regime had crossed his "red line" on chemical weapons. "It was mishandled and everybody in the region saw how it was handled. And I think it shook their confidence in the administration. ... The Saudis, the UAE and the Israelis were all concerned about that," Cohen said. "They are looking at what we say, what we do, and what we fail to do, and they make their judgments. In the Middle East now, they are making different calculations." Cohen acknowledged that without a nuclear deal, IRAN COULD HAVE THE ABILITY TO EXPAND ITS NUCLEAR ACTIVITIES WITH NO RESTRICTIONS, LEADING TO AN EVEN MORE DANGEROUS SITUATION FOR THE U.S. AND THE REGION. He doesn't agree with some lawmakers, such as Senator Tom Cotton, who argue that a military strike on Iran's nuclear facilities could be a solution. Cohen said that if a deal is reached, there will be significant international momentum for implementing the deal and lifting sanctions against Iran. The drive to do business in Iran will be alluring, especially to European countries, who have been eager to return to Iran but have been held back by the U.S.-led sanctions. Iranian officials have said that if the U.S. is the only country left with sanctions on Iran, that would amount to America sanctioning itself. "I anticipate this deal will be done. I think Congress is going to be hard-pressed to reject it," said Cohen. "Congress, the only chance it has to influence it is now, before it's signed." Cohen disagrees with those who believe that a nuclear deal will mollify Iran. He is skeptical that giving Iran large economic benefits will lead to significant reform in the Islamic Republic. "Most people that I know believe that Iran will continue to be a revolutionary country, and that's what bothers all of the others in the region, that this is going to continue the expansion of power, that they will be at a disadvantage, and they can't count on the United States," he said. Overall, COUNTRIES IN THE MIDDLE EAST HAVE LOST CONFIDENCE IN THE OBAMA ADMINISTRATION, Cohen said, in part because the U.S. has failed to articulate a clear vision for America's role in the world in the 21st century. That may not be resolved in the remainder of this administration. "THERE'S A LOT OF WORRY ABOUT U.S. LEADERSHIP AND WHAT WE'LL DO NEXT. You couple that with the Iran situation, and you could see there's a lot of nervousness now about where we are," he said. "That's something the next president will have to deal with."

Iran deal leads to global proliferation and hurts the economy

Yashar, 7/2/15 (Ari, writer for Israel Nation News, "Experts Warn Iran Deal Will Kill Nuclear Non-Proliferation", [//BW">http://www.israelnationalnews.com/News/News.aspx/197588#.VaVjMRNViko">//BW](http://www.israelnationalnews.com/News/News.aspx/197588#.VaVjMRNViko)

FOREIGN POLICY EXPERTS WARNED THIS WEEK THAT IF THE US PROVES ITSELF UNABLE TO ENFORCE A HARD LINE AGAINST IRAN'S PURSUIT OF NUCLEAR POWER, AMERICA WILL BE RENDERED UNABLE TO

OPPOSE NUCLEAR PROLIFERATION ON A GLOBAL SCALE. The experts were speaking at the Heritage Foundation on Tuesday, reports the Washington Free Beacon, in an event just a week ahead of the extended July 7 deadline for a nuclear deal between world powers and Iran over the latter's controversial nuclear program. "THE FUNDAMENTAL PROBLEM IS THAT WE'RE GIVING GROUND ON WHAT HAS BEEN A PRINCIPLE OF US NON PROLIFERATION POLICY FOR 70 YEARS, WHICH (VIEWS) THE SPREAD OF ENRICHMENT and reprocessing TO ANY COUNTRY, even our allies, AS A PROBLEM," said Matthew Kroenig, associate professor at Georgetown University. "What this Iran deal does is make an exception, not just for any country, but for Iran, a country that's continually cheating on its agreements. So in the wake of the deal, I THINK IT BECOMES VERY HARD FOR US TO GO TO OUR ALLIES AND SAY, 'WE TRUST TEHRAN WITH THIS TECHNOLOGY, BUT WE DON'T TRUST YOU.'" Brian Finaly, vice president of the Washington DC-based think tank Stimson Center, added to Kroenig's troubling assessment. "As we understand how the world is changing, IT IS CERTAINLY IMPACTING HOW WE MANAGE THE PROLIFERATION THREAT, and I believe that getting out in front of this, THINKING BEYOND THE LIMITED ABILITY OF THE STATE TO CONTROL PROLIFERATION IN THE FUTURE, IS GOING TO BE ESSENTIAL TO SUCCESSFUL NON-PROLIFERATION EFFORTS," warned Finaly. He explained that non-state actors such as multinational companies can play a role in preventing nuclear crises, noting on the conflict between India and Pakistan in the 1980s. "A group of very senior level executives from an array of companies got together and sent a very clear message to the Indian Prime Minister: 'THIS CRISIS IS BAD FOR BUSINESS and if we decide to leave India, we will not return,'" Finaly said. That warning "had the ultimate effect of, I think, contributing significantly to the easing of nuclear tensions between the two countries, and it returned to semi-regular relations between the two countries," he added. REGARDING ECONOMIC INCENTIVES, EXPERTS HAVE WARNED THAT THE CURRENT SANCTIONS REGIME AGAINST IRAN HAS NOT BEEN TOUGH ENOUGH TO HAVE AN EFFECT, as the Iranian GDP grew 3% in 2014. Just this Monday Iranian officials announced that 13 tons of gold had been repatriated as part of sanctions relief, bringing the total in unfrozen assets since the November 2013 interim deal was signed to just under \$12 billion.

Deal causes runaway prolif—breakdown of non-proliferation treaty

Pletka 7/14 (Danielle Pletka; July 14 2015; vice president for foreign and defense policy studies at the American Enterprise Institute; "8 Unplanned Results of the Iran Deal"; Politico; www.politico.com/magazine/story/2015/07/eight-unplanned-results-of-the-iran-deal-120129.html?mi=tl_38_b) jskullz

4. THE BEGINNING OF THE END OF THE NPT Like any set of rules, THE NUCLEAR NON-PROLIFERATION TREATY IS ONLY AS GOOD AS ITS MEMBERS MAKE IT. ONCE, A COUNTRY THAT HID BEHIND THE NPT TO VIOLATE SAFEGUARDS AGREEMENTS and work on nuclear weapons FACED THE CERTAINTY OF INTERNATIONAL PUNISHMENT. THAT IS WHAT HAPPENED TO NORTH KOREA. WITH THIS DEAL, THE EXACT REVERSE IS HAPPENING with Iran. AFTER USING THE TREATY TO ADVANCE ITS NUCLEAR WEAPONS PROGRAM, IRAN IS NOW BEING PARDONED, REHABILITATED AND ALLOWED TO KEEP ITS NUCLEAR INFRASTRUCTURE. WE CAN EXPECT OTHER COUNTRIES — ESPECIALLY THOSE MOST WORRIED ABOUT IRAN'S RISING POWER IN THE MIDDLE EAST — TO EMULATE IRAN IN USING THE NPT AS COVER FOR ADVANCING THEIR OWN NUCLEAR WEAPONS PROGRAMS.

Deal causes Israeli first strike—escalates to nuclear war

Worral 15 (Eric Worral; Apr 28 2015; Writer for Breitbart; “Israel Will Strike Iran First To Thwart Nuclear Attack”; Breitbart; <http://www.breitbart.com/big-government/2015/04/28/israel-will-strike-iran-first-to-thwart-nuclear-attack/>) jskullz

ISRAEL IS NOT IN A PLEASANT SITUATION. EVERY DAY, her arch enemy IRAN DRAWS CLOSER TO Refining enough uranium to build 100s of NUCLEAR WEAPONS.¶ Every day THE IRANIAN PROGRAM BECOMES MORE DIFFICULT TO DISLodge – as the uranium is concentrated, the number of centrifuges required to complete the process decreases, allowing the remaining refining operation to be moved to smaller and more covert facilities.¶ America, ostensibly Israel’s ally, is rumoured to have ordered US warships to shoot down Israeli aircraft, should a strike on Iran appear to be in progress. According to Israeli newspapers, President Obama thwarted a planned 2014 Israeli attack against Iranian nuclear facilities, by threatening to shoot down the Israeli bombers.¶ America is currently sending additional warships to the Persian Gulf – ostensibly to blockade Iranian supply runs to rebels in Yemen, but if rumours of President Obama’s threat against Israel are correct, perhaps also to reinforce US firepower, should Israel decide to mount an attack against Iran.¶ There is no doubt an attack is on the drawing board – the Israeli Defence Force admitted they are training for an attack on Iran, in a recent interview with The Times of Israel.¶ IRAN MAY POSE A GRAVE EXISTENTIAL THREAT TO ISRAEL – AT LEAST ISRAEL BELIEVES THEY DO and they appear to have good reasons for their concerns. According to an Israeli report written in 2008, Iran regularly state that Israel will shortly be wiped from the face of the Earth.¶ REGARDLESS OF WHETHER THE IRANIAN THREATS ARE AS BAD AS IS CLAIMED, or whether Iran actually means what they say, THE IRANIAN NUCLEAR PROGRAMME WILL PROVIDE IRAN WITH THE MEANS TO FULFILL this terrifying threat.¶ Iran is currently purchasing an advanced Russian air defence system – which will further complicate the job of attacking Iran, should Israel choose to mount an attack.¶ If Israel does decide to mount an attack against Iran, they will run a gauntlet – they will have to fly long distances, over hostile Syria, and other unfriendly countries. They will potentially face a massive counterattack from the growing American presence in the Persian Gulf. When they finally reach Iran, they will suffer even more casualties from the advanced Russian anti-aircraft systems, which will shortly be operational.¶ And when a handful of Israeli aircraft finally reach their targets, the surviving ISRAELI WARPLANES WILL HAVE TO SOMEHOW INFLICT SUFFICIENT DAMAGE ON HEAVILY ARMoured NUCLEAR FACILITIES, some of which are BURIED HUNDREDS OF FEET UNDERGROUND, TO PREVENT THEM FROM BEING REPAIRED.¶ THERE IS ONLY ONE KIND OF BOMB in Israel’s arsenal, WHICH CAN FULFILL THIS military REQUIREMENT.¶ A weak IRAN DEAL, if it is ratified, WILL in my opinion be a lot more than a diplomatic failure – for the reasons I have provided, I believe it may TRIGGER A NUCLEAR WAR.

Despite the nuclear deal, Iran is still belligerent

Tamara Cofman **Wittes, 7/14**, senior fellow and the director of the Center for Middle East Policy at Brookings, July 14, 2015 , “An Iran deal won’t stabilize the messy Middle East — but maybe Arab states can”, http://www.brookings.edu/blogs/markaz/posts/2015/07/14-iran-nuclear-deal-us-middle-east-wittes?utm_campaign=Brookings+Brief&utm_source=hs_email&utm_medium=email&utm_content=20603985&_hsenc=p2ANqtz-8OoJpmi79Mwck0F_5tTOKCv1XJfiYeJ47JNQR5QW97ziIJXupWdf3uk6CVwG7J8s6yFOL7tld6NVq5eYPDMYrvARu3NA&_hsmi=20603985 //Zabner

IRAN'S PROCLIVITY FOR REGIONAL MEDDLING IS LONGSTANDING, AND THE CHAOTIC POLITICS OF THE ARAB WORLD SINCE 2011 HAS GIVEN THE ISLAMIC REPUBLIC UNPRECEDENTED OPPORTUNITIES TO INSERT ITSELF INTO LOCAL POLITICS IN DESTABILIZING WAYS. In my recent congressional testimony, and in remarks to the Herzliya Conference in Israel last month, I explained my view THAT IRAN'S REGIONAL TROUBLEMAKING IS LIKELY TO GROW WORSE IN COMING YEARS, REGARDLESS OF A DEAL OVER THE NUCLEAR PROGRAM. I said: In fact, WHETHER THERE'S A NUCLEAR DEAL OR NOT, I PREDICT WE WILL SEE A MORE AGGRESSIVE APPROACH BY IRAN IN A HOST OF ARENAS AROUND THE REGION, WHERE THE UPHEAVAL HAS GIVEN THEM GREATER OPPORTUNITIES THAN BEFORE. IF THERE IS A NUCLEAR DEAL, THE HARDLINE ELEMENTS WITHIN THE IRANIAN REGIME, THOSE MOST OPPOSED TO A DEAL, ARE ALSO THOSE WITH THE GREATEST INTEREST AND INVESTMENT IN REGIONAL TROUBLEMAKING. THEY ARE LIKELY TO USE THEIR ABILITY TO MAKE NOISE REGIONALLY TO TRY AND COMPENSATE FOR THE POWER DISADVANTAGES THEY SEE INHERENT IN A DEAL — AND THEY ARE LIKELY TO HAVE A GREEN LIGHT FROM THE SUPREME LEADER TO DO SO, BECAUSE HE WILL WANT TO COMPENSATE THEM FOR THEIR UNHAPPINESS WITH A DEAL. If there's no deal on the nuclear issue, however, then the Iranian leadership will want to scale up its regional assertions of power for a different reason: in order to solidify or even strengthen its current regional power position in advance of whatever tougher American / Israeli / Sunni Arab efforts it anticipates to contain it. I stand by that prediction. While sanctions relief will give Iran considerably more resources, it has never lacked motivation for its assertions of power, and it continues to face ample opportunity. As my Herzliya panel partner, Meir Javandefar, revealed at the conference, IRAN'S SANCTIONS-INDUCED ECONOMIC HARDSHIP IN RECENT YEARS HAS NOT PREVENTED IRAN FROM SPENDING BILLIONS OF DOLLARS AND ITS OWN SOLDIERS' LIVES KEEPING BASHAR AL-ASSAD IN POWER. SO YES, IRANIAN MEDDLING ACROSS THE REGION WILL GET WORSE IN THE WAKE OF AN IRAN DEAL — but it was going to get worse anyway. The real question about Iran's regional behavior is not, therefore, whether a nuclear deal is too dangerous for the Middle East because it will give Iran more ability to make trouble. Trouble, in case you haven't noticed, is not lacking in the Middle East, and Iran is one major source (though not, to be sure, the only one). THE REAL QUESTION IS WHAT THE UNITED STATES AND AMERICA'S ARAB ALLIES ARE PREPARED TO DO ABOUT IT. Note that, in my view, America's Arab allies have an essential role to play here, independent of the United States. Read on to see what I mean.

The deal changes nothing

Suzanne **Maloney, 7/15**, interim deputy director of the Foreign Policy program at the Brookings Institution and a senior fellow in the Brookings Center for Middle East Policy, July 15, 2015, Brookings, "For the U.S. and Iran, a nuclear accord upends old assumptions", http://www.brookings.edu/blogs/markaz/posts/2015/07/15-iran-deal-diplomacy-sanctions-rouhani-beginning?utm_campaign=Brookings+Brief&utm_source=hs_email&utm_medium=email&utm_content=20624082&_hsenc=p2ANqtz-9SEY60r2pRxzjZc8Zu75XmCIZT-sdnEWMIAMc36o-qbMilxtyiusrW5bawoJ6D5CCKUxda4qPpcueDZOOQw4TxorWVg&_hsmi=20624082 //Zabner

But though the negotiating process itself has ended, the factors that undermine its relationship with the world have not. THE DEAL WILL NOT PUT AN END TO THE DISPUTE OVER IRAN'S NUCLEAR AMBITIONS. The agreement will now undergo an excruciating dissection in both capitals, with every word of the 159-page English language text probed for signs of leniency or capitulation. Then, IF IT SURVIVES LEGISLATIVE SCRUTINY (AS IT IS LIKELY TO DO), A LABORIOUS IMPLEMENTATION PROCESS WILL ENSURE THAT THE ISSUE REMAINS A MAJOR PREOCCUPATION FOR EACH OF THE STATES THAT IS A PARTY TO THE AGREEMENT, AS WELL AS A SOURCE OF CONTINUING FRICTIONS AND SUSPICIONS BETWEEN WASHINGTON AND TEHRAN. NOR DO WASHINGTON'S OTHER DIFFERENCES WITH TEHRAN APPEAR TO BE NEARING A MORE AUSPICIOUS CONCLUSION. ONLY THE MOST CREDULOUS OPTIMIST CAN ASSERT THAT A NUCLEAR DEAL WILL SOMEHOW PRODUCE AN IRANIAN EPIPHANY ABOUT THE HORRIFIC AND DESTABILIZING CONSEQUENCES OF ITS ASSISTANCE TO BASHAR

AL ASSAD. TEHRAN'S APPROACH TO EXTENDING ITS REGIONAL INFLUENCE, VIA THE FUNDING AND DIRECTION OF VIOLENT PROXIES ACROSS THE REGION, WILL CONTINUE to exacerbate instability in Iraq, Yemen, Lebanon, and beyond, WHILE FUELING THE GEOSTRATEGIC RIVALRY WITH SAUDI ARABIA AND THE RELATED SECTARIAN TENSIONS. This week's resumption of a trial of a Washington Post reporter underscores that IRAN'S UNJUST DETENTION OF AMERICAN CITIZENS FOR MONTHS OR EVEN YEARS WILL LIKELY CONTINUE AS WELL. The same streets where Iranians celebrated a deal yesterday were the scenes of anti-American and anti-Israeli protests, where both flags were burnt in effigy, only a few days ago. Perhaps most importantly, as I'll argue in a follow-up piece tomorrow examining the uncertain prospects for new beginnings, THE UNDERLYING LOGIC OF ISLAMIC REGIME IS UNLIKELY TO BE ALTERED SIGNIFICANTLY BY THE RESOLUTION OF THE NUCLEAR IMPASSE. THE NUCLEAR AGREEMENT WAS A TRANSACTIONAL DECISION FOR IRANIAN LEADERS, NOT A TRANSFORMATIONAL ONE, AND THE ODDS AGAINST THE MODERATION OF THE IRANIAN SYSTEM REMAIN OVERWHELMINGLY STACKED AGAINST THE ESTABLISHMENT OF THE REVOLUTION'S ELUSIVE THERMIDOR.

Turn—the Iran bill is problematic and shouldn't pass—concedes too much nuclear power to Iran

Edelman and Takeyh 7/17, Eric Edelman, undersecretary of defense for policy from 2005 to 2009, is a scholar in residence at Johns Hopkins School of Advanced International Studies. Ray Takeyh is a senior fellow at the Council on Foreign Relations., "On Iran Congress should just say no," Washingtonpost, 7/17/15, http://www.washingtonpost.com/opinions/on-iran-congress-should-just-say-no/2015/07/17/56e366ae-2b30-11e5-bd33-395c05608059_story.html

AFTER TWO YEARS OF PAINSTAKING DIPLOMACY, THE OBAMA ADMINISTRATION HAS FINALLY CONCLUDED A NUCLEAR AGREEMENT WITH IRAN. A CAREFUL EXAMINATION OF THE Joint Comprehensive Plan of Action (JCPOA) REVEALS THAT IT CONCEDES AN ENRICHMENT CAPACITY THAT IS TOO LARGE; SUNSET CLAUSES THAT ARE TOO SHORT; A VERIFICATION REGIME THAT IS TOO LEAKY; AND ENFORCEMENT MECHANISMS THAT ARE TOO SUSPECT. No agreement is perfect, but at times THE SCALE OF IMPERFECTION IS SO GREAT THAT THE JUDICIOUS COURSE IS TO REJECT THE DEAL AND RENEGOTIATE A MORE STRINGENT ONE. THE WAY FOR THIS TO HAPPEN IS FOR CONGRESS TO DISAPPROVE THE JCPOA. Prior to the 2013 interim accord, the Obama administration's position rested on relatively sensible precepts. The United States insisted that, given Iran's practical needs, it should only have a symbolic enrichment program of a few hundred centrifuges, and that the Islamic republic could not be considered a member of the Nuclear Non-Proliferation Treaty (NPT) in good standing until it secured the trust and confidence of the international community in the peaceful nature of its program. These were not just U.S. aspirations but also the position of members of the "P5+1" powers — the five U.N. Security Council members plus Germany. THESE PRUDENT PARAMETERS WERE OVERTAKEN BY A CAVALCADE OF CONCESSIONS THAT BEGAN IN 2013. THE ADMINISTRATION SOON BRANDISHED THE NOTION OF A ONE-YEAR BREAKOUT PERIOD THAT WOULD ALLOW IRAN TO MAINTAIN A SUBSTANTIAL ENRICHMENT APPARATUS, IN EFFECT ABANDONING THE GOAL OF PREVENTING DEVELOPMENT OF AN IRANIAN NUCLEAR CAPABILITY IN FAVOR OF MANAGING ITS EMERGENCE. THE MUCH HERALDED ONE-YEAR BREAKOUT PERIOD WILL ONLY SHRINK OVER TIME AS THE JCPOA CONCEDES THAT IRAN CAN BEGIN PHASING OUT ITS PRIMITIVE CENTRIFUGES IN FAVOR OF MORE ADVANCED ONES. Even more troublesome is the agreement's stipulation that after its limits expire, THE "IRANIAN NUCLEAR PROGRAM WILL BE TREATED IN THE SAME MANNER AS THAT OF ANY OTHER NON-NUCLEAR WEAPON STATE PARTY TO THE NPT." THIS MEANS THAT IRAN CAN PROCEED WITH THE CONSTRUCTION OF AN INDUSTRIAL-SIZED NUCLEAR INFRASTRUCTURE SIMILAR TO THAT OF JAPAN. At that time, IRAN COULD EASILY SPRINT TO THE BOMB WITHOUT RISKING TIMELY DETECTION. In the coming weeks, the administration will justify its concessions by professing that the agreement establishes an unprecedented inspections regime. THE VERIFICATION MEASURES OF THE JCPOA RELY ON "MANAGED ACCESS" WHEREBY THE INTERNATIONAL ATOMIC ENERGY AGENCY HAS TO FIRST OFFER CREDIBLE EVIDENCE OF UNTOWARD ACTIVITY AND THEN NEGOTIATE WITH IRAN FOR TIMELY ACCESS TO THE SUSPECT FACILITY. THIS CERTAINLY FALLS SHORT OF THE INSPECTION MODALITY PLEDGED BY

ENERGY SECRETARY ERNEST MONIZ, THE ADMINISTRATION'S CHIEF NUCLEAR PHYSICIST, WHO SAID IN APRIL THAT "WE EXPECT TO HAVE ANYWHERE, ANYTIME ACCESS." Under the current arrangement, THE LIKELY RESPONSE TO IRANIAN MISCHIEF WILL BE PROLONGED NEGOTIATIONS Mired IN ARCANE DETAIL OVER AT LEAST A THREE-WEEK PERIOD. IN AS LITTLE AS A FEW MONTHS, IRAN WILL FOR ALL INTENTS AND PURPOSES NO LONGER BE A SANCTIONED COUNTRY. Although elaborate and protracted procedures are in place for the re-imposition of the U.N. Security Council sanctions resolutions, THE ECONOMIC SANCTIONS IMPOSED BY THE European Union AND THE United States — ALWAYS THE MOST ESSENTIAL ONES — WILL BE ROLLED BACK QUICKLY AND WILL NOT BE EASILY RECONSTITUTED. THE EUROPEAN OIL EMBARGO, INTERNATIONAL BANKING RESTRICTIONS AND EFFORTS TO SEGREGATE IRAN FROM THE GLOBAL ECONOMY WILL BE SUSPENDED. AND THE NOTION THAT U.S. BUSINESS WILL BE LEFT OUT OF THE COMMERCIAL MARCH TO IRAN BECAUSE CONGRESSIONALLY IMPOSED U.S. SANCTIONS WILL REMAIN IN PLACE IS ITSELF UNDERMINED BY A LOOPHOLE IN THE DEAL ALLOWING "NON-U.S. ENTITIES THAT ARE OWNED OR CONTROLLED BY A U.S. PERSON TO ENGAGE IN ACTIVITIES WITH IRAN THAT ARE CONSISTENT WITH THIS JCPOA." THE JCPOA STANDS AS ONE OF THE MOST TECHNOLOGICALLY PERMISSIVE ARMS-CONTROL AGREEMENTS IN HISTORY. All is not lost, however, and with sensible amendments the accord can be strengthened. THE United States SHOULD RETURN TO THE TABLE AND INSIST THAT AFTER THE EXPIRATION OF THE SUNSET CLAUSE, THE P5+1 AND IRAN SHOULD VOTE ON WHETHER TO EXTEND THE AGREEMENT FOR AN ADDITIONAL 10 YEARS. A majority vote every 10 years should determine the longevity of the agreement, not an arbitrary time-clock. Further, the JCPOA has usefully stressed that all of Iran's spent fuel from its heavy-water reactor will be shipped out permanently. A similar step should be taken with Iran's enriched uranium. THE REVISED AGREEMENT SHOULD ALSO LIMIT IRAN TO THE FIRST-GENERATION CENTRIFUGES AND RELY ON "ANYTIME, ANYWHERE ACCESS." These and other such measures could help forestall an Iranian bomb and stem the proliferation cascade in the Middle East that this agreement is likely to trigger. AT THIS LATE DATE, THE ONLY WAY THAT THE AGREEMENT CAN BE REOPENED AND AMENDED IS FOR CONGRESS TO FIRST REJECT IT. At that time, the Obama administration or its successor can return to the table and confess that given the absence of a bipartisan foundation of support in the United States, KEY PROVISIONS OF THE AGREEMENT HAVE TO BE RECONSIDERED. AT THE END OF SUCH A PROCESS, THE United States MAY YET BE ABLE TO OBTAIN A VIABLE ACCORD THAT RELIABLY ALTERS IRAN'S NUCLEAR TRAJECTORY.

Bomb Good

Iran bomb good—no prolif or terrorism, and prevents escalatory war with Israel and other states

Waltz 12 (Kenneth N. Waltz; July/Aug 2015; Political Science prof at Columbia and one of the single most influential international relations scholars; Why Iran Should Get the Bomb; Foreign Affairs <https://www.foreignaffairs.com/articles/iran/2012-06-15/why-iran-should-get-bomb>) jskullz

The third possible outcome of the standoff is that Iran continues its current course and publicly goes nuclear by testing a weapon. U.S. AND ISRAELI OFFICIALS HAVE DECLARED THAT OUTCOME UNACCEPTABLE, ARGUING that A NUCLEAR IRAN IS a uniquely terrifying prospect, even AN EXISTENTIAL THREAT. SUCH LANGUAGE IS TYPICAL of major powers, which have historically gotten riled up whenever another country has begun to develop a nuclear weapon of its own. Yet so far, EVERY TIME ANOTHER COUNTRY HAS MANAGED TO SHOULDER ITS WAY INTO THE NUCLEAR CLUB, THE OTHER MEMBERS HAVE ALWAYS CHANGED TACK AND DECIDED TO LIVE WITH IT. IN FACT, BY REDUCING IMBALANCES IN MILITARY POWER, NEW NUCLEAR STATES generally PRODUCE MORE REGIONAL AND INTERNATIONAL STABILITY, not less. ¶ ISRAEL'S REGIONAL NUCLEAR MONOPOLY, which has proved remarkably durable for the past four decades, HAS LONG FUELED INSTABILITY IN THE MIDDLE EAST. IN NO OTHER REGION of the world DOES A LONE, UNCHECKED NUCLEAR STATE EXIST. IT IS ISRAEL'S NUCLEAR ARSENAL, NOT IRAN'S DESIRE FOR ONE, THAT HAS CONTRIBUTED MOST TO THE CURRENT CRISIS. Power, after all, begs to be balanced. What is surprising about the Israeli case is that it has taken so long for a potential balancer to emerge. ¶ Of course, it is easy to understand why ISRAEL wants to remain the sole nuclear power in the region and why it IS WILLING TO USE FORCE TO SECURE THAT STATUS. In 1981, ISRAEL BOMBED IRAQ to prevent a challenge to its nuclear monopoly. It did the same to SYRIA in 2007 AND IS NOW CONSIDERING SIMILAR ACTION AGAINST IRAN. But THE VERY ACTS THAT HAVE ALLOWED ISRAEL TO MAINTAIN ITS NUCLEAR EDGE IN THE SHORT TERM HAVE PROLONGED AN IMBALANCE THAT IS UNSUSTAINABLE IN THE LONG TERM. ISRAEL'S proven ABILITY TO STRIKE POTENTIAL NUCLEAR RIVALS WITH IMPUNITY HAS inevitably MADE its ENEMIES ANXIOUS TO DEVELOP THE MEANS TO PREVENT ISRAEL FROM DOING SO AGAIN. In this way, the CURRENT TENSIONS ARE BEST VIEWED NOT AS THE EARLY STAGES OF A relatively RECENT IRANIAN NUCLEAR CRISIS BUT RATHER AS THE FINAL STAGES OF A DECADES-LONG MIDDLE EAST nuclear CRISIS that will end only when a balance of military power is restored. ¶ UNFOUNDED FEARS ¶ ONE REASON THE DANGER OF A NUCLEAR IRAN HAS BEEN GROSSLY EXAGGERATED IS THAT THE DEBATE SURROUNDING IT HAS BEEN DISTORTED BY MISPLACED WORRIES and fundamental misunderstandings of how states generally behave in the international system. THE first PROMINENT CONCERN, which undergirds many others, IS THAT THE IRANIAN REGIME IS INNATELY IRRATIONAL. Despite a widespread belief to the contrary, Iranian policy is made not by "mad mullahs" but by perfectly sane ayatollahs who want to survive just LIKE ANY OTHER LEADERS. ALTHOUGH IRAN'S LEADERS INDULGE IN INFLAMMATORY and hateful RHETORIC, THEY SHOW NO PROPENSITY FOR SELF-DESTRUCTION. It would be a grave error for policymakers in the United States and Israel to assume otherwise. ¶ Yet that is precisely what many U.S. and Israeli officials and analysts have done. Portraying Iran as irrational has allowed them to argue that the logic of nuclear deterrence does not apply to the Islamic Republic. IF IRAN ACQUIRED A NUCLEAR WEAPON, THEY WARN, IT WOULD NOT HESITATE TO USE IT IN A FIRST STRIKE against Israel, EVEN THOUGH DOING SO WOULD INVITE MASSIVE RETALIATION AND RISK DESTROYING EVERYTHING THE IRANIAN REGIME HOLDS DEAR. ¶ Although it is impossible to be certain of Iranian intentions, IT IS FAR MORE LIKELY THAT IF IRAN DESIRES NUCLEAR WEAPONS, IT IS FOR THE PURPOSE OF providing for ITS OWN SECURITY, not to improve its offensive capabilities (or destroy itself). Iran may be intransigent at the negotiating table and defiant in the face of sanctions, but it still acts to secure its own preservation. IRAN'S LEADERS DID NOT, for example, ATTEMPT TO CLOSE THE STRAIT OF HORMUZ DESPITE issuing blustery WARNINGS THAT THEY MIGHT DO so after the EU announced its planned oil embargo in January. THE

IRANIAN REGIME CLEARLY CONCLUDED THAT IT DID NOT WANT TO PROVOKE WHAT WOULD SURELY HAVE BEEN A SWIFT and devastating American RESPONSE to such a move. ¶ Nevertheless, even SOME observers and policymakers who accept that the Iranian regime is rational still worry Y THAT A NUCLEAR WEAPON WOULD EMBOLDEN IT, PROVIDING TEHRAN WITH A SHIELD THAT WOULD ALLOW IT TO ACT MORE AGGRESSIVELY AND INCREASE ITS SUPPORT FOR TERRORISM. SOME analysts even FEAR THAT IRAN WOULD DIRECTLY PROVIDE TERRORISTS WITH NUCLEAR ARMS. THE PROBLEM WITH THESE CONCERNS IS THAT THEY CONTRADICT THE RECORD OF EVERY OTHER NUCLEAR WEAPONS STATE going back to 1945. History shows that wHEN COUNTRIES ACQUIRE THE BOMB, THEY FEEL INCREASINGLY VULNERABLE and become acutely aware that THEIR NUCLEAR WEAPONS MAKE THEM A POTENTIAL TARGET IN THE EYES OF MAJOR POWERS. THIS AWARENESS DISCOURAGES NUCLEAR STATES FROM BOLD AND AGGRESSIVE ACTION. Maoist CHINA, for example, BECAME MUCH LESS BELLICOSE AFTER ACQUIRING NUCLEAR WEAPONS in 1964, AND INDIA AND PAKISTAN HAVE BOTH BECOME MORE CAUTIOUS SINCE GOING NUCLEAR. There is little reason to believe Iran would break this mold. ¶ As for the risk of a handoff to terrorists, nO COUNTRY COULD TRANSFER NUCLEAR WEAPONS WITHOUT RUNNING A HIGH RISK OF BEING FOUND OUT. U.S. surveillance capabilities would pose a serious obstacle, as would the United States' impressive and growing ability to identify the source of fissile material. Moreover, COUNTRIES CAN NEVER ENTIRELY CONTROL OR EVEN PREDICT THE BEHAVIOR OF THE TERRORIST GROUPS they sponsor. ONCE a country such as IRAN ACQUIRES A NUCLEAR CAPABILITY, IT WILL HAVE EVERY REASON TO MAINTAIN FULL CONTROL OVER ITS ARSENAL. After all, building a bomb is costly and dangerous. It would make little sense to transfer the product of that investment to parties that cannot be trusted or managed. ¶ ANOTHER oft-touted WORRY IS THAT IF IRAN OBTAINS THE BOMB, OTHER STATES IN THE REGION WILL FOLLOW suit, leading to a nuclear arms race in the Middle East. But THE NUCLEAR AGE IS NOW ALMOST 70 YEARS OLD, AND SO FAR, FEARS OF PROLIFERATION HAVE PROVED TO BE UNFOUNDED. Properly defined, the term "PROLIFERATION" MEANS A RAPID AND UNCONTROLLED SPREAD. NOTHING LIKE THAT HAS OCCURRED; in fact, since 1970, THERE HAS BEEN A MARKED SLOWDOWN IN THE EMERGENCE OF NUCLEAR STATES. There is no reason to expect that this pattern will change now. SHOULD IRAN BECOME THE SECOND MIDDLE EASTERN NUCLEAR POWER since 1945, IT WOULD HARDLY SIGNAL THE START OF A LANDSLIDE. WHEN ISRAEL ACQUIRED THE BOMB in the 1960s, IT WAS AT WAR with many of its neighbors. ITS NUCLEAR ARMS WERE A MUCH BIGGER THREAT TO THE ARAB WORLD THAN IRAN'S PROGRAM IS TODAY. **If an atomic Israel did not trigger an arms race then, there is no reason a nuclear Iran should now.** ¶ REST ASSURED ¶ In 1991, the historical rivals INDIA AND PAKISTAN SIGNED A TREATY AGREEING NOT TO TARGET EACH OTHER'S NUCLEAR FACILITIES. THEY REALIZED THAT FAR MORE WORRISOME THAN THEIR ADVERSARY'S NUCLEAR DETERRENT WAS THE INSTABILITY PRODUCED BY CHALLENGES TO IT. Since then, even in the face of high tensions and risky provocations, the two countries have kept the peace. Israel and Iran would do well to consider this precedent. If Iran goes nuclear, Israel and Iran will deter each other, as nuclear powers always have. There has never been a full-scale war between two nuclear-armed states. **Once Iran crosses the nuclear threshold, deterrence will apply, even if the Iranian arsenal is relatively small. No other country in the region will have an incentive to acquire its own nuclear capability, and the current crisis will finally dissipate, leading to a Middle East that is more stable than it is today.**

Defense

Iran won't launch a nuke—only interested for defensive purposes

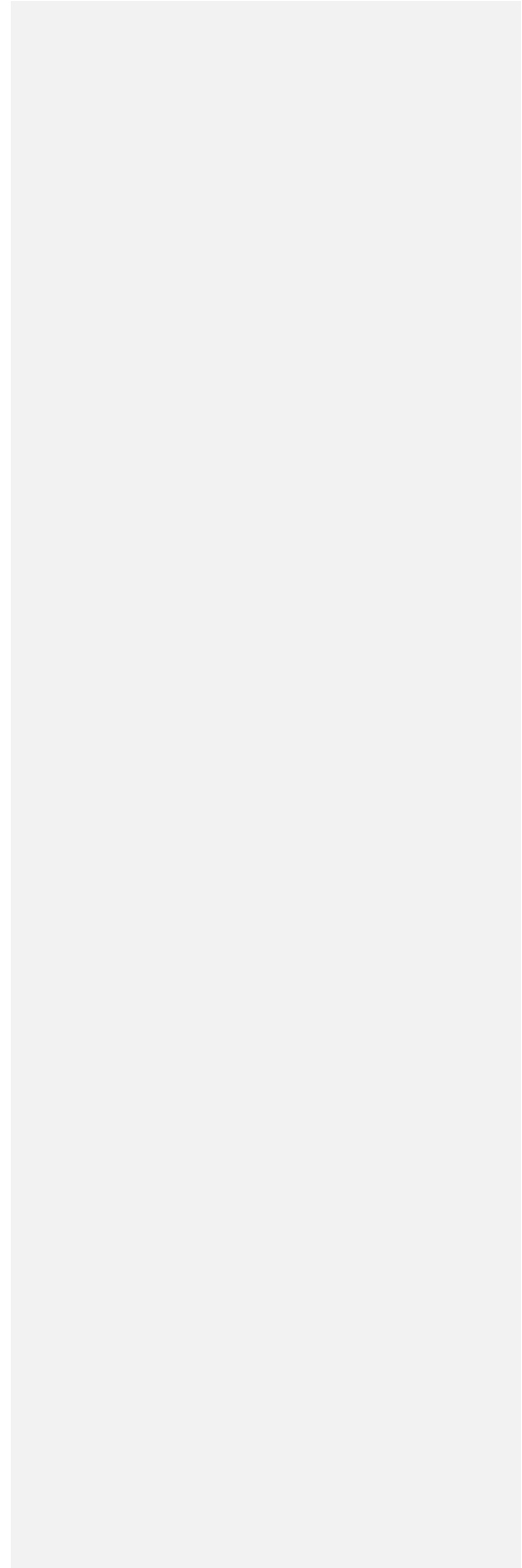
Shanahan 15 (Roger Shanahan; Jan. 8th 2015; ANU's National Security College and is a non-resident fellow at the Lowy Institute for International Policy; "Would Iran Start a Nuclear War?"; National Interest; <http://nationalinterest.org/blog/the-buzz/would-iran-start-nuclear-war-11995>) jskullz

¶ THE LANGUAGE IS DRAMATIC BUT THE POSTS LACK MUCH BY THE WAY OF REASONED ARGUMENT.

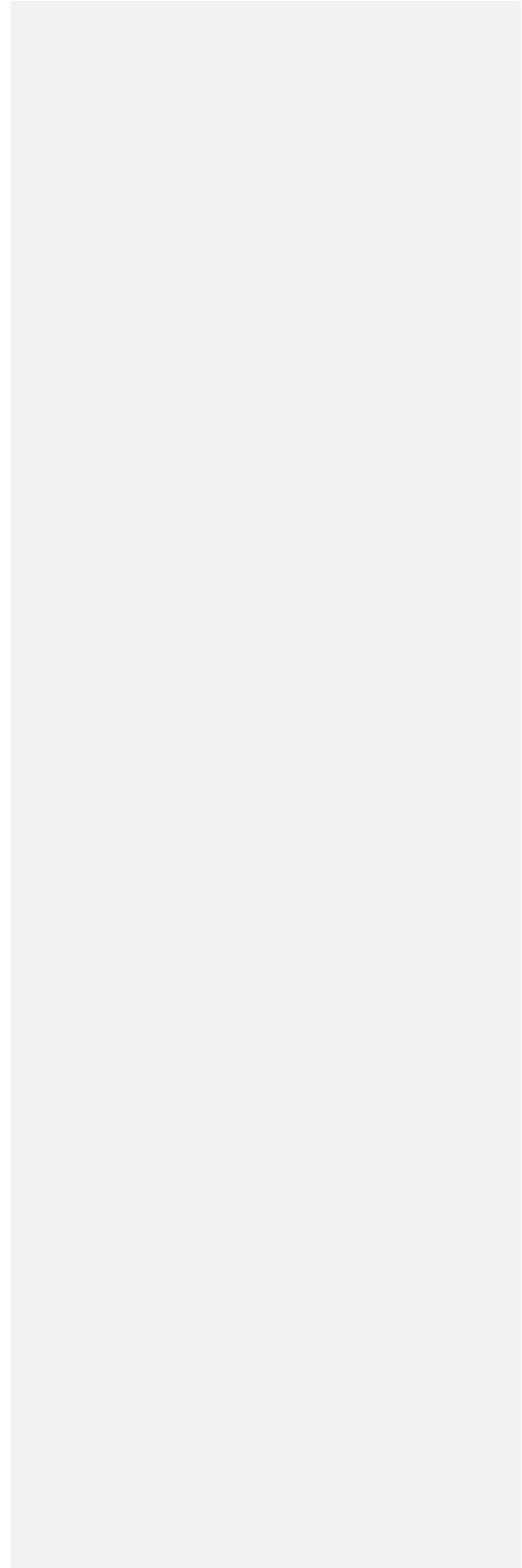
Don't get me wrong, I'm a devoted counter-proliferator and think that a nuclear-armed Iran should be stopped simply to avoid other states seeking to do the same. But I disagree with the view advocated by Andy Nikolic and others that a nuclear-armed Iran will seek to use those weapons to become more regionally influential or to launch them against Israel.¶ ¶ (Recommended: 5 Iranian Weapons of War Israel Should Fear) ¶ ¶ The main reason I oppose such views is because they lack intellectual rigour. Firstly, SIMPLY HAVING NUCLEAR WEAPONS DOESN'T MAKE ANYONE MORE INFLUENTIAL. PAKISTAN AND INDIA ARE NO MORE INFLUENTIAL FOLLOWING THEIR ACQUISITION OF A NUCLEAR CAPABILITY THAN THEY WERE BEFORE IT. INFLUENCE COMES THROUGH A RANGE OF MEDIA, and IRAN HAS ALWAYS UNDERSTOOD that in many ways IT'S AN OUTSIDER IN THE REGION—ETHNICALLY, LINGUISTICALLY AND RELIGIOUSLY different from its Arab and Turkic neighbours. HENCE ITS RELIANCE ON ALLIES AND PROXIES to exert influence—AND THAT WOULDN'T CHANGE IF IT BECAME a NUCLEAR-CAPABLE country.¶ ¶ Second, Andy's argument is predicated on Iran's seeing a nuclear weapon as simply an offensive weapon. THE REALITY IS THAT NUCLEAR WEAPONS ARE OFTEN THE ULTIMATE DEFENSIVE WEAPON. Tehran could look east and see how Islamabad's nuclear capability has stopped it from going to war with India, and it could look west and see how Tel Aviv's undeclared capability has deterred its neighbours from invading it. Its nuclear capability hasn't stopped conflict or guaranteed military success for Israel, as it has faced two intifadas, invaded Gaza, had to withdraw from southern Lebanon and fought a short but bloody war against Hizbullah in 2006. But none of those have been existential threats.¶ ¶ (Recommended: Five Israeli Weapons of War Iran Should Fear) ¶ ¶ The argument follows that TEHRAN SEES A NUCLEAR CAPABILITY AS THE ULTIMATE SHIELD, RATHER THAN AS A POTENTIAL SWORD. Having been invaded by the British and the Soviets in World War II, and then suffering through eight years of a war with Iraq backed by its Arab neighbours and some in the West that cost hundreds of thousands of lives, it's easy to see the logic of Tehran viewing a nuclear weapon as the ultimate shield.¶ ¶ IN ORDER TO PROTECT THE ISLAMIC REVOLUTION THE LEADERSHIP SEEKS TO GUARANTEE ITS SURVIVAL FROM EXTERNAL ATTACK FIRST AND FOREMOST AND A NUCLEAR WEAPON WOULD DO THAT. ANY PREEMPTIVE USE OF SUCH WEAPONS WOULD BE NEARLY GUARANTEED TO RECEIVE MORE IN RETURN AND HENCE END THE RULE OF THOSE CHARGED WITH RULING IN ACCORDANCE WITH GOD'S WILL. Again, there seems to be no reason why the Supreme Leader would seek to do such a thing. Some have argued that a strain of Shi'a millenarianism would see Iran loose off volleys of nuclear weapons in order to set the conditions to hasten the arrival of the Awaited Imam. There's no explanation of how that would follow, nor evidence of any support for such a concept by the Supreme Leader, who is in charge of Iran's nuclear file.¶ ¶ (Recommended: 5 Israeli Weapons of War ISIS Should Fear) ¶ ¶ Andy claims that Iran exhibits "a determination to leverage the anticipated benefits of that [nuclear] investment" and that it seeks a nuclear capability "because of the prestige, power and authority which Iran believes such weapons would give it, both regionally and beyond." What he doesn't do is explain exactly what he sees those benefits to be, nor how he sees Tehran achieving power and authority as a nuclear state. I agree that Tehran seeks regional influence commensurate with how it views its rightful place in the international system. But I don't see how having a nuclear capability achieves that other than by safeguarding it from existential threats. Rather, I'd argue that Iranian national power, and hence that of the Islamic Revolution, will be furthered by leveraging its enormous potential economic and human capabilities. In many ways that's what its Gulf neighbours truly fear.¶

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AT: Uniqueness



No US-Israel: General

Iran deal strains US-Israeli relations

NYT 7/14/2015 (http://www.nytimes.com/2015/07/15/world/middleeast/iran-nuclear-deal-israel.html?_r=0, Isabel Kershner, EM)

JERUSALEM — Furiously denouncing the accord to limit Iran's nuclear program on Tuesday as a "historic mistake," Prime Minister Benjamin Netanyahu said that Israel would not be bound by the agreement and warned of negative repercussions in a region already riven with rivalries and armed conflict. Contrary to President Obama's assertion that the agreement will cut off every pathway for Iran to obtain nuclear weapons,

Israel's leaders rejected the deal as a dangerous compromise that will exacerbate regional tensions and pave the way over time for Iran to produce multiple bombs — "an entire

arsenal with the means to deliver it," Mr. Netanyahu said. Israel views a nuclear-armed Iran as a threat to its survival. For Mr. Netanyahu, **the accord is the bitter culmination of a long struggle that has severely strained Israel's relations with the United States**, its crucial ally. The disagreement

showed no sign of abating. In a phone call hours after the signing of the deal, Mr. Obama told Mr. Netanyahu that it "will remove the specter of a nuclear-armed Iran, an outcome in the national security interest of the United States and Israel," according to a statement from the White House. Mr. Netanyahu told Mr. Obama that the agreement raised the danger that Iran would obtain nuclear weapons either by waiting out the 10 to 15 years of restrictions specified by the accord, or by violating it. Referring to the expected lifting of sanctions Mr. Netanyahu said in a televised statement in English: "In the coming decade, the deal will reward Iran, the terrorist regime in Tehran, with hundreds of billions of dollars. This cash bonanza will fuel Iran's terrorism worldwide, its aggression in the region and its efforts to destroy Israel, which are ongoing." Describing Iran as a "rogue regime," he added, "We will always defend ourselves." Israeli experts said that even though the agreement contained positive aspects that freeze or even roll back Iran's nuclear program over the coming decade, it was still deeply problematic given the Israeli conviction that Iran is patient when it comes to building its nuclear capabilities. Ephraim Asculai, who worked at the Israel Atomic Energy Commission for over 40 years, said the main problem he foresaw after reading the agreement was verification of Iranian compliance, particularly inspecting sites other than declared nuclear installations. Mr. Asculai said the verification mechanism "is lacking." "Access is limited," said Mr. Asculai, who is now at the Institute for National Security Studies in Tel Aviv. "One cannot go and search for undeclared facilities or undeclared materials and activities." Permission to visit an undeclared facility depends on inspectors presenting evidence of why they want to go there, he said. Since he speculated that that would involve revealing sensitive intelligence to the Iranians, he said "their hands are tied from the beginning." Emily Landau, the director of the institute's arms control and regional security project, asked, "If there is no perceivable change in Iran's military aspirations in the nuclear realm, the question is, why would sun-setting the deal be a good idea?" More fundamentally, Israeli experts say the agreement empowers Iran and affords legitimacy to its nuclear program, which it insists is for peaceful purposes. That, they say, is likely to trigger a nuclear arms race in the region, with Saudi Arabia, Egypt and Turkey likely to want to acquire similar capabilities. In a rare display of Israeli consensus, criticism of the deal crossed the political lines. Isaac Herzog, the leader of the center-left Zionist Union party and head of the opposition in Parliament, said that Israel was on the verge of "a new era in the Middle East that poses security and diplomatic challenges for Israel that are more dangerous and complex than any we have known before." Avigdor Lieberman, the former foreign minister and leader of the ultranationalist Yisrael Beiteinu party, which is also in the opposition, compared the accord to the Munich Agreement reached with Nazi Germany in 1938, saying, "It is an agreement of total capitulation to unrestrained terrorism and violence in the international arena." But Mr. Netanyahu's domestic opponents have differed on Israel's approach, particularly toward relations with the Obama administration. Some critics

are portraying the deal as a personal failure for **the prime minister**, who **infuriated the White House by addressing a joint meeting of Congress** in the spring **to attack the negotiations**. They

say that **the spoiled relations with the Obama administration harmed Israel's ability to influence** the outcome. **Mr. Netanyahu is now gearing up for the next fight: to lobby Congress** to reject the deal and ultimately override any presidential veto. **But that is likely to lead to further confrontation** between Mr. Netanyahu and Mr. Obama **at a time when many Israelis say what is needed is the rebuilding of trust and intimacy between the allies**

Amos Yadlin, a former chief of Israel's military intelligence, said in an interview that his recommendation was for Israel "not to meddle in internal American affairs." But he said that Israel could still come to understandings with the United States about what happens if Iran violates the agreement or decides to race toward building a bomb. At the same time, Mr. Yadlin said, Israel should maintain its "operational options," including a military option against Iran's nuclear facilities "for when all other options are exhausted." Aside from a possible nuclear arms race in the Middle East, Israeli experts are also concerned that American compensation for the deal in the form of arms packages for other United States allies in the region, such as Saudi Arabia, could also erode Israel's so-called qualitative edge when it comes to weapons. Although Israel and Saudi Arabia share concerns about Iran, they do not have diplomatic relations. "There is an agreement between Israel and the United States, which I hope won't be violated, that Israel should keep its qualitative edge under any circumstances," said Yaakov Amidror, a former Israeli national security adviser who is now at the Begin-Sadat Center for Strategic Studies at Bar-Ilan University near Tel Aviv. "This is not compensation but an obligation," he added. "In the Middle East," Mr. Amidror said, "the enemy of my enemy is not my friend, but another enemy."

US-Israeli relations have collapsed now

Steele 15 (Michael, 4-2-15, "Can US-Israeli relations get any worse?", MSNBC columnist and former RNC chairman, <http://www.msnbc.com/msnbc/can-us-israeli-relations-get-any-worse>, MJW)

Who would have thought, just a few years ago, that **relations between the United States and Israel would hit such an historic rock bottom?** Whether it's from the assorted tantrums, slights or outright "in-your-face" moments, the clear and present danger of the United States and Israel at odds with one another is troublesome. With the March 17 re-election of Israeli Prime Minister Benjamin Netanyahu behind them and the establishment of a possible Palestinian state thrown into doubt, as well as Netanyahu's legitimate opposition to the nuclear deal that the Obama administration is negotiating with Iran, now is the time for both the president and the prime minister to act less like playground bullies with each other and more like the leaders we need them to be.

The US- Israeli relationship is completely and permanently broken

Rosenberg 15 (MJ, contributor for the Huffington Post, 5-12-15, "The US-Israel Relationship Has Changed Permanently", http://www.huffingtonpost.com/mj-rosenberg/us-israel-relationship_b_6854930.html, MJW)

Don't believe it when you read that in a few days, weeks or months, everything will be back to normal in the U.S.-Israel relationship. They won't be. This is an old lobby mantra and it tends to emanate from friends of the lobby who simply cannot contemplate that anything will ever break the hold it has on policymakers. In one sense it's true. It is as unlikely that AIPAC will go down as it was 10 years ago that most U.S. states would legalize gay marriage! But it is going to happen because Prime Minister Netanyahu along with AIPAC (and its Congressional cutouts) have deeply embarrassed the American Jewish community in several ways. Note: when it comes to the power of the lobby, the Jewish community is the ball game. Those millions of Christian Zionists out there do not fund Congressional candidacies, nor are their votes in play. Moreover, for them Israel takes a way back seat to such issues as gay rights, illegal immigration, abortion and hating liberals and secularism. AIPAC is focused on only one issue, and directs money to campaigns on only one issue. **The conservative Christians are irrelevant.** That last point gets to one of **the ways the Netanyahu/Letter of 47 brouhaha has permanently damaged Israel's standing in America. It has made it partisan. Even before anyone contemplated Netanyahu coming to Congress to challenge President Obama, support for Israel was becoming a Republican issue** with Republicans in near solid support while Democrats were divided down the middle. **That trend is only accelerating now, as the Israeli government has made clear that it has no use for Democrats, and certainly not the Democratic president who it has treated with an open contempt rarely seen in international relations.** Given that the overwhelming majority of American Jews are Democrats and Obama supporters, **Netanyahu (with AIPAC's connivance) has successfully launched a wrecking ball at the foundation of Israel's support base in America.**

Relations with Israel are dead

Bremmer 15 (Ian, 5-2-15, President of Eurasia Group, and Global Research Professor at New York University, "The U.S. and Israel Are Divided — and That Won't Change", <http://time.com/3768165/us-israel-relations-middle-east-iran-divide/>, MJW)

Obama and Netanyahu don't like each other, but Israel and the U.S. will have problems even when they're both out of office. Some accuse President Obama of undermining Israel's security to protect a peace process that's going nowhere. Others say Prime Minister Benjamin Netanyahu is poisoning Israel's relations with his country's superpower protector and isolating Israel internationally. It's clear that Obama and Netanyahu don't trust or like each other. But the widening divide between these countries can't be reduced to a personality conflict between leaders. Differences in the interests and worldviews of the two governments are becoming more important. Begin with the "two-state solution." In Washington, leaders of both parties will continue to prioritize the U.S. commitment to Israel's security. But Obama isn't the only U.S. official who publicly supports the idea of an eventual Israeli compromise with Palestinians. Former President George W. Bush described himself in 2008 as the "first American president to call for a Palestinian state." Support for this aspiration remains part of the Republican Party platform. **Israelis, on the other hand, even those who support a two-state solution in principle, are far more aware of the challenges in creating a viable country that connects Gaza and the West Bank**—to say nothing of the political nightmare of trying to evict thousands of Israeli settlers from

disputed land. Support for a two-state solution is not dead in either country, but Americans and Israelis do not look at this question with the same eyes. With every surge in Israeli-Palestinian violence, that gap becomes more obvious. Obama and Netanyahu also hold opposing views on how best to ensure that Iran doesn't develop nuclear weapons, but that difference reflects divergent ideas within their governments on the role Iran might play in the future. For the Obama administration, Iran might one day become an agent of change in the Middle East. because it's a country that holds genuinely contested elections, however flawed, and it's one in which a sizeable majority isn't old enough to remember the religious revolution that the country's leaders say gives them their mandate. For Israel's government, Iran's hardliners remain in firm control. Whatever the aspirations of its young people, Israel believes Iran must remain isolated until its elections are fully free and fair and its leaders recognize Israel's right to exist. Nuclear negotiations have widened this gap.

US-Israel relations on the brink—lowest in years

Steele, American Politician, April 2, 2015 (Michael Steele, American Politician and MSNBC political analyst, "Can US-Israeli relations get any worse?", MSNBC, 4/2/15, AKHB)

Who would have thought, just a few years ago, that relations between the United States and Israel would hit such an historic rock bottom?

Whether it's from the assorted tantrums, slights or outright "in-your-face" moments, the clear and present danger of the United States and Israel at odds with one another is troublesome. With the March 17 re-election of Israeli Prime Minister Benjamin Netanyahu behind them and the establishment of a possible Palestinian state thrown into doubt, as well as Netanyahu's legitimate opposition to the nuclear deal that the Obama administration is negotiating with Iran, now is the time for both the president and the prime minister to act less like playground bullies with each other and more like the leaders we need them to be.

Unfortunately, it doesn't take much to get a sense of the impact the tensions between these two men is having on the rest of us.

Support for Mr. Netanyahu's speech before the Congress hit a brick wall with most Democrats. Minority Leader Nancy Pelosi summed it up this way: "AS ONE WHO VALUES THE U.S.-ISRAEL RELATIONSHIP, AND LOVES ISRAEL, I WAS NEAR TEARS THROUGHOUT THE PRIME MINISTER'S SPEECH — SADDENED BY THE INSULT TO THE INTELLIGENCE OF THE UNITED STATES as part of the P5 +1 nations, AND SADDENED BY THE CONDESCENSION TOWARD OUR KNOWLEDGE OF THE THREAT POSED BY IRAN AND OUR BROADER COMMITMENT TO PREVENTING NUCLEAR PROLIFERATION."

Similarly strong views emerged regarding the administration after Mr. Netanyahu's successful re-election: "MR. OBAMA'S CLUMSY AND MALICIOUS HANDLING OF RELATIONS WITH ISRAEL ... IS BUT ONE BRICK IN A WALL OF FAILURE AND INFAMY," Peter Wehner wrote in Commentary. "The fact that ... Netanyahu emerged victorious in his (election) confrontation with Obama – a confrontation that can be traced to Obama's hostility not just to Netanyahu but to Israel – is a heartening development in a world that is increasingly chaotic and violent."

No US-Israel: Econ Specific

Israel wants to sever ties with US due to economy boom

NBC 13 (Written by Martin Fletcher, who's a correspondent and writer for the NBC, 4/14/13, http://worldnews.nbcnews.com/_news/2013/04/14/17690032-israels-booming-economy-puts-billions-in-us-aid-under-spotlight, "Israel's Booming Economy puts Billions in US Aid Under Spotlights", EM)

TEL AVIV, Israel -- **BOOSTED BY NEWLY DISCOVERED NATURAL RESOURCES, ISRAEL IS SURGING AHEAD ECONOMICALLY** -- a success that is pushing the issue of the country's \$3 billion in annual aid from the United States onto the agenda. The country made its first intervention in the foreign currency market in almost two years Tuesday, buying \$100 million to peg back the growing strength of its shekel. A Bloomberg survey this week said **THE SHEKEL WAS THE STRONGEST OF 31 MAJOR CURRENCIES** tracked over the last six months. Last week, Israel passed another milestone, a potential gamechanger for its economy. **GAS BEGAN TO FLOW FROM GAS FIELDS OFF THE COAST. BY 2015 ISRAEL IS EXPECTED TO BE FULLY ENERGY INDEPENDENT, AND MAY BE A NET EXPORTER.** And there's more good news: In this water-challenged region, **ISRAEL IS WELL ON THE WAY TO WATER INDEPENDENCE.** Its water desalination industry supplies up to 40 percent of the country's demand for water, and another 40 percent comes from recycled water from domestic and commercial consumption. Israel reuses its water two to three times. The boom may give a louder voice to calls for a reduction to the \$3 billion worth of financial assistance Israel receives from the U.S. each year -- especially in the Washington, where budget battles continue. U.S. campaign groups such as Stop The Blank Check and the Council for the National Interest have long campaigned for the aid program to end, but Republican Sen. Rand Paul recently joined the debate by saying the U.S. could no longer afford to keep borrowing money and then handing it out to others. "It will be harder to be a friend of Israel if we are out of money. It will be harder to defend Israel if we destroy our country in the process," Paul told the Jerusalem Institute for Market Studies, an Israeli think tank, in January. 'A political football' That view is echoed by some in Israel, such as **NAFTALI BENNETT, A** software tycoon and **LEADER OF THE RIGHT-WING JEWISH HOME POLITICAL PARTY**, who during the recent election campaign **SAID THE COUNTRY NEEDED TO FREE ITSELF FROM U.S. ASSISTANCE.** "Our situation today is very different from what it was 20 and 30 years ago. **ISRAEL IS MUCH STRONGER, MUCH WEALTHIER, AND WE NEED TO BE INDEPENDENT," HE SAID.** Michael Koplow, program director of the Israel Institute, a Washington think tank, said: "Foreign aid is always a political football -- even more so when it comes to Israel. There is no doubt American attention is focused on its own finances." However, he noted that 74 percent of the U.S. aid, which is meant for military and defense equipment, has to be spent with U.S. companies. "Given that Israel is a reliable military spender, you would have to think the defense lobby is going to make sure this aid continues," Koplow said. Even those hostile to the aid think it unlikely that Israel's prosperity will prompt a change. "The money doesn't help alleviate poverty in Israel now, so there is no reason why lack of poverty there would cause it to end," said Robert Naiman, director of Just Foreign Policy. Yossi Mekelberg, associate fellow of the Middle East and North Africa Program at the U.K.'s Chatham House think tank, said: "It would be a matter of national pride to be economically successful and independent, but providing financial support also gives some leverage with Israel." And Israel still has economic problems. Unemployment is relatively low at 6.3 per cent, but the gap between rich and poor is one of the highest of all developed countries, according to the OECD. "I don't think a natural gas boom is going to do much to change that," observed Koplow. That disparity swept Yair Lapid, an inexperienced but popular new politician, into the finance ministry earlier this year as part of Prime Minister Benjamin Netanyahu's ruling coalition. Most of his support came from the disillusioned middle class whose summer of protests in 2011 changed the country's priorities from political to social issues. Now Lapid, 49, has to make good on his election challenge. "Where's the Money?" Newspapers on Wednesday reported that Lapid had clashed with officials in his department who proposed increases to tuition fees for university students. Lapid responded on his Facebook page that "if students have to pay more I'll go home and demonstrate against myself." And as the government searches for budgets to cut and taxes to raise, newspapers are full of reports that Israel's richest man, Idan Ofer, has decided to relocate to London in order to avoid paying more taxes -- a motive his associates deny. He has become a juicy target for critics who have long claimed that the country's handful of tycoons have been milking the country dry, leaving the poor to foot the bill. The gap between rich and poor, and how strange this is for Israel is brought up on the kibbutz ethos of "we're all equal," was well illustrated by the proverbial taxi driver who told a reporter, "Israel has changed. We all used to wear sandals. If you were rich, you wore better sandals."

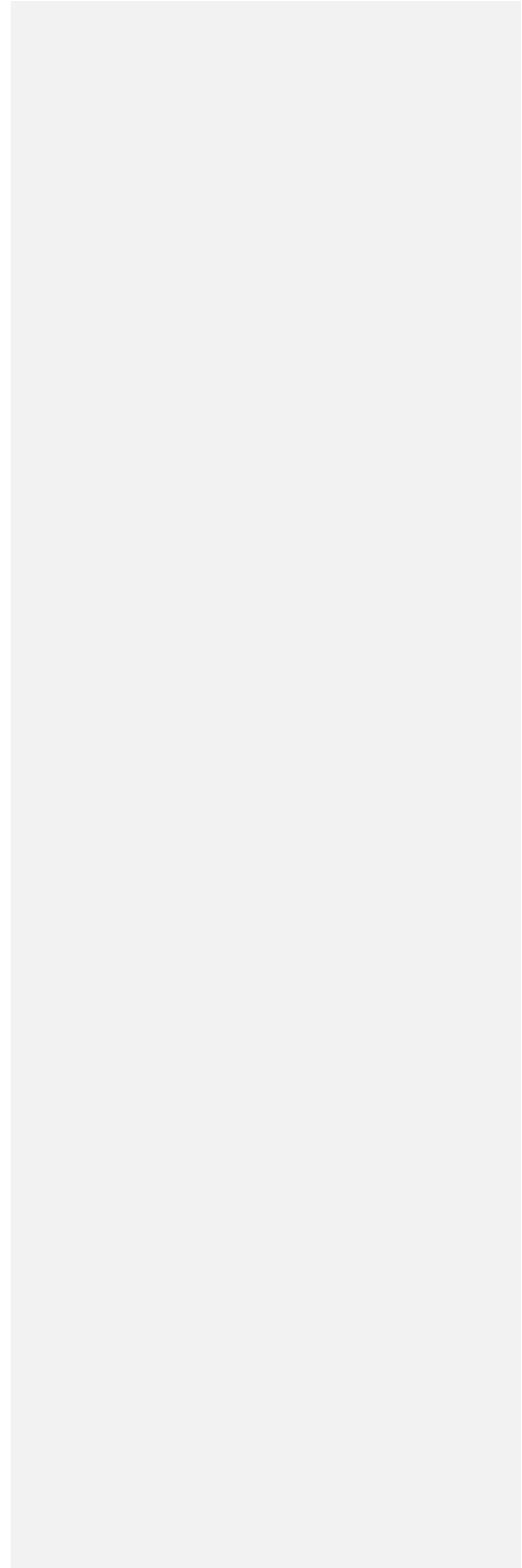
US-Israel Strong

US-Israeli relations unshakeable- common goals, security cooperation, economic development

Garamone 15 Jim, US DoD reporter, DoD News, June 10, 2015,
<http://www.defense.gov/news/newsarticle.aspx?id=129015>, CC

THOUGH THE United States AND ISRAEL DISAGREE ABOUT the proposed deal to limit IRAN'S NUCLEAR PROGRAM, THAT DOES NOT AFFECT AMERICA'S UNSHAKABLE COMMITMENT TO THE DEFENSE OF ISRAEL, a senior administration official said here today. Speaking on background, the official said THE TWO COUNTRIES HAVE A "NEAR IDENTICAL" UNDERSTANDING OF THE THREAT IRAN POSES to the region. U.S. AND ISRAELI OFFICIALS HAVE SAID IRAN CANNOT BE ALLOWED TO GAIN NUCLEAR CAPABILITY AND that all options are on the table to prevent that from happening. Where the two allies diverge is in determining the best way to proceed. The U.S. position is that sanctions and negotiations are the best means to accomplish this, and the Israelis believe Iran cannot be trusted, the official said. Israeli Prime Minister Benjamin Netanyahu called the proposed pact with Iran a "grave danger" to Israel and said it legitimized the pariah state's nuclear program. Iran agreed to the pact April 2, and negotiators are working out the details with a July 1 deadline for a final agreement. THE United States AND ISRAEL AGREE THAT IRAN IS A THREAT WITH OR WITHOUT NUCLEAR WEAPONS, the official said. Iran is spreading ballistic missile technology, selling weapons in the region and operating throughout the region via surrogates and proxies, he said. IRANIAN moves with naval mines and UNDERSEA ACTIVITIES ARE Another CONCERN, AS IS IRAN'S THREAT IN CYBERSPACE, the official said. But a nuclear Iran would make all this much worse, he added. "The threat affects us differently because of our size and location, but we agree on the threat completely," the official said. "WE AGREE ON THE strategic OBJECTIVE COMPLETELY, WHICH IS TO PREVENT IRAN FROM GETTING A NUCLEAR WEAPON." U.S. officials say a pact will include inspection and verification protocols that would preclude Iranian cheating. "We know we need to get a good deal," the official said. "There isn't going to be a deal if it doesn't meet those needs." The bottom line is the U.S. COMMITMENT TO ISRAELI SECURITY IS A BEDROCK COMMITMENT DEAL OR NO DEAL, he said. U.S. support to Israel will continue even after an agreement with Iran, the official said. "As we look at the world after the negotiations, ... we will work with Israel on strengthening security cooperation further," he said. "If additional elements need to be brought into that security agreement, we will talk together and figure those out." That the Israelis look at the situation differently is to be expected, the official acknowledged. They live in the region, and they have heard Iranian leaders "threaten to wipe them off the map," the official said. "They are the ones who see Iranian proxies from multiple directions being armed and conducting terrorist activities or destabilizing neighbors, or shooting missiles at them," he added. "You can absolutely understand that when you sit here and look out at those threats at much closer proximity, ... you might have a different calculus on that decision than we do," he said. "We need to take that into account, and we do, and it frankly informed our decisions." It's never comfortable to have public disagreements with a close friend, the official said. "Still, IT'S A SIGN OF HOW CLOSE THE RELATIONSHIP BETWEEN THE United States AND ISRAEL IS, and how unshakeable -- that EVEN WHEN WE HAVE AN IMPORTANT DISAGREEMENT on a serious subject and it's become public, ... ALL THAT BEDROCK joint SECURITY COOPERATION, all that PEOPLE-TO-PEOPLE WORK, all the JOINT ECONOMIC PROGRESS CONTINUES APACE," he said.

AT: Impact



Israel-Iran

Israel won't attack Iran

Keck 15 (Zachary, february 9th 2015, "5 Reasons Israel Won't Attack Iran", <http://nationalinterest.org/commentary/five-reasons-israel-wont-attack-iran-9469>, MJW)

First, **if Israel was going to strike Iran's nuclear facilities, it would have done so a long time ago. Since getting caught off-guard at the beginning of the Yom Kippur War in 1973, Israel has generally acted proactively to thwart security threats.** On no issue has this been truer than with nuclear-weapon programs. For example, **Israel bombed Saddam Hussein's program when it consisted of just a single nuclear reactor.** According to ABC News, **Israel struck Syria's lone nuclear reactor just months after discovering it.** The IAEA had been completely in the dark about the reactor, and took years to confirm the building was in fact housing one. **Contrast this with Israel's policy toward Iran's nuclear program. The uranium-enrichment facility in Natanz and the heavy-water reactor at Arak first became public knowledge in 2002. For more than a decade now, Tel Aviv has watched as the program has expanded into two fully operational nuclear facilities, a budding nuclear-research reactor, and countless other well-protected and -dispersed sites. Furthermore, America's extreme reluctance to initiate strikes on Iran was made clear to Israel at least as far back as 2008. It would be completely at odds with how Israel operates for it to standby until the last minute when faced with what it views as an existential threat.**

Israel won't strike Iran alone, despite nuclear deal

Tarnopolsky, 7-15-2015(Noga, Noga Tarnopolsky has two decades of experience covering the Israeli-Palestinian conflict, the US in the Middle East, and human rights in South America. Among many destinations, Noga has reported from Argentina, Mexico, Jordan, Uzbekistan, Poland, Turkey and France. Her work has been published in the New York Times, the New Yorker, the Washington Post, Ha'aretz, El País and DailyBeast, among others, and she has appeared as an analyst on CNN, Univisión and Televisa. She once was a food and wine columnist. Noga grew up in Switzerland where she attended the International School of Geneva and is a graduate of Amherst College, "Israel won't strike Iran alone, no matter how much it hates the nuclear deal," Reuters, <http://blogs.reuters.com/great-debate/2015/07/15/israel-wont-strike-iran-alone-no-matter-how-much-it-hates-the-nuclear-deal/>, A.ZHU)

The day after a nuclear deal with Iran was announced, the sun rose high above Jerusalem's shimmering hills just as it does every July, as if the ancient land shrugged off two decades of apocalyptic warnings from Israeli Prime Minister Benjamin Netanyahu and decided to go about its usual routine. ISRAELI OFFICIALS ACROSS THE POLITICAL LANDSCAPE DECRIED THE "VERY BAD DEAL," AS NETANYAHU TERMED THE AGREEMENT, which the United States and five world powers hope will curb Iran's weaponization of its nuclear program. BUT NO ONE, NOT EVEN THE PRIME MINISTER, RATTLED THE SABERS OF WAR. "AN ISRAELI ATTACK ON IRANIAN NUCLEAR SITES IS NO LONGER A RELEVANT SCENARIO," WROTE AMOS HAREL, MILITARY ANALYST FOR THE ISRAELI DAILY HAARETZ. Once the agreement was announced late Tuesday night, NETANYAHU'S FIRST, BRIEF STATEMENT IGNORED THE NUCLEAR ISSUE ENTIRELY AND ASSERTED THAT "THE WORLD IS A MUCH MORE DANGEROUS PLACE TODAY THAN IT WAS YESTERDAY." "The leading international powers have bet our collective future on a deal with the foremost sponsor of international terrorism," the statement said. "They've gambled that in 10 years' time, Iran's terrorist

regime will change while removing any incentive for it to do so." It was not a frivolous sentiment for the leader of a small state on permanent war alert with two of Iran's ruthless proxies, Hezbollah and Hamas, on its northern and southern borders. In an interview with the New York Times a few hours later, President Barack Obama responded soberly (if testily) to the charge. "WHAT'S BEEN STRIKING TO ME IS THAT INCREASINGLY THE CRITICS ARE SHIFTING OFF THE NUCLEAR ISSUE, AND THEY'RE MOVING INTO 'WELL,' " THE PRESIDENT SAID, SLIPPING INTO HIS OPPONENTS' CHARACTERS, " "EVEN IF THE NUCLEAR ISSUE IS DEALT WITH, THEY'RE STILL GOING TO BE SPONSORING TERRORISM AND THEY'RE STILL GOING TO GET THE SANCTIONS RELIEF AND SO THEY'RE GOING TO HAVE MORE MONEY TO ENGAGE IN THESE BAD ACTIVITIES.' " "That is a possibility," the president acknowledged. "AND WE ARE GOING TO HAVE TO SYSTEMATICALLY GUARD AGAINST THAT AND WORK WITH OUR ALLIES, THE GULF COUNTRIES, ISRAEL, TO STOP THE WORK THAT THEY ARE DOING OUTSIDE OF THE NUCLEAR PROGRAM."

No chance of Israel strike – CIA director

Ginsburg, 7-15-2015, (Mitch, Mitch Ginsburg, a literary translator and long-time journalist, is military correspondent at the Times of Israel, "For Israel, Iran deal could signify a renewed military option," Times of Israel, <http://www.timesofisrael.com/for-israel-iran-deal-could-signify-a-renewed-military-option/>, A.ZHU)

INTERNATIONALLY, THERE SEEMS TO BE A SENSE OF NEAR UNANIMITY REGARDING ISRAEL'S INABILITY TO CARRY OUT A DEBILITATING STRIKE IN IRAN. FORMER CIA DIRECTOR AND COMMANDER OF US FORCES IN IRAQ GEN. DAVID PETRAEUS PRACTICALLY RIDICULED THE notion in a recent conversation with Jeffrey Goldberg in Aspen. Patiently, as though to a group of school children, HE NOTED THAT ISRAEL LACKS THE 30,000-POUND BOMB THAT THE US HAS AND POSSESSES NO PLANE CAPABLE OF CARRYING IT. Therefore, he left unsaid, ISRAEL HAS NO WAY TO THWART MILITARILY IRAN'S NUCLEAR AMBITIONS.

Impact Turn: Terrorism

Impact Turn- Us-Israeli relations motivate terrorism (including 911) and undermine all US foreign policy goals

Madar 14 (Chase, February 10 2014, civil rights attorney in New York and writer for the Nation, "Why Bankrolling Israel Prevents Peace in the Middle East", <http://www.thenation.com/article/washingtons-military-aid-israel/>, MJW)

Silence about **US-Israel relations is**, to a large degree, **hardwired into Beltway culture**. As George Perkovich, director of the nuclear policy program at the Carnegie Endowment for International Peace told *The Washington Post*, "It's like all things having to do with Israel and the United States. If you want to get ahead, you don't talk about it; you don't criticize Israel, you protect Israel. **This is regrettable, as Washington's politically invisible military aid to Israel is not just an impediment to lasting peace but also a strategic and security liability**. As General David Petraeus, then head of US Central Command, testified to the Senate Armed Services Committee in 2010, **the failure to reach a lasting resolution to the conflict between the Israelis and Palestinians makes Washington's other foreign policy objectives in the region more difficult to achieve. It also**, he pointed out, **fosters anti-American hatred and fuels al-Qaeda** and other violent groups. Petraeus's successor at CENTCOM, General James Mattis, echoed this list of liabilities in a public dialogue with Wolf Blitzer last July: "I paid a military security price every day as a commander of CENTCOM because the **Americans were seen as biased in support of Israel, and that [alienates] all the moderate Arabs who want to be with us because they can't come out publicly in support of people who don't show respect for the Arab Palestinians**. Don't believe the generals? **Ask a terrorist. Khalid Sheikh Mohammed, mastermind of the 9/11 attacks** now imprisoned at Guantánamo, **told interrogators that he was motivated to attack the United States in large part because of Washington's leading role in assisting Israel's repeated invasions** of Lebanon and the ongoing dispossession of Palestinians.

Terrorists are motivated to attack the US because of our support for Israel

Blair 05 (Tony, National Post (Canada), July 18th 2005, "Pulling the jihadis up by their roots", <http://www.lexisnexis.com.proxy.lib.umich.edu/hottopics/Inacademic/>, MJW)

From the mid 1990s onwards, **statements from al-Qaeda gave very clear expression to this ideology. According to this way of thinking, every Muslim is supposed to carry hatred toward Americans, Jews and Christians. The creation of Israel, they believe, is a crime that has to be erased. Thus, targeting Americans and Jews and killing them** anywhere you find them **is presented as one of the greatest duties** and acts of piety **one can offer to God Almighty**.

No Israel Attack

No Israel attack—Israel should have attacked long ago

Keck, managing editor, February 9, 2015 (Zachary Keck, editing manager of The Diplomat and The National Interest, “5 Reasons Israel Won’t Attack Iran”, The National Interest, 2/9/15, AKHB)

First, if Israel was going to strike Iran’s nuclear facilities, it would have done so a long time ago. Since getting caught off-guard at the beginning of the Yom Kippur War in 1973, Israel has generally acted proactively to thwart security threats. On no issue has this been truer than with nuclear-weapon programs. For example, Israel bombed Saddam Hussein’s program when it consisted of just a single nuclear reactor. According to ABC News, Israel struck Syria’s lone nuclear reactor just months after discovering it. The IAEA had been completely in the dark about the reactor, and took years to confirm the building was in fact housing one.

Contrast this with Israel’s policy toward Iran’s nuclear program. The uranium-enrichment facility in Natanz and the heavy-water reactor at Arak first became public knowledge in 2002. For more than a decade now, Tel Aviv has watched as the program has expanded into two fully operational nuclear facilities, a budding nuclear-research reactor, and countless other well-protected and -dispersed sites. Furthermore, America’s extreme reluctance to initiate strikes on Iran was made clear to Israel at least as far back as 2008. It would be completely at odds with how Israel operates for it to standby until the last minute when faced with what it views as an existential threat.

No motive to attack—Israel attack bad for them and good for Iran; will cause Iran to retaliate

Keck, managing editor, February 9, 2015 (Zachary Keck, editing manager of The Diplomat and The National Interest, “5 Reasons Israel Won’t Attack Iran”, The National Interest, 2/9/15, AKHB)

Much like a U.S. strike, only with much less tactical impact, an Israeli air strike against Iran’s nuclear facilities would only increase the likelihood that Iran would build the bomb. At home, Supreme Leader Ali Khamenei could use the attack to justify rescinding his fatwa against possessing a nuclear-weapons program, while using the greater domestic support for the regime and the nuclear program to mobilize greater resources for the country’s nuclear efforts.

Israel’s attack would also give the Iranian regime a legitimate (in much of the world’s eyes) reason to withdraw from the Nuclear Non-Proliferation Treaty (NPT) and kick out international inspectors. If Tehran’s membership didn’t even prevent it from being attacked, how could it justify staying in the regime? Finally, support for international sanctions will crumble in the aftermath of an Israeli attack, giving Iran more resources with which to rebuild its nuclear facilities.

3. Helps Iran, Hurts Israel

Relatedly, an Israeli strike on Iran’s nuclear program would be a net gain for Iran and a huge loss for Tel Aviv. Iran could use the strike to regain its popularity with the Arab street and increase the pressure

against Arab rulers. As noted above, it would also lead to international sanctions collapsing, and an outpouring of sympathy for Iran in many countries around the world.

Meanwhile, a strike on Iran's nuclear facilities would leave Israel in a far worse-off position. Were Iran to respond by attacking U.S. regional assets, this could greatly hurt Israel's ties with the United States at both the elite and mass levels. Indeed, a war-weary American public is adamantly opposed to its own leaders dragging it into another conflict in the Middle East. Americans would be even more hostile to an ally taking actions that they fully understood would put the U.S. in danger.

Furthermore, the quiet but growing cooperation Israel is enjoying with Sunni Arab nations against Iran would evaporate overnight. Even though many of the political elites in these countries would secretly support Israel's action, their explosive domestic situations would force them to distance themselves from Tel Aviv for an extended period of time. Israel's reputation would also take a further blow in Europe and Asia, neither of which would soon forgive Tel Aviv.

Attack makes no sense—deal with Iran has been made to prevent access to a bomb
Mullen and Robertson, editor for CNN Digital and Senior International Correspondent respectively, July 14, 2015 (Jethro Mullen is a writer and editor for CNN Digital with a focus on news in the Asia-Pacific region, Nic Robertson is a CNN Senior International Correspondent, "Landmark deal reached on Iran nuclear program", CNN Politics, 7/14/15, AKHB)

After arduous talks that spanned 20 months, negotiators have reached a landmark deal aimed at reining in Iran's nuclear program.

The agreement, a focal point of U.S. President Barack Obama's foreign policy, appears set to reshape relations between Iran and the West, with its effects likely to ripple across the volatile Middle East.

Representatives of Iran, the United States and the other nations involved in the marathon talks held a final meeting in Vienna on Tuesday.

Obama will hold a press conference on Wednesday in the East Room of the White House to address questions on the agreement.

The president praised the deal on Tuesday morning, saying the agreement met the goals he had in place throughout negotiations.

"Today after two years of negotiation the United States together with the international community has achieved something that decades of animosity has not: a comprehensive long-term deal with Iran that will prevent it from obtaining a nuclear weapon," Obama said from the White House, with Vice President Joe Biden at his side.

"This deal is not built on trust. It's built on verification," Obama said Tuesday.

Iranian President Hassan Rouhani also praised the deal, speaking after Obama finished, as televisions in Iran broadcast the U.S. President's statement live, translated into Farsi.

"Negotiators have reached a good agreement and I announce to our people that our prayers have come true," Rouhani said in a live address to the nation following Obama.

The essential idea behind the deal is that in exchange for limits on its nuclear activities, Iran would get relief from sanctions while being allowed to continue its atomic program for peaceful purposes.

After news of the deal emerged, Yukiya Amano, the chief of the International Atomic Energy Agency, said he had signed a "roadmap" with the Iranian government "for the clarification of past and present outstanding issues regarding Iran's nuclear program."

Israel will not strike, deterrence focus

Beres and Edney, 7-14-2015, (Louis René and Leon, Louis René Beres is emeritus professor of political science and international law at Purdue. He is the author of many major books and articles on nuclear strategy and nuclear war, as well as several research monographs prepared for IDC Herzliya, the BESA Center for Strategic Studies at Bar-Ilan University and the Institute for National Security Studies in Tel-Aviv. His tenth book, "Israel's Nuclear Strategy: Surviving Amid Chaos," will be published later this year, Leon "Bud" Edney, a retired U.S. Navy admiral, served as the vice chief of naval operations, NATO supreme allied commander atlantic and commander-in-chief of the U.S. Atlantic Command. Adm. Edney, who holds an advanced degree from Harvard, was also a distinguished professor of leadership at the U.S. Naval Academy, "What Now for Israel?," US News & World Report, <http://www.usnews.com/opinion/blogs/world-report/2015/07/14/after-the-iran-nuclear-agreement-what-are-israels-security-options>, A.ZHU)

To be sure, following careful assessments of the new Iran agreement, Israel's prime minister will need to make an 11th-hour decision on preemption. In principle, at least, considering any such defensive first strike against Iranian nuclear assets and infrastructures could still make strategic sense if the following conditions were assumed: 1. Iran will inevitably become militarily nuclear; 2. Iran will very likely plan to use its new nuclear forces in a first-strike aggression against Israel; and 3. Iran's key decision makers will likely be irrational. Regarding core definitions, irrational decision-makers would be those Iranian leaders who could sometime value certain preferences or combinations of preferences (e.g., certain Shiite religious expectations) more highly than Iran's national survival. In the absence of any one of these three critical assumptions, THE EXPECTED RETALIATORY COSTS TO ISRAEL OF ANY CONTEMPLATED PREEMPTION WOULD PLAUSIBLY EXCEED THE EXPECTED BENEFITS. MOREOVER, THERE WOULD BE NOTHING GENUINELY SCIENTIFIC ABOUT MAKING SUCH DIFFICULT POLICY CHOICES. For one thing, ALL OF THE ASSOCIATED PROBABILITY JUDGMENTS WOULD NEED TO BE OVERWHELMINGLY SUBJECTIVE. How, for example, could Israeli analysts say anything meaningfully predictive about unique or unprecedented circumstances? In science, probabilities must always be based upon the determinable frequency of past events. Here, however, in pertinent history, there exists no usable guidance. To wit, exactly HOW MANY PREEMPTIVE ATTACKS HAVE ALREADY BEEN LAUNCHED BY A NUCLEAR STATE AGAINST A NEARLY-NUCLEAR STATE? THE "ZERO" ANSWER IS OBVIOUS AND IRREFUTABLE. It must, therefore, be a cautionary reply. An additional complication exists. The nearly-nuclear state, IRAN, WILL STILL POSSESS LARGE CONVENTIONAL AND CHEMICAL ROCKET FORCES. MANY OTHER THREATENING MISSILES WILL REMAIN UNDER THE OPERATIONAL CONTROL OF ITS SUB-STATE TERRORIST PROXIES. HEZBOLLAH, THE WELL-ARMED SHIITE MILITIA, ALREADY HAS MORE ROCKETS IN ITS ARSENAL THAN DO ALL NATO COUNTRIES COMBINED; it is even less likely than Iran's own leaders to hold back on any post-preemption retaliations. All things considered, Israel's best security plan, going forward, would be to enhance its underlying nuclear deterrence posture, and to render this critical enhancement as conspicuous as possible. More precisely, this means that Jerusalem should do everything possible to

signal to any future Iranian aggressor that its own nuclear forces are plainly survivable, and capable of penetrating any of Tehran's ballistic missile or other active defenses. CORRESPONDINGLY, IT WILL ALSO BECOME NECESSARY FOR ISRAEL TO MOVE VERY CAREFULLY BEYOND ITS TRADITIONAL POSTURE OF DELIBERATE NUCLEAR AMBIGUITY, OR THE SO-CALLED "BOMB IN THE BASEMENT." In the irremediably arcane world of Israeli nuclear deterrence, it can never be adequate that enemy states should simply acknowledge the Jewish State's nuclear status. It is equally important that these adversarial states believe Israel to hold usable and survivable nuclear forces, and be willing to employ these weapons in certain clear and readily identifiable circumstances. Israel's nuclear doctrine and weapons are necessary to various scenarios that could require conventional preemptive action, or more residually, a specifically nuclear retaliation. In any event, FOR ISRAEL, THE CORE PURPOSE OF ITS NUCLEAR WEAPONS MUST ALWAYS BE DETERRENCE EX ANTE, NOT REVENGE EX POST. An integral part of Israel's multi-layered security system lies in maintaining effective ballistic missile defenses, primarily, the Arrow or "Hetz." YET, EVEN THE WELL-REGARDED AND SUCCESSFULLY-TESTED ARROW COULD NEVER ACHIEVE A SUFFICIENTLY HIGH CAPACITY FOR MISSILE INTERCEPT, A QUALITY NEEDED TO ADEQUATELY PROTECT ISRAELI CIVILIANS FROM ANY IRANIAN NUCLEAR ATTACK. IN ESSENCE, THIS MEANS THAT ISRAEL CAN NEVER RELY TOO HEAVILY UPON ACTIVE DEFENSES FOR ITS NATIONAL PROTECTION. What about the prospect of an irrational Iranian adversary? Any Israeli move from ambiguity to disclosure, however selective, might not help in the particular case of an irrational nuclear enemy. It remains possible, or even plausible, that certain elements of Iranian leadership will determinedly subscribe to certain end-times visions of a Shiite apocalypse. STILL, TAKEN BY ITSELF, SUCH SUBSCRIPTION DOES NOT AUTOMATICALLY OR EVEN PERSUASIVELY CALL FOR AN ISRAELI PREEMPTION. A few months ago, the German Federal Security Council approved the delivery of a fifth Dolphin-II class submarine to Israel. When it is time for Israel to selectively ease away from nuclear ambiguity, a fully-survivable, hardened and dispersed strategic second-strike force should be made generally recognizable. Further, such a robust strategic force should be designed to make any foe understand that the costs of planned nuclear aggression against Israel would assuredly result in destruction of the attacker's key cities. On this core point of high-value targeting, there should be reserved a very special place for sea-basing (submarines) a suitable portion of Israel's nuclear deterrent. New agreements notwithstanding, growing instability in the Middle East now heightens the prospect for expansive new wars, either by deliberateness or by miscalculation. From the critical perspective of maintaining its credible nuclear deterrence against a still-nuclearizing Iran, Israel should prepare, inter alia, to reexamine and aptly modify its traditional policy of deliberate nuclear ambiguity. As for any last-minute Israeli preemption against Iran, there exists no compelling scientific reason to believe that such a defensive strike would be ascertainably rational, or appropriately cost-effective.

!! Israeli attack not possible despite Iran deal

Harel 7/14/15 Amos, one of Israel's leading media experts on military and defense issues. He has been the military correspondent and defense analyst for Haaretz for the last 12 years. In this role, he has written extensively about Israel's ongoing fight against terrorist organizations, its battles during the Palestinian Intifadah (uprising) and the last war in Lebanon. Bachelor's in law. July 14, 2015, Haaretz, <http://www.haaretz.com/news/diplomacy-defense/.premium-1.666059>, CC

The serious crisis in U.S.-Israeli relations, at whose lies the tense relationship between Obama and Benjamin Netanyahu, has produced a situation in which the prime minister's influence over the nuclear talks' final stages was marginal. Now, beyond the criticism that he will level at the U.S. president,

Netanyahu is expected to gear up for the battle in Congress in an effort to hamstring Obama. In other words, he will strive to block the administration's promises to lift Congressional sanctions on Iran. Despite Netanyahu's following among Republicans and the fact that the delay of the Vienna signing date added two months to the Congressional approval period, Netanyahu's success hinges on recruiting 13 Democratic Senators to the nuclear agreement's opponents. Prospects for that don't appear high at the moment, despite the agreement's many flaws. In any event, the Prime Minister's Office will invest huge effort in the battle, which will of course also see a sharper tone vis-a-vis Obama and his policies. One would hope that disagreements on principles and personalities won't burn the bridges that link Jerusalem and Washington. Ultimately, **EVEN AFTER THE CONFRONTATION IN CONGRESS, OBAMA IS EXPECTED** to be waiting at the White House, checkbook in hand, for Netanyahu. He's expected **TO PUT TOGETHER A PACKAGE GIVING ISRAEL GENEROUS MILITARY COMPENSATION FOR THE IRANIAN AGREEMENT. OBAMA** and his spokespeople **WILL** try to **PROMOTE THE DEAL AS A HUGE AMERICAN FOREIGN-POLICY SUCCESS**, as the most important development in the president's two terms. In practice, one could have hoped for a better agreement, but even if the Vienna accord is full of loopholes, it's close to being a fait accompli. On the other hand, **DESPITE THE FERVENT RHETORIC OF** some **Israeli politicians, an Israeli attack on Iranian nuclear sites is no longer a relevant scenario. IF**, as **OBAMA** expects, he **OVERCOMES CONGRESSIONAL OPPOSITION, WE WILL BE LEFT WITH IRAN** as a strong regional power with its slew of bad intentions, but at this stage **WITHOUT A MILITARY NUCLEAR CAPABILITY**. The Israeli response to this threat depends on achieving closer ties with the United States, enhancing the Israel Defense Forces' capabilities with American assistance, and strengthening the cooperation with the more moderate Sunni countries in the region. It's a complicated picture, but not necessarily the bleakest one.

Surveillance doesn't solve Iran

War now with Iran only way to stop its quest for nuclear weapons

Muravchik 15 (The Washington Post, Joshua Muravchik is a fellow at the Foreign Policy Institute of Johns Hopkins University's School of Advanced International Studies. "War with Iran is Probably our Best Option", http://www.washingtonpost.com/opinions/war-with-iran-is-probably-our-best-option/2015/03/13/fb112eb0-c725-11e4-a199-6cb5e63819d2_story.html, EM)

The logical flaw in the indictment of a looming "very bad" nuclear deal with Iran that Israeli Prime Minister Benjamin Netanyahu delivered before Congress this month was his claim that we could secure a "good deal" by calling Iran's bluff and imposing tougher sanctions. **THE IRANIAN REGIME** that Netanyahu described so vividly — violent, rapacious, devious and redolent with hatred for Israel and the United States — **IS BOUND TO CONTINUE ITS QUEST FOR NUCLEAR WEAPONS BY REFUSING ANY "GOOD DEAL"** or by cheating. This gives force to the Obama administration's taunting rejoinder: What is Netanyahu's alternative? War? But the administration's position also contains a glaring contradiction. National security adviser Susan Rice declared at an American Israel Public Affairs Committee conference before Netanyahu's speech that **"A BAD DEAL IS WORSE THAN NO DEAL."** So **IF IRAN WILL ACCEPT ONLY A "BAD DEAL," WHAT IS PRESIDENT OBAMA'S ALTERNATIVE? WAR?** Obama's stance implies that we have no choice but to accept Iran's best offer — whatever is, to use Rice's term, "achievable" — because the alternative is unthinkable. **SANCTIONS MAY HAVE INDUCED IRAN TO ENTER NEGOTIATIONS, BUT THEY HAVE NOT PERSUADED IT TO ABANDON ITS QUEST FOR NUCLEAR WEAPONS. NOR WOULD THE STIFFER SANCTIONS THAT NETANYAHU ADVOCATES BRING A DIFFERENT RESULT.** Sanctions could succeed if they caused the regime to fall; the end of communism in Ukraine and Kazakhstan, and of apartheid in South Africa, led to the abandonment of nuclear weapons in those states. But since 2009, there have been few signs of rebellion in Tehran. Otherwise, only military actions — by Israel against Iraq and Syria, and through the specter of U.S. force against Libya — have halted nuclear programs. Sanctions have never stopped a nuclear drive anywhere. **DOES THIS MEAN THAT OUR ONLY OPTION IS WAR? YES,** although an air campaign targeting Iran's nuclear infrastructure would entail less need for boots on the ground than the war Obama is waging against the Islamic State, which poses far smaller a threat than Iran does. **WOULDN'T AN ATTACK CAUSE ORDINARY IRANIANS TO RALLY BEHIND THE REGIME? PERHAPS, BUT MILITARY LOSSES HAVE ALSO SERVED TO UNDERMINE REGIMES,** including the Greek and Argentine juntas, the Russian czar and the Russian communists. **WOULDN'T DESTROYING MUCH OF IRAN'S NUCLEAR INFRASTRUCTURE MERELY DELAY ITS PROGRESS? PERHAPS, BUT WE CAN STRIKE AS OFTEN AS NECESSARY.** Of course, Iran would try to conceal and defend the elements of its nuclear program, so we might have to find new ways to discover and attack them. Surely **THE UNITED STATES COULD BEST IRAN IN SUCH A TECHNOLOGICAL RACE.** Much the same may be said in reply to objections that airstrikes might not reach all the important facilities and that Iran would then proceed unconstrained by inspections and agreements. The United States would have to make clear that it will hit wherever and whenever necessary to stop Iran's program. **OBJECTIONS THAT IRAN MIGHT CONCEAL ITS PROGRAM SO BRILLIANTLY THAT IT COULD PROGRESS UNDETECTED ALL THE WAY TO A BOMB APPLY EQUALLY TO ANY NEGOTIATED DEAL WITH IRAN.** And finally, **WOULDN'T IRAN RETALIATE BY USING ITS OWN FORCES OR PROXIES TO ATTACK AMERICANS** — as it has done in Lebanon, Iraq and Saudi Arabia — with new ferocity? **PROBABLY.** We could attempt to deter this by warning that we would respond by targeting other military and infrastructure facilities. Nonetheless, **WE MIGHT ABSORB SOME STRIKES.** Wrenchingly, **THAT MIGHT BE THE PRICE OF AVERTING THE HEAVIER LOSSES THAT WE AND OTHERS WOULD SUFFER IN THE LARGER MIDDLE EASTERN CONFLAGRATION THAT IS THE LIKELY OUTCOME OF IRAN'S DRIVE TO THE BOMB.** Were Iran, which is already embroiled in Iraq, Syria, Yemen, Lebanon and Gaza, further emboldened by becoming a "nuclear threshold state," it would probably overreach, kindling bigger wars — with Israel, Arab states or both. The United States would probably be drawn in, just as we have been in many other wars from which we had hoped to remain aloof. **YES, THERE ARE RISKS TO MILITARY ACTION. BUT IRAN'S NUCLEAR PROGRAM AND VAUNTING AMBITIONS HAVE MADE THE WORLD A MORE DANGEROUS PLACE.** Its achievement of a bomb would magnify that danger manifold. Alas, sanctions and deals will not prevent this.

No Iran War

Iran deal makes Iran war scenario the controlling impact

Daily Signal 7/7/15 (This article is written by Genevieve Wood, who works with the Heritage Foundation and writes for the Daily Signal, <http://dailysignal.com/2015/07/17/4-reasons-iran-deal-would-take-us-closer-to-nuclear-war/>, "4 Reasons Iran Deal Would Take us Closer to War", EM)

President Obama finally got his long sought after nuclear deal with Iran. But as many have said from the very beginning, no deal is better than a bad deal – and The Heritage Foundation believes **THIS IS A VERY BAD DEAL**. There are numerous flaws in the agreement. But it's because of the following four reasons Heritage national security experts believe this nuclear agreement with Iran means **WE HAVE TAKEN ONE STEP CLOSER TO NUCLEAR WAR**. First, **THE DEAL LEAVES IRAN'S VAST NUCLEAR INFRASTRUCTURE LARGELY INTACT. INSPECTIONS WENT FROM ANYTIME/ANYWHERE TO SOMETIMES/SOMEPLACES**. This deal amounts to dismantling sanctions in exchange for a partial freeze on uranium enrichment. Research and development on centrifuges and ballistic missiles is not included. Second, **SANCTIONS RELIEF WILL MAKE THE REGION FAR LESS SAFE AS BILLIONS OF DOLLARS, POTENTIALLY \$300 TO \$400 BILLION, WILL NOW FLOW INTO THE IRANIAN ECONOMY**. But let's be clear – all those dollars won't be finding their way in to the pockets of the Iranian people. Much of **THIS MONEY WILL BE TAKEN IN BY THE IRANIAN REGIME AND** that means a lot of money will go to fund terrorist groups such as **HEZBOLLAH, HAMAS AND SHIA INSURGENCIES** in Yemen. This could reshape the regional balance and undermine U.S. interests in the region. This deal diminishes our influence and increases Iran's. Third, **TURKEY AND MANY OF IRAN'S ARAB NEIGHBORS WILL NOW BE MORE INCLINED TO START THEIR OWN ENRICHMENT PROGRAMS. WHY SHOULD THEY SIT BY WHILE THE BIGGEST INSTIGATOR IN INTERNATIONAL TERRORISM IS, at best, DELAYED IN PRODUCING A NUCLEAR WEAPON?** This will make an already unstable Middle East yet more unpredictable and dangerous. Fourth, **THE DEAL WOULD BE TEMPORARY**. The **RESTRICTIONS ON URANIUM ENRICHMENT WILL COME TO AN END – ALL THE WHILE IRAN WILL BE DOING ITS HOMEWORK ON HOW TO USE THAT URANIUM TO BUILD A NUCLEAR WEAPON**. And **WE SHOULDN'T ASSUME IRAN WILL** delay and **PLAY BY THE RULES. IRAN HAS FREQUENTLY VIOLATED ITS OBLIGATIONS UNDER OTHER NUCLEAR AGREEMENTS**. Here's the deal on the deal: It does not block Iran's pathway to a nuclear weapon. That's why it's a good deal for Iran and a very bad deal for America and the rest of the world.

Iran deal means Iran war not a threat

Reuters 7/15/15 ("Rouhani: Iran will no Longer be Called a World Threat", <http://www.reuters.com/article/2015/07/15/us-iran-nuclear-rouhani-idUSKCN0PP0Z420150715>, EM)

The nuclear deal with world powers is a political victory for Iran, President Hassan Rouhani said on Wednesday, adding that **THE AGREEMENT MEANT TEHRAN WOULD NO LONGER BE REGARDED AS AN INTERNATIONAL THREAT**. "No one can say Iran surrendered," Rouhani told a cabinet meeting broadcast on state television. "The deal is a legal, technical and political victory for Iran. It's an achievement that Iran won't be called a world threat any more." Iran and six world powers reached a deal on Tuesday, capping more than a decade of negotiations with an agreement that could transform the Middle East. Under the deal, **SANCTIONS IMPOSED BY THE UNITED STATES, THE EUROPEAN UNION AND THE UNITED NATIONS WILL BE LIFTED IN RETURN FOR IRAN AGREEING LONG-TERM CURBS ON A NUCLEAR PROGRAM** that the West has suspected was **AIMED AT CREATING A NUCLEAR BOMB**. "No deal is perfect. There should be always compromise," Rouhani said in his remarks to cabinet ministers. "It was really difficult to preserve some of our red lines. There was a time we doubted there could be a deal. It's a historic deal and Iranians will be proud of it for generations to come." Among Iran's main conditions, or "red lines", at the talks were a refusal to accept a long freeze on nuclear research and development and a demand for a rapid lifting of sanctions.

Iran deal proves no chance of nuclear war with Iran

Ali 7/7/15 ("Energy and Economic Diplomacy can Trump the Nuclear 'Threat' of the Iran Deal", <http://theconversation.com/energy-and-economic-diplomacy-can-trump-the-nuclear-threat-of-the-iran-deal-44702>, written by Saleem Ali who is a Chair in Sustainable Resource Development at The University of Queensland, EM)

The critics argue that although the new agreement defers Iran's nuclear enrichment capability by more than a decade, this activity has not been banned outright. This is true, but **WHY WOULD IRAN HAVE EVEN ENTERED NEGOTIATIONS IF IT FACED A PROSPECT OF NO NUCLEAR TECHNOLOGY DEVELOPMENT WHATSOEVER?** If Iran had been wedged into that position, the outcome would probably have been similar to North Korea's nuclear development, which was able to proceed despite sanctions. Estranged by the international community, **IRAN COULD HAVE WITHDRAWN FROM THE NUCLEAR NONPROLIFERATION TREATY AND PROCEEDED AS A ROGUE NUCLEAR WEAPONS STATE.** The new accord's Joint Comprehensive Plan of Action will see Iran come under greater vigilance than it might otherwise have done had it remained secretive about its activities. **EVEN IF WE CONSIDER THE MOST EXTREME PESSIMISTIC SITUATION, IN WHICH IRAN THROUGH SUBTERFUGE WERE SOMEHOW ABLE TO DEVELOP A NUCLEAR WEAPON EVEN UNDER THIS NEW ENHANCED SCRUTINY, WHAT WOULD IT GAIN? APART FROM THE BRAVADO OF NUCLEAR OWNERSHIP, THE WEAPONS WOULD HAVE NO POTENTIAL FOR USE BECAUSE THERE IS AMPLE DETERRENCE THROUGH MUTUALLY ASSURED DESTRUCTION.** The Bulletin of Atomic Scientists estimates that Israel has at least 80 nuclear warheads – an arsenal big enough to obliterate most Iranian cities. Add to that the enormous nuclear weapons capabilities of the United States, and there is little doubt that **IRAN WOULD STAND NO CHANCE IF IT EVER DARED (either directly or indirectly, through terrorist proxies) TO USE NUCLEAR WEAPONS** in the region. Saudi Arabia has even less to fear, being hallowed ground for all Muslims, including Iran's Shia majority. There is zero chance that Iran would launch a nuclear weapon there. **PERHAPS THE NIGHTMARE SCENARIO FOR NUCLEAR WEAPONS** proliferation **WOULD BE** the use of a nuclear weapon **THROUGH A STEALTH TERRORIST ATTACK TO DELIBERATELY PROVOKE A WAR,** a scenario envisaged by the 2002 Hollywood film *The Sum of All Fears*. **BUT** as the movie points out, **THIS DANGER IS MORE LIKELY TO MATERIALISE THROUGH A BLACK MARKET FOR LOST WEAPONS,** or independently wealthy rogue elements, **THAN FROM A STATE** such as Iran. Prevention of such an eventuality requires better intelligence, closer monitoring of existing nuclear stockpiles, and more attention to the issue of "lost bombs", which are not currently monitored by International Atomic Energy Authority inspectors.

AT: Cybersecurity

!! The threats of cyberattacks are overstated

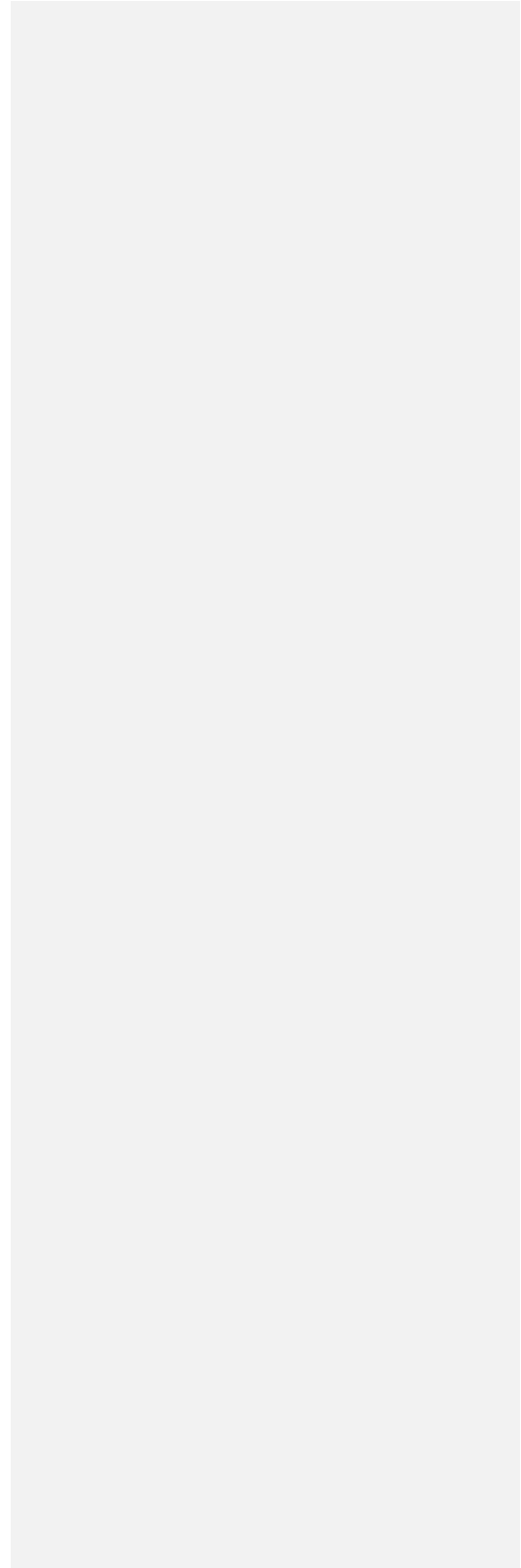
Lewis 6 (James A. Lewis, Center for Strategic and International Studies, January 2006, "Cybersecurity and Critical Infrastructure Protection", <http://cip.management.dal.ca/publications/Cybersecurity%20and%20Critical%20Infrastructure%20Protection.pdf>)

The term "Digital Pearl Harbor" appeared in the mid 1990s, coinciding with the commercialization of the internet. Digital Pearl Harbor scenarios predicted a world where hackers would plunge cities into blackness, open floodgates, poison water supplies, and cause airplanes to crash into each other. But no cyber attack—and there have been tens of thousands of cyber attacks in the last ten years—has produced these results. The dire predictions arose from a lack of insight into the operations of complex systems, from an overestimation of both the interconnectedness of critical infrastructures and the power and utility of software as a weapon to be used against them.

Determining the actual degree of risk posed by computer network vulnerabilities requires an estimate of the probability that a computer malfunction will damage a critical infrastructure in ways that will affect the national interest. For this to occur, a number of simultaneous or sequential events must take place to let a digital attack in cyberspace have a physical effect. This is not a simple transformation. Computer networks are indeed vulnerable, but this does not mean that the critical infrastructures these networks support are equally vulnerable. Terrorists are attracted to different kinds of weapons, particularly explosives, which are more reliable and which better meet their political and psychological need for violence. Infrastructures are robust and resilient, capable of absorbing damage without interrupting operations and accustomed to doing so after natural disasters, floods, or other extreme weather conditions. In short, the cyber threat to critical infrastructure has been overstated, particularly in the context of terrorism.

AT: Judicial Deference HSS

UQ



2AC — Not Unique

Violation of deference is inevitable — public pressures.

Anderson 11

Elizabeth Anderson, John Rawls Collegiate Professor of Philosophy and Women's Studies at the University of Michigan, Ann Arbor, ("The War at Home", Democracy: A Journal of Ideas, Issue #22, Fall 2011, <http://www.democracyjournal.org/22/the-war-at-home.php>)

WE SHOULD DRAW SOME SOBERING LESSONS from this experience. THE CENTRAL INSTITUTIONS AMERICANS COUNT ON TO CHECK ABUSES OF STATE POWER—laws promoting transparency in government; a vigorous, skeptical press; competitive political parties; an independent judiciary empowered to enforce constitutional rights—FAILED TO CHECK THE POLITICAL DYNAMICS OF FEAR-MONGERING. THOSE FAILURES HAVE LEFT TERRIBLE LEGACIES. JUDICIAL DEFERENCE to state power HAS CREATED dangerous precedents. AMERICANS HAVE BECOME MOSTLY INURED TO MASSIVE SECRET SURVEILLANCE OF THEIR DAILY LIVES. And much of the American public has succumbed to panics over imagined invocations of Sharia law in the United States. The politics of fear-mongering has produced political incentives that have heightened the perceived cost of respecting civil liberties and the rule of law, whether or not such respect has played any role in security failures. The result has been a systematic undermining of our democracy and our values. But LOOKING AHEAD, there may be grounds for hope. Some of THE FACTORS BEHIND THE 9/11 DECADE'S WEAKENING OF DEMOCRACY MAY BE TEMPORARY, and the new normal may not be the norm after all. AS THE AFGHAN WAR WINDS DOWN and the specter of Al Qaeda recedes, public demand for privacy, civil liberties, and greater transparency is likely—one hopes, anyway—to override the fears that underwrite state violations of constitutional rights. AS OCCURRED AFTER earlier episodes of repression, FROM THE RED SCARE TO the MCCARTHY era. NEWSPAPERS MAY BE IN DECLINE, BUT AS INVESTIGATIVE JOURNALISM FINDS NEW LIFE ONLINE on sites such as ProPublica, AND AS CITIZENS PARTICIPATE MORE FULLY IN NEWS REPORTING AND ANALYSIS via crowdsourcing, wikis, and blogging, WE MAY CREATE NEW PLATFORMS FOR THE DEMOCRATIC FUNCTIONS OF THE PRESS. The recent increase in anti-Muslim agitation is also not simply a product of 9/11, but of the recession, an attendant general rise in anti-immigrant sentiment, and anxiety about a multiracial president. As the economy returns to normal—perhaps more slowly than we'd like, but it will get there—we should expect a decline in xenophobia. Perhaps more important, THE UNITED STATES IS UNDERGOING A HISTORIC DEMOGRAPHIC SHIFT DUE TO A RISING IMMIGRANT POPULATION AND THE END OF MAJORITY STATUS FOR WHITES. POLITICAL PARTIES WILL SOON SEE THAT THEY HAVE MORE TO GAIN BY INTEGRATING IMMIGRANTS AND THEIR AMERICAN CHILDREN into society THAN BY PANDERING TO ANTI-IMMIGRANT PREJUDICE—and WITH SUCH A CHANGE, we may also eventually see judiciaries that are more willing to act as a check on state infringements on constitutional rights.

1AR — Not Unique

Courts are shifting away from deference to rein in executive power.

Benvenisti and Downs 9

(Eyal and George W., Professor of Law at Tel Aviv University and Professor of Politics at New York University, “National Courts, Domestic Democracy, and the Evolution of International Law”, Feb 2009, European Journal of International Law, p. 59-72, ProQuest, kc)

The TRADITIONAL DEFERENCE OF NATIONAL COURTS TO THEIR EXECUTIVE BRANCHES IN MATTERS CONNECTED WITH FOREIGN POLICY DID NOT VANISH OVER NIGHT. Even today it continues to persist in some areas of global regulation such as trade, as was recently reflected in the judgment of the ECJ which refused to give direct effect to the EU's obligations under the WTO absent the promise of reciprocity by other courts.¹⁵ But AS COURTS HAVE DEVELOPED INCREASINGLY MORE EFFECTIVE WAYS OF COPING WITH THE EFFECTS OF GLOBALIZATION DESCRIBED ABOVE, THEY HAVE ALSO SLOWLY SET ABOUT THE TASK OF TRYING TO REIN IN THE GROWTH OF EXECUTIVE BRANCH DISCRETION. To accomplish this THE COURTS STILL HAD TO SOLVE THEIR perennial PROBLEM OF HOW TO GO ABOUT DOING THIS WITHOUT DAMAGING THEIR EXECUTIVE BRANCHES' EFFECTIVENESS IN THE AREA OF FOREIGN POLICY AND RISKING SERIOUS POLITICAL PROBLEMS for themselves domestically.

The executive branch has no authority over surveillance matters. Although surveillance may sometimes fall under the realm of national security, it does not justify judicial deference to the executive – hampers legislative powers. **United States v. AT&T proves.**

Cole 14 – Jared P., Legislative Attorney, 2014 (“Disclosure of FISA Opinions—Select Legal Issues,” *Congressional Research Service*, Available Online at <http://www.fas.org/sgp/crs/secrecy/R43404.pdf>, p.10-11)

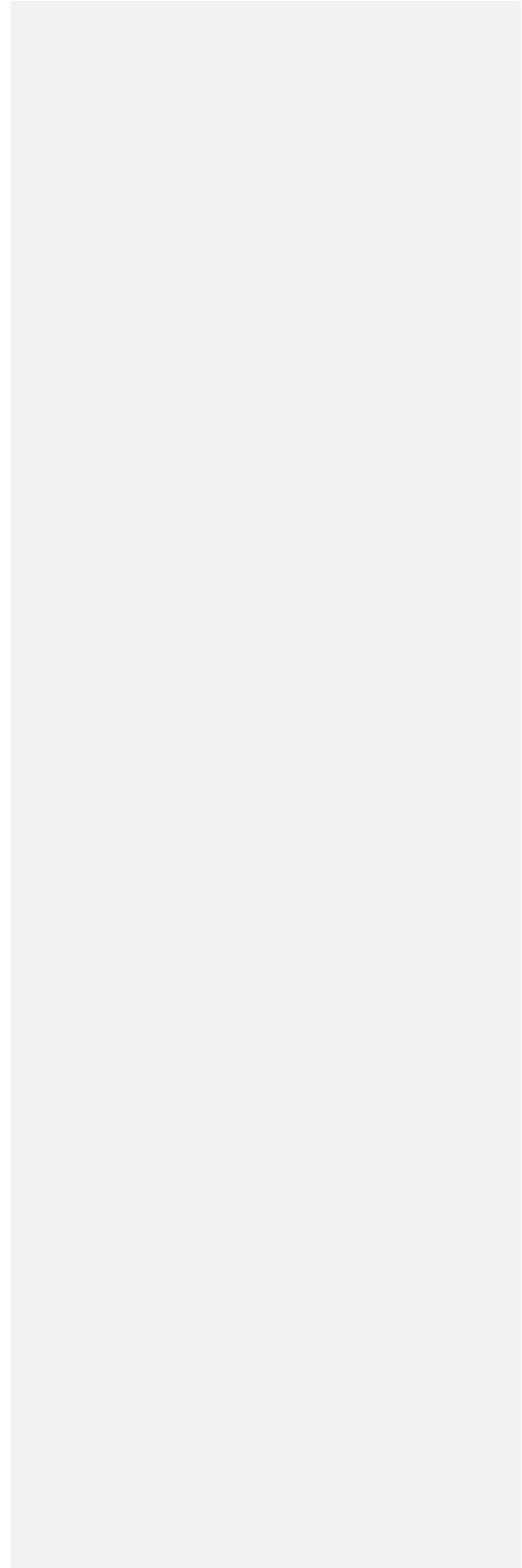
The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) has made explicit that control over access to classified information is shared.⁹³ IN 1976, THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE ISSUED A SUBPOENA TO the American Telephone and Telegraph Company (AT&T) SEEKING INFORMATION CONCERNING WARRANTLESS WIRETAPPING BY THE EXECUTIVE BRANCH.⁹⁴ CITING THE POTENTIAL DANGER TO NATIONAL SECURITY IF THE INFORMATION WERE RELEASED, THE DEPARTMENT OF JUSTICE SOUGHT AN INJUNCTION THAT WOULD PREVENT AT&T FROM COMPLYING WITH THE SUBPOENA.⁹⁵ On appeal to the D.C. Circuit, the legislative branch argued that its subpoena power “cannot be impeded by the Executive”;⁹⁶ while THE EXECUTIVE BRANCH ARGUED THAT BECAUSE “THE PRESIDENT RETAINS ULTIMATE AUTHORITY TO DECIDE WHAT RISKS TO NATIONAL SECURITY ARE ACCEPTABLE,” THE JUDICIARY SHOULD DEFER TO THE EXECUTIVE BRANCH.⁹⁷ **The court, however, rejected both claims.** NOTING THAT THE CONGRESSIONAL SUBPOENA POWER WAS INDEED BROAD, BUT NOT “ABSOLUTE IN THE CONTEXT OF A CONFLICTING CONSTITUTIONAL INTEREST ASSERTED BY A COORDINATE BRANCH OF GOVERNMENT.”⁹⁸ Likewise, the court noted, WHILE THE JUDICIARY IS SOMETIMES DEFERENTIAL TO THE EXECUTIVE BRANCH IN THE AREA OF NATIONAL SECURITY, SUPREME COURT JURISPRUDENCE **does “not establish judicial deference to executive determinations** IN THE AREA OF NATIONAL SECURITY

WHEN THE RESULT OF THAT DEFERENCE WOULD BE TO IMPEDE CONGRESS IN EXERCISING ITS LEGISLATIVE POWERS.⁹⁹ The court ultimately declined to rule on the merits of the injunction, and remanded the case to the district court, urging the parties to continue negotiating.¹⁰⁰

Those negotiations again reached an impasse, and the parties soon returned to the D.C. Circuit. As before, both sides made broad assertions of authority. The executive branch argued that its duty to protect national security trumped the congressional subpoena power.¹⁰¹ However, the court again rejected this assertion, explaining that the two branches shared power over national security:

the executive would have it that the Constitution confers on the executive absolute discretion in the area of national security. This does not stand up. While the Constitution assigns to the President a number of powers relating to national security, including the function of commander in chief and the power to make treaties and appoint Ambassadors, it confers upon Congress other powers equally inseparable from the national security, such as the powers to declare war, raise and support armed forces and, in the case of the Senate, consent to treaties and the appointment of ambassadors.¹⁰²

Deference Link Defense



2AC — Link Defense

The “observer effect” solves. The executive regulates itself in accordance to the courts regardless of deference.

Deeks 13(Ashley S. Deeks, Senior Fellow at the Center for National Security Law and Associate Professor of Law at The University of Virginia, Fordham Law Review, Volume 82, Issue 2, 2013, da: Jul 6 2015, “The Observer Effect: National Security Legislation, Executive Policy Changes, and Judicial Deference”, <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4941&context=flr>, PS)

Other scholars, in contrast, bemoan the absence of courts from the playing field.⁵ To them, the executive has undue incentives to emphasize security values over liberty values, and only a vigorous judicial role can counter that. More broadly, these scholars view robust judicial deference to the executive as weakening a critical tool by which to inhibit a single branch of government from accruing undue power. BOTH CAMPS TEND TO ASSUME, HOWEVER, THAT THE COURTS DO PLAY ONLY A LIMITED ROLE IN EXECUTIVE CALCULATIONS ABOUT APPROPRIATE NATIONAL SECURITY POLICIES. THAT ASSUMPTION IS FLAWED, and this Article demonstrates why. Against a backdrop of limited direct judicial involvement in its security policies, the executive is highly attuned to potential court action. WHEN THE EXECUTIVE FACES A CREDIBLE THREAT OF LITIGATION or the pendency of one or more specific cases, IT OFTEN ALTERS THE AFFECTED NATIONAL SECURITY POLICIES IN WAYS THAT RENDER THEM MORE RIGHTS PROTECTIVE. THESE POLICY CHANGES REMAIN IN PLACE REGARDLESS OF THE OUTCOMES OF PARTICULAR CASES and affect a large number of individuals. This Article refers to this phenomenon as the “observer effect.” In physics, the “observer effect” refers to the changes that an act of observation makes on the phenomenon being observed.⁶ In psychology, some experts believe that individuals alter their performance or behavior when they know that someone else is observing them.⁷ In the context of this Article, THE OBSERVER EFFECT REFERS TO THE EFFECT ON THE EXECUTIVE WHEN IT BECOMES AWARE THAT A COURT SOON MAY REVIEW on the merits A PARTICULAR EXECUTIVE POLICY. For example, in the context of looming litigation, THE GOVERNMENT REPEATEDLY HAS AMENDED ITS DETENTION REVIEW PROCEDURES IN Afghanistan, each time granting detainees increased levels of procedural protections—EVEN THOUGH COURTS HAVE NEVER MANDATED THAT IT DO SO. IT HAS REGULATED ITS OWN INVOCATION OF THE state secrets doctrine, INTRODUCING additional layers of process and a COMMITMENT TO external oversight. EVEN THOUGH THE COURTS ULTIMATELY UPHELD THE GOVERNMENT’S USE OF THAT DOCTRINE in several series of cases. It has revealed details about the long-classified process by which it determines when and under what conditions it would transfer security detainees to foreign governments. AND IT HAS ESTABLISHED MORE rigorous, procedural hurdles FOR ITSELF before it will seek to use secret evidence in deportation cases—ALL AS A RESULT OF THE OBSERVER EFFECT. Legal scholarship lacks a sustained theoretical account of how and why this phenomenon works to influence executive policymaking.⁹ Courts are not the only audiences for executive policies, and as a result the observer effect is not the executive’s only source of incentives to alter those policies. However, because courts can strike down executive policies, force the executive to comply with specific policies crafted by the courts, and mandate the creation of new policies as a matter of law, COURTS ARE A KEY AUDIENCE FOR THE EXECUTIVE’S NATIONAL SECURITY POLICIES. As a result, it is important to understand when, how, and why the observer effect works. The observer effect, however, does more than simply inform why and how the executive changes its national security policies. It also can (and should) inform ongoing descriptive and normative debates about national security deference. Some SCHOLARS CLAIM THAT “IN CRISES, THE EXECUTIVE

GOVERNS NEARLY ALONE, at least so far as law is concerned,”¹⁰ and that THE COURTS’ MONITORING FUNCTION IS BROKEN.¹¹ Scholars are sharply divided about whether that is a good thing or a bad thing. The existence of THE OBSERVER EFFECT calls into question a key premise of the debate by REVEALING THAT THE EXECUTIVE DOES NOT IN FACT GOVERN “NEARLY ALONE,” AT LEAST WHEN THE EXECUTIVE REASONABLY CAN FORESEE THAT A COURT MAY STEP IN to review particular security policies. Yet the way THE OBSERVER EFFECT operates ALLOWS THE EXECUTIVE TO PRESERVE AND UTILIZE ITS FUNCTIONAL ADVANTAGES TO CRAFT PRAGMATIC SECURITY POLICIES, avoiding what critics see as the more problematic effects of judicial involvement in national security decisionmaking. A word is in order about the normative desirability of the observer effect. The overriding goal of this Article is to explain the observer effect, rather than to justify it. It also is exceedingly complicated (if not impossible), as an empirical matter, to determine whether the policy shifts engendered by the effect advance or hinder an ideal balance between national security and individual liberty.¹² Nevertheless, in laying out the operation of the observer effect, THIS ARTICLE SHOWS WHY THE PRESENT SYSTEM IS BETTER THAN WE MAY THINK AT PRESERVING THE RESPECTIVE STRENGTHS OF COURTS AND THE EXECUTIVE, as long as courts periodically (and perhaps unpredictably) decline to defer to the executive.

No link – courts have ruled public admission circumvents deference --- also proves they’ve broke deference in the context of surveillance

Bazze 12

Timothy Bazze, J.D., Georgetown University Law Center, M.I.A., School of International and Public Affairs at Columbia University, October 2012, (“SHUTTING THE COURTHOUSE DOORS: INVOKING THE STATE SECRETS PRIVILEGE TO THWART JUDICIAL REVIEW IN THE AGE OF TERROR”, <http://civilrightslawjournal.com/issues/23.29.pdf>)

PERHAPS THE MOST THOROUGH TREATMENT OF WHETHER THE STATE SECRETS PRIVILEGE PRECLUDES JUDICIAL REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM OCCURRED IN HEPTING V. AT&T Corp., WHERE the PLAINTIFFS ARGUED that AT&T’S ALLEGED WARRANTLESS WIRETAPPING of its communications VIOLATED THEIR FIRST AND FOURTH AMENDMENT RIGHTS.⁷⁰ THE BUSH ADMINISTRATION INTERVENED, MOVING FOR DISMISSAL ON STATE SECRETS GROUNDS.⁷¹ After reviewing the purportedly secret evidence in camera,⁷² THE District COURT for the Northern District of California denied the government’s motion to dismiss, RULING that DISCOVERY SHOULD COMMENCE BECAUSE THE STATE SECRETS CLAIM WAS inapplicable in light of the government’s repeated admissions about the existence of the program.⁷³ The district court’s thoughtful opinion offers a framework for review of state secrets claims in the war-on-terror context. THE DISTRICT COURT’S THRESHOLD INQUIRY IN RESOLVING THE STATE SECRETS CLAIM WAS DETERMINING WHETHER THE NSA SURVEILLANCE PROGRAM THAT GAVE RISE TO THE SUIT ACTUALLY QUALIFIED AS A “SECRET.”⁷⁴ Because the government had disclosed the existence of the program and AT&T admitted to assisting the government in classified matters when asked, THE COURT CONCLUDED THAT STATE SECRETS DID NOT FORECLOSE DISCOVERY.⁷⁵ WHILE THE STATE SECRETS PRIVILEGE DID NOT SUPPORT PRE-DISCOVERY DISMISSAL of the case, THE COURT FOUND THAT THERE WAS SUFFICIENT AMBIGUITY ABOUT THE EXTENT OF AT&T’S INVOLVEMENT in the program, AND THE CONTENTS OF ANY COMMUNICATION RECORDS SURVEYED, SO AS TO PERMIT AT&T TO NOT DISCLOSE THE EXTENT OF ITS PARTICIPATION IN THE TSP.⁷⁶ The court made clear, however, that if information about AT&T’s role in

supporting the TSP became public during the course of the litigation, the government could no longer invoke state secrets to resist disclosing this information.⁷⁷ AFTER REJECTING THE GOVERNMENT'S MOTION TO DISMISS ON STATE SECRETS GROUNDS, THE COURT REITERATED ITS CONSTITUTIONAL DUTY TO EXERCISE JUDICIAL REVIEW.⁷⁸ But it is important to note that even the state secrets privilege has its limits. WHILE THE COURT RECOGNIZES AND RESPECTS THE [E]XECUTIVE'S CONSTITUTIONAL DUTY TO PROTECT THE NATION FROM THREATS, THE COURT ALSO TAKES SERIOUSLY ITS CONSTITUTIONAL DUTY TO ADJUDICATE the DISPUTES that come before it. To defer TO A BLANKET ASSERTION OF SECRECY HERE WOULD BE TO ABDICATE THAT DUTY, PARTICULARLY BECAUSE THE VERY SUBJECT MATTER OF THIS LITIGATION HAS BEEN SO PUBLICLY AIRD. The compromise between liberty and security remains a difficult one. But dismissing this case at the outset would sacrifice liberty for no apparent enhancement of security.⁷⁸ THIS IS A REVEALING STATEMENT BY THE COURT, WHILE FORCEFULLY ASSERTING ITS AUTHORITY to decide the complicated constitutional questions at issue in this case, THE COURT IMPLIED THAT THIS DUTY IS NOT ABSOLUTE, and that the balance between liberty and security may tilt toward security under different facts. OF PARTICULAR IMPORTANCE, ESPECIALLY WITH REGARD TO HOW THE GOVERNMENT HAS APPLIED THE STATE SECRETS PRIVILEGE TO SUBVERT JUDICIAL REVIEW in the war-on-terror context, IS THE WEIGHT THE COURT CONFERRED TO THE PUBLIC AIRING OF THE WIRETAPPING PROGRAM.⁷⁹ The court was reluctant to defer to the government's claim of secrecy in this case because the government's own public statements about the existence of the program directly contradicted its state secrets claim.⁸⁰ ACKNOWLEDGING THE EXTENSIVE MEDIA COVERAGE OF THE PROGRAM, THE COURT INSISTED THAT THE ONLY RELEVANT PUBLIC DISCLOSURES ABOUT THE CONTESTED GOVERNMENT PROGRAM, AT LEAST WITH RESPECT TO MEASURING A CLAIM OF GOVERNMENT SECRECY, ARE PUBLIC STATEMENTS BY THE GOVERNMENT AND ITS IMPLICATED PRIVATE ACCOMPLICES.⁸¹ THE COURT reasonably CONCLUDED that the government cannot simultaneously admit that a program exists and that its existence is secret.⁸² UNDER THE COURT'S REASONING, OFFICIAL PUBLIC CONFIRMATION THAT A PROGRAM EXISTS LIMITS THE GOVERNMENT'S ABILITY TO ASSERT THE STATE SECRETS PRIVILEGE TO BLOCK DISCOVERY on the program. This REASONING could influence how courts adjudicate state secrets claims with respect to other post-9/11 government programs.⁸³ IT COULD ALSO HAVE AN even broader impact IN LIGHT OF THE PROLIFERATION OF NEW MEDIA SOURCES AND A RENEWED APPETITE FOR GOVERNMENT OPENNESS, ALL OF WHICH WILL APPLY PRESSURE ON THE GOVERNMENT TO COME CLEAN ABOUT ITS CLANDESTINE NATIONAL SECURITY PROGRAMS. Official public admissions about once secret programs will undercut those programs' secrecy, and if the Hepting analysis is any indication, prevent the government from invoking the state secrets privilege to shield those programs from judicial scrutiny.⁸⁴

2AC — No Spillover

Deference does not spill over- administrations of different agencies check.

Nichols 3

(Lindsay J. Nichols; Attorney at Law Center to Prevent Gun Violence, JD from University of California, Berkeley - School of Law, MA in Classics and Classical Languages, Literatures, and Linguistics from University of California, Los Angeles; "The NMFS's National Standard Guidelines: Why Judicial Deference May Be Inevitable", October 2003, Available at: <http://scholarship.law.berkeley.edu/californialawreview/vol91/iss5/4>, kc)

THIS COMMENT ARGUES THAT, BECAUSE OF OTHER ADMINISTRATIVE LAW DOCTRINES, the Court's decision IN, MEAD is not likely to cause a significant decrease in the overall amount of deference GIVEN TO AGENCY INTERPRETATIONS OF STATUTES. To demonstrate this, this Comment focuses on the NMFS and its interpretations of the Fisheries Conservation and Management Act, now known as the Magnuson Stevens Act (Magnuson Act). "THE CONTINUING IMPLEMENTATION OF THE MAGNUSON ACT BY THE NMFS SERVES AS A PARTICULARLY APPROPRIATE CASE STUDY in this regard BECAUSE IT INVOLVES MANY OF THE ISSUES THAT WERE RELEVANT TO THE COURT'S DECISION IN MEAD AND THAT CONCERN A BROAD ARRAY OF ADMINISTRATIVE AGENCIES: notice and comment procedures, implementing regulations, National Standards, and, most importantly, administrative Guidelines that officially do not carry the weight of law. The status of the NMFS's National Standard Guidelines (Guidelines) is not unlike the status of many documents and reports created by other administrative agencies, both inside and outside the context of fisheries management. THUS, THE ISSUE OF WHETHER COURTS SHOULD DEFER TO THE GUIDELINES HAS WIDE RELEVANCE.

Surveillance cases are narrow rulings- no spillover.

Hammond 14

(Brian Hammond, Senior Editor of Telecommunication Reports - leading journal of intelligence on domestic and international telecom business and policy strategies; BA from University of Virginia, quoting Jameel Jaffer, ACLU Deputy Legal Director and Director of Center for Democracy, "Federal Judge Rules NSA Collection Of Phone Metadata Likely Unconstitutional", Jan 1, 2014, Accessed via ProQuest, kc)

Sen. Ron **WYDEN** (D., Ore.), who is sponsoring legislation that would amend the Foreign Intelligence Surveillance Act (FISA) to prohibit bulk collection of Americans' phone and e-mail records, **COMMENTED:** "**JUDGE LEON'S RULING HITS THE NAIL ON THE HEAD. IT MAKES CLEAR THAT BULK PHONE RECORDS COLLECTION IS INTRUSIVE** DIGITAL SURVEILLANCE AND NOT SIMPLY INOFFENSIVE DATA COLLECTION AS **SOME HAVE SAID.** The court noted that this metadata can be used for 'repetitive, surreptitious surveillance of a citizen's private goings on,' that creates a mosaic of personal information and is likely unconstitutional. **THIS RULING DISMISSES THE USE OF AN OUTDATED SUPREME COURT DECISION AFFECTING ROTARY PHONES AS A DEFENSE FOR THE TECHNOLOGICALLY ADVANCED COLLECTION OF MILLIONS OF AMERICANS' RECORDS.** It clearly underscores the need to adopt meaningful surveillance

reforms that prohibit the bulk collection of Americans' records." ¹ "AS JUDGE LEON NOTES, THE GOVERNMENT'S DEFENSE OF THE PROGRAM HAS RELIED ALMOST ENTIRELY ON A 30-YEAR-OLD CASE THAT INVOLVED SURVEILLANCE OF A SPECIFIC CRIMINAL SUSPECT OVER A PERIOD OF TWO DAYS," MR. [JAMEEL JAFFER] SAID. "The idea that this narrow precedent authorizes the government to place every American under permanent surveillance is preposterous. We hope that Judge Leon's thoughtful ruling will inform the larger conversation about the proper scope of government surveillance powers, especially the debate in Congress about the reforms necessary to bring the NSA's surveillance activities back in line with the Constitution. The bipartisan USA Freedom Act, which has 130 co-sponsors already, would address the constitutional problems that Judge Leon identifies."

1AR — Observer Effect

The “observer effect” proves that the executive will stay within the fringes of constitutionality even without public court rulings

Deeks 13(Ashley S. Deeks, Senior Fellow at the Center for National Security Law and Associate Professor of Law at The University of Virginia, Fordham Law Review, Volume 82, Issue 2, 2013, da: Jul 6 2015, “The Observer Effect: National Security Legislation, Executive Policy Changes, and Judicial Deference”, <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4941&context=flr>, PS)

A. Defining the Observer Effect¹ The phrase “observer effect” describes the impact on executive policy¹ setting of pending or probable court consideration of a specific national¹ security policy. The executive’s awareness of likely judicial oversight over¹ particular national security policies—an awareness that ebbs and flows— plays a significant role as a forcing mechanism. It drives the executive¹ branch to alter, disclose, and improve those policies before courts actually¹ review them. **THE OBSERVER EFFECT IS DISTINCT FROM THE EXECUTIVE’S RESPONSE¹ TO COURT ORDERS THAT REQUIRE THE EXECUTIVE TO MAKE SPECIFIC CHANGES¹ TO A¹ PARTICULAR SECURITY POLICY. **THE OBSERVER EFFECT LEADS TO NONMANDATORY¹ POLICY CHANGES BY THE EXECUTIVE—EVEN BEFORE A COURT REACHES THE MERITS OF A CASE¹ CHALLENGING THAT POLICY** (or a related one)—as a result of newfound¹ uncertainty about whether and how courts may evaluate those policies.¹ **THE EFFECT LEADS THE EXECUTIVE TO SELECT DIFFERENT POLICIES THAN THOSE IT¹ WOULD ADOPT IF IT WERE CERTAIN THAT THOSE POLICIES WOULD NOT FACE JUDICIAL¹ CONSIDERATION.** Where the executive has a high degree of confidence that a¹ court will review its policy, the executive has strong incentives to select a¹ policy option it is confident a court would uphold.¹⁸ Where—**AS OFTEN IS¹ TRUE IN NATIONAL SECURITY CASES**—there is more doubt about whether a court will intervene, **THE EXECUTIVE MAY TAKE A GREATER GAMBLE IN SETTING A POLICY.**¹⁹ **As long as judicial review is reasonably foreseeable**, however, **the observer effect results in a form of executive deference to courts**—or deference to a¹ prediction about the type of national security policy an “average” court¹ would uphold.²⁰ The theory that the executive responds to an observer effect contains a¹ critical assumption worth stating plainly: the executive views law—¹ including case law—as binding and tends to comply with it. In *The¹ Executive Unbound*, Eric POSNER and Adrian Vermeule express doubt about¹ this proposition, **ARGUING THAT THE EXECUTIVE IS UNFETTERED BY LEGAL¹ CONSTRAINTS.**²¹ Their critics highlight various ways in which that statement is¹ false as a descriptive matter, including by offering examples of situations in¹ which the executive has declined to pursue its preferred course of action¹ because it viewed that course as legally unavailable.²² **THE OBSERVER EFFECT¹ OFFERS ADDITIONAL SUPPORT** for the conclusion **THAT THE EXECUTIVE BRANCH IS¹ ATTUNED TO THE POWER OF LAW** BY SHOWING HOW THE EXECUTIVE INTERNALIZES¹ ANTICIPATED JUDICIAL RESPONSES TO ITS POLICIES WHEN DRAWING POLICY LINES.²³ Several scholars have expressed an intuition that legal uncertainty plays¹ an important role in limiting the extent to which the political branches¹ aggrandize their own powers.²⁴ However, legal scholarship offers no¹ discussion of why and how uncertainty about judicial involvement affects¹ executive policy choices, particularly in the national security area.²⁵ This¹ section does so. The observer effect results from the confluence of at least¹ three elements: (1) a triggering event; (2) robust jurisdictional or¹ substantive uncertainty; and (3) the likelihood of recurring scenarios.¹**

1. Triggering Event¹ Various litigation-related activity can trigger the observer effect. This¹ ranges from the filing of a nonfrivolous case, to some indication from a¹ court that it may reach the merits of a case (i.e., ordering briefing on an¹ issue, or rejecting the government’s motion for summary judgment), to the¹ court’s consideration of the issue on the merits. **THE OBSERVER**

EFFECT most clearly COMES INTO PLAY WHEN A COURT BECOMES SEIZED WITH A NATIONAL SECURITY CASE AFTER AN EXTENDED PERIOD OF JUDICIAL NONINVOLVEMENT in security issues. The observer effect then kicks in to influence the executive's approach to the policy being challenged in the triggering case, as well as to future (or other preexisting) executive policies in the vicinity of that triggering case. The other executive policies affected by the triggering case must be loosely related to the policy being challenged in the triggering case, but need not overlap with that precise policy. Thus, a U.S. SUPREME COURT HOLDING THAT THE UNITED STATES MUST PROVIDE CERTAIN REVIEW PROCEDURES to individuals being held as enemy combatants in a particular geographic location WILL TRIGGER THE OBSERVER EFFECT FOR MANY FUTURE POLICIES RELATED TO DETENTION, whether or not those policies directly implicate the factual or legal scenarios in the case that the Court decided.²⁶ CONSIDER A SITUATION IN WHICH THE EXECUTIVE BRANCH LONG OPERATED WITHOUT JUDICIAL OVERSIGHT. Military decisions about who to detain as enemy belligerents offer a paradigmatic case.²⁷ For decades, THE MILITARY MADE INDEPENDENT DECISIONS ABOUT WHICH INDIVIDUALS TO DETAIN DURING ARMED CONFLICT without considering that a court might oversee or revisit these decisions.²⁸ Along came YASER HAMDI, AN AMERICAN CITIZEN DETAINED BY U.S. FORCES on the battlefield in Afghanistan in 2001 and brought to the United States.²⁹ Hamdi's father filed a habeas petition in June 2002, contending that Hamdi's detention was unlawful.³⁰ THE SUBSEQUENT SUPREME COURT DECISION CAME AS A SURPRISE to many in the U.S. government.³¹ The decision accepted the government's legal theory that it may detain individuals associated with the Taliban as "enemy combatants."³² But THE OPINION GAVE LITTLE DEFERENCE TO THE ARGUMENT THAT THE EXECUTIVE'S constitutional AUTHORITIES during wartime PERMITTED THE GOVERNMENT TO AVOID GIVING HAMDI ANY OPPORTUNITY TO CHALLENGE HIS DETENTION. Rather, the Court ordered the U.S. government to create a process whereby a citizen-detainee may challenge his classification as an enemy combatant and required that that process include notice of the factual basis for his classification and a fair opportunity to rebut those assertions before a neutral decisionmaker.³³ The Court thus effectively prevented the executive from retaining sole discretion about whether, when, and how to review the status of its detainees. The filing of the litigation and, more importantly, the Court's holding serve as a triggering event in the detention area.³⁴ The existence of the observer effect leads to a prediction that U.S. national security policies will cycle between more aggressive and more cautious postures.³⁵ Where the executive is quite certain that courts will not review particular security policies, its policies will tend to be more aggressive. Then, one or more triggering events leads the executive to shift a variety of its national security policies in a more modest direction, partly to fend off further judicial encroachments. As executive policies "improve" over time, and as courts establish predictable jurisprudence on the issue and give increasing deference to those more rights-protective policies, the observer effect weakens until it falls away.³⁶ At that point, a new triggering case will be needed to start the cycle again.

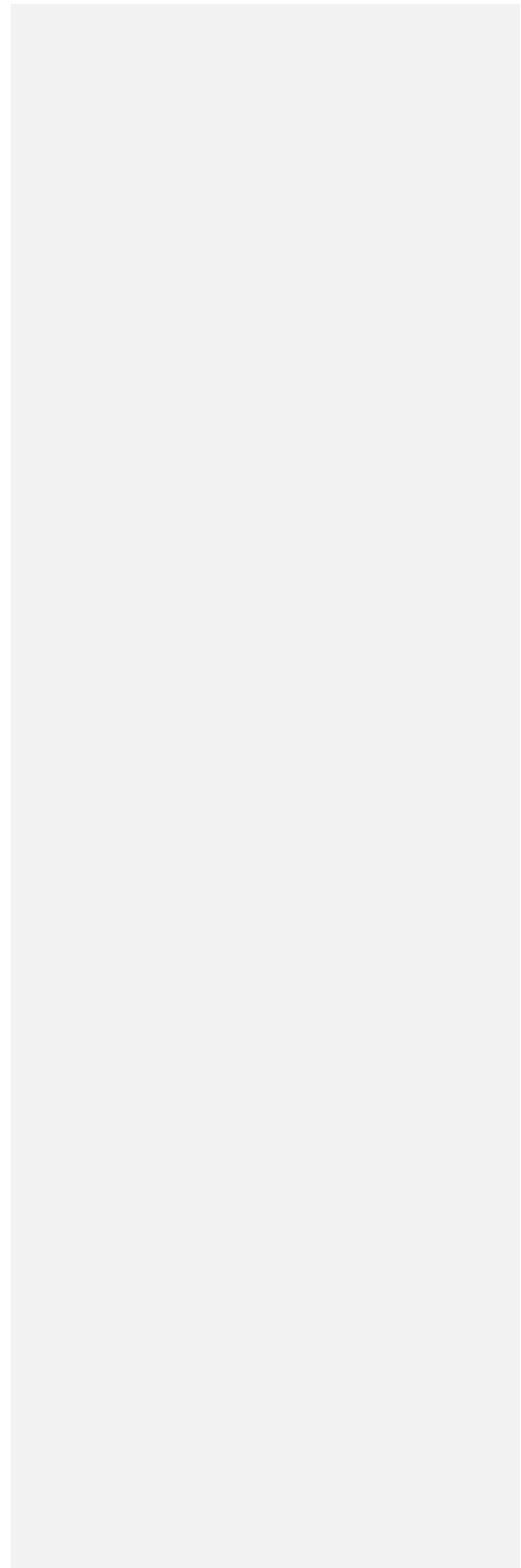
No link- the executive modifies policy even without actually ruling

Deeks 13(Ashley Deeks, Senior Fellow at the Center for National Security Law and Associate Professor of Law at The University of Virginia, New Republic, October 21 2013, da: July 7 2015, "Courts Can Influence National Security Without Doing a Single Thing", <http://www.newrepublic.com/article/115270/courts-influence-national-security-merely-watching>, PS)

When these three elements are present, the observer effect is likely to come into play. How does the Executive react? The Executive attempts to maximize the total value of two elements: a sufficiently

security-focused policy and unilateral control over national security policymaking. To achieve this goal, the Executive often is willing to cede some ground on the first element to retain the second element. The Executive therefore often responds to the presence of these three elements by shifting its policy to a position that gives it greater confidence that the courts would uphold it if presented with a challenge to that policy. This does not mean that it will establish or revise its policy to a point at which it has full confidence that a court will deem the policy acceptable. Instead, the Executive has strong incentives to take a gamble: all it needs to do is establish a policy that is close enough to what a court would find acceptable that it alters the court's calculation about whether to engage on the merits. It is, in short, a governmental game of chicken.¹ I don't want to suggest that a potentially adverse decision by a court is the sole driver of Executive policy-making. While courts may be one important audience for national security policies, there are many other audiences, including Congress, the general public, the media, and elites. Proving what causes the Executive to select or modify a particular policy is notoriously difficult because many factors and influences usually coalesce to produce government policy. But IMPORTANT PRESSURES ARE BROUGHT TO BEAR BY AN INCREASED EXECUTIVE AWARENESS OF POSSIBLE COURT INTERVENTION, especially because courts have the power to rewrite national security policies in a way that members of the public and the media do not.¹ One important lesson to draw from the observer effect is that IT MATTERS WHAT SIGNALS THE COURTS AND THE EXECUTIVE SEND TO EACH OTHER AND HOW THEY SEND THEM. When COURTS hear cases on the merits or when Justices issue statements related to denials of certiorari, they HAVE THE OPPORTUNITY TO INITIATE A DIALOGUE WITH THE EXECUTIVE—WHETHER OR NOT THE COURTS ultimately DEFER TO THE EXECUTIVE's position. THAT DIALOGUE ALLOWS THE COURTS TO GESTURE AT ACCEPTABLE AND UNACCEPTABLE POLICY CHOICES, while the Executive gauges which policies to adopt and how large of a "cushion" to build into those policies to avoid future adverse decisions. For instance, when Justice Kennedy (along with two other Justices) concurred in the denial of certiorari in a case called *Padilla v. Hanft*, his concurrence implied that the Court would step in to hear the case if the Executive, which had shifted Jose Padilla from military custody to civilian custody, re-detained Padilla as an enemy combatant. This allowed the Court to send a strong signal to the Executive about a national security policy that the Court would have a hard time upholding.¹ THE OBSERVER EFFECT HAS REAL-WORLD IMPLICATIONS FOR NATIONAL SECURITY POLICY CHANGES ON THE HORIZON. For example, if Congress attempts to establish judicial oversight of the Executive branch's targeted killing program, it is useful to understand the nuanced ways in which the Executive can and does respond to potential—but somewhat uncertain—judicial oversight and decisions, even those that stop short of adjudicating issues on the merits. In shedding light on the Executive/judicial relationship, the observer effect should inform Congressional considerations in crafting such a court.¹ It is true that courts have decided only a limited number of substantive issues in the national security arena, notwithstanding the continuing proliferation of litigation. However, IMPORTANT substantive POLICY CHANGES HAVE OCCURRED SINCE 2002—changes due NOT TO THE DIRECT SUNLIGHT OF COURT ORDERS, BUT TO THE SHADOW CAST BY THE THREAT or reality OF COURT DECISIONS on Executive policymaking in related areas of activity. Court decisions, particularly in the national security realm, have a wider ripple effect than many recognize because the Executive has robust incentives to try to preserve security issues as its sole domain. In areas where the observer effect shifts Executive policies closer to where courts likely would uphold them, demands for deference by the Executive turn out to be more modest than they might seem if considered from the isolated vantage of a single case at a fixed point in time. It remains critical for courts to police the outer bounds of Executive national security policies, BUT THEY NEED NOT ENGAGE SYSTEMATICALLY TO HAVE A

POWERFUL EFFECT ON THE SHAPE OF THOSE POLICIES and, consequently, the constitutional national security order.



1AR — Deference Unecessary

Deference unnecessary- judges will make the rational decisions.

Legal Monitor Worldwide 13

(Legal Monitor Worldwide is a subscription-based publication covering legal news and developments from worldwide jurisdictions. Legal Monitor Worldwide covers multiple legal subjects and topics such as constitutional and administrative law, criminal law, contract law, tort law, property law, equity and trusts; as well as legal systems including civil law, common law and equity, and religious law. Published in Amman, Jordan, "The Case Against Deference", June 1, 2013, Lexis, kc)

Second, **THE VIRTUES OF JUDICIAL DEFERENCE HAVE DECLINED OVER TIME** EARLY SUPREME COURT DECISIONS JUSTIFIED DEFERENCE AS NECESSARY TO ENSURE THAT THE NEWLY ESTABLISHED FEDERAL GOVERNMENT COULD FULFILL ITS ESSENTIAL RESPONSIBILITIES. As Chief Justice John Marshall explained in the famous 1824 case *Gibbons v. Ogden*, a "narrow construction" of government powers "would cripple the government, and render it unequal to the object for which it is declared to be instituted." Accordingly, the Court concluded "we cannot perceive the propriety of strict construction, nor adopt it as the rule by which the Constitution is to be expounded." ¶ **DEFERENCE TO EXERCISES OF GOVERNMENT POWER** arguably **MADE MORE SENSE IN THE REPUBLIC'S EARLY DAYS, TO ENSURE THAT FEDERAL POWER COULD ACCOMPLISH THE CONSTITUTION'S BASIC, ENUMERATED ENDS BUT** as the administrative state has matured, **THE SHEER WEIGHT OF GOVERNMENT HAS GROWN EXPONENTIALLY, AND EVERY NEW ACCRETION WEIGHS MORE HEAVILY ON INDIVIDUAL LIBERTY**. Complex statutory frameworks increasingly operate at cross-purposes, and statutes rarely get repealed, with new regulations being piled on top of old ones. Today, **THE CUMULATIVE REACH OF GOVERNMENT POWER IS FAR MORE THAN ADEQUATE TO COUNSEL JUDGES AGAINST KNEE-JERK DEFERENCE TO ALL EXERCISES OF GOVERNMENT POWER**. The unfolding IRS scandal, accompanied by the Obama administration's remarkable claim that the president should not oversee the federal government's law enforcement activities, makes the need for vigorous judicial review of governmental actions all the more apparent. **THE COURTS MUST UNAPOLOGETICALLY ENFORCE CONSTITUTIONAL BOUNDARIES TO FACILITATE TRUST IN, AND ACCOUNTABILITY OF, GOVERNMENT**.

1AR — No Spillover

No spillover – issues of deference stay compartmentalized Chesney, 9

(Robert M. Chesney, Graduated Harvard Law School, American lawyer and the Charles I. Francis Professor in Law at The University of Texas School of Law, where he serves as the Associate Dean for Academic Affairs and teaches courses relating to U.S. national security and constitutional law, "NATIONAL SECURITY FACT DEFERENCE", Virginia Law Review, <http://www.virginialawreview.org/sites/virginialawreview.org/files/1361.pdf>)

EXAMINING THESE ARGUMENTS AS THEY MAY APPLY in the context of a national security fact deference claim does not yield a one-size-fits-all solution. Indeed, ONE OF THE CORE LESSONS OF VIEWING SUCH CLAIMS THROUGH THE LENS OF THE DECISION RULES LITERATURE is that THE DEFERENCE QUESTION IS DEEPLY DEPENDENT ON CONTEXT, INCLUDING THE NATURE OF THE PARTICULAR LEGAL RULE GIVING RISE TO THE FACTUAL DISPUTE, the nature of the interests of the litigants and of society that may be at stake in the case, and, especially, THE PRECISE NATURE OF THE "FACT" IN ISSUE AND THE PROCESS BY WHICH THE EXECUTIVE MADE A JUDGMENT CONCERNING IT. But PARSING THESE FACTORS NONETHELESS DUES YIELD INSIGHTS THAT COLLECTIVELY CAN SERVE TO SHIFT THE RESOLUTION OF SUCH CLAIMS ONTO MUCH FIRMER GROUND. In brief, this approach calls for a DE-EMPHASIS ON CONSIDERATIONS SUCH AS FORMAL LEGITIMACY CLAIMS, COMPARATIVE INSTITUTIONAL EFFICIENCY, AND COLLATERAL CONSEQUENCES FOR OTHER GOVERNMENT OPERATIONS, AND HEIGHTENED (and more nuanced) ATTENTION TO CLAIMS OF COMPARATIVE INSTITUTIONAL ACCURACY AND DEMOCRATIC ACCOUNTABILITY. This approach also highlights the unspoken role that institutional self-preservation concerns likely play in connection with many national security fact deference claims.

Second Circuit Ruling

2AC — Link Not Unique

No internal link. Deference was already broken by the Second Circuit in *ACLU v. Clapper*.

Hawkins 5-8(Katherine Hawkins, National Security Fellow at Open the Gov, Investigator for Detainee Task Force, May 8 2015, da: Jul 20 2015, “

ACLU v. Clapper Shows that Secret Courts are No Substitute for Real Judicial Review,” Open the Government, <http://classifiedsection.openthegovernment.org/2015/05/08/aclu-v-clapper-shows-that-secret-courts-are-no-substitute-for-real-judicial-review/>,PS)

A unanimous panel of THE SECOND CIRCUIT COURT OF APPEALS YESTERDAY RULED THAT THE NSA’S NATIONWIDE COLLECTION OF AMERICANS’ PHONE RECORDS ILEGAL, unauthorized by section 215 of PATRIOT or any other statute.¶ THE OPINION IN ACLU V. CLAPPER IS ONLY THE LATEST IN A SERIES OF COURT DECISIONS AND GOVERNMENT REPORTS DISCREDITING THE BULK COLLECTION PROGRAM. Even so, the Second Circuit’s ruling is a landmark—and it demonstrates the fundamental difference between independent, adversarial judicial review, and secret legal approvals for secret programs.¶ As THE New York Times wrote, yesterday’s RULING WAS “the first time a higher-level court IN THE REGULAR JUDICIAL SYSTEM HAS REVIEWED THE PROGRAM” although it had repeatedly been approved in secret by the Foreign Intelligence Surveillance Court (FISC) since 2006. The FISC approved the bulk collection program for years without issuing any opinion—even a classified one—analyzing its legality. THE FISC also NEVER HEARD LEGAL ARGUMENTS THAT THE PROGRAM VIOLATED THE CONSTITUTION, or was unauthorized by statute.¶ As Second Circuit’s opinion states, CONGRESS REAUTHORIZED SECTION 215 OF THE PATRIOT ACT after the call records program began, BUT IT DID SO WHEN THE PROGRAM WAS SHROUDED IN THE SECRECY applicable to classified information, AND ONLY A LIMITED SUBSET OF MEMBERS OF CONGRESS HAD A COMPREHENSIVE UNDERSTANDING of the program or of its purported legal bases. There was certainly no opportunity for broad discussion in the Congress or among the public of whether the FISC’s interpretation of § 215 was correct. Finding the government’s interpretation of the statute to have been “legislatively ratified” under these circumstances would ignore reality.¶ THE COURT CALLS THIS SECRECY “UNDERSTANDABLE.” That is debatable, particularly since the government did not simply classify the extent of NSA surveillance before Edward Snowden’s disclosures. IT also ACTIVELY MISLED CONGRESS, THE PUBLIC, AND THE COURTS ABOUT THEM, IN AN EFFORT TO PREVENT OPEN DEBATE OR JUDICIAL REVIEW.¶ Both the Second Circuit opinion and Judge Robert Sack’s concurrence acknowledge that the Snowden leaks “led to this litigation.” THE OPINION NOTES THAT THE SECOND CIRCUIT may well have REACHED A DIFFERENT RESULT FROM FISC in part BECAUSE THE FORMER “RECEIVED THE BENEFIT OF AN ADVERSARIAL PRESENTATION OF THE ISSUES” in open court.¶ Judge Sack’s concurrence explains this at greater length. He compares Snowden’s disclosures to Daniel Ellsberg’s leak of the Pentagon Papers, and discusses the crucial differences between secret ex parte proceedings and ordinary judicial review:¶ Two of the fundamental characteristics of ordinary Article III Courts that are often considered central to their mission are transparency (“openness”) and a properly functioning adversary system.... most Article III courts, including this Court, operate under a strong presumption that their papers and proceedings are open to the public.¶ Sack’s concurrence also discusses the crucial role that a New York Times attorney’s cross-examination of government witnesses played in the Pentagon Papers case, leading the district court judge to “find as a fact” that the government had not demonstrated “that the publication of these historical documents would seriously

breach the national security.”[¶] THE EXECUTIVE BRANCH also SEEMS TO REALIZE WHAT A DIFFERENCE PUBLIC DISCLOSURE AND ADVERSARIAL, independent JUDICIAL REVIEW CAN MAKE in evaluating the legality of national security programs. It has responded by using state secrets privilege, classification, and standing arguments to oppose judicial review whenever possible, and by concealing its own controlling interpretations of law from Congress and the public. Too often, the federal courts have acquiesced. In 2013, in *Clapper v. Amnesty International*, the Supreme Court held that civil society organizations, detainees’ lawyers and journalists could not challenge NSA spying under section 702 of the FISA Amendments Act, because their fears of surveillance were “highly speculative” (overturning a Second Circuit decision in which Judges Sack and Lynch took part). The reason the plaintiffs were forced to “speculate” about whether the NSA was collecting their communications, of course, was the secrecy in which the agency operated. The government also made several inaccurate statements about the 702 program during oral arguments.[¶] In February 2015, in *Jewel v. NSA*, a federal judge in California held that the plaintiffs could not challenge the 702 program based on a similar *Catch 22*. The plaintiffs’ evidence that their communications were targeted remained were too “speculative” for them to be allowed to sue. In any case, the judge said, the case had to be dismissed on grounds of state secrets privilege, because the government had shown that “could not proceed without risking exceptionally grave damage to national security.” The only proof of the harm to national security was contained in government declarations that were kept secret not only from the public, but from the plaintiffs and their lawyers.[¶] The use of secret, ex parte government declarations to dismiss cases is not limited to surveillance. In March of this year, a federal judge in New York dismissed a private defamation case on grounds of state secrets privilege, in *Restis v. American Coalition Against Nuclear Iran, Inc.* The plaintiffs and their lawyers were not only denied access to the government’s declarations, but were also not told which government agency submitted them. As the court stated, dismissing the case meant that “Plaintiffs not only do not get their day in court, but cannot be told why.” It dismissed the case anyway.[¶] As the *Restis* court noted, federal cases often rely on secret, ex parte government declarations on the need for secrecy even in cases where opposing counsel have high-level security clearances. Clearance or no, the government gets to decide whether opposing counsel have a “need to know” the information that may well prove decisive to their client’s case.[¶] STANDING AND THE STATE SECRETS DOCTRINE ARE only TWO of a host of legal ARGUMENTS THAT THE GOVERNMENT CAN USE TO PERSUADE COURTS NOT TO RULE ON THE LEGALITY OF ITS NATIONAL SECURITY PROGRAMS. The Executive can also argue that the defendants have immunity from suit; that the case is a “political question”; that even if the government’s acted illegally there is no right to sue them for it; that the plaintiffs are not, legally, speaking, “persons”. The list of ways in which plaintiffs can lose national security cases without any ruling on the legality of the government’s actions is nearly endless.[¶] If regular courts do not hear national security cases on the merits, then who says what the law is? Sometimes, it is a secret court like the FISC. More often, it is attorneys within the Executive Branch itself—particularly the Justice Department’s Office of Legal Counsel (OLC). OLC opinions, as former Attorney General Eric Holder acknowledged in 2010, are often “effectively...the final word on the controlling law” for the United States government on issues “that are unlikely to be resolved by the courts.” Under the Bush administration, OLC memos redefined torture. Under Obama, they set the legal limits on the drone program. Surveillance under Executive Order 12333 is governed in part by an OLC memo written during the Reagan administration. But most OLC memos remain as secret from the public, and as inaccessible to Congress, as the Section 215 program was before the Snowden disclosures. Even for unclassified memos, OLC routinely redacts their titles and dates as well as their content in response to Freedom of

Information Act requests. When it comes to OLC memos about classified programs—OLC won't even reveal how many it has written under the Obama administration.¶ The intelligence community constantly reassures us that its actions are legal and constitutional. But AS THE SECOND CIRCUIT'S RULING DEMONSTRATES, WITHOUT AN OPPORTUNITY TO READ THE LEGAL JUSTIFICATIONS, Or debate them in Congress, or test them in independent courts that hear arguments from more than one side, THOSE REASSURANCES HAVE LITTLE VALUE. That is why meaningful surveillance reform must include checks on government secrecy.

1AR — Link Not Unique

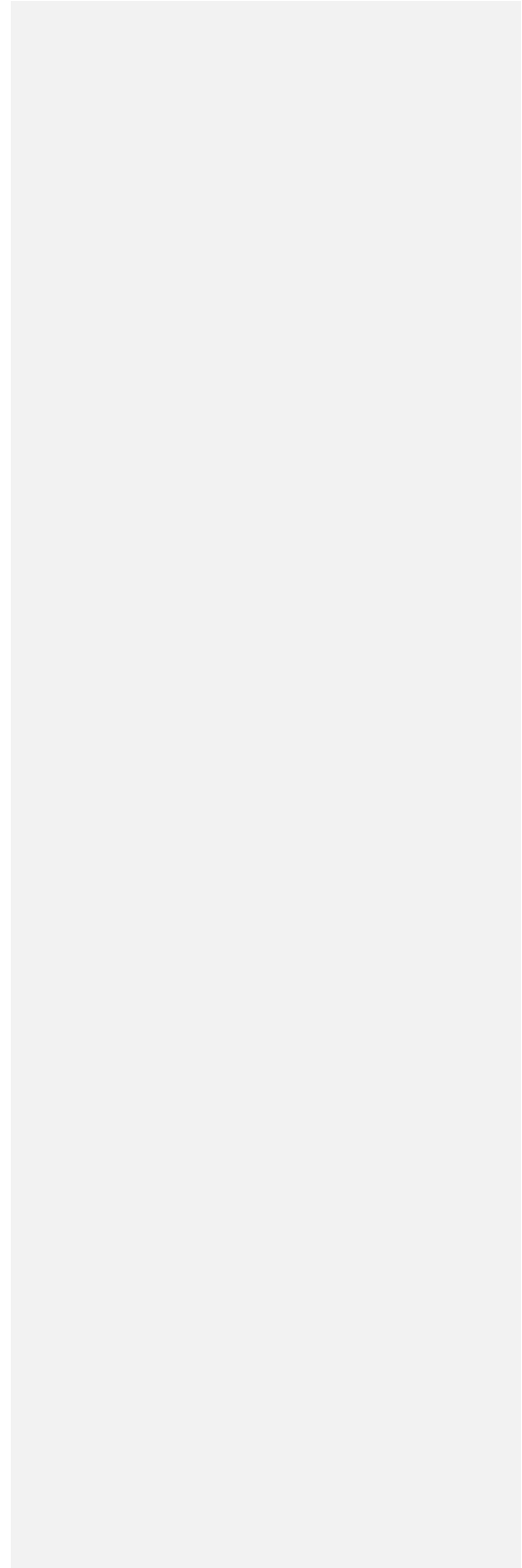
Second circuit ruling already changed government practices

Jaffer 5-12(Jameel Jaffer, Deputy Legal Director at the American Civil Liberties Union and the Director of the ACLU's Center for Democracy, Counsel to the plaintiffs in the litigation in *ACLU v. Clapper*, May 12 2015, da: Jul 20 2015, "What *ACLU v. Clapper* Means," Just Security, <http://justsecurity.org/22961/aclu-v-clapper-means/>,PS)

Many others have already weighed in about the significance of last week's ruling in *ACLU v. Clapper*. Here are my own quick thoughts. As regular readers of this blog already know, I'm counsel to the plaintiffs in the litigation.¶ 1. **THE RULING IS A MAJOR VICTORY FOR THE MANY ADVOCATES FROM ACROSS THE POLITICAL SPECTRUM, OUTSIDE THE GOVERNMENT AND INSIDE**, who have been arguing that some of the government's surveillance activities are overbroad and unlawful and that the system of oversight that Congress established in 1978 isn't working. **THE FISA COURT SIGNED OFF ON THE CALL RECORDS PROGRAM DOZENS OF TIMES AFTER HEARING ARGUMENT ONLY FROM THE GOVERNMENT.** Now the first appeals court to have considered the issue after adversarial presentation has concluded, in an opinion that no one could characterize as anything other than meticulous and comprehensive, that the program is illegal. **THE SECOND CIRCUIT'S OPINION IS RESPECTFUL TOWARDS THE FISA COURT** and the congressional intelligence committees, but **there is no doubt that the opinion is an indictment of the oversight system.** 2. The ruling means that even if Congress reauthorizes Section 215 by June 1, the government will have to discontinue bulk collection under that provision unless Congress adds language expressly authorizing bulk collection or the government prevails on the Supreme Court to vacate the ruling. That the Second Circuit declined to enjoin the call records program is immaterial. If Congress reauthorizes Section 215 in its current form, the district court will likely issue an injunction. Even without an injunction, telecommunications providers may begin to resist compliance with production demands.¶ 3. The ruling means that **THE GOVERNMENT WILL HAVE TO RECONSIDER OTHER BULK COLLECTION PROGRAMS THAT ARE OPERATED UNDER OTHER AUTHORITIES** but predicated on the same now-discredited theory of "relevance." We know the DEA had a bulk call records program until 2013. We know the NSA was collecting Internet metadata in bulk until 2011. In what contexts the government is engaging in bulk collection now is not entirely clear, but news reports indicate that there are other bulk collection programs that haven't yet been officially acknowledged. If the government is operating other bulk collection programs — or even "bulky" collection programs — it will now have to reconsider them. Even if it doesn't reconsider them of its own accord, **PRIVATE ENTITIES WHOSE ASSISTANCE THE GOVERNMENT NEEDS** (telecommunications companies, financial companies, technology companies) **MAY RESIST DEMANDS THAT THEY MIGHT NOT HAVE RESISTED BEFORE LAST WEEK.** I suspect that general counsels of corporations that hold large volumes of third-party records will read the Second Circuit's decision especially closely.¶ 4. **The ruling will change the dynamics on the Hill** — and to some extent it already has. The Senate majority leader was already struggling to marshal support for a straight reauthorization of Section 215. Now his task is harder, first, because the Second Circuit's ruling makes it even clearer that the Patriot Act's surveillance provisions are being abused; and, second, because, again, even a straight reauthorization won't enable the government to continue bulk collection under Section 215 unless the Supreme Court vacates the Second Circuit's decision. The flipside is that **THE LEVERAGE OF THE USA FREEDOM ACT'S SUPPORTERS HAS INCREASED, AND THEY MAY BE ABLE TO USE THAT LEVERAGE TO STRENGTHEN THE ACT** — for example, to tighten the restriction against bulk collection under Section 215, to impose stronger minimization requirements, to require greater transparency

about the government's surveillance activities, and to prohibit "backdoor" searches under the FISA Amendments Act. If the USA Freedom Act isn't strengthened, some who previously supported it may ask whether it accomplishes significantly more than what the Second Circuit has already accomplished, and they may begin to wonder why Section 215 shouldn't simply be allowed to sunset. On the other hand, if the reform bill is significantly strengthened, it may attract support from organizations and individuals that haven't until now been willing to support it. (Currently, the ACLU is neither supporting the bill nor opposing it.) IT WILL BE EASIER TO SAY IN THREE YEARS, OR PERHAPS EVEN THREE MONTHS, PRECISELY HOW SIGNIFICANT THE SECOND CIRCUIT'S DECISION WAS. But THE DECISION HAS ALREADY SHAKEN THINGS UP, AND IT COULD CHANGE THE GOVERNMENT'S SURVEILLANCE PRACTICES QUITE DRAMATICALLY. I wrote two years ago that the Snowden disclosures should spark reform, and I wrote here nine months ago that they would. It's too early to know whether I was right, but I'm more optimistic today than I was a week ago.

Deference Bad



Violates Constitution

Deference allows rampant rights abuses- empirics

Scales and Spitz 02(Ann Scales, professor at the University of Denver Law School, Laura Spitz, professor at the University of Colorado Law School, Seattle Journal for Social Justice, Volume 1, Issue 3, December 2002, da: July 9 2015, "The Jurisprudence of the Military- Industrial Complex", <http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1416&context=sjsj>)

First, OUR NATION'S HISTORY AND LEGITIMACY REST UPON A SEPARATION OF MILITARY POWER FROM DEMOCRATIC GOVERNANCE. For that reason, the armed forces are subject to constitutional constraint. Second, however, AS AN ASPECT OF SEPARATION OF POWERS, COURTS TRY NOT TO INTERFERE IN AREAS OF FOREIGN POLICY AND MILITARY AFFAIRS. Often this is referred to as the "political question" doctrine, a determination that a matter is beyond the capabilities of judges. THE STRONGEST ARGUMENT FOR THIS DEFERENCE IS THAT THE POLITICAL BRANCHES—or the military itself—HAVE SUPERIOR EXPERTISE IN MILITARY MATTERS. That may be true in some situations. I am not sure, for example, the Supreme Court would have been the best crowd to organize the invasion of Normandy. But **what we now have is an increasingly irrational deference.**⁷ Consider three cases: In **Korematsu v. United States**,⁸ THE SUPREME COURT said the INTERMENT of Japanese-Americans at the beginning of 1942 WAS CONSTITUTIONAL, BASED UPON A MILITARY ASSESSMENT of the possibility of espionage in preparation for a Japanese invasion of the United States. It turns out that THE INFORMATION PROVIDED BY THE MILITARY TO THE SUPREME COURT WAS FALSIFIED.⁹ But note two things: (1) the nation was in the midst of a declared world war, and (2) in subsequent less urgent circumstances, Korematsu would seem to argue strongly for military justifications to have to be based upon better, more reliable information than was offered there. b. IN the 1981 case of **Rostker v. Goldberg**,¹⁰ THE Supreme COURT DECIDED THAT IT WAS CONSTITUTIONAL FOR CONGRESS TO EXCLUDE WOMEN FROM THE peacetime registration of potential DRAFTEES, even though both the Department of Defense and the Army Chief of Staff had testified that including women would increase military readiness. But CONGRESS GOT THE BENEFIT OF THE MILITARY DEFERENCE DOCTRINE as a cover for what I think was a sinister political purpose—to protect the manliness of war—AND THE SUPREME COURT FELT PERFECTLY FREE TO IGNORE WHAT THOSE WITH THE REAL EXPERTISE HAD TO SAY.¹¹ c. Most recently, in **Hamdi v. Rumsfeld**,¹¹ the Fourth Circuit held that a U.S. CITIZEN WHO HAD BEEN DESIGNATED AN "ENEMY COMBATANT"¹² COULD BE DETAINED INDEFINITELY without access to counsel. In this case, however, NOT ONLY IS THERE NO DECLARED WAR,¹³ but also, THE ONLY EVIDENCE REGARDING MR. HAMDI WAS A TWO-PAGE AFFIDAVIT BY A DEFENSE DEPARTMENT UNDERLING, Mr. Mobbs. Mobbs stated that Mr. Hamdi was captured in Afghanistan, and had been affiliated with a Taliban military unit. The government would not disclose the criteria for the "enemy combatant" designation, the statements of Mr. Hamdi that allegedly satisfied those criteria, nor any other bases for the conclusion of Taliban "affiliation."¹⁴ And that is as good as the evidence for life imprisonment without trial has to be. **Deference to the military has become abdication.**¹⁵ In other words, WHAT WE PRESENTLY HAVE IS not civilian government under military control, but something potentially worse, A CIVILIAN GOVERNMENT IGNORING MILITARY ADVICE, BUT USING THE LEGAL DOCTRINE OF MILITARY DEFERENCE FOR ITS OWN IMPERIALIST ENDS.

Constitutional violations lead to anarchy

Smith 07(Andrew Smith, graduated from Valparaiso University School of Law, 2007, da: Jul 19 2015, Valparaiso University Law Review, Volume 41, Number 4, "Breaking the Stalemate: The Judiciary's Constitutional Role in Disputes over the War Powers," <http://scholar.valpo.edu/cgi/viewcontent.cgi?article=1194&context=vulr>, PS)

THE CONSTITUTIONAL DIVISION OF THE WAR POWER BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES CAN CAUSE AN INHERENT CONFLICT when one branch exercises its power in opposition of the other. While the Supreme Court would typically find such a conflict nonjusticiable under the political question doctrine, THE COURT SHOULD FIND THESE DISPUTES COGNIZABLE IF THE PRESIDENT OVERSTEPS THE BREADTH OF HIS CONSTITUTIONAL AUTHORITY impeding upon the power attributed to another branch, OR IF IT IMPLICATES A FUNDAMENTAL LIBERTY INTEREST RETAINED BY AMERICAN CITIZENS. President Bush's domestic surveillance program, conflicts with acts of Congress such as FISA and the War Powers Resolution. THESE ACTS AIM TO REIN IN THE PRESIDENT'S POWER TO WAGE WAR, BUT THE NSA PROGRAM SEEMINGLY DISREGARDS THESE RESTRICTIONS. THE PROGRAM CONTRADICTS THE POWER OF CONGRESS. As a result, THE SUPREME COURT MUST MEDIATE THE DISPUTE between Congress and the president because the executive has invaded the constitutional authority retained by Congress. Moreover, the NSA program collects the personal information of the citizenry without a warrant, and the Fourth Amendment requires the government to obtain a warrant in order to collect this information. Because the Supreme Court has failed to recognize a national security exception to the warrant requirement, the NSA program violates the fundamental liberty interest protected by the Fourth Amendment. **In order to prevent the harm to liberty that could lead towards anarchy, THE SUPREME COURT MUST DETERMINE THE BREADTH OF THE PRESIDENT'S CONSTITUTIONAL POWER** to exercise military force under the auspice of national security.

An unconstitutional Supreme Court leads to a laundry list of civil liberties violations.

Adler 12

(Jonathan H., Johan Verheij Memorial Professor of Law; Director, Center for Business Law & Regulation, Case Western Reserve University School of Law; JD, Summa Cum Laude, from George Mason University School of Law, "Seidman: "Let's Give Up on [Parts of] the Constitution"", December 31, 2012, <http://volokh.com/2012/12/31/seidman-lets-give-up-on-parts-of-the-constitution/>, kc)

Seidman writes that if we followed his advice: "The Supreme Court could stop pretending that its decisions protecting same-sex intimacy or limiting affirmative action were rooted in constitutional text." So SUPREME COURT OPINIONS WOULD BE NOTHING MORE THAN POLICY BRIEFS AND APPEALS TO MORAL PRINCIPLE? It seems to me THAT IS A RECIPE FOR UNDERMINING THE LEGITIMACY OF JUDICIAL REVIEW AND ULTIMATELY RELEGATING ALL SUCH QUESTIONS TO THE POLITICAL PROCESS — AND PRODUCING QUITE A FEW RESULTS I doubt Seidman would much LIKE (e.g. GREATER LIMITS ON EXPRESSION, LESSER PROTECTION OF CRIMINAL DEFENDANTS, AND MORE EXPANSIVE NATIONAL SECURITY AUTHORITY). There are reasonable arguments for constraining (or even eliminating) judicial review — I don't agree with them, but I think they are reasonable — but I don't take that to be Seidman's argument. To the contrary, he seems to want to keep judicial review, but just for those constitutional provisions he likes, but that's hardly the basis for a principled argument for "constitutional disobedience," as such.

Deference causes constitutional abuse and upsets the balance of power.

Legal Monitor Worldwide 13

(Legal Monitor Worldwide is a subscription-based publication covering legal news and developments from worldwide jurisdictions. Legal Monitor Worldwide covers multiple legal subjects and topics such as constitutional and administrative law, criminal law, contract law, tort law, property law, equity and trusts; as well as legal systems including civil law, common law and equity, and religious law. Published in Amman, Jordan, "The Case Against Deference", June 1, 2013, Lexis, kc)

THE principal conservative RESPONSE WAS TO PROMOTE JUDICIAL DEFERENCE: Judges should resist the temptation to legislate from the bench and "defer" to the political branches. UNFORTUNATELY, TIME HAS SHOWN THAT THIS RESPONSE WAS TOO BLUNT. PARTICULARLY IN CONSTITUTIONAL CASES, JUDICIAL DEFERENCE HAS LED TO A STEADY EXPANSION OF GOVERNMENT POWER. THIS, IN TURN, HAS UNDERMINED THE DELICATE CONSTITUTIONAL ARCHITECTURE, WHICH CALLS FOR A FEDERAL GOVERNMENT OF LIMITED AND ENUMERATED POWERS. ¶ Fortunately, a younger generation of conservative lawyers has come to recognize that there is no principled distinction between inventing new rights, unmoored from the Constitution's text or history, and refusing to uphold constitutionally anchored limits on government power. IN BOTH INSTANCES, JUDGES ARE IGNORING THE CONSTITUTION and engaging in-for lack of a better term-judicial activism. JUDICIAL DEFERENCE MAY HAVE REINED IN JUDICIAL POWER, BUT AT AN UNACCEPTABLE CONSTITUTIONAL PRICE. For both doctrinal and pragmatic reasons, THE CONCEPT NEEDS RETHINKING.

Deference continues the political question doctrine- hurts separation of powers, which is key to efficient policymaking.

Cole 14

(Jared P. Cole, Legislative Attorney at Congressional Research Service; JD from University of Virginia School of Law, "The Political Question Doctrine: Justiciability and the Separation of Powers", December 23, 2014, <https://www.fas.org/sgp/crs/misc/R43834.pdf>, kc)

A REDUCTION IN SITUATIONS WHERE COURTS MAY DECLINE TO ADJUDICATE A CASE ON POLITICAL QUESTION GROUNDS MAY HAVE IMPORTANT IMPLICATIONS FOR THE SEPARATION OF POWERS, at least as between Congress and the executive branch. Finding a political question in a case where no disagreement exists between the political branches can be understood as an exercise of judicial minimalism without important consequences for the relationship between Congress and the executive branch.²⁵¹ In contrast, FINDING A POLITICAL QUESTION IN A CASE WHERE A CORE ISSUE PRESENTED IS WHETHER THE EXECUTIVE BRANCH IS BOUND BY A STATUTE OBVIOUSLY CAN IMPACT THE SEPARATION OF POWERS,²⁵² SUCH JUDICIAL RELUCTANCE to enforce a statute, one might argue, leaves resolution of such questions to the political branches, and ALLOWS SOME CONSTITUTIONAL QUESTIONS TO BE RESOLVED VIA A STRUGGLE BETWEEN THE POLITICAL BRANCHES, RATHER THAN BY THE COURTS. Others have argued, however, that the practice actually favors the executive branch at the expense of Congress.²⁵³ Instead of determining a statute's constitutionality, the argument goes, COURTS EFFECTIVELY DECLINE TO FORCE THE EXECUTIVE BRANCH TO COMPLY WITH CONGRESSIONAL WILL— ESSENTIALLY EXPANDING EXECUTIVE BRANCH POWER. Whether the practice functioned to allow the political branches to determine separations of powers disputes between themselves, or effectively

sanctioned executive branch practices, Zivotofsky can be read to restrict lower courts' discretion to apply the doctrine in the future. If so, THIS MAY ENTAIL MORE JUDICIAL RESOLUTION OF SEPARATION OF POWERS DISPUTES, ULTIMATELY AFFIRMING THE JUDICIARY'S ROLE TO "SAY WHAT THE LAW IS," AND POSSIBLY REDUCING THE CONSTITUTIONAL INTERPRETATIVE POWER OF THE POLITICAL BRANCHES.²⁵⁴

Deference precludes enforcement of the Constitution- judicial decisions are key. Legal Monitor Worldwide 13

(Legal Monitor Worldwide is a subscription-based publication covering legal news and developments from worldwide jurisdictions. Legal Monitor Worldwide covers multiple legal subjects and topics such as constitutional and administrative law, criminal law, contract law, tort law, property law, equity and trusts; as well as legal systems including civil law, common law and equity, and religious law. Published in Amman, Jordan, "The Case Against Deference", June 1, 2013, Lexis, kc)

First, THE "COUNTER-MAJORITARIAN DIFFICULTY" THAT LIES AT THE HEART OF JUDICIAL RESTRAINT HAS BEEN OVERSOLD. The label itself suggests that judges should esteem current majoritarian preferences and be loath to overturn them. But why, when the Constitution instructs otherwise? Article VI declares that the Constitution is the "supreme law of the land," and trumps conflicting ordinary laws. JUDGES TAKE AN OATH TO "SUPPORT THIS CONSTITUTION," reflecting their duty to heed the constitutional language. ENFORCING THE WRITTEN CONSTITUTION- NOT REFLEXIVELY DEFERRING TO EXTANT LEGISLATIVE MAJORITIES- WAS (AND STILL IS) THE WILL OF WE THE PEOPLE. If the people desire constitutional change, Article V provides the mechanism, allowing every generation to put its stamp on our fundamental legal charter. ¶ In Federalist 78, ALEXANDER HAMILTON DESCRIBED THE CRUCIAL JUDICIAL ROLE IN ENSURING THAT THE CONSTITUTION REIGNS SUPREME, EXPLAINING THAT JUDICIAL INDEPENDENCE WAS "PECULIARLY ESSENTIAL IN A LIMITED CONSTITUTION," WHERE THE GOVERNMENT POSSESSED ONLY ENUMERATED POWERS. In such a government, he observed, "[L]IMITATIONS of this kind CAN BE PRESERVED IN PRACTICE NO OTHER WAY THAN THROUGH THE MEDIUM OF COURTS OF JUSTICE, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing." Hamilton and other FRAMERS UNDERSTOOD THAT ROBUST JUDICIAL REVIEW WAS ESSENTIAL TO ENFORCE LIMITED AND ENUMERATED POWERS.

Deference bad- impedes judges from upholding the Constitution. Legal Monitor Worldwide 13

(Legal Monitor Worldwide is a subscription-based publication covering legal news and developments from worldwide jurisdictions. Legal Monitor Worldwide covers multiple legal subjects and topics such as constitutional and administrative law, criminal law, contract law, tort law, property law, equity and trusts; as well as legal systems including civil law, common law and equity, and religious law. Published in Amman, Jordan, "The Case Against Deference", June 1, 2013, Lexis, kc)

It is high time for judges to abandon reflexive deference. JUDGES SHOULD BE UNAFRAID TO REVIEW GOVERNMENT ACTIONS AND DEFEND CONSTITUTIONAL PRINCIPLES. THIS WOULD ENTAIL, among other things, BEEFING UP THE "RATIONAL BASIS" REVIEW OF GOVERNMENT ACTIONS AND MAKING IT A SERIOUS EXAMINATION of both the government's ends-are they properly derived from the government's legitimate purposes?-as well as the government's means-do

they rationally advance the ends that the government articulated at the time it undertook the action being challenged? BY MAKING THESE IMPORTANT SHIFTS IN THE WAY constitutional CASES and the facts underlying them ARE VIEWED, JUDGES CAN BEST LIVE UP TO THEIR OBLIGATION TO UPHOLD THE CONSTITUTION-A GOAL JUDGES OF ALL POLITICAL STRIPES SHOULD BE ABLE TO EMBRACE.

Hurts Freedom of Speech

Reversing previous Court precedents is key – deference emboldens the government to decimate free speech altogether.

Moshirnia 13 – Andrew Moshirnia, Presidential IT Fellow @ Harvard Law School with a PhD in Educational Technology, 2013 (“Valuing Speech and Open Source Intelligence in the Face of Judicial Deference”, Harvard Law School National Security Journal, available online at <http://harvardnsj.org/wp-content/uploads/2013/05/Vo.4-Moshirnia-Final.pdf>, accessed 6/17/15, KM)

III. Recent Government Positions Threaten to Chill Valuable Intelligence The Government’s and the Court’s recent legal stances are intended to chill sources of open source intelligence involving terrorists themselves, foreign reporters, and domestic individuals who have had contact with foreign terror organizations. In the trial and appeal of al-Qaeda propagandist, Ali Hamza Al-Bahlul, the Government has advanced the theory that no part of the First Amendment reaches enemy aliens tried in an American courtroom. The chilling effects of HLP are exacerbated by the trial of Al-Bahlul. Taking these precedents together, a future court could merge the broad definition of material support with a solicitation charge decoupled from First Amendment limitations. That is, if the Court may disregard the First Amendment in solicitation cases involving foreign combatants and in material support cases involving Americans who have associated with terrorists, the Government will be emboldened to ignore First Amendment concerns in crimes involving the solicitation of material support for terrorism. The Government has also detained and threatened several foreign reporters, specifically noting the subsequent chilling of speech as a desired result.

Hurts Bioweapons Research

Unchecked military power leads to bioweapons and human subjects research

Parasidis 12(Efthimios Parasidis, Assistant Professor of Law, Center for Health Law Studies, Saint Louis University School of Law, Social Science Research Network, Ohio State Law Journal, Volume 73, Number 4, 2012, da: Jul 10 2015, "Justice and Beneficence in Military Medicine and Research", http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2176914)

The military has long nurtured a culture and identity that is fundamentally distinct from civil society,⁵²² and THE U.S. GOVERNMENT HAS A HISTORY OF BENDING AND BREAKING THE LAW DURING TIMES OF WAR.⁵²³ WHILE THE MILITARY HAS TRADITIONALLY ENJOYED GREAT DEFERENCE FROM CIVILIAN COURTS in the United States,⁵²⁴ military discipline and national security interests should not grant government officials carte blanche to violate fundamental human rights.⁵²⁵ To the contrary, Congress and the courts should work to ensure that military and intelligence agencies remain subordinate to the democratic rule of law.⁵²⁶ The motto of the American military physician is "to conserve the fighting force," yet the last decade has seen a notable shift in emphasis to enhancing the fighting force through novel applications of biomedical enhancements.⁵²⁷ THE NEFARIOUS CONDUCT OF MILITARY OFFICIALS DURING THE COURSE OF THE mustard gas, radiation, biological warfare, and psychotropic drug experiments PROVIDES ample EVIDENCE OF THE "LIES AND HALF-TRUTHS" THAT THE DOD HAS UTILIZED IN THE NAME OF NATIONAL SECURITY.⁵²⁸ Indeed, the Army Inspector General has acknowledged the "inadequacy of the Army's institutional memory" regarding experimental research.⁵²⁹ When one considers socio-economic dimensions of the armed forces, this history of neglect has served to further societal inequalities.⁵³⁰ As a judge on the Sixth Circuit, and former Commander in Chief of the Ohio National Guard explains, "IN A DEMOCRACY WE HAVE FAR MORE TO FEAR FROM THE LACK OF MILITARY ACCOUNTABILITY THAN FROM THE LACK OF MILITARY DISCIPLINE OR AGGRESSIVENESS."⁵³¹ Despite the Supreme Court's deference to military judgment, the Court has also indicated that service members are entitled to constitutional protections as Americans.⁵³² At the individual level, each service member should maintain patient autonomy and the right to refuse investigational products without fear of punitive repercussions. In the aggregate, the law should serve to instill a sense of confidence in service members that those with power will be held accountable for actions that violate individual rights. EXPERIMENTATION WITHOUT CONSENT CAN NEVER BE JUSTIFIED,⁵³³ AND PATIENT AUTONOMY and human dignity OUGHT NOT BE EXTINGUISHED BECAUSE ONE ELECTS TO SERVE THEIR COUNTRY and defend American freedoms.⁵³⁴ To the extent that changing levels of liability result in changing levels of accident avoidance,⁵³⁴ Congress should disincentivize behavior that unnecessarily increases risks to service members by enacting legislation that limits the scope of the Feres doctrine. The primary purpose of military medicine must be to care for service members and veterans—to enhance each patient's expectation of recovery, reduce the severity of symptoms, and prevent longterm disability.⁵³⁵ SERVICE MEMBERS HAVE LONG BEEN "OUT-OF-SIGHT, OUT-OF-MIND" for both Congress and academics⁵³⁶ AND HAVE ENDURED DECADES OF UNJUST TREATMENT AT THE HANDS OF THE MILITARY ESTABLISHMENT. As Justice Brennan wisely observed in *United States v. Stanley*, "[s]oldiers ought not be asked to defend a Constitution indifferent to their essential human dignity."⁵³⁷ Towards this end, the proposed reforms serve to harmonize national security interests with fundamental principles of patient autonomy and human dignity. THE PREFERRED METHOD OF PROTECTING SERVICE MEMBERS AND PRESERVING MILITARY ORDER and discipline IS TO

religiously FOLLOW POLICIES THAT PROMOTE JUSTICE and beneficence in military, medicine and research.

Hurts Environment

Deference allows rampant violations of environment laws

Yap 04(Julie G. Yap, JD Candidate at Fordham University, 2004, da: Jul 15, "Just Keep Swimming: Guiding Environmental Stewardship out of the Riptide of National Security," Fordham Law Review 1289, Volume 73 Issue 3, <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4052&context=fldr>)

NEPA DOES NOT CONTAIN SPECIFIC MEASURES TO EXCLUDE THE MILITARY. ¶ It is well settled that NEPA does apply to the military, even though the statute does not explicitly provide for this.⁶ The statute provides that all federal agencies must comply "to the fullest extent possible." ⁶ 7 ¶ The EIS is subject to the limits of the Freedom of Information Act ("FOIA").⁶⁸ Therefore, if the military is exempted under FOIA from disclosing to the public classified material dealing with national security, the procedural mandates of NEPA cannot override this exemption.⁶⁹ This situation, where NEPA applies and FOIA is invoked, must be handled in most cases by the judiciary.⁷⁰ The history of judicial deference to the military's declarations of national security concerns ⁷¹ makes NEPA an ineffective tool for communities to "stop a major federal action or ... to force serious consideration of environmental impacts."⁷ 2 ¶ THE U.S. SUPREME COURT'S OPINION IN WEINBERGER V. CATHOLIC ACTION,⁷³ a case in which the Court rejected a NEPA challenge to a Navy construction project, ILLUSTRATES THE DEGREE OF JUDICIAL DEFERENCE AFFORDED TO THE MILITARY WHEN THE ISSUE OF NATIONAL SECURITY IS INVOKED. ¶ In Catholic Action, THE NAVY BUILT FORTY-EIGHT earth-covered MAGAZINES ON HAWAII THAT HAD CAPABILITIES FOR STORING NUCLEAR WEAPONS.⁷⁴ Actual nuclear storage at the site could not be confirmed due to classification for national security reasons.⁷⁵ No EIS was prepared.⁷⁶ "A local citizens' group... filed suit calling for an EIS that would analyze: (1) the risk and consequences of a nuclear accident, (2) the effect of a plane from nearby Honolulu International Airport crashing into one of the magazines, and (3) the hazard to local residents from low-level radiation."⁷⁷ The U.S. Court of Appeals for the Ninth Circuit had ordered that the Navy prepare a hypothetical EIS for a facility capable of storing nuclear weapons." THE Supreme COURT HELD THAT AN EIS WAS NOT REQUIRED BECAUSE THE NAVY WAS ONLY CONTEMPLATING STORING NUCLEAR WEAPONS AT THE SITE; nuclear storage was not actually proposed.⁷⁹ The Court also stated that "[u]ltimately, whether or not the Navy has complied with NEPA 'to the fullest extent possible' is beyond judicial scrutiny" because the trial would ultimately lead to the disclosure of confidential information."⁸⁰ GIVEN THIS LEVEL OF JUDICIAL DEFERENCE TO MILITARY SECRECY, THE INVOCATION OF NATIONAL SECURITY BY THE MILITARY WOULD ALMOST ALWAYS ELIMINATE NEPA'S EFFECTIVENESS as a check on the military's decision-making process, even when the proposals and decisions may involve major risks to the community and the environment where the proposed action is to occur. ¶ 81

Hurts Court Credibility

Breaking judicial deference solves – counteracts Precautionary Principle risk assessments and increases court credibility.

Cover 14 – Avidan Cover, Assistant Professor of Law at the Case Western Reserve University School of Law and Director of the Institute for Global Security Law & Policy, BA degree from Princeton University and a JD cum laude from Cornell School of Law, 2014 (“Presumed Imminence: Judicial Risk Assessment in the Post-9/11 World”, Case Western School of Law, April 10, available online at <http://www.cardozolawreview.com/content/35-4/COVER.35.4.pdf>, accessed 6/18/15, KM)

V. REVISING JUDICIAL REVIEW IN THE POST-9/11 WORLD This Part proposes a way forward in which judicial review is less deferential to the political branches and less subject to the various cognitive errors that generally pervade risk assessments. Building on Cass Sunstein’s framework for judicial analysis, which attempts to counteract the Precautionary Principle’s adverse effects, this Part proposes refinements to that framework. In particular, I propose that courts should apply burdens of proof and presumptions regarding evidence that favor the persons or groups whose civil liberties are curtailed. Second, courts should insist on specific evidence that supports deprivations of liberty, particularly those aimed at minority groups. In light of courts’ tendencies to defer to government interpretations of evidence and dilute evidentiary requirements, imposing set standards may counter these propensities. Drawing from literature on the regulation of judicial emotions, I propose that courts adopt candid disclosures, in the mien of Judges Lipez and Silberman, regarding the impact of the post-9/11 heuristic on their decision making. These admissions are more likely to earn trust for the courts in the public discourse of terrorism in a post-9/11 world. A. Adjusting Sunstein’s Framework Sunstein accepts both that courts lack information and expertise to gauge whether curtailing civil liberties may be justified and that the probability of an attack may defy estimation.²⁹⁹ Notwithstanding these limitations, Sunstein proposes a framework for judges to review government counterterrorism measures. Specifically, courts should (1) require restrictions on civil liberties to be authorized by the legislature;³⁰⁰ (2) exact special scrutiny to measures that restrict the liberty of members of identifiable minority groups because the ordinary political safeguards are unreliable when the burdens imposed by law are not widely shared;³⁰¹ and (3) apply second-order balancing because case-by-case ad hoc balancing is more likely to permit excessive intrusions.³⁰² How might Humanitarian Law Project have fared in Sunstein’s framework? Congress’s passage of the material support law suggests that a court should defer under the first prong. However, the ambiguity as to whether the teaching of peaceful advocacy constitutes “training” or “expert advice or assistance” under the material support ban would warrant careful judicial review. Under the second prong, because the ban targets political speech, this speech would also deserve special scrutiny. Roberts may have come fairly close to applying the scrutiny envisioned by Sunstein by applying a level of scrutiny somewhere between strict scrutiny and that which is reserved for conduct.³⁰³ And yet, Roberts’s deference to the government’s evidence overrode even that high level of scrutiny.³⁰⁴ Finally, what second order balancing applies? Sunstein identifies the considerations of imminence and likelihood from *Brandenburg* as factors that a court might consider.³⁰⁵ It was precisely these elements that Breyer asked to be considered in his dissent.³⁰⁶ But would the second order balancing have made a difference to Roberts? The answer is almost certainly no. It is this fact that illustrates the limitations of Sunstein’s proposal. Just as the gravity of the harm may be exaggerated, the probability and imminence of that harm also may be overstated. Much of this may be attributed to cultural cognition—Roberts’s understanding that we now live in a “different world.”³⁰⁷ As a result,

Roberts, like many other judges, appeared to presume the probability and imminence of an attack.³⁰⁸ Sunstein's second example—torture—similarly illustrates the inevitably subjective calculations and related fact-finding that also pervade second-order balancing. Theorizing that torture might be justified in a specific instance under ad hoc balancing, Sunstein contends that utilitarian arguments of the potential for widespread and unjustified torture would lead courts to reject its isolated use. However, it is not clear that these utilitarian considerations would make a judge any more likely to strike down the use of torture. Based on various biases and cultural affinities, courts could come to different conclusions; and even if this second order balancing is adopted, the potential number of lives saved by torture could offset significant numbers of people wrongly tortured. Judge Silberman adverted to this in his acceptance of the idea of letting a potentially guilty man go free in a criminal context based upon second-order considerations, as well as in his refusal to authorize the release of a possible Al Qaeda detainee because of the “infinitely greater downside risk to our country.”³⁰⁹ As a result, specific standards of evidence that the government must satisfy in order to justify infringements of civil liberties should be grafted onto Sunstein's framework. These standards should favor the individuals or groups whose liberties may be infringed because the government is likely to pursue measures that not only disregard probability, but are also calculated to curry popular favor.³¹⁰ Researchers found, in a series of studies, that judgments of blameworthiness for failing to prevent an attack are far more likely to affect anti-terror budget priorities than probability judgments.³¹¹ The authors of these studies concluded that because people blame policy makers more for high consequence events than for more probable ones,³¹² policy makers will be tempted to “prevent attacks that are more severe and more upsetting without sufficiently balancing the attack's likelihood against its outcome.”³¹³ To counteract this emotional tendency, these authors suggested that policy makers explicitly consider likelihood data in formulating counterterrorism policy.³¹⁴ Similarly, without prescribed evidentiary standards, courts are likely to craft opinions that defer to the government's interpretation of evidence and ignore probability and imminence, often by diluting the evidentiary requirements to the point where they favor the government. Indeed, Roberts decried the dissent's call in Humanitarian Law Project “demanding hard proof—with ‘detail,’ ‘specific facts,’ and ‘specific evidence,’—that [the] proposed activities will support terrorist attacks.”³¹⁵ Rather, it was sufficient to rely on the Blood and Belief- sourced notion that “[a] foreign terrorist organization introduced to the structures of the international legal system might use the information to threaten, manipulate, and disrupt.”³¹⁶ And Roberts was content to rely simply on the idea that “[t]his possibility is real, not remote.”³¹⁷ But failing to require any demonstrable risk when the First Amendment and national security conflict, invites imaginings of the possible and plausible, without sufficient regard for the probable. Applying such a rule, Breyer argued, will grant the government a victory in every instance.³¹⁸ Breyer's and Roberts's dispute over the quantum of evidence required to establish a connection between the human rights advocates' speech and terrorist attacks reverberates in the lower courts. This has played out most fully in the post-Boumediene litigation in the D.C. Circuit and district courts. In most instances, the D.C. Circuit has crafted evidentiary standards that benefit the government.³¹⁹ For example, the D.C. Circuit has held that the government need only show by a preponderance of the evidence that a detainee is a member of Al Qaeda or an associated force.³²⁰ Yet, many of the judges have chafed at the higher preponderance standard, advocating a lesser burden of proof.³²¹ Furthermore, at least one D.C. Circuit member has contended that the courts' opinions merely invoke the “preponderance of the evidence standard while in fact requiring nothing more than substantial evidence to deny habeas petitions.”³²² Not content with the reduced burden of proof, the D.C. Circuit has also held that government intelligence reports enjoy a

presumption of regularity.³²³ The D.C. Circuit has also insisted that courts undertake “conditional probability analysis,” or a “mosaic approach,” which entails reviewing evidence collectively, as opposed to in isolation.³²⁴ The practical effect of these decisions has been to, in the words of D.C. Circuit Judge David Tatel, “mov[e] the goal posts” and “call[] the game in the government’s favor.”³²⁵ Humanitarian Law Project and the post-Boumediene litigation demonstrate that in the absence of clearly prescribed evidentiary standards, courts will craft a set of standards that support the government’s contentions, fearful of both the potential for harm and the public’s ire.³²⁶ Thus, my proposal requires that burdens of proof be placed squarely on the government and that presumptions about evidence should not tilt against the person or group whose liberty interest has been implicated. This proposal does not ignore valid security interests or call the game in favor of civil liberties. What it does recognize, however, is that the government—and judges—often overstate the harm, the probability, and the imminence of terrorist threats. In order to justify a limitation on a liberty interest, the government must provide specific evidence supporting its assessments of the danger, probability, and imminence of a terrorist attack. Evidence must rise above generality and speculation.³²⁷ Courts should also adopt Cristina Wells’s proposed refined balancing, which entails clarifying the interests implicated and examining the government’s evidence supporting curtailment of the protected activity.³²⁸ A prescribed set of questions or checklist might have the salutary effect of moving judges from an intuitive process to a more deliberative one. Moreover, requiring such specificity is consistent with Philip Tetlock’s admonition that “we as a society would be better off if participants in policy debates stated their beliefs in testable forms.”³³⁰ This approach can obtain greater accuracy and accountability of all participants, including the government, experts, and judges.³³¹ Finally, requiring the government to meet a substantial burden of proof should not be alarming. It is hard to understand, for example, how a “clear and convincing” burden of proof in the detention context would prize civil liberty too dearly. This is not an unbearable burden for the government. As Baher Azmy argues, courts have applied this standard in a variety of sensitive and complex contexts including the pretrial detention of people for dangerousness, the “civil commitment of ‘sexually violent predators,’” and the commitment of those “found not guilty by reason of insanity.”³³² A lesser standard is more likely to feed biases: neglecting probability and presuming imminence.

Hurts Privacy

Courts are a better actor than the legislative branch, especially when it comes to privacy – empirics show that Congress doesn't respond to deference – no defense applies

Solove 5 – Daniel Solove, Associate Professor @ George Washington University Law School, J.D. @ Yale, 2005 ("Fourth Amendment Codification and Professor Kerr's Misguided Call for Judicial Deference", Fordham Law School, available online at <http://ir.lawnet.fordham.edu/flr/vol74/iss2/14/>, accessed 6/20/15, KM)

II. CONGRESS VERSUS THE COURTS The previous part demonstrated that, for a significant portion of criminal investigations, especially those involving information, a regime of federal statutes-rather than the Fourth Amendment-governs. Orin Kerr is one of the few to have analyzed the implications of this profound shift from constitutional to statutory regulation of government investigations. Kerr contends that legislative rules are in many respects preferable to judicial ones, and he goes on to argue that "the legislative branch rather than the judiciary should create the primary investigative rules when technology is changing." 110 Legislatures, according to Kerr, "offer significant institutional advantages over courts."¹¹ Accordingly, "[c]ourts should recognize their institutional limitations and remain cautious until the relevant technology and its applications stabilize." What does Kerr mean by invoking the language of judicial "caution"? The language is that of deference, which is also referred to as judicial restraint. Elsewhere, I have critiqued the underpinnings used to justify judicial deference, concluding that "d]eference is the negation of critical inquiry."¹¹³ Kerr is unclear in his article about what precisely judges should do when faced with applying the Fourth Amendment to a new technology. One interpretation of Kerr's call for "caution" is for judges to be more reluctant to find the Fourth Amendment applicable to new technologies-in other words, to conclude that, when law enforcement activities involve new technologies, they fall outside of the Fourth Amendment's protection. Because Fourth Amendment applicability turns on whether or not there is a reasonable expectation of privacy, perhaps Kerr is suggesting that courts should be reluctant to find a reasonable expectation of privacy. As Kerr notes, "[j]udicial deference has often invited Congressional regulation." Therefore, the most deferential position courts can take is simply to hold that the Fourth Amendment does not apply, and allow Congress to fill the void. The question becomes the following: Should courts be more bold in expanding the scope of the Fourth Amendment to encompass new technologies? Or should courts cautiously hold off and allow legislatures to craft the regulation? The next part of this Article argues that Kerr is too quick to extol the virtues of Congress and that he is especially misguided in suggesting that courts take a back seat to legislatures in creating criminal procedure rules for new technologies. A. Are Legislative Rules Better than Judicial Rules? Kerr makes a number of arguments in support of his call for judicial restraint. Kerr's key contentions are that (1) legislatures create rules that are more comprehensive, balanced, clear, and flexible; (2) legislatures are better able to keep up with technological change; and (3) legislatures are more adept at understanding complex new technologies. 115 The following sections examine each contention in turn. 1. Creating a Comprehensive and Balanced Set of Rules Kerr argues that a key goal in drafting criminal procedure rules is to create "a rule-structure that simultaneously respects privacy interests and law enforcement needs."¹¹⁶ According to Kerr, unlike courts, "[l]egislatures can enact comprehensive rules based on expert input and can update them frequently as technology changes." Moreover, legislative rules "are more nuanced, clear, and . . .

optimize the critical balance between privacy and public safety more effectively when technology is in flux."¹¹⁸ However, there seems to be no reason why a statutory regime will inevitably be any more comprehensive, balanced, or clear than a regime based on Fourth Amendment principles. When the Fourth Amendment covers a particular law enforcement activity, it provides a set of rules to regulate it. Once a law enforcement activity falls within the Fourth Amendment's regulatory regime, courts will examine whether the search or seizure was "reasonable."¹⁹ A search with a warrant supported by probable cause is generally reasonable. Only on very rare occasions are searches pursuant to a valid warrant unreasonable.¹²⁰ A search without a valid warrant is often deemed unreasonable. This is known as the "per se warrant rule."¹²¹ Warrants are a judicial authorization for a particular search. Warrants must be supported by probable cause, which exists when there is "reasonably trustworthy information" that the search will turn up evidence of a crime.¹²² The purpose of a warrant is to have an independent party (judges or magistrates) ensure that government officials really do have probable cause to conduct a search. Kerr criticizes the Fourth Amendment rules as inflexible, but in reality they show a remarkable degree of flexibility. First, the warrant requirement balances privacy interests and law enforcement needs by allowing searches and seizures to occur only after law enforcement officials justify them before a judge or magistrate. Second, in situations where warrants and probable cause do not work well, the Court has made exceptions. Indeed, there are numerous exceptions to the warrant and probable cause requirements, such as *Terry* stops, exigent circumstances, and "special needs" in schools and workplaces.¹²³ These exceptions allow the courts to accommodate a wide range of government investigative activity within the protective framework of the Fourth Amendment. In contrast, the statutory regime that Kerr extols has many deficiencies that caution against Kerr's enthusiasm for legislative rules. When the statutes are examined as a whole-as an alternative regulatory regime to the Fourth Amendment-there are many severe problems that refute Kerr's belief in the superiority of a legislative regime. First, Congress's statutes lack effective remedies because the federal statutes often lack exclusionary rules. For example, there is no exclusionary rule to protect e-mail under the Wiretap Act,' and the Stored Communications Act and Pen Register Act both lack an exclusionary rule.¹²⁶ Kerr, in fact, wrote an article lamenting exactly this fact.¹²⁷ Most of the statutes regulating law enforcement access to records held by third parties also lack an exclusionary rule.¹²⁸ As a result, there is often little incentive for criminal defendants to challenge violations of these statutes. Second, there are many gaps in the statutes. Consider electronic surveillance law, for example. The Wiretap Act fails to cover silent video surveillance.¹²⁹ As one court observed, Television surveillance is identical in its indiscriminate character to wiretapping and bugging. It is even more invasive of privacy, just as a strip search is more invasive than a pat-down search, but it is not more indiscriminate: the microphone is as "dumb" as the television camera; both devices pick up anything within their electronic reach, however irrelevant to the investigation. As another court observed, "[V]ideo surveillance can be vastly more intrusive [than audio surveillance], as demonstrated by the surveillance in this case that recorded a person masturbating before the hidden camera."¹³¹ Beyond video surveillance, there are numerous technologies Congress has failed to regulate. Global positioning systems enable people's movements to be tracked wherever they go.¹³² Facial recognition systems can enable surveillance photos and videos to be scanned to identify particular people based on their facial features.¹³³ Satellite technology may be used to examine practically any open area on earth.¹³⁴ Radio frequency identification ("RFID") involves tags placed into products, objects, and even human beings that emit a decipherable signal.¹³⁵ As this technology develops and tags can be read at greater distances, RFID might be used to track people's movements. Congress has not passed statutes to address the privacy implications of any of

these technologies. Nor has Congress passed a law to regulate video surveillance of citizens. Ironically, FISA regulates video surveillance, but the ECPA does not,¹³⁶ meaning that the video surveillance of a foreign spy receives more federal statutory protection than that of a U.S. citizen. ¹³⁷ Nor has Congress regulated the use of tracking devices, key logging devices, or other new technologies. Kerr critiques the Supreme Court's ruling in *Kyllo v. United States* as the exemplar of the shortcomings of judicial rules for regulating technology. ¹³⁹ *Kyllo* involved the use of thermal sensors by law enforcement officials to detect marijuana heat lamps inside a person's home.¹⁴⁰ The Court held that the Fourth Amendment required a search warrant before using such devices to detect activities inside a person's home.¹⁴¹ Kerr argues that "the [*Kyllo*] opinion captures the prevailing zeitgeist about law, technology, and privacy. When technology threatens privacy, the thinking goes, the courts and the Constitution should offer the primary response. *Kyllo* sets forth the Court's current approach to analyzing sensory enhancement technology: When the technology is not in general public use and is used to detect activities in the home, a warrant is required. ¹⁴³ This does leave open many questions: What happens when technology enters general public use? What about uses beyond the home? Certainly, *Kyllo* has problems in articulating a clear approach to when sensory enhancement technology can be employed. But was Congress any better? Congress has never passed a law addressing sensory enhancement technologies, despite having had a long time to do so. Back in 1986, the Supreme Court held in *Dow Chemical Co. v. United States* that the Fourth Amendment did not apply to highly magnified photographs taken from a high-tech aerial camera at very high altitudes. The Court reasoned as follows: "The mere fact that human vision is enhanced somewhat, at least to the degree here, does not give rise to constitutional problems." The *Dow Chemical* case raised a host of questions about what limits, if any, should be placed on sensory enhancement technology. The Court cautiously refused to impose a rule to regulate such technologies. Congress could have responded with legislation, but it did not. There is little reason, therefore, to assume that if the courts hold that the Fourth Amendment is inapplicable to a new technology, Congress will swoop in and save the day. Beyond electronic surveillance law, the law regulating government access to records held by third parties also has tremendous gaps. Although the RFPA and the FCRA regulate government access to financial data, ¹⁴⁶ there are many situations where financial data is unprotected, such as when the information is held by employers, landlords, merchants, creditors, database companies, and others.¹⁴⁷ HIPAA regulates access to medical records, but only when in the hands of certain third parties (doctors, hospitals, insurers, and so on).¹⁴⁸ Medical websites containing people's personal information are not covered by HIPAA. ¹⁴⁹ Basically, the problem is that the statutes focus on who is holding the information, rather than on the information itself. Thus, the same piece of information can be protected if held by one third party and completely unprotected if held by a different third party. Some third parties that have extensive information about individuals are not covered at all, including bookstores, merchants, restaurants, employers, and other businesses. There are numerous database companies that compile extensive dossiers on individuals, yet existing statutes often do not cover law enforcement access to this data. Second, beyond enormous gaps in protection, the statutes offer far less protection than the Fourth Amendment. Most permit law enforcement access to information based only on a court order or subpoena, rather than on a warrant. ¹⁵⁰ Prosecutors, not judges, issue the subpoenas. ¹⁵¹ Professor William Stuntz observed as follows: "[W]hile searches typically require probable cause or reasonable suspicion and sometimes require a warrant, subpoenas require nothing, save that the subpoena not be unreasonably burdensome to its target. Few burdens are deemed unreasonable."⁵² The court orders required by the statutes also require far less than probable cause. Typically, mere "relevance" to an ongoing criminal investigation is

all that such statutes require. 153 Thus, in areas where the courts have backed off and left a void that Congress has attempted to fill, the statutes have not, in large part, measured up. Given a choice, it seems that a better balance between privacy interests and law enforcement needs could have been reached if the courts had held that the Fourth Amendment covered a particular law enforcement activity. Thus, we could have the courts take Kerr's advice and exercise caution and restraint, allowing Congress to craft the rules, or we could have the courts be more willing to expand the coverage of the Fourth Amendment. Where the courts have left open areas for legislative rules to fill in, Congress has created an uneven fabric of protections that is riddled with holes and that has weak protections in numerous places. Therefore, Kerr's claim that legislatures create more comprehensive and balanced rules than courts is simply not borne out by the evidence. Another of Kerr's reasons for preferring legislatures to courts is his view that legislatures will craft clearer rules than courts. Kerr is particularly keen on avoiding unclear rules, and he lists "rule clarity" as a key goal for a criminal procedure system.¹⁵⁴ Kerr argues that "[u]nclear rules mean unclear limits on government power, increasing the likelihood of abuses by aggressive government officials."¹⁵⁵ According to Kerr, legislative rules "are more nuanced, clear, and . . . optimize the critical balance between privacy and public safety more effectively when technology is in flux."¹⁵⁶ Yet the rules of the ECPA are notoriously confusing and unclear, as Kerr himself frequently points out in his writings.¹⁵⁷ If electronic surveillance law were clear, Kerr would have a lot less to write about. He has written countless articles seeking to explain the meaning of the electronic surveillance laws,¹⁵⁸ and has built his reputation as one of the few people on the planet who can actually make sense of the law. It is no wonder that Kerr prefers the statutes; this is his home turf. As for clarity, there are many open questions under electronic surveillance law, and many provisions subject to conflicting interpretations. Kerr really does not point us to a clearer regime; rather, he simply points us to one that he understands better. Furthermore, federal statutes are not self-executing, meaning that they must be interpreted and applied by courts. In reality, Kerr's argument concerns only whether Fourth Amendment rules interpreted by judges are preferable to statutory rules interpreted by judges. In fact, judges have frequently botched interpreting statutory law, as Kerr repeatedly has lamented.¹⁵⁹ A large part of the problem is that the statutory law is extremely complicated. For instance, Kerr's favorite law, the ECPA, is immensely complicated, and he notes that it is "unusually difficult to understand."¹⁶⁰ He also observes that the "law of electronic surveillance is famously complex, if not entirely impenetrable." The problem, then, is not the Fourth Amendment, but the outdated, overly complex statutes that courts must apply. Part of the problem with the complexity of electronic surveillance law stems from the flexibility that Kerr praises. Kerr commends Congress for dreaming up eight different kinds of "statutory thresholds" for electronic surveillance law. While this certainly is more flexible, it has also led to great confusion. Kerr has painstakingly attempted to explain these different standards, which are readily confused and difficult to figure out.¹⁶³ Not only federal officials, but also local law enforcement officials, must understand these standards. Most local police officers, however, lack the benefit of having years to study the mysteries of the ECPA. The problem is that flexibility and clarity are often in conflict. The multiple exceptions to the warrant and probable cause requirement of the Fourth Amendment, which give the Fourth Amendment rules some flexibility, have been criticized as confusing. As Silas Wasserstrom and Louis Michael Seidman observe, the per se warrant rule is "so riddled with exceptions, complexities, and contradictions that it has become a trap for the unwary."¹⁶⁴ The problems of clarity and flexibility are endemic to all rules, whether legislative or judicial. An examination of the current law, however, far from revealing legislative superiority in

achieving clarity and flexibility, demonstrates that both legislatures and courts are for the most part in the same boat.

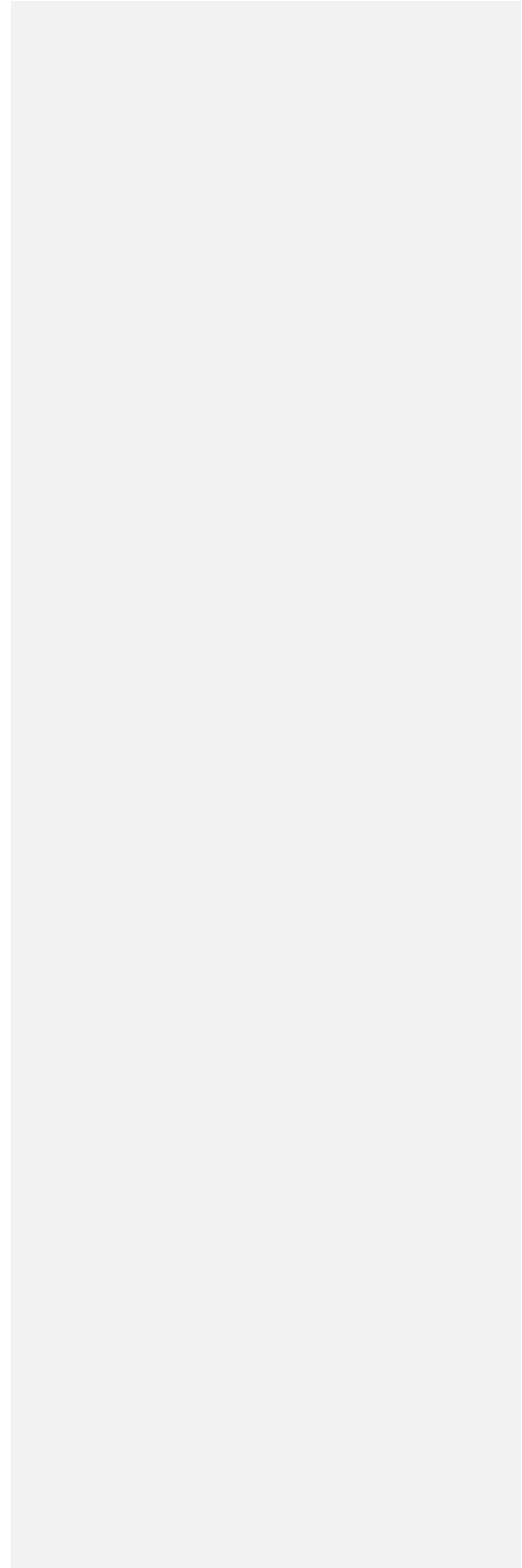
Even if Fourth Amendment criminal procedure has become split between Congressional statutes and judicial review, courts should not defer – judicial interpretation of the law is necessary to protect civil liberties.

Solove 5 – Daniel Solove, Associate Professor @ George Washington University Law School, J.D. @ Yale, 2005 (“Fourth Amendment Codification and Professor Kerr’s Misguided Call for Judicial Deference”, Fordham Law School, available online at <http://ir.lawnet.fordham.edu/flr/vol74/iss2/14/>, accessed 6/20/15, KM) **Prof. Kerr argues for judicial deference

When there is no legislative rule addressing an issue, courts should apply the Fourth Amendment without any deference or caution. This does not mean that the Fourth Amendment should always apply, but there is no justification for caution or restraint in applying it. The courts have taken too narrow a view of the Fourth Amendment with regard to many issues involving information, such as the third party doctrine. Courts have restricted Fourth Amendment applicability based on a narrow conception of privacy, which has impeded courts in looking at the crucial question of whether a particular law enforcement practice creates a problem, and if so, how that problem ought to be addressed. In other words, the Fourth Amendment often gets caught up in an analytical game that loses sight of the problems. As a result, the Fourth Amendment does not protect against serious threats to privacy and many law enforcement abuses. A better approach toward applying the Fourth Amendment is definitely in order, and such an approach should not be discouraged in favor of the hope of legislative solutions. A different scenario exists when courts must examine a case involving new technologies where a federal statute already exists to regulate law enforcement use of those technologies. These are cases where, for example, the Wiretap Act, Stored Communications Act, or Pen Register Act would apply. Courts could take a few possible approaches. First, in order to preserve the space upon which Congress has legislated, courts could hold that the Fourth Amendment does not apply. Such an approach should be rejected, as the federal legislation in many cases has not been sufficiently protective of privacy. Second, courts could hold that the Fourth Amendment applies, and then determine whether Congress’s legislation is adequate to satisfy Fourth Amendment requirements. This Article supports such an approach. Although, in many cases, warrants supported by probable cause are the best form of protection,²⁰³ warrants are a means to an end, not an end in themselves. Elsewhere, I identified three central principles embodied in the Fourth Amendment: minimization, particularization, and control.²⁰⁴ Government investigations must be minimized to prevent sweeping dragnet searches. Investigations must be particularized to specific individuals suspected of criminal wrongdoing. And there must be meaningful oversight over law enforcement activities. In any particular case in which the Fourth Amendment applies, courts should apply the Fourth Amendment as they normally would. But suppose that law enforcement officials were following a statute that establishes different procedures for conducting surveillance or searches than typical Fourth Amendment rules. Here, the courts should not hold the law enforcement activity invalid simply because it was not conducted pursuant to the regular Fourth Amendment rules the courts have established. These regular, judicial Fourth Amendment rules should be viewed as the default rules, not the only valid rules. Thus, courts should examine whether the statutory procedures followed by law enforcement in a given case satisfy the basic principles of the Fourth Amendment. If law enforcement officials follow a statutory provision that departs from regular Fourth Amendment procedures but

nevertheless adequately addresses minimization, particularization, and control, then courts should conclude that the search was valid. Certainly, courts should not have a monopoly on crafting the rules, and this is where courts and legislatures can establish a useful dialogue. To illustrate this approach more concretely, suppose that Congress passes the Thermal Sensor Protection Act ("TSPA"). The TSPA provides a set of rules to regulate law enforcement use of a thermal sensor. The TSPA, however, also allows the use of a thermal sensor based on a court order that differs in its standards from the Kyllo requirements for a warrant supported by probable cause. Although the court order is not a warrant, it does have other built-in protections. Courts should not simply conclude that any procedures that differ from the traditional ones required in Kyllo are invalid under the Fourth Amendment. Instead, courts should examine whether the TSPA adequately addresses minimization, particularization, and control. If it does, then the surveillance should be upheld. The Wiretap Act represents an example of this process. Under traditional Fourth Amendment doctrine, search warrants generally authorize a single search. A second search is sometimes justified if it "is a reasonable continuation of the original search."²⁰⁶ For electronic surveillance, these restrictive rules would not make much sense. Surveillance generally must be continuous and extend for a period of time in order to capture the necessary communications. The Wiretap Act authorizes a long period of surveillance, specifically a thirty-day order renewable for another thirty-day period.²⁰⁷ This is much broader than the kind of search the Fourth Amendment typically permits. The Wiretap Act, however, has other protections to compensate for the departure from these minimization goals of the Fourth Amendment. It requires that courts place minimization procedures in surveillance orders, and it makes such orders harder to justify, with law enforcement officials having to explain why other investigative techniques would not be viable.²⁰⁸ It limits the kind of officials who may obtain such an order to high-level officials.²⁰⁹ As a result, it compensates for the thirty-day rule with other ways to achieve minimization. This provision came about because, just a year before its passage, the Court in Berger explained how Fourth Amendment principles were to be embodied in electronic surveillance law.²¹⁰ In the Berger model, the Court played a leading role in the process. The Court laid down the basic principles and then let Congress work out the specifics. Courts should look to whether legislation comports with basic Fourth Amendment principles. Congress can fill in the gaps or be more precise where necessary, but this is a bold role for the courts, not a cautious one. In short, courts should be very active in shaping new criminal procedure rules. To the extent that Kerr is urging courts to apply basic Fourth Amendment principles and be open to allowing legislatures to fill in the details, his advice is sound. But Kerr's article appears to suggest much more than that. Kerr is right that we need to do a lot more thinking about our dualist system of criminal procedure. Scholars and many courts still operate under the assumption that the Fourth Amendment is the nearly exclusive occupier of the field. Now that we have a large body of statutory regulation, there are new questions about how we should modulate the relationship between the Fourth Amendment and the statutes. Kerr's article has made a significant contribution. It is time for a focus on statutes. Unfortunately, the bulk of his article focuses on pushing the courts aside and suggesting a deferential approach based on faulty legal process arguments and an incorrect view of the effectiveness of the statutes. Far from being cautious, courts need to take a larger role in the process to ensure that the statutes embody basic Fourth Amendment principles.

Executive Powers Bad



2AC — Executive Powers Bad

Obama is abusing exec flex now – expanding powers results in tyrannical control justifying violence, wars, and surveillance

Napolitano, 15

(Andrew P. Napolitano, a former judge of the Superior Court of New Jersey, is an analyst for the Fox News Channel. He has written seven books on the U.S. Constitution, “Obama ignores constitutional limits of presidential power”, <http://www.washingtontimes.com/news/2015/mar/4/andrew-napolitano-obama-ignores-constitutional-lim/?page=all>, ZS)

Can the president rewrite federal laws? Can he alter their meaning? Can he change their effect? These are legitimate questions in an era in which we have AN UNPOPULAR PROGRESSIVE DEMOCRATIC PRESIDENT WHO HAS BOASTED THAT HE CAN GOVERN WITHOUT CONGRESS BY USING HIS PHONE AND HIS PEN, AND A MOSTLY NEWLY ELECTED, LARGELY CONSERVATIVE REPUBLICAN CONGRESS WITH ITS OWN IDEAS ABOUT BIG GOVERNMENT.¶ These are not hypothetical questions. In 2012, President OBAMA SIGNED EXECUTIVE ORDERS THAT ESSENTIALLY SAID TO ABOUT 1.7 MILLION UNLAWFULLY PRESENT IMMIGRANTS WHO ARRIVED IN THE UNITED STATES BEFORE THEIR 16TH BIRTHDAYS AND WHO ARE NOT YET 31 YEARS OF AGE THAT IF THEY COMPLIED WITH CERTAIN CONDITIONS THAT HE MADE UP OUT OF THIN AIR, THEY WILL NOT BE DEPORTED.¶ In 2014, THE PRESIDENT SIGNED ADDITIONAL EXECUTIVE ORDERS THAT ESSENTIALLY MADE THE SAME OFFER TO ABOUT 4.7 MILLION UNLAWFULLY PRESENT IMMIGRANTS, WITHOUT THE AGE LIMITS THAT HE HAD MADE UP OUT OF THIN AIR. A FEDERAL COURT ENJOINED ENFORCEMENT OF THE 2014 ORDERS LAST MONTH.¶ Last week, the Federal Communications Commission — the bureaucrats appointed by the president who regulate broadcast radio and television — decreed that it has the authority to regulate the Internet, even though federal courts have twice ruled that it does not.¶ Also last week, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, whose director is appointed by the president, proposed regulations that would outlaw the only mass-produced bullets that can be fired from an AR-15 rifle. This rifle has been the target of the left for many years because it looks like a military weapon; yet it is a lawful and safe civilian rifle commonly owned by many Americans.¶ This week, THE PRESIDENT’S PRESS SECRETARY TOLD REPORTERS THAT THE PRESIDENT IS SERIOUSLY THINKING OF SIGNING EXECUTIVE ORDERS INTENDED TO RAISE TAXES ON CORPORATIONS BY DIRECTING THE INTERNAL REVENUE SERVICE TO REDEFINE TAX TERMINOLOGY SO AS TO INCREASE CORPORATE TAX BURDENS. He must have forgotten that those additional taxes would be paid by either the shareholders or the customers of those corporations, and those shareholders and customers elected a Congress they had every right to expect would be writing the tax laws. He has eviscerated that right.¶ What’s going on here?¶ WHAT’S GOING ON IS THE EXERCISE OF AUTHORITARIAN IMPULSES BY A DESPERATE PRESIDENT TERRIFIED OF POWERLESSNESS AND IRRELEVANCE, the Constitution be damned. I say “damned” because when the PRESIDENT WRITES LAWS, WHETHER UNDER THE GUISE OF ADMINISTRATIVE REGULATIONS OR EXECUTIVE ORDERS, HE IS EFFECTIVELY DAMNING THE CONSTITUTION BY USURPING THE POWERS OF CONGRESS.¶ The Constitution could not be clearer. Article I, Section 1 begins, “All legislative Powers herein granted shall be vested in a Congress of the United States.” Mr. OBAMA ACTUALLY ASKED CONGRESS TO WRITE THE LAWS HE IS NOW PURPORTING TO WRITE, AND CONGRESS DECLINED, AND SO HE DOES SO AT HIS PERIL.¶ In 1952, President Truman seized America’s closed steel mills because steel workers went on strike and the military needed hardware to fight the Korean War. He initially asked Congress for

authorization to do this, and Congress declined to give it to him; so he seized the mills anyway. His seizure was challenged by Youngstown Sheet & Tube Co., then a huge operator of steel mills. In a famous Supreme Court decision, the court enjoined the president from operating the mills.¶ Youngstown is not a novel or arcane case. The concurring opinion by Justice Robert Jackson articulating the truism that when the president acts in defiance of Congress he operates at his lowest ebb of constitutional power and can be enjoined by the courts unless he is in an area uniquely immune from congressional authority is among the most highly regarded and frequently cited concurring opinions in modern court history. It reminds the president and the lawyers who advise him that the Constitution imposes limits on executive power.¶ The president's oath of office underscores those limits. It requires that he enforce the laws faithfully. The reason James Madison insisted on using the word "faithfully" in the presidential oath and putting the oath itself into the Constitution was to instill in presidents the realization that they may need to enforce laws with which they disagree — even laws they hate.¶ But Mr. OBAMA REJECTS THE YOUNGSTOWN DECISION AND THE MADISONIAN LOGIC. HERE IS A PRESIDENT WHO CLAIMS HE CAN KILL AMERICANS WITHOUT DUE PROCESS, spy on Americans without individualized probable cause, START WARS ON HIS OWN, BORROW MONEY ON HIS OWN, REGULATE THE INTERNET, BAN LAWFUL GUNS, TELL ILLEGAL IMMIGRANTS HOW TO AVOID THE CONSEQUENCES OF FEDERAL LAW, AND NOW RAISE TAXES ON HIS OWN.¶ One of the safeguards built into the Constitution is the separation of powers: Congress writes the laws, the president enforces the laws, and the courts interpret them. The purpose of this separation is to prevent the accumulation of too much power in the hands of too few — a valid fear when the Constitution was written and a valid fear today.¶ WHEN THE PRESIDENT EFFECTIVELY WRITES THE LAWS, CONGRESS IS EFFECTIVELY NEUTERED. Yet, THE REASON WE HAVE THE SEPARATION OF POWERS IS NOT TO PROTECT CONGRESS, BUT TO PROTECT ALL INDIVIDUALS FROM THE LOSS OF PERSONAL LIBERTY. Under Mr. Obama, that loss has been vast. Will Congress and the courts do anything about it?

Executive overreach spills over – justifies global preeminence, which results in war Sloane, 8

(Robert, R. Gordon Butler Scholar in International Law, Professor of Law, BA, magna cum laude, Columbia University JD, Yale Law School, "SYMPOSIUM: THE ROLE OF THE PRESIDENT IN THE TWENTY-FIRST CENTURY: ARTICLE: THE SCOPE OF EXECUTIVE POWER IN THE TWENTY-FIRST CENTURY: AN INTRODUCTION", <https://litigation-essentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&srctype=smi&srcid=3B15&doctype=cite&docid=88+B.U.L.+Rev.+341&key=c2e9f4965846884ce1289f069f1aef2e>, Lexis, ZS)

There is a great deal more constitutional history that arguably bears on the scope of the executive power in the twenty-first century. But it is vital to appreciate that the scope of the executive power, particularly in the twenty-first century, is not only a constitutional or historical issue. As an international lawyer rather than a constitutionalist, I want to stress briefly that THESE DEBATES AND THEIR CONCRETE MANIFESTATIONS IN U.S. LAW AND POLICY POTENTIALLY EXERT A PROFOUND EFFECT ON THE SHAPE OF INTERNATIONAL LAW. Justice Sutherland's sweeping dicta in *United States v. Curtiss-Wright Export Corp.*, that THE PRESIDENT enjoys a "very delicate, plenary and exclusive power ... AS THE SOLE ORGAN OF THE FEDERAL GOVERNMENT IN THE FIELD OF INTERNATIONAL RELATIONS - A POWER WHICH DOES NOT REQUIRE AS A BASIS FOR ITS EXERCISE AN ACT OF CONGRESS," n52 HAS BEEN (correctly, in my view) CRITICIZED on a host of grounds. n53 But in practice, in part for institutional and structural

reasons, n54 it accurately reflects the general preeminence of the President in the realm of U.S. foreign affairs. BECAUSE OF THE NATURE OF THE INTERNATIONAL LEGAL AND POLITICAL SYSTEM, WHAT U.S. PRESIDENTS DO AND SAY OFTEN ESTABLISH PRECEDENTS THAT STRONGLY INFLUENCE WHAT OTHER STATES DO AND SAY - WITH potentially DRAMATIC CONSEQUENCES FOR THE SHAPE OF CUSTOMARY INTERNATIONAL LAW. The paradigmatic example is the establishment of customary international law on the continental shelf following the Truman Proclamation of September 28, 1945, n55 which produced an echo of similar claims and counterclaims, culminating in a whole new corpus of the international law of the sea for what had previously been understood only as a geological term of art. n56 Many states took note, for example, when in the 2002 National Security Strategy of the United States ("NSS"), President BUSH ASSERTED THAT THE UNITED STATES HAD THE RIGHT UNDER INTERNATIONAL LAW TO ENGAGE IN PREVENTIVE WARS OF [*350] SELF-DEFENSE. n57 While, contrary to popular belief, the United States never in fact formally relied on that doctrine in practice, many would argue that President Bush de facto exercised this purported right when he initiated an armed conflict with Iraq based on claims, which have since proved unfounded, about its incipient programs to develop catastrophic weapons. The 2006 NSS notably retreats from the 2002 NSS's robust claims of a right to engage in preventive wars of self-defense. n58 Yet even within this brief, four-year period, AN ASTONISHING NUMBER OF OTHER STATES HAVE ASSERTED A COMPARABLE RIGHT TO ENGAGE IN PREVENTIVE SELF-DEFENSE. THESE INCLUDE NOT ONLY STATES THAT THE UNITED STATES HAS DESCRIBED AS "ROGUE STATES," SUCH AS NORTH KOREA AND IRAN, BUT AUSTRALIA, JAPAN, THE UNITED KINGDOM, CHINA, INDIA, IRAN, ISRAEL, RUSSIA, and (though technically not a state) TAIWAN. n59 I doubt we will welcome the consequences of this pattern for the evolving jus ad bellum of the twenty-first century. Equally, after President Bush's decision to declare a global war on terror or terrorism - rather than, for example, the Taliban, al-Qaeda, and their immediate allies - virtually every insurgency or disaffected minority around the world, including peoples suffering under repressive regimes and seeking to assert legitimate rights to liberty and self-determination, has been recharacterized by opportunistic state elites as part of the enemy in this global war. n60 THE TECHNIQUES EMPLOYED AND JUSTIFIED BY THE UNITED STATES, INCLUDING THE RESURRECTION OF RATIONALIZED TORTURE AS AN "ENHANCED INTERROGATION TECHNIQUE," N61 LIKEWISE HAVE EMERGED - AND WILL CONTINUE TO EMERGE - IN THE [*351] PRACTICE OF OTHER STATES. Because of customary international law's acute sensitivity to authoritative assertions of power, THE WIDESPREAD REPETITION OF CLAIMS AND PRACTICES INITIATED BY THE U.S. EXECUTIVE may well SHAPE INTERNATIONAL LAW IN WAYS THE UNITED STATES ULTIMATELY FINDS DISAGREEABLE in the future. So as we debate the scope of the executive power in the twenty-first century, the stakes, as several panelists point out, could not be higher. They include more than national issues such as the POTENTIAL FOR EXECUTIVE BRANCH OFFICIALS TO BE PROSECUTED OR IMPEACHED FOR EXCEEDING THE LEGAL SCOPE OF THEIR AUTHORITY OR VIOLATING VALID STATUTES. N62 THEY ALSO INCLUDE INTERNATIONAL ISSUES LIKE THE POTENTIAL USE OF CATASTROPHIC WEAPONS BY A ROGUE REGIME ASSERTING A RIGHT TO ENGAGE IN PREVENTIVE WAR; the DETERIORATION OF INTERNATIONAL HUMAN RIGHTS NORMS AGAINST PRACTICES LIKE TORTURE, norms which took years to establish; and the atrophy of genuine U.S. power in the international arena, which, as diplomats, statesmen, and international relations theorists of all political persuasions appreciate, demands far more than the largest and most technologically advanced military arsenal. In short, WHAT PRESIDENTS DO, internationally as well as domestically - THE PRECEDENTS THEY ESTABLISH - may AFFECT NOT ONLY THE TECHNICAL SCOPE OF THE EXECUTIVE POWER, AS A MATTER OF CONSTITUTIONAL LAW, BUT THE PRACTICAL ABILITY OF FUTURE PRESIDENTS TO EXERCISE THAT POWER BOTH AT HOME AND ABROAD.

We should candidly debate whether terrorism or other perceived crises require an expanded scope of executive power in the twenty-first century. But it is dangerous to cloak the true stakes of that debate with the expedient of a new - and, in the view of most, indefensible - "monarchical executive" theory, which claims to be coextensive with the defensible, if controversial, original Unitary Executive theory.

n63 WE SHOULD ALSO WEIGH THE COSTS AND BENEFITS OF AN EXPANDED SCOPE OF EXECUTIVE POWER. BUT IT IS VITAL TO APPRECIATE THAT THERE ARE COSTS. THEY INCLUDE NOT ONLY SHORT-TERM, ACUTE CONSEQUENCES BUT LONG-TERM, SYSTEMIC CONSEQUENCES THAT MAY NOT BECOME FULLY APPARENT FOR YEARS. In fact, the exorbitant exercise of broad, supposedly inherent, executive powers may well - as in the aftermath of the Nixon administration - culminate in precisely the sort of reactive statutory constraints and de facto diplomatic obstacles that proponents of a robust executive regard as misguided and a threat to U.S. national security in the twenty-first century.

1AR — Spillover

Past precedent proves – Obama is willing to abuse war powers, any increase in executive flex justifies a massive overreach in power

Cooper, 15

(Ryan Cooper, National Correspondent at TheWeek, Reed College, "Obama's war-powers farce: If you want to limit presidential power, don't start illegal wars", <http://theweek.com/articles/539263/obamas-war-powers-farce-want-limit-presidential-power-dont-start-illegal-wars>, ZS)

President Obama is seeking a new Authorization for Use of Military Force, as the U.S. continues its bombing campaign against the Islamic State. It comes just a tad late: about three and half months after it was necessary, according to the War Powers Act. This raises the question: Why is he even bothering?¶ Matt Yglesias, following on the heels of his interview with the president, argues that THIS DRIVE FOR A NEW AUMF IS ABOUT LIMITING PRESIDENTIAL POWER, BECAUSE IT WOULD INTRODUCE A MORE LIMITED LEGAL FRAMEWORK FOR FUTURE WARS. I don't doubt that's a major part of the administration's rationale. SCRAMBLING TO HEM IN THE NEXT PERSON'S ABILITY TO DO STUFF YOU CONSIDER BAD IS A TRADITIONAL END-OF-PRESIDENCY ACTIVITY.¶ But as Greg Sargent points out, this is closing the barn door after the horse has bolted. WHEN IT COMES TO LEGAL LIMITS ON THE PRESIDENT'S AUTHORITY TO START NEW WARS, OBAMA HAS ALREADY BLOWN A HOLE IN THEM BIG ENOUGH TO DRIVE THROUGH AN AIRCRAFT CARRIER.¶ If the president wanted to stop President Cruz's future wars of aggression, he should have done so in 2011, when he started his first illegal war in Libya. The War Powers Act, as commonly interpreted, says that the president can use force for 60 days without congressional authorization, and if he doesn't get it, then he has to stop hostilities within 30 days.¶ Even that might not have passed legal muster in Libya, because the law states that any unauthorized use of force has to be in response to "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."¶ Is legal polygamy next?¶ The hijacking of libertarian principles.¶ At any rate, OBAMA CASUALLY BLEW OFF THE 90-DAY LIMIT anyway. THE JUSTICE DEPARTMENT'S OFFICE OF LEGAL COUNSEL IS SUPPOSED TO BE THE AUTHORITATIVE VOICE ON LEGAL INTERPRETATION FOR THE EXECUTIVE BRANCH, BUT WHEN THE OLC INSISTED THE WAR POWERS ACT APPLIED IN THIS SITUATION, OBAMA IGNORED THE LAWYERS AND BROUGHT IN POLITICAL HACKS TO COOK UP ANOTHER RATIONALE. Eventually they settled, ludicrously, on arguing the NEW WAR DIDN'T REALLY CONSTITUTE "HOSTILITIES." WHEN CONGRESS REFUSED TO PASS A NEW AUMF, HE IGNORED THAT, TOO.¶ The LATEST WAR WITH THE ISLAMIC STATE HAS FOLLOWED THE SAME SCRIPT, except this time OBAMA IS CLAIMING IT'S THE 2001 AUMF THAT COVERS THE USE OF FORCE. Though somewhat less preposterous than the Libya case, IT'S STILL NONSENSE. That statute is clearly directed at those who "planned, authorized, committed, or aided " the 9/11 attacks, and the Islamic State didn't even exist in 2001.¶ Of course, THE 2001 AUMF HAS TURNED INTO A BLANK LEGAL CHECK FOR DIRTY WARS AROUND THE GLOBE, AND OBAMA'S PROPOSAL LEAVES IT IN PLACE, MAKING THIS WHOLE EXERCISE POINTLESS. As Jameel Jaffer of the ACLU told Sargent:¶ "If you don't repeal the original AUMF, you create the possibility the president will continue to rely on it," Jaffer said. "Any limitations Congress imposes under the new AUMF could be ignored. This is a meaningless exercise unless it includes repeal of the original AUMF." [The Washington Post]¶ Finally, there's the political reality. CONGRESSIONAL RESTRICTIONS ON PRESIDENTIAL POWER ARE ONLY AS GOOD AS CONGRESS' WILLINGNESS TO ACT WHEN THE RESTRICTIONS ARE BREACHED. And RIGHT NOW THERE IS APPROXIMATELY ZERO REASON TO THINK

THAT CONGRESS GIVES A CRAP ABOUT ILLEGAL WAR. In response to Libya, Congress should have threatened to remove him from office. But the best it could do was offer some annoyed muttering, which lapsed into virtual silence by the time Obama turned to the Islamic State.¶ In other words, IN TODAY'S POLITICAL CLIMATE, OBAMA IS BASICALLY ASKING FOR THE AUTHORITY TO START WAR AGAINST ANYONE WHO'S WATCHED AN ISLAMIC STATE VIDEO. Indeed, the main axis of debate is whether the proposed authority is broad enough. Except for Sen. Rand Paul, Republicans are basically fine with Obama being able to make war wherever he wants.¶ So until Congress starts caring about fulfilling its constitutional prerogatives, lawmakers might as well save their breath when it comes to new authorizations.

Turn: presidential war powers are only meaningful with prior authorization- one-sided action undermines effectiveness.

Cronogue 12

(Graham Cronogue, Law Clerk at United States District Court for the District of Columbia, JD from Duke University School of Law and BA from UNC Chapel Hill, "A New AUMF: Defining Combatants In The War On Terror", 2012, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil>, kc)

Though the President's inherent authority to act in times of emergency and war can arguably make CONGRESSIONAL AUTHORIZATION of force unnecessary, it IS EXTREMELY IMPORTANT FOR THE CONFLICT AGAINST AL-QAEDA AND ITS ALLIES. First, as seen above, the existence of a state of war or national emergency is not entirely clear and might not authorize offensive war anyway. Next, assuming that a state of war did exist, SPECIFIC CONGRESSIONAL AUTHORIZATION WOULD FURTHER LEGITIMATE AND GUIDE THE EXECUTIVE BRANCH IN THE PROSECUTION OF THIS CONFLICT BY SETTING OUT EXACTLY WHAT CONGRESS AUTHORIZES AND WHAT IT DOES NOT. Finally, Congress should specifically set out what the President can and cannot do TO LIMIT HIS DISCRETIONARY AUTHORITY AND PREVENT ADDING TO THE GLOSS ON EXECUTIVE POWER.¶ Even during a state of war, A CONGRESSIONAL AUTHORIZATION FOR CONFLICT THAT CLEARLY SETS OUT THE ACCEPTABLE TARGETS AND MEANS WOULD FURTHER LEGITIMATE THE PRESIDENT'S ACTIONS AND HELP GUIDE HIS DECISION MAKING DURING THIS NEW FORM OF WARFARE. Under Justice Jackson's framework from[¶] Youngstown, presidential authority is at its height when the Executive is acting pursuant to an implicit or explicit congressional authorization.⁷⁴ In this zone, the President can act quickly and decisively because he knows the full extent of his power.⁷⁵ In contrast, the constitutionality of presidential action merely supported by a president's inherent authority exists in the "zone of twilight."⁷⁶ WITHOUT A CONGRESSIONAL GRANT OF POWER, THE PRESIDENT'S WAR ACTIONS ARE OFTEN OF QUESTIONABLE CONSTITUTIONALITY because Congress has not specifically delegated any of its own war powers to the executive.⁷⁷ THIS PROBLEM FORCES THE PRESIDENT TO MAKE COMPLEX JUDGMENTS REGARDING THE EXTENT AND SCOPE OF HIS INHERENT AUTHORITY. THE RESULTING UNCERTAINTY CREATES UNWELCOME ISSUES OF CONSTITUTIONALITY THAT MIGHT HINDER THE PRESIDENT'S ABILITY TO PROSECUTE THIS CONFLICT EFFECTIVELY. In time-sensitive and dangerous situations, where the President needs to make splitsecond decisions that could fundamentally impact American lives and safety, he should not have to guess at the scope of his authority. Instead, Congress should provide a clear, unambiguous grant of power, which would mitigate many questions of authorization. ALLOWING

THE PRESIDENT TO UNDERSTAND THE EXTENT OF HIS AUTHORITY WILL ENABLE HIM TO ACT QUICKLY, decisively but also constitutionally.

Their impact ev is wrong- the theory of fourth-generation warfare is baseless fear-mongering.

Echevarria 5

(Antulio J. Echevarria II, Director of Research, Director of National Security Affairs, and Acting Chairman of the Regional Strategy and Planning Department at the Strategic Studies Institute; Graduate of the U.S. Army's Command and General Staff College and the U.S. Army War College; M.A. and Ph.D. degrees in History from Princeton University, "Fourth-Generation War And Other Myths", November 2005, <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB632.pdf>, kc)

The notion of **[FOURTH GENERATION WARFARE]** 4GW FIRST **APPEARED** in the late 1980s **AS A VAGUE SORT OF "OUT OF THE BOX" THINKING**, and it entertained every popular conjecture about future warfare. However, instead of examining the way terrorists belonging to Hamas or Hezbollah (or now Al Qaeda) actually behave, **IT MISLEADINGLY PUSHED THE STORM-TROOPER IDEAL AS THE TERRORIST OF TOMORROW**. Instead of looking at the probability that such terrorists would improvise with respect to the weapons they used—box cutters, aircraft, and improvised explosive devices—**IT POSITED HIGH-TECH "WONDER" WEAPONS**.¹ The theory went through a second incarnation when the notion of nontrinitarian war came into vogue; but it failed to examine that notion critically. The theory also is founded on myths about the so-called Westphalian system and the theory of blitzkrieg. **THE THEORY OF 4GW REINVENTED ITSELF** once again **AFTER** September 11, 2001 (**9/11**), when its proponents claimed that Al Qaeda was waging a 4GW against the United States. **RATHER THAN THINKING CRITICALLY ABOUT FUTURE WARFARE, THE THEORY'S PROPONENTS BECAME MORE CONCERNED WITH DEMONSTRATING THAT THEY HAD PREDICTED THE FUTURE. WHILE THEIR RECOMMENDATIONS ARE OFTEN ROOTED IN COMMON SENSE, THEY ARE UNDERMINED BY BEING TETHERED TO AN EMPTY THEORY**.¹ **WHAT WE ARE REALLY SEEING IN THE WAR ON TERROR**, and the campaign in Iraq and elsewhere, **IS** that the increased "dispersion and democratization of technology, information, and finance" brought about by **GLOBALIZATION HAS GIVEN TERRORIST GROUPS GREATER MOBILITY AND ACCESS WORLDWIDE**. At this point, globalization seems to aid the nonstate actor more than the state, but states still play a central role in the support or defeat of terrorist groups or insurgencies.¹ **WE WOULD DO WELL TO ABANDON THE THEORY OF 4GW ALTOGETHER, SINCE IT SHEDS VERY LITTLE, IF ANY, LIGHT ON THIS PHENOMENON**.

1AR — Impact

Unrelenting executive power allows forgoing of Congress for war – results in conflict Friedman, 11

(George, President of Stratfor, PhD in Government from Cornell University, “What Happened to the American Declaration of War?”, <https://www.stratfor.com/weekly/20110328-what-happened-american-declaration-war>, ZS)

All of this came just before the United States emerged as the world's single global power -- a global empire -- that by definition would be waging war at an increased tempo, from Kuwait, to Haiti, to Kosovo, to Afghanistan, to Iraq, and so on in an ever-increasing number of operations. And now in Libya, WE HAVE REACHED THE POINT THAT EVEN RESOLUTIONS ARE NO LONGER NEEDED. IT IS SAID THAT THERE IS NO PRECEDENT FOR FIGHTING AL QAEDA, FOR EXAMPLE, BECAUSE IT IS NOT A NATION BUT A SUBNATIONAL GROUP. Therefore, BUSH COULD NOT REASONABLY HAVE BEEN EXPECTED TO ASK FOR A DECLARATION OF WAR. But there is precedent: Thomas Jefferson asked for and received a declaration of war against the Barbary pirates. This authorized Jefferson to wage war against a subnational group of pirates as if they were a nation. HAD BUSH REQUESTED A DECLARATION OF WAR ON AL QAEDA ON SEPT. 12, 2001, I SUSPECT IT WOULD HAVE BEEN GRANTED OVERWHELMINGLY, AND THE PUBLIC WOULD HAVE UNDERSTOOD THAT THE UNITED STATES WAS NOW AT WAR FOR AS LONG AS THE PRESIDENT THOUGHT WISE. THE PRESIDENT WOULD HAVE BEEN FREE TO CARRY OUT OPERATIONS AS HE SAW FIT. Roosevelt did not have to ask for special permission to invade Guadalcanal, send troops to India, or invade North Africa. In the course of fighting Japan, Germany and Italy, it was understood that he was free to wage war as he thought fit. In the same sense, a declaration of war on Sept. 12 would have freed him to fight al Qaeda wherever they were or to move to block them wherever the president saw fit. LEAVING ASIDE THE MILITARY WISDOM OF AFGHANISTAN OR IRAQ, THE LEGAL AND MORAL FOUNDATIONS WOULD HAVE BEEN CLEAR -- SO LONG AS THE PRESIDENT AS COMMANDER IN CHIEF SAW AN ACTION AS NEEDED to defeat al Qaeda, IT COULD BE TAKEN. Similarly, as commander in chief, Roosevelt usurped constitutional rights for citizens in many ways, from censorship to internment camps for Japanese-Americans. Prisoners of war not adhering to the Geneva Conventions were shot by military tribunal -- or without. In a state of war, different laws and expectations exist than during peace. MANY OF THE ARGUMENTS AGAINST BUSH-ERA INTRUSIONS ON PRIVACY ALSO COULD HAVE BEEN MADE AGAINST ROOSEVELT. BUT ROOSEVELT HAD A DECLARATION OF WAR AND FULL AUTHORITY AS COMMANDER IN CHIEF DURING WAR. Bush did not. He worked in twilight between war and peace. One of the dilemmas that could have been avoided was the massive confusion of whether the United States was engaged in hunting down a criminal conspiracy or waging war on a foreign enemy. If the former, then the goal is to punish the guilty. If the latter, then the goal is to destroy the enemy. Imagine that after Pearl Harbor, FDR had promised to hunt down every pilot who attacked Pearl Harbor and bring them to justice, rather than calling for a declaration of war against a hostile nation and all who bore arms on its behalf regardless of what they had done. THE GOAL IN WAR IS TO PREVENT THE OTHER SIDE FROM ACTING, NOT TO PUNISH THE ACTORS. The Importance of the Declaration A DECLARATION OF WAR, I am arguing, IS AN ESSENTIAL ASPECT OF WAR FIGHTING PARTICULARLY FOR THE REPUBLIC WHEN ENGAGED IN FREQUENT WARS. It achieves a number of things. First, **it holds both Congress and the president equally responsible for the decision**, and does so unambiguously. Second, it affirms to the people that their lives have now changed and that they will be bearing burdens. Third, IT GIVES THE

PRESIDENT THE POLITICAL AND MORAL AUTHORITY HE NEEDS TO WAGE WAR ON THEIR BEHALF AND FORCES EVERYONE TO SHARE IN THE MORAL RESPONSIBILITY OF WAR. And finally, by submitting it to a political process, many wars might be avoided. When we look at some of our wars after World War II it is not clear they had to be fought in the national interest, NOR IS IT CLEAR THAT THE PRESIDENTS WOULD NOT HAVE BEEN BETTER REMEMBERED IF THEY HAD BEEN RESTRAINED. A DECLARATION OF WAR BOTH FREES AND RESTRAINS THE PRESIDENT, AS IT WAS MEANT TO DO. I began by talking about the American empire. I won't make the argument on that here, but simply assert it. What is most important is that the republic not be overwhelmed in the course of pursuing imperial goals. THE DECLARATION OF WAR IS PRECISELY THE POINT AT WHICH IMPERIAL INTERESTS CAN OVERWHELM REPUBLICAN PREROGATIVES. There are enormous complexities here. **Nuclear war has not been abolished.** The United States has treaty obligations to the United Nations and other countries. Covert operations are essential, as is military assistance, both of which can lead to war. I AM NOT MAKING THE ARGUMENT THAT CONSTANT ACCOMMODATION TO REALITY DOES NOT HAVE TO BE MADE. I AM MAKING THE ARGUMENT THAT THE SUSPENSION OF SECTION 8 OF ARTICLE I AS IF IT IS POSSIBLE TO AMEND THE CONSTITUTION WITH A WINK AND NOD REPRESENTS A MORTAL THREAT TO THE REPUBLIC. If this can be done, what can't be done? My readers will know that I am far from squeamish about war. I have questions about Libya, for example, but I am open to the idea that it is a low-cost, politically appropriate measure. But I am not open to the possibility that quickly after the commencement of hostilities the president need not receive authority to wage war from Congress. And I AM ARGUING THAT NEITHER THE CONGRESS NOR THE PRESIDENT HAS THE AUTHORITY TO SUBSTITUTE RESOLUTIONS FOR DECLARATIONS OF WAR. NOR SHOULD EITHER WANT TO. Politically, THIS HAS TOO OFTEN LED TO DISASTER FOR PRESIDENTS. Morally, committing the lives of citizens to waging war requires meticulous attention to the law and proprieties. As our international power and interests surge, it would seem reasonable that our commitment to republican principles would surge. These commitments appear inconvenient. They are meant to be. WAR IS A SERIOUS MATTER, AND PRESIDENTS AND PARTICULARLY CONGRESSES SHOULD BE INCONVENIENCED ON THE ROAD TO WAR. Members of CONGRESS SHOULD NOT BE ABLE TO HIDE BEHIND AMBIGUOUS RESOLUTIONS ONLY TO TURN ON THE PRESIDENT DURING DIFFICULT TIMES, claiming that they did not mean what they voted for. A vote on a declaration of war ends that. **It also prevents a president from acting as king by default.** Above all, it prevents the public from pretending to be victims when their leaders take them to war. The possibility of war will concentrate the mind of a distracted public like nothing else. It turns voting into a life-or-death matter, a tonic for our adolescent body politic.

AT: Judicial Precedent HSS

2AC Frontline — Judicial Precedent DA

Multiple alt causes to child pornography investigations — jurisdiction, tech resources, computer forensics, and medical examiners

Wells et al. 7 — Melissa Wells, Assistant Professor of Social Work at the University of New Hampshire, PhD in Sociology at the University of New Hampshire, David Finkelhor, Director of the Crimes Against Children Research Center, Co-Director of the Family Research Laboratory, Professor of Sociology at the University of New Hampshire, PhD in Sociology from the University of New Hampshire, Janis Wolak, Research Assistant Professor at the Crimes Against Children Research Center, JD from Southwestern University, Kimberly Mitchell, Research Assistant Professor of Psychology at the University of New Hampshire, PhD in Experimental Psychology from the University of Rhode Island, 2007 (“Defining Child Pornography: Law Enforcement Dilemmas in Investigations of Internet Child Pornography Possession,” *Police Practice and Research*, July, Available online at <http://www.unh.edu/ccrc/pdf/CV96.pdf>, Accessed 6-30-15)

DESPITE THESE EMERGING INVESTIGATIVE PRACTICES, LAW ENFORCEMENT INVESTIGATIONS OF INTERNET CHILD PORNOGRAPHY POSSESSION CAN ALSO PRESENT SPECIFIC INVESTIGATIVE CHALLENGES. These cases may require digital evidence collection, undercover operations, and tailored interviewing practices (SEARCH, 2001). In addition, THESE CASES MAY INVOLVE MULTIPLE LAW ENFORCEMENT JURISDICTIONS WHEN CHILD PORNOGRAPHY IS TRANSMITTED VIA THE INTERNET. Due to the global reach of the Internet, an individual may possess child pornography images created or disseminated from anywhere in the world (Copine Project, 2003). There is a general consensus THAT GLOBAL PARTNERSHIPS AND INTERNATIONAL LAW ENFORCEMENT COLLABORATION ARE NEEDED TO EFFECTIVELY ADDRESS ONLINE CHILD PORNOGRAPHY (International Centre for Missing & Exploited Children, 2002; ‘International Cooperation to Tackle Child Pornography,’ 2001).

The Internet has opened up new avenues of child pornography possession and law enforcement agencies have developed approaches that facilitate investigations and convictions in these crimes. However, INVESTIGATIONS OF INTERNET CHILD PORNOGRAPHY POSSESSION MAY POSE SOME DILEMMAS AND REQUIRE SPECIFIC RESOURCES. COMPUTERS MAY NEED TO BE PURCHASED OR UPGRADED FOR ELECTRONIC COMMUNICATION, PERSONNEL ARE NEEDED TO WORK ONLINE, TRAINING IN ONLINE INVESTIGATIONS MAY BE REQUIRED, AND SPECIFIC DIGITAL TECHNOLOGY IS OFTEN USEFUL IN TRACKING SUSPECTS.

IN CASES WHERE OFFENDERS ARE REPORTED TO POSSESS IMAGES OF CHILD PORNOGRAPHY ON A COMPUTER, IT IS POSSIBLE THAT IMAGES WILL HAVE BEEN DELETED BY THE TIME LAW ENFORCEMENT INVESTIGATORS EXAMINE THE COMPUTER. COMPUTER FORENSICS EXPERTS WITH SPECIFIC TRAINING MAY BE ABLE TO LOCATE FILES THAT HAVE BEEN DELETED, and in most cases deleted information can be retrieved and used as evidence (Hardy & Kreston, 2002). ONCE IMAGES ARE LOCATED, INVESTIGATORS MUST BE ABLE TO IDENTIFY THE AGE OF VICTIMS IN THE PHOTOS, WHICH MAY REQUIRE EXPERT TESTIMONY BY MEDICAL EXPERTS.

Targeted warrants solve — Donohue just says the Third-Party Doctrine is useful for metadata

Link inevitable — Supreme Court will hear new case Third Party Doctrine case soon

Villasenor 13 — John Villasenor, a Nonresident Senior Fellow At The Brookings Institution and A Professor Of Electrical Engineering And Public Policy At UCLA, 2013 ("What You Need to Know about the Third-Party Doctrine," *The Atlantic*, December 30th, Available Online at <http://www.theatlantic.com/technology/archive/2013/12/what-you-need-to-know-about-the-third-party-doctrine/282721/>, Accessed 7-2-2015)

FACED WITH THE TASK OF DETERMINING WHETHER THE PROGRAM IS CONSTITUTIONAL, LOWER COURT JUDGES BOUND BY SUPREME COURT PRECEDENT HAVE A CHOICE. THEY CAN CONCLUDE THAT THE METADATA COLLECTION IS ANALOGOUS—though obviously on a completely different scale—TO THE PEN REGISTER IN the 1979 SMITH case, AND FIND IT TO BE CONSTITUTIONAL IN ACCORDANCE WITH THE THIRD PARTY DOCTRINE. THIS IS WHAT JUDGE William H. PAULEY III of the Southern District of New York DID in his December 27 ruling dismissing the ACLU's lawsuit in ACLU et al. v Clapper et al.

ALTERNATIVELY, JUDGES CAN CONCLUDE THAT THE NSA PROGRAM IS PROBABLY NOT CONSTITUTIONAL, BUT IN DOING SO THEY NEED TO EXPLAIN WHY THEY BELIEVE THE PROGRAM FALLS OUTSIDE THE SCOPE OF THE DOCTRINE. THIS IS WHAT JUDGE Richard J. LEON of the U.S. District Court for the District of Columbia DID in his December 16 ruling [PDF] granting (and immediately staying pending appeal) an injunction against the NSA in Klayman et al. v. Obama et al. WHAT A LOWER COURT JUDGE CANNOT DO, HOWEVER, IS DECIDE THAT THE THIRD PARTY DOCTRINE SHOULD SIMPLY NO LONGER APPLY.

Thus, THE COURTS THAT WILL HEAR THE INITIAL APPEALS OF BOTH OF THE ABOVE RULINGS ARE IN AN UNENVIABLE AND ALL-TOO-COMMON POSITION: THEY WILL NEED TO APPLY LEGAL PRECEDENTS THAT PREDATE THE DIGITAL ERA TO QUESTIONS THAT ARE ARISING IN LARGE PART PRECISELY DUE TO THE STUNNING ADVANCES IN DIGITAL TECHNOLOGIES IN RECENT YEARS. It's a challenging exercise.

THE ONE COURT THAT CAN ACTUALLY CHANGE THE THIRD-PARTY DOCTRINE INSTEAD OF JUST APPLYING IT IS THE SUPREME COURT. AND, in the next few years, the Supreme Court will almost certainly be asked—perhaps in a petition arising from one of the NSA lawsuits, or perhaps in a different matter altogether—to hear a new, major third-party doctrine case.

No solvency — stopping child pornography doesn't prevent the sexual abuse

Link non-unique — Los Angeles v. Patel

Rosenzweig 15 — Paul Rosenzweig, founder of Red Branch Consulting PLLC, a homeland security consulting company and a Senior Advisor to The Chertoff Group, formerly served as Deputy Assistant Secretary for Policy in the Department of Homeland Security, a Distinguished Visiting Fellow at the Homeland Security Studies and Analysis Institute, also serves as a Professorial Lecturer in Law at George Washington University, a Senior Editor of the *Journal of National Security Law & Policy*, and as a Visiting Fellow at The Heritage Foundation, B.A., Haverford College, M.S., Scripps Institution of Oceanography, University of California at San Diego, J.D., University of Chicago, 2015 ("Waiting for Patel," *Lawfare*, June 18th, Available Online at <http://www.lawfareblog.com/waiting-patel>, Accessed 6-30-2015)

The annual ritual has begun. Every June, official Washington waits in anticipation for the Supreme Court to complete its term. All of the "blockbuster" cases await decision. This year, most of the press and public are waiting for the gay marriage case and for the Obamacare/ACA tax decision. BUT THERE ARE MORE THAN A DOZEN CASES YET TO BE DECIDED AND ONE OF THE POSSIBLE SLEEPERS IS CITY OF LOS ANGELES V. PATEL. To be honest, it will probably be a bust, but THERE ARE SOME WAYS IN WHICH IT MIGHT BE ONE OF THE MORE SIGNIFICANT PRIVACY/FOURTH AMENDMENT CASES -- depending, of course, on how the case is decided.

Patel involves a lawsuit brought by hotel operators who were challenging the City of Los Angeles' rules allowing the inspection of hotel registration records. Hotel records are generally thought of as public records both here in the US and in Europe. As a result, THE HOTELS ARE OBLIGED TO MAINTAIN THE RECORDS AND ROUTINELY MAKE THEM AVAILABLE FOR POLICE INSPECTION. Thus THE QUESTION presented is "WHETHER A HOTEL HAS AN EXPECTATION OF PRIVACY UNDER THE FOURTH AMENDMENT IN A HOTEL GUEST REGISTRY WHERE THE GUEST-SUPPLIED INFORMATION IS MANDATED BY LAW and an ordinance authorizes the police to inspect the registry, and if so, whether the ordinance is facially unconstitutional under the Fourth Amendment unless it expressly provides for pre-compliance judicial review before the police can inspect the registry."

By way of background, Patel and the other hotel operators run relatively small hotel operations in Los Angeles -- ones that are sometimes called "parking meter hotels" because they rent by the hour. Some of the renters are, it seems, unsavory characters. Hence, the LAPD took a rather strong interest in the guest registers and, reportedly, often found therein some who had outstanding warrants or were engaging in illegal activity. UNDER THE LA ORDINANCE THE POLICE INSPECTIONS OF THE REGISTERS COULD BE WITHOUT WARNING AND WITHOUT A WARRANT. THE NINTH CIRCUIT FOUND THE ORDINANCE UNCONSTITUTIONAL -- and held that an administrative warrant (of the sort required by the Supreme Court in *Marshall v. Barolow's Inc.*) was required. Most OBSERVERS (including me) THINK that THE COURT TOOK THE CASE TO REVERSE -- THE DOCTRINE HAS LONG BEEN THAT WARRANTLESS SEARCHES OF "CLOSELY REGULATED" INDUSTRIES IS PERMITTED UNDER THE FOURTH AMENDMENT, and hotel guest registries have been regulated since Colonial times in the US (and for far longer in Europe). More to the point, LA argues that surprise inspections of guest information at these types of hourly rental hotels is necessary to prevent them from being used as easy locations for drugs and prostitution. Given that argument (and given that the hotel is asserting the derivative privacy interests of their customers rather than their own direct interests) this might be an easy case -- and it probably will be.

But if we press a little deeper, there are some privacy/liberty/security questions buried in the case that it would be fun if the Court were to address:

DO THE HOTEL GUESTS HAVE ANY PRIVACY INTEREST IN THE DATA THEY SHARE WITH THE HOTEL IN ORDER TO GET A ROOM? THIS pretty clearly implicates the third-party doctrine, WHICH HAS BEEN UNDER SOME STRESS IN THE NATIONAL SECURITY CONTEXT.

Investigations fail — pedophiles' tech is always one step ahead and the FBI lacks resources to follow investigations

Henzey 11 — Michael J. Henzey, Assistant Commonwealth's Attorney, Office of the Commonwealth's Attorney of the City of Hampton, VA, Master of Laws (LLM) degree in Criminal Law with Honors from

State University of New York at Buffalo - Law School, J.D. from The Catholic University of America, Columbus School of Law, B.A. in history from George Mason University, 2015 ("Going On The Offensive: A Comprehensive Overview Of Internet Child Pornography Distribution And Aggressive Legal Action," *Appalachian Journal of Law* (11 Appalachian J. L. 1), Available Online to Subscribing Institutions via Lexis-Nexis)

ANOTHER OBSTACLE TO EFFECTIVELY INVESTIGATING AND ELIMINATING CHILD PORNOGRAPHY IS THAT MANY POLICE AGENCIES ARE AT A DISADVANTAGE WITH TECHNICAL KNOW-HOW VIS-A-VIS INTERNET PEDOPHILES. As a group, INTERNET PEDOPHILES HAVE AN UNUSUALLY HIGH DEGREE OF TECHNICAL SOPHISTICATION WHEREAS LAW ENFORCEMENT OFFICERS TYPICALLY DO NOT. MOREOVER, THE MORE TECHNICAL TRAINING A LAW ENFORCEMENT AGENT RECEIVES, THE MORE ATTRACTIVE PRIVATE FIRMS BECOME WITH THEIR CORRESPONDINGLY HIGHER SALARIES AND NORMAL WORKING HOURS. Further, AS THE INTERNET PEDOPHILES ARE TECHNOLOGICALLY SAVVY, THEY ARE QUICK TO ADOPT NEW TECHNOLOGIES AND TECHNIQUES BEFORE LAW ENFORCEMENT. n282 Interestingly, THEY MONITOR LAW ENFORCEMENT ACTIVITIES JUST AS LAW ENFORCEMENT MONITORS THEM. JENKINS DOCUMENTED MANY INSTANCES OF PEDOPHILES SCRUTINIZING MEDIA ACCOUNTS OF ARRESTS IN CHILD PORNOGRAPHY CASES IN ORDER TO ASSESS LAW ENFORCEMENT METHODS. n283 He writes, "Board participants are well aware of the various traps and investigations and regularly post news clippings and summaries of criminal cases as they arise, so other ENTHUSIASTS CAN LEARN ABOUT LAW ENFORCEMENT TECHNIQUES AND BE SURE NOT TO MAKE THE SAME MISTAKE THEMSELVES." n284 Thus, BECAUSE OF MOST POLICE ORGANIZATIONS' DEARTH OF TECHNICAL KNOW-HOW AND [*53] INSTITUTIONAL PRESSURES TO MAKE ARRESTS, Jenkins argues POLICE OFFICERS ONLY SUCCEED AT ARRESTING THE LOW HANGING FRUIT: INEXPERIENCED PEDOPHILES OR THOSE STUPID ENOUGH TO ACTIVELY SOLICIT CHILDREN IN INTERNET CHAT ROOMS. n285 THE CORE OF THE INTERNET CHILD PORNOGRAPHY SUBCULTURE, Jenkins believes, has been active for decades and will continue to elude law enforcement. n286

A FUNDAMENTAL PROBLEM FRUSTRATING EFFORTS TO CRACKDOWN ON INTERNET CHILD PORN DISTRIBUTION IS THE LARGE TIME COMMITMENT THESE INVESTIGATIONS REQUIRE. ACCORDING TO THE FBI, FORENSIC EXAMINATIONS OF A COMPUTER TAKE ON AVERAGE FORTY HOURS TO COMPLETE, DEPENDING ON THE COMPUTER'S CONDITION AND THE DATA VOLUME. n287 However, AN EXAMINATION OF A COMPUTER PROTECTED BY A TECHNICALLY SAVVY PERPETRATOR CAN TAKE MUCH LONGER. n288 The FBI notes THE AMOUNT OF DATA FORENSIC INVESTIGATORS MUST ANALYZE HAS SHARPLY INCREASED due to the greater availability of high speed Internet and innovations in digital storage devices that have increased the volume of data that can be cheaply stored. n289 In fact, a report from the Department of Justice Office of Inspector General detailed THAT ALTHOUGH THE NUMBER OF COMPUTER FORENSIC INVESTIGATIONS FOR CHILD SEXUAL EXPLOITATION CASES REMAINED STABLE BETWEEN 2005 AND 2007, n290 THE VOLUME OF DATA REQUIRING EXAMINATION SHARPLY INCREASED BY 38%, FROM 429 TERABYTES TO 591 TERABYTES. n291 THE INTERNET, ALONG WITH COMPUTER INNOVATIONS, HAVE ALLOWED CHILD PORNOGRAPHY DISTRIBUTION TO INCREASE IN FREQUENCY AND VOLUME CAUSING FORENSIC EXAMINATIONS OF COMPUTERS TO TAKE MUCH LONGER. Also troubling, an official with THE FBI'S INNOCENT IMAGES NATIONAL INITIATIVE STATED FORENSIC EXAMINATIONS ON AVERAGE CAN TAKE 100 DAYS; AND REPRESENTATIVES FROM THE UNITED STATES ATTORNEY'S OFFICES HAVE ALSO REPORTED PROTRACTED PROCESSING TIME FOR FBI FORENSIC EXAMINATION OF DIGITAL EVIDENCE. AS DIGITAL TECHNOLOGY BECOMES BOTH MORE SOPHISTICATED AND LESS

EXPENSIVE, THE PROBLEM SURELY WILL ONLY GET WORSE: officials with the FBI have stated they believe the amount of digital evidence seized in child pornography cases will continue to rise more quickly than law enforcement agencies' ability to timely process the evidence. n292 THE EFFECT IS THE VAST NUMBERS OF REPORTED CHILD PORNOGRAPHY CASES GO UNINVESTIGATED. This is illustrated by law enforcement's experience in an investigation dubbed "Operation Ore." INVESTIGATORS [*54] HAD THE NAMES OF 7,200 SUSPECTS WHO HAD PAID TO ACCESS CHILD PORNOGRAPHY WEBSITES operated by a group known as Landslide Productions. n293 LAW ENFORCEMENT AGENCIES WERE OVERWHELMED BY THE NUMBER OF LEADS AND WERE FORCED TO "TRIAGE" WHICH SUSPECTS WOULD BE INVESTIGATED. AGENCIES GAVE EMPHASIS TO CONVICTED SEX OFFENDERS OR THOSE WITH IMMEDIATE ACCESS TO CHILDREN. EVEN WITH THIS RANKING SCHEME, IT WAS NOT POSSIBLE TO SEARCH THE HOMES OF MORE THAN A MINORITY OF THE 7,200 SUSPECTS WITHIN A YEAR. n294

Impact inevitable — law enforcement fails to prevent child pornography now

Henzey 11 — Michael J. Henzey, Assistant Commonwealth's Attorney, Office of the Commonwealth's Attorney of the City of Hampton, VA, Master of Laws (LLM) degree in Criminal Law with Honors from State University of New York at Buffalo - Law School, J.D. from The Catholic University of America, Columbus School of Law, B.A. in history from George Mason University, 2015 ("Going On The Offensive: A Comprehensive Overview Of Internet Child Pornography Distribution And Aggressive Legal Action," *Appalachian Journal of Law* (11 Appalachian J. L. 1), Available Online to Subscribing Institutions via Lexis-Nexis)

F. Shortcomings of Current Law Enforcement Methods

Despite the aforementioned successes, CURRENT LAW ENFORCEMENT STRATEGIES AND TACTICS APPEAR TO HAVE LITTLE EFFICACY IN CURBING INTERNET CHILD PORNOGRAPHY DISTRIBUTION. On this point, researchers Schell, Martin, Hung, and Rueda write: "METHODS CURRENTLY EMPLOYED TO COMBAT CHILD PORNOGRAPHY ARE CONSIDERED EVEN BY THE EXPERTS THEMSELVES TO BE RATHER PRIMITIVE AND INEFFICIENT." n244 Indeed, BY ALMOST EVERY METRIC, CHILD PORNOGRAPHY SEEMS TO BE PROLIFERATING. THE NUMBER OF CASES THE FBI INVESTIGATED BETWEEN 1996 AND 2005 ROSE BY 2,026%, from 113 investigations to 2,402 WHILE THE NUMBER OF ARRESTS SKYROCKETED 2,325%, from 68 arrests to 1,649. n245 FEDERAL CHILD PORNOGRAPHY AND CHILD ABUSE PROSECUTIONS INCREASED MORE THAN 350% BETWEEN 1995 AND 2005. n246 THESE CRIME STATISTICS, WHILE DAUNTING, DO NOT EVEN CONSIDER U.S. LOCAL LAW ENFORCEMENT AGENCIES' EFFORTS. A report by the NCMEC indicated that FEDERAL LAW ENFORCEMENT AGENCIES PARTICIPATED IN ONLY 46% OF CHILD PORNOGRAPHY INVESTIGATIONS. Thus, THE STATISTICS ABOVE DO NOT EVEN REFLECT HALF OF THE PROBLEM IN THIS COUNTRY, LET ALONE THE PROBLEM INTERNATIONALLY. Further, the NCMEC's CYBERTIPLINE RECORDED A THIRTY-FOLD INCREASE IN INTERNET CHILD PORNOGRAPHY REPORTS BETWEEN 1998 AND 2004, FROM 3,267 TO 106,119 REPORTS. n247 While some increase is probably attributable to greater awareness of the CyberTipLine's existence and ISPs' legal duty to file reports, from these statistics experts have concluded, "IT IS CLEAR THAT THE INTERNET IS HELPING TO FUEL AN EPIDEMIC OF CHILD PORNOGRAPHY." n248

As the Internet knows no borders, the CHILD PORNOGRAPHY CRISIS IS NOT MERELY CONFINED TO THE UNITED STATES. A 2005 Canadian report by the [*47] Office of Statistics stated CHARGES RELATING TO CHILD PORNOGRAPHY INCREASED EIGHT-FOLD BETWEEN 1998 AND 2003. n249 Ireland's version of the NCMEC's CyberTipLine, the HOTLINE, SHOWED A SUBSTANTIAL INCREASE IN INTERNET CHILD

PORNOGRAPHY REPORTS FROM 2003 TO 2005. n250 The United Kingdom's INTERNET WATCH FOUNDATION CLAIMS THERE ARE AN INCREASING NUMBER OF WEBSITES HOSTING CHILD PORNOGRAPHY, including commercial sites hosted in the U.S. or Russia. n251 Finally, an axiom of law enforcement is the crimes investigated and prosecuted typically only represent a small portion of the overall problem. Therefore, **child pornography continues to proliferate across the Internet unabated despite a decade of significant law enforcement, private sector, and media attention.** How is this possible?

[Note to fellow students: NCMEC is the National Center for Missing and Exploited Children, a 501(c)(3) nonprofit organization, provides several services to assist law enforcement's efforts]

Child pornography is moving to “peer-to-peer” technology — removes the third-party to render the doctrine useless

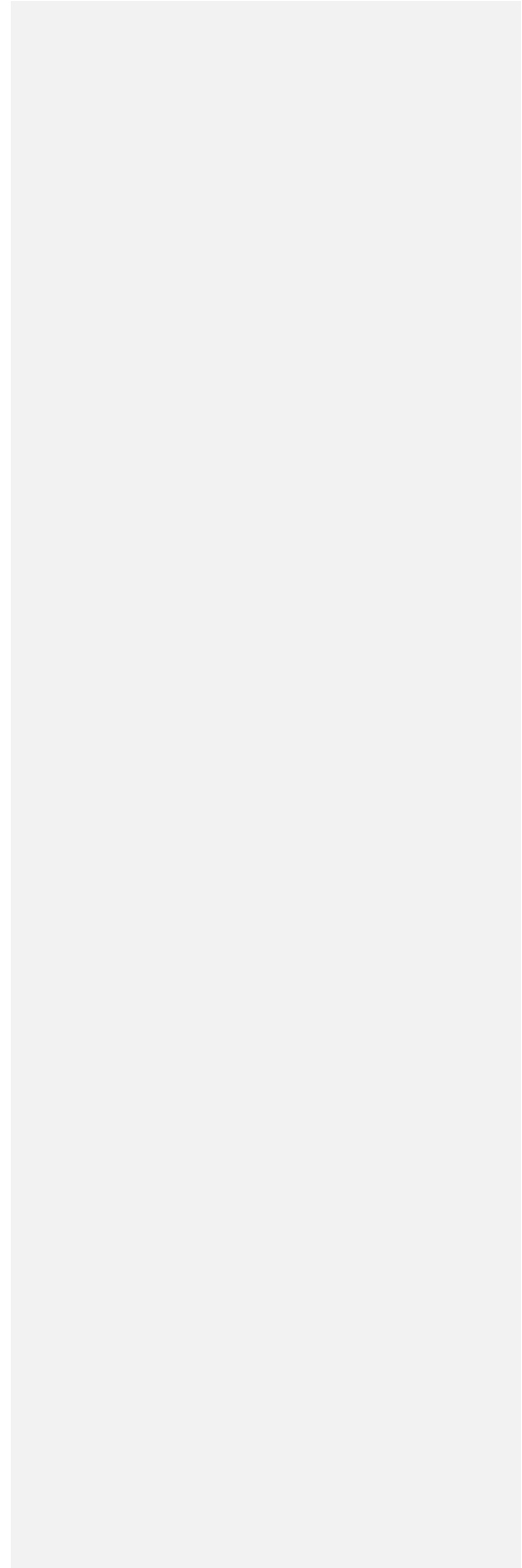
Henzey 11 — Michael J. Henzey, Assistant Commonwealth's Attorney, Office of the Commonwealth's Attorney of the City of Hampton, VA, Master of Laws (LLM) degree in Criminal Law with Honors from State University of New York at Buffalo - Law School, J.D. from The Catholic University of America, Columbus School of Law, B.A. in history from George Mason University, 2015 (“Going On The Offensive: A Comprehensive Overview Of Internet Child Pornography Distribution And Aggressive Legal Action,” *Appalachian Journal of Law* (11 *Appalachian J. L.* 1), Available Online to Subscribing Institutions via Lexis-Nexis)

However, Jenkins observed the INTERNET PEDOPHILIA SUBCULTURE HAD BECOME SKILLED AT EVADING AUTOMATED WEB SURVEILLANCE BY USING CODE WORDS RELATING TO SPORTS. The pedophiles efforts, however, only succeed in keeping the website alive for only a few hours or minutes; as pedophiles from the boards flood the site, the administrator becomes aware of a spike in traffic, investigates, and deletes the site. THIS CAT-AND-MOUSE GAME IS REPEATED COUNTLESS TIMES AND IS THE REASON WHY ERADICATING CHILD PORNOGRAPHY, even when the content is hosted on websites in western countries with strict laws and significant enforcement resources, IS SO DIFFICULT: AS SOON AS THE AUTHORITIES RESPOND, THE PEDOPHILES HAVE MOVED ON. “If there were indeed [*50] thousands of Web sites with known, fixed URLs,” Jenkins writes, “they could all be shut down in a matter of days.” n266

Moreover, PEDOPHILES USE CHILD PORNOGRAPHY DISTRIBUTION METHODS OTHER THAN TRADITIONAL WEBSITES THAT ARE DIFFICULT TO DETECT AND DISRUPT, SUCH AS PEER-TO-PEER TECHNOLOGY n267 AND USENET NEWSGROUPS. n268 PEER-TO-PEER TECHNOLOGY IS “A FORM OF NETWORKING THAT ALLOWS DIRECT COMMUNICATION BETWEEN COMPUTER USERS SO THAT THEY CAN ACCESS AND SHARE EACH OTHER’S FILES (including images, video, and software).” n269 Peer-to-peer technology comes in two varieties: centralized and decentralized. CENTRALIZED PEER-TO-PEER TECHNOLOGY USES A CENTRAL SERVER AS A BROKER TO MATCH FILE “SELLERS” WITH FILE “BUYERS” (though no money is exchanged), whereas DECENTRALIZED PEER-TO-PEER TECHNOLOGY ALLOWS FILE EXCHANGE WITHOUT USING A CENTRAL BROKER (and thus no central server that keeps track of users and their transactions). A RECENT STUDY FOUND CHILD PORNOGRAPHY IS PREVALENT ON THE MOST POPULAR PEER-TO-PEER CLIENT, GNUTELLA. THE STUDY CONFIRMED A “LARGE AMOUNT OF PEER-TO-PEER TRAFFIC IS DEDICATED TO CHILD PORNOGRAPHY.” n270 Further, the study found peer-to-peer queries requested

subjects with a median age of thirteen years old. n271 However, the researcher was unable to confirm when material actually contained the material its filename claimed as it is illegal under U.S. law even for bona fide researchers to view child pornography. n272 THE INCREASED USE OF PEER-TO-PEER TECHNOLOGY IS TROUBLING BECAUSE IT MAY REPRESENT THE EASIEST MEANS OF DISTRIBUTING CHILD PORNOGRAPHY. AN INTERNET PEDOPHILE NEITHER NEEDS ANY PARTICULAR TECHNOLOGICAL EXPERTISE nor must pay a subscription fee to use peer-to-peer applications. Further, the increased use of decentralized peer-to-peer technology is a major frustration to law enforcement investigations as it cuts out a centralized "middle man," WHICH WOULD BE A MAJOR REPOSITORY OF RECORDS. WHILE THIS DOES NOT PRECLUDE INVESTIGATIONS OF CHILD PORNOGRAPHY ON PEER-TO-PEER NETWORKS, IT MAKES IT MORE DIFFICULT AND TIME CONSUMING FOR LAW ENFORCEMENT (THUS RESULTS IN FEWER ARRESTS).

1AR Extensions



Extend: “Investigations Fail”

Criminal innovation offsets any law enforcement benefits of the third-party doctrine

Jacobi and Kind 15 — Tonja Jacobi, Research professor at the Northwestern University School of Law, and Jonah Kind, law clerk to Joel M. Flaum, judge at the 7th circuit US Court of Appeals, 2015 (“Criminal Innovation And The Warrant Requirement: Reconsidering The Rights-Police Efficiency Trade-Off” *William & Mary Law Review* (56 Wm. & Mary L. Rev. 759), Available Online to Subscribing Institutions via Lexis-Nexis)

CONCLUSION

Throughout Fourth Amendment law, COURTS ASSUME THAT REQUIRING LAW ENFORCEMENT TO OBTAIN A WARRANT FOR AN INVESTIGATION WILL GREATLY HARM LEOS' ABILITY TO SOLVE CRIME AND PROSECUTE CRIMINALS. This assumption appears in debates about the search/nonsearch distinction, about possible exceptions to the warrant requirement, and about the warrant requirement itself. Yet it is often not true. In some situations, LEOS WILL INDEED BE BETTER ABLE TO INVESTIGATE CRIME WHEN THEY DO NOT HAVE TO INCUR THE COSTS OF OBTAINING A WARRANT. HOWEVER, WHEN CRIMINALS ARE ABLE TO INNOVATE IN WAYS THAT REDUCE THE LIKELIHOOD OF LAW-ENFORCEMENT DETECTION, REQUIRING LEOS [*832] TO OBTAIN A WARRANT WILL DO LITTLE OR NO HARM TO LAW-ENFORCEMENT INVESTIGATIONS IN MANY CASES. REDUCED COSTS OF LAW-ENFORCEMENT INVESTIGATION will incentivize criminals to innovate MORE OFTEN. THIS INCREASED INNOVATION will often completely offset THE GAINS LEOS RECEIVE FROM NOT HAVING TO OBTAIN A WARRANT.

Other than differences in constitutional interpretation, n318 THE MAIN ARGUMENT IN FAVOR OF DOING AWAY WITH THE WARRANT REQUIREMENT IS THAT OBTAINING A WARRANT MAKES POLICE WORK MUCH MORE DIFFICULT. n319 Yet WHEN CRIMINAL INNOVATION IS TAKEN INTO ACCOUNT, IT IS CLEAR THAT THIS ARGUMENT IS greatly oversold. For too long, FOURTH AMENDMENT JURISPRUDENCE HAS OVERLOOKED THE FACT THAT CRIMINALS will work harder TO HIDE THEIR CRIMES IF LEOS DO NOT HAVE TO WORK AS HARD TO INVESTIGATE THEM. LAW ENFORCEMENT HAS LONG RECOGNIZED THE NEED TO ANTICIPATE AND RESPOND TO POTENTIAL CRIMINAL INNOVATION, AND INVESTIGATION STRATEGIES ARE COMMONLY STRUCTURED AROUND THE EXPECTATION THAT CRIMINALS WILL INNOVATE. It is time the courts recognize this interaction.

WHEN CRIMINAL INNOVATION IS TAKEN INTO ACCOUNT, MANY OF THE ASSUMPTIONS OF FOURTH AMENDMENT LAW BECOME LESS CLEAR, AND MANY OF THE STRANGE DOCTRINAL INNOVATIONS THAT THE COURT HAS MADE TO ACCOUNT FOR POLICE EFFICIENCY LOOK FOOLHARDY. This Article has shown that, contrary to common beliefs, LAW ENFORCEMENT WILL OFTEN REALIZE NO GAIN WHEN AN INVESTIGATION IS CLASSIFIED AS A NONSEARCH OR IS OTHERWISE EXEMPT FROM THE WARRANT REQUIREMENT. These outcomes will only occur more often as use of electronic technology increases. Courts deciding Fourth Amendment questions must begin to take into account the incentives that cause criminals to innovate, and give less weight to the claim of police efficiency when deciding whether the warrant requirement applies.

Extend: “Alt Causes”

Lack of coordination, resource shortages, and the changing nature of the internet are all alt causes to child pornography investigations

Wells et al. 7 — Melissa Wells, Assistant Professor of Social Work at the University of New Hampshire, PhD in Sociology at the University of New Hampshire, David Finkelhor, Director of the Crimes Against Children Research Center, Co-Director of the Family Research Laboratory, Professor of Sociology at the University of New Hampshire, PhD in Sociology from the University of New Hampshire, Janis Wolak, Research Assistant Professor at the Crimes Against Children Research Center, JD from Southwestern University, Kimberly Mitchell, Research Assistant Professor of Psychology at the University of New Hampshire, PhD in Experimental Psychology from the University of Rhode Island, 2007 (“Defining Child Pornography: Law Enforcement Dilemmas in Investigations of Internet Child Pornography Possession,” *Police Practice and Research*, July, Available online at <http://www.unh.edu/ccrc/pdf/CV96.pdf>, Accessed 6-30-15)

This study identifies specific challenges law enforcement agents may encounter in investigations of Internet child pornography possession. DEFINING CHILD PORNOGRAPHY CAN BE COMPLICATED BY DEFINITIONAL CHALLENGES AND IDENTIFYING THE AGE OF CHILDREN DEPICTED IN IMAGES. While this analysis examined a sample of cases known to US law enforcement agents, CHILD PORNOGRAPHY CRIMES MAY INVOLVE MULTIPLE JURISDICTIONS AND CROSS NATIONAL BORDERS. Therefore, THIS ANALYSIS SUGGESTS AT LEAST THREE IMPLICATIONS FOR POLICY AND LAW ENFORCEMENT PRACTICE. FIRST, THERE IS A NEED FOR A MORE FORMAL NATIONAL AND GLOBAL INFRASTRUCTURE TO SUPPORT THESE INVESTIGATIONS. SECOND, LAW AGENCIES NEED ADDITIONAL RESOURCES, SPECIFICALLY ALLOCATED FOR ASSISTING IN EXPERT WITNESS OR OTHER ASSISTANCE IN ASCERTAINING IF IMAGES DEPICT MINOR CHILDREN. FINALLY, this analysis suggests that while law enforcement investigators report using innovative, technology-enhanced investigation strategies, THE NATURE OF THE INTERNET APPEARS TO PRESENT SIGNIFICANT CHALLENGES FOR LAW ENFORCEMENT. Continued analysis of the impact of the Internet on both the commission and investigation of child pornography crimes is essential.

Extend: “Link inevitable”

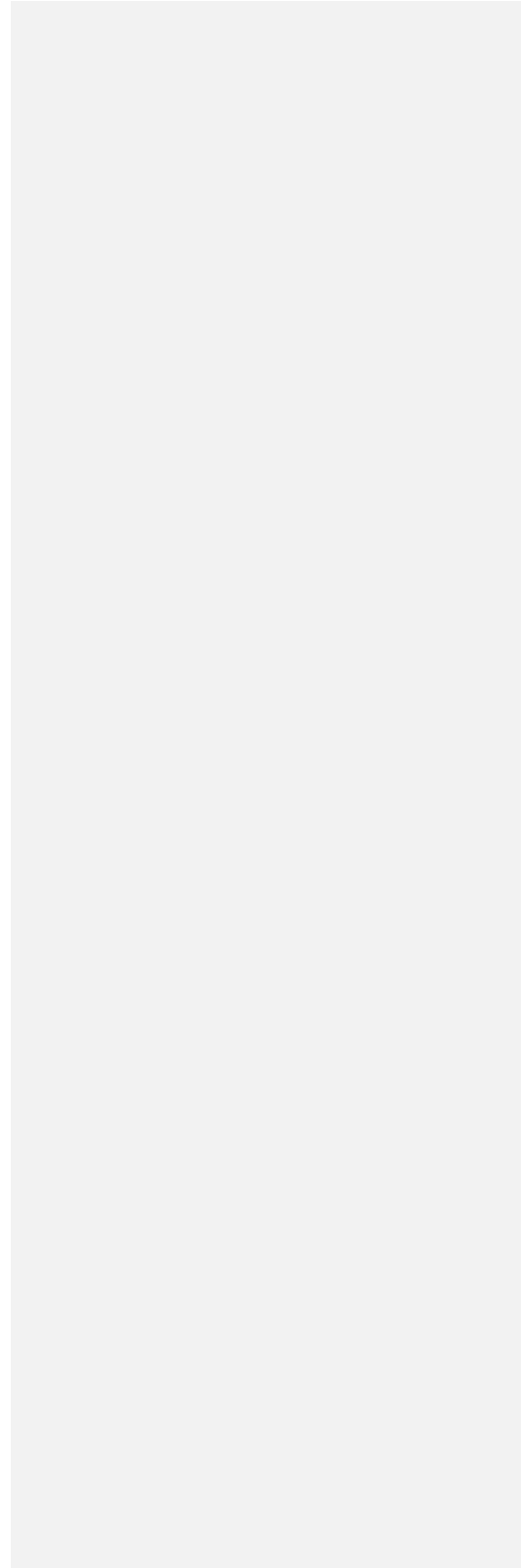
Link inevitable — the third-party doctrine is on the brink of being overturned

Ghoshray 11 — Saby Ghoshray, President and Founder of the Institute of Interdisciplinary Studies at North Kentucky University, work has appeared in a number of publications including, among others, Albany Law Review, ILSA Journal of International and Comparative Law, European Law Journal ERA-Forum, Toledo Law Review, Georgetown International Environmental Law Review, Temple Political & Civil Rights Law Review, Fordham International Law Journal, Santa Clara Law Review, Michigan State International Law Journal, Loyola Law Journal, New England Law Review, and Miami Law Review, 2011 (“Privacy Distortion Rationale For Reinterpreting The Third-Party Doctrine Of The Fourth Amendment,” *Florida Coastal Law Review* (13 Fl. Coastal L. Rev. 33), Available Online to Subscribing Institutions via Lexis-Nexis)

Therefore, I argue that **the third-party doctrine OF THE FOURTH AMENDMENT has come to a breaking point, MORE DRIVEN BY THE SHAPING EFFECT OF 9/11 THAN THE INDIVIDUAL'S USE OF TECHNOLOGY TO SUBVERT THE LAW, MORE VIA DISCONNECT WITH GROWING ADVANCEMENT OF TECHNOLOGY THAN OWING TO THE DOCTRINE'S INABILITY TO SUSTAIN THE LAW'S ORIGINAL ASPIRATIONS.** n334 By examining the existing lament in legal scholarship regarding the continued viability of the third-party doctrine, this Article reveals an uncultivated dimension that is absent in contemporary discourse. n335 **BY ADEQUATELY EXPLAINING THE RIGHT OF PRIVACY THROUGH THE PRISM OF THE RIGHT TO LIFE WITHIN THE CONTEXT OF LIFE EVOLVING IN CYBERSPACE, I QUESTION THE CONTINUED APPLICABILITY OF THE THIRD-PARTY DOCTRINE.** n336 Detailing the modes of the automation world in which post-modern individuals navigate, **EXISTING JUDICIAL CONSTRUCTION OF THE THIRD-PARTY DOCTRINE MAY NOT SUFFER FROM A FATAL FLAW BUT INDEED NEEDS A FACELIFT.** n337 Is the judiciary ready?

**AT: Judicial Salaries and Court Stripping
Michigan 7**

Affirmative Answers



AT: Judicial Independence Impact

Empirically won't undermine independent judiciary

Geyh, 03 --- Professor of Law at Indiana (Winter/Spring 2003, Charles G., Indiana Law Journal, "Judicial Independence, Judicial Accountability, and the Role of Constitutional Norms in Congressional Regulation of the Courts," 78 Ind. L.J. 153))

THE WELL-DOCUMENTED, CYCLICAL ATTACKS ON THE COURTS mentioned above SERVE TO PUNCTUATE PHASES IN THE RELATIONSHIP BETWEEN THE FEDERAL COURTS AND THE POLITICAL BRANCHES in ways that justify their use as section headings in Part II, which chronicles the development of customary independence. By themselves, however, these episodic altercations between the judiciary and the political branches tell a story that is woefully incomplete, first because they tend primarily to involve the Supreme Court to the frequent exclusion of the lower courts, and second because they dwell on moments of heightened interbranch tension, while ignoring protracted periods of relative calm [*158] between crises. WHEN THE MORE COMPLETE STORY IS TOLD, WE FIND THAT WHILE CONGRESS AND THE PRESIDENT HAVE ATTACKED THE SUPREME COURT IN GENERATIONAL CYCLES, their support for the emergence of an independent judicial branch has been largely uninterrupted over time. in fact, SOME OF THE MOST MEANINGFUL STEPS TOWARD PROMOTING AN INCREASINGLY STRONG AND INDEPENDENT JUDICIARY HAVE BEEN TAKEN DURING AND IMMEDIATELY AFTER BITTER CONFRONTATIONS BETWEEN THE BRANCHES OVER ALLEGED EXCESSES OF THE SUPREME COURT. As I intend to demonstrate, there were three primary manifestations of these emerging independence norms: first, a congressional resistance to other than minimalist, incremental reform of the judiciary's basic structure throughout the nineteenth century; second, a congressional commitment to furnishing the judiciary with the tools to govern itself throughout the twentieth century; and third, a gradual decline over the nineteenth and twentieth centuries in the acceptability of holding the judiciary accountable for its decisions by means of impeachment or by changes in court structure, size, or jurisdiction.

The prevailing impression, derived from scholarly obsession with the battles between Congress and the Supreme Court, is that episodic, independence-threatening confrontations are the defining features of the interbranch landscape. When the Supreme Court's cyclical battles with the political branches are superimposed upon the underlying saga of the judiciary's largely uninterrupted progress toward independence, however, a different and more complete story emerges--one which suggests that these EPISODIC BATTLES ARE BETTER CHARACTERIZED AS DEPARTURES FROM A DEEPER AND MORE STABLE CONSTITUTIONAL CUSTOM OF INTERBRANCH COMITY. Thus, occasional episodes of brinkmanship have periodically served to revalidate the emerging rule of an independent judicial branch.

AT: Judicial Salary Increases --- Court Ruling Ensures Payment

Court ruling ensures Congressional pay for judges

Denniston, 12 --- has been covering the Supreme Court for fifty-five years (10/7/2012, Lyle, "Major victory – and pay raises – for U.S. judges," <http://www.scotusblog.com/2012/10/major-victory-and-pay-raises-for-u-s-judges/>, JMP)

AFTER BATTLING FOR YEARS TO GET A PAY RAISE THAT THEY SAY CONGRESS HAD ONCE PROMISED THEM, SIX FEDERAL JUDGES FINALLY WON IN A SPECIALIZED FEDERAL COURT on Friday. If the ruling withstands a likely trip to the Supreme Court, THOSE JUDGES – AND PRESUMABLY OTHERS – WILL get annual cost-of-living increases THAT HAVE BEEN SPECIFICALLY VETOED BY CONGRESS. The ten-to-two decision by the Federal Circuit is here.

THE COURT RULED THAT, IN A 1989 LAW UPON WHICH THE JUDGES HAVE BEEN RELYING, CONGRESS TRIGGERED THE JUDGES' RIGHT UNDER THE CONSTITUTION NOT TO HAVE THEIR PAY LEVEL DIMINISHED. THE COMPENSATION CLAUSE ITSELF, the decision said, CREATES "BASIC EXPECTATIONS AND PROTECTIONS" ON JUDGES' PAY.

Thus, IT CONCLUDED, "in the unique context of the 1989 act, THE CONSTITUTION PREVENTS CONGRESS FROM ABROGATING THAT STATUTE'S PRECISE AND DEFINITE COMMITMENT TO AUTOMATIC YEARLY COST OF LIVING ADJUSTMENTS FOR SITTING MEMBERS OF THE JUDICIARY."

In reaching its decision, the Federal Circuit overruled a decision it had reached in 2001 – one that the Supreme Court had refused to disturb in 2002– and it found that it was not bound by a 1980 decision of the Supreme Court. Both of those rulings had gone against judges claiming that they were unconstitutionally denied pay raises.

The Supreme Court has played a continuing role in this prolonged constitutional fight, and in June of last year told the Federal Circuit to decide whether the six judges' case (the latest of several such cases) should be dismissed on the theory that it was barred by the Federal Circuit's 2001 precedent.

AT: Judicial Salary Increases --- Congress Must Pay

No internal link – congress is mandated to pay the salaries – means it can't be cut

Moyer, 15 – [Bruce, is on the Federal Bar Association government relations counsel, Federal Bar Association, “Federal Judges Score a Pay Adjustment, Quietly”, January 2015, <http://www.fedbar.org/Advocacy/Washington-Watch/WW-Archives/2015/JanuaryFebruary-2015-Federal-Judges-Score-a-Pay-Adjustment-Quietly.aspx>, 7/6/15]JRO

Congressional Reaction Members of Congress are inquiring how much these raises will cost. ACCORDING TO THE Congressional Budget Office (CBO), the bill will be considerable. THE CBO IN OCTOBER ANNOUNCED THAT THE FEDERAL GOVERNMENT WILL SPEND A COLLECTIVE \$1 BILLION MORE TO PAY ITS JUDGES OVER THE NEXT 10 YEARS, INCLUDING THE COSTS OF THE BACKPAY awards. Most of THE TAB REPRESENTS “MANDATORY SPENDING,” MEANING CONGRESS WILL HAVE NO CHOICE BUT TO PAY THE TAB BECAUSE IT IS REQUIRED BY STATUTE. Over this time period, an additional \$190 million will need to be appropriated with discretionary funds to pay for the rise in the salaries of non-Article III judges. Given the widespread distrust of government, some Americans may see the judicial pay litigation as little more than self-interested, activist judges mandating themselves a pay raise. But the judges presciently turned to an ancient common-law doctrine to validate their actions: the “Rule of Necessity,” which permits judges with an interest in a case before them to still hear and decide the case if it could not otherwise be heard elsewhere. Whether that explanation convinces members of Congress unhappy with their smaller paycheck remains to be seen.

AT: Judicial Salary Increases --- No Impact

Judicial pay does not affect judicial performance --- statistics prove

Baker, 2007- Professor at the Washington University in Saint Louis – School of Law (Scott, "Should We Pay Federal Circuit Judges More?", Boston University Law Review, July 4, 2007, SSRN database)//TT

Conclusion

Chief Justice Roberts, his brethren, and many prominent members of the legal community have issued statements about the corrosive effect of low judicial salaries. The heated rhetoric is itself telling: low judicial salaries are creating a "constitutional crisis";¹⁴⁵ because of low salaries "the nation is in danger of having a judiciary that is no longer considered one of the leading judiciaries of the world";¹⁴⁶ and "eroding federal judicial salaries will lead, sooner or later, to less capable judges and ultimately to inferior adjudication."¹⁴⁷

THIS ARTICLE IS THE FIRST TO TEST WHETHER JUDICIAL SALARIES REALLY DO IMPACT JUDICIAL PERFORMANCE. Given the available data, the effect of low judicial pay is non-existent, at least when judicial pay is measured against the next best financial opportunity for most circuit judges. LOW PAY DOES NOT IMPACT VOTING PATTERNS, CITATION PRACTICES, THE SPEED OF CONTROVERSIAL CASE DISPOSITION, OR OPINION QUALITY. Low pay does lead to slightly fewer dissents. While statistically significant, THE MAGNITUDE OF THIS EFFECT IS SLIGHT.

LOW JUDICIAL SALARIES MIGHT HAVE A CORROSIVE CHARACTER. THE SOURCE OF THE CORROSION, HOWEVER, RESTS outside judicial performance. Chief Justice Roberts is probably half right: low judicial salaries erect a barrier to entry onto the bench for some candidates. But THIS BARRIER IS INCONSEQUENTIAL IF THOSE CANDIDATES WHO ARE WILLING TO TAKE JUDGESHIPS ARE INDISTINGUISHABLE FROM THOSE CANDIDATES DRIVEN FROM THE APPLICANT POOL BY LOW JUDICIAL SALARIES. That is the story these data support.

Judicial salaries don't affect judicial independence and decisions

Baker, 2007- Professor at the Washington University in Saint Louis – School of Law (Scott, "Should We Pay Federal Circuit Judges More?", Boston University Law Review, July 4, 2007, SSRN database)//TT

This Article is the first to test the impact of judicial pay on performance of federal circuit judges. By comparing judicial salaries to salaries of the next best financial opportunity for most circuit judges – partnership in regional law firms – this Article finds that JUDICIAL COMPENSATION IS IRRELEVANT TO MOST QUANTIFIABLE MEASURES OF JUDICIAL PERFORMANCE. REGARDLESS OF THE DIFFERENCE BETWEEN THEIR SALARY and their next best opportunity, JUDGES OF BOTH POLITICAL PARTIES VOTE THE SAME IN CONTROVERSIAL CASES; THEY ARE EQUALLY LIKELY TO CITE AS PERSUASIVE AUTHORITY OPINIONS BY JUDGES FROM THE OTHER POLITICAL PARTY; THEY DECIDE CONTROVERSIAL CASES IN THE SAME AMOUNT OF TIME; AND THEY WRITE EQUALLY STRONG OPINIONS.⁸ Indeed, the only statistically significant effect of low judicial salaries is that judges paid poorly as against their next best opportunity dissent less often in controversial cases. But the magnitude of this effect is tiny. In short, PRETTY MUCH NOTHING WOULD HAPPEN IF CONGRESS DECIDED TO RAISE JUDICIAL SALARIES.

These empirical results make sense. There are very few federal circuit judgeships, and many people want them. Salary, a generous pension, and a number of non-pecuniary perks make the federal circuit judgeship attractive. The president picks his nominee based on his preferences in combination with the views of the senators. The composition and depth of the candidate pool makes little difference. TRUE, SOMEONE MIGHT TURN DOWN THE JOB FOR FINANCIAL REASONS, BUT THE NEXT PERSON PICKED WILL BE INDISTINGUISHABLE IN HIS OR HER EVENTUAL JUDICIAL PERFORMANCE.

Part I.A sets forth the constitutional structure, statutory scheme, and history of the law governing judicial salaries. Part I.B summarizes the debate about judicial salaries, considering the arguments made for higher salaries. Based on these arguments, Part I.B articulates competing theories about the likely impact of judicial pay on judicial performance. Part II details the statistical methodology used to test the theories. It develops two approaches – judge-to-judge direct comparisons and pool-to-pool comparisons – that can be used to determine whether higher salaries would alter judicial performance. Part III performs the statistical analysis, reporting that JUDICIAL PAY DOES NOT AFFECT THE NATURE OF JUDICIAL VOTES IN CONTROVERSIAL CASES,

THE SPEED OF CASE DISPOSITION IN CONTROVERSIAL CASES, THE CHARACTER OF JUDICIAL CITATIONS IN WRITTEN OPINIONS, OR THE STRENGTH OF JUDICIAL OPINIONS. Part III does show that judges who give up a lot of money to take the bench dissent less frequently. By inference, then, LOW JUDICIAL PAY (i.e., big spreads between judicial pay and private sector pay) YIELDS MARGINALLY LESS DISSENT. Part IV deals with some potential objections to the analysis, and, finally, there is a brief conclusion.

Impacts to judicial pay are grossly exaggerated

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY "CRISIS"", Marquette Law Review, July 17, 2002, <http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf>)/TT

Taking these words of warning to heart, one might think that the judiciary is truly on the short road to perdition. Fortunately, however, these predictions of apocalyptic catastrophe are gross exaggerations. For starters, despite doomsday claims that judicial salary levels have reached unprecedented lows, HISTORICAL DATA DEMONSTRATES THAT JUDICIAL SALARIES HAVE ALWAYS BEEN LESS THAN THE MARKET RATE FOR LAWYERS, without any serious consequences. ¹⁴ Furthermore, shrill predictions that these SALARY LEVELS will spell the end of the judiciary are similarly not a new phenomenon, ¹⁵ having been made in previous eras, and HAVING RESULTED IN NEITHER THE DEMANDED SALARY INCREASES NOR THE TERRIBLE PLAGUES PREDICTED BY THESE PROPHETS. ¹⁶ Rather than showing the necessity of salary increases, these salary critics have simply demonstrated the truth of Yogi Berra's observation: "[I]t's tough to make predictions, especially about the future."¹⁷ One safe bet, however, is that CRITICS WILL CONTINUE TO COMPLAIN ABOUT JUDICIAL SALARY LEVELS AND MAKE PREDICTIONS OF DOOM, YET no serious harm WILL BEFALL THE JUDICIARY, or at least none related to judicial compensation. This prediction is based on over two hundred years of history, and although the past does not foreordain the future, it offers a good roadmap for determining where the judiciary is headed.¹⁸

Despite the decline in judicial pay, there has been no impact on the quality of the judiciary

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY "CRISIS"", Marquette Law Review, July 17, 2002, <http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf>)/TT

Today, many judges follow in the tradition of Learned Hand. Consider the quality of the judiciary that present judicial salaries buy for the American taxpayer. THOSE PUSHING FOR A JUDICIAL PAY INCREASE FAIL TO MENTION THE NUMBER OF EXCELLENT JURISTS THAT CONTINUE TO TOIL ON THE FEDERAL BENCH, DESPITE PRESENT SALARY LEVELS. Excellent judges, such as the Seventh Circuit's Richard A. Posner and Frank H. Easterbrook and the Fourth Circuit's J. Michael Luttig, to name but a few,¹⁹ serve despite their obvious ability to command superior salaries in the private sector. And these judges are no fools: THEY KNOW THEY COULD GREATLY INCREASE THEIR SALARIES, YET, FOR LOVE OF THEIR DUTIES, THEY CHOOSE TO REMAIN IN THEIR PRESENT POSITIONS. PERHAPS THEY ARE WISE ENOUGH TO REALIZE THAT MONEY IS NOT THE ONLY THING THAT MAKES FOR A FULFILLING CAREER IN THE LAW.

Besides warning that the quality of judges is declining or will decline if salaries are not increased, critics also take aim at the quality of judicial work product. Because of the high quality of the judiciary, deficient decisions are uncommon, and most are based on legal theories that did not originate with the judges who have adopted them.²⁰ A meaningful discussion of the quality of judicial opinions would require more ink than can be spilt on the subject here, but it is worth noting that CRITICS OF THE PRESENT JUDICIAL COMPENSATION STRUCTURE HAVE NOT BEEN ABLE TO SHOW THAT SALARIES HAVE ADVERSELY AFFECTED THE QUALITY OF JUDICIAL DECISIONS.

Admittedly, it is difficult to conceive of a suitable standard by which to measure the overall quality of judicial decisions—it would entail an analysis of the grammar, syntax, clarity, conciseness, organization, and sophistication of decisions, as well as an analysis of their outcome, their basis in the law, the complexity of the issues presented, the citation to precedent, the amendments to the opinion required to garner majority support, the time required to produce the decision, and the legislative or judicial reversal rate, to name but a few factors. In the end, however, the complexity in evaluation really makes no difference because under any system of measurement, modern judicial opinions fare no worse, and probably much better, than those of previous generations, some of whom were paid more (in actual purchasing power) than the present judiciary.²¹ Take reversal rates, for example. THERE HAS BEEN NO NOTICEABLE INCREASE IN

THE RATE OF REVERSAL IN THE FEDERAL SYSTEM, DESPITE THE DECLINE IN the real value of JUDICIAL SALARIES,¹⁴ THE STYLISTIC QUALITY OF JUDICIAL OPINIONS HAS NOT SIGNIFICANTLY DIMINISHED either,¹⁵ and possibly because of developments in computer technology and the adoption of citation standards, they have arguably improved. The same thing goes for the quantity of decisions produced: FEDERAL JUDGES PRODUCE MORE OPINIONS (WITH MORE CITATIONS TO PRECEDENT) THAN EVER BEFORE. THE WORKLOAD OF THE FEDERAL JUDICIARY, WHICH WAS NEVER LIGHT, Has increased significantly with the explosion of federalizing legislation that makes every citizen's sneeze a federal concern.^{11 6} True, better technology and law clerks serve to lighten the load for many judges and may be partly responsible for this increased productivity,¹⁷ and judges of previous generations did not enjoy these privileges,"^{1 8} but IT IS ULTIMATELY THE JUDGE HIMSELF WHO IS RESPONSIBLE FOR THE OUTCOME OF A CASE AND THE FINAL FORM OF A WRITTEN DECISION, REGARDLESS OF WHETHER THE FIRST DRAFT OF THE OPINION HAD ITS GENESIS IN A LAW CLERK. In short, no matter how you slice it, there is just no hard evidence that the modern federal judiciary or its work product is inferior to that of prior generations.

There is no correlation between high salaries and excellence

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY "CRISIS""", Marquette Law Review, July 17, 2002, <http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf>)/TT

It is also worth noting that if WEALTHY, WOULD-BE JUDGES ARE UNSATISFIED WITH JUDICIAL PAY, THEY NEED NOT SEEK JUDICIAL POSITIONS. Contrary to popular notions, THE JUDICIARY WOULD NOT BE WORSE OFF WERE THIS TO HAPPEN AND, INDEED, IT WOULD BE MUCH BETTER OFF.^{3 46} Although some commentators assume that lawyers who toil in large firms and pull down heavenly salaries are generally the best qualified for judicial service,³⁴⁷ little evidence supports this view. These attorneys, for whom judicial service would constitute a financial sacrifice, have hardly cornered the market on skills essential to judging. The fact that a lawyer commands a whopping salary in the private sector is certainly a factor that suggests competence-assuming that their clients are rational maximizers and can differentiate between quality legal work and inferior products-since the market places a higher value on their work. But there may also be other factors that explain an attorney's heavenly salary factors that do not correlate with excellence-such as nepotism, favoritism, family connections, lack of accountability, or client ignorance as to the quality of legal services. Because these factors undoubtedly come into play, ONE CANNOT SAY WITH CERTAINTY THAT A HIGHLY-COMPENSATED ATTORNEY IS ALSO A HIGHQUALITY ATTORNEY SIMPLY BECAUSE HE COMMANDS A LOFTY SALARY. AN ATTORNEY'S ABILITY TO DEMAND A HIGH SALARY FROM WEALTHY CLIENTS DOES NOT GUARANTEE HIS 348 EXCELLENCE, just as a lawyer who voluntarily foregoes a high salary should not, by that fact alone, be presumed inferior.³⁴⁹ MANY TALENTED LAWYERS ELECT NOT TO PURSUE HIGHLY COMPENSATED POSITIONS, CHOOSING INSTEAD THE NONPECUNIARY BENEFITS OF OTHER POSITIONS. Some of these ATTORNEYS LIKELY PLACE A HIGHER PRIORITY ON INTELLECTUAL CHALLENGE, OR THE LOVE OF AMERICA, OR PUBLIC SERVICE. THESE ARE THE SAME ATTORNEYS WHO LIKELY WILL BE ATTRACTED TO JUDICIAL SERVICE TO THE EXTENT IT ENTAILS THESE BENEFITS.

Take, for example, Justice Thurgood Marshall, who lost \$3500 his first year of practice³⁵⁰ and who preferred litigating constitutional cases to the riches of private practice. Although as an Associate Justice his left-leaning philosophy often left much to be desired, no one can deny that as an attorney he was a talented litigator who tirelessly championed one of the worthiest causes: eradication of government-sponsored racism. The fact that he was never handsomely compensated, or even that he lost money practicing law, does not mean that he was an inferior attorney; it simply means there was not a substantial market for his skills. Similarly, many law professors or government lawyers would make excellent jurists and would not object to laboring at the present judicial salary levels, even though these attorneys are not presently commanding lofty salaries.³⁵¹ As Chief Justice Rehnquist has noted, judicial service often entails a pay increase for these attorneys.³⁵² If whatever their motivations-these gifted individuals are willing to serve according to the present pay scale, the American taxpayer should not be forced to pay wages according to the rate of their more expensive colleagues. It simply is not true that "better pay would attract even better judges than now sit on the federal bench,"³⁵³ and the American taxpayer should not be compelled to disprove this theory.

Not only are many less-well-compensated attorneys sufficient to the judicial task, many would be an improvement over attorneys who place money high on their list of priorities. America would be better served by such individuals-those with the wisdom and discipline to control their spending habits and live within their means-than their less-frugal counterparts.

As two scholars have posited:

[F]OR ANY TWO INDIVIDUALS WITH THE SAME ABILITY, THE ONE WHO SEEKS PROMOTION TO THE JUDICIARY BECAUSE OF ITS NONPECUNIARY BENEFITS RATHER THAN BECAUSE OF ITS MONETARY

COMPENSATION WILL LIKELY PROVE TO BE THE BETTER JUDGE. This is because THE NONMONETARILY ORIENTED INDIVIDUAL WOULD BE MORE LIKELY TO EXHIBIT SELF-RESTRAINT. Therefore, it is these individuals whom we would like to capture in our selection process. Our analysis suggests that THIS CAN BE ACCOMPLISHED BY FORCING THE CANDIDATES WHO WISH TO SERVE ON THE BENCH TO ACCEPT SALARY REDUCTIONS IN GIVING UP THEIR PRIVATE PRACTICES.³⁵⁴

America could certainly use more judges habituated to exercise restraint. Similarly, frugal judges might be a little more frugal with taxpayers' money when running prisons, hospitals, and school districts. Requiring a little sacrifice might not be so bad for the quality of the judiciary after all.

Remember, this sacrifice is not exactly severe. Attorneys who desire to be judges are not being called upon to sacrifice their first-born child or their happiness (unless their happiness is inextricably tied to lofty salaries). It is not as though federal judges must go begging in order to feed or clothe their families. Everyone concedes that the "concern here is not that federal judges are impoverished.,³⁵⁵ JUDGES "RECEIVE A RESPECTABLE AMOUNT OF COMPENSATION ON BOTH STATE AND FEDERAL LEVELS. 356 ALTHOUGH FEDERAL JUDGES LACKING INDEPENDENT WEALTH CANNOT LIVE EXTRAVAGANTLY, THEY CERTAINLY CAN LIVE COMFORTABLY, AND AT LEVELS HIGHER THAN THE AVERAGE AMERICAN THAT STRUGGLES TO PAY HIS OWN BILLS, INCLUDING THE TAXES THAT PAY FOR JUDICIAL SALARIES.³⁵⁷ Just as nothing is inherently wrong with having a judiciary primarily composed of the wealthy, there would be nothing wrong with having those of moderate means control the courthouses of America regardless of whether judicial pay is increased, decreased, or maintained at its present level.

True, not everyone has the temperament conducive to a career in the judiciary. As Alexander Hamilton believed, the number of individuals capable of offering their wisdom in service on the judiciary is quite small.

Hence it is, that THERE CAN BE BUT FEW MEN IN THE SOCIETY WHO WILL HAVE SUFFICIENT SKILL IN THE LAWS TO QUALIFY THEM FOR THE STATIONS OF JUDGES. And MAKING THE PROPER DEDUCTIONS FOR THE ORDINARY DEPRAVITY OF HUMAN NATURE, THE NUMBER MUST BE STILL SMALLER OF THOSE WHO UNITE THE REQUISITE INTEGRITY WITH THE REQUISITE KNOWLEDGE.³⁵⁸ Or, as Roscoe Pound put it: "THE ADMINISTRATION OF JUSTICE IS NOT AN EASY TASK TO WHICH EVERY MAN IS COMPETENT., 359 THE AMERICAN BAR PRODUCES A SUFFICIENT NUMBER OF EXCEPTIONAL ATTORNEYS TO STAFF THE FEDERAL AND STATE COURTS, 360 AND NOT ALL OF THESE ARE CUTTING THEIR TEETH AT SILK STOCKING LAW FIRMS.

Low judicial salaries don't prompt judges to leave – history proves

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY "CRISIS"", Marquette Law Review, July 17, 2002, <http://judgewatch.org/library/fe-d-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf>)/TT

The foregoing history of the judicial salary "crisis" is not meant to be an encompassing overview of the subject. Rather, it is meant to catalyze further understanding of the contemporary clamoring for raises by showing THAT DISSATISFACTION WITH SALARY LEVELS IS NOT A RECENT PHENOMENON, and that, DESPITE OVER TWO HUNDRED YEARS OF DISSATISFACTION WITH JUDICIAL SALARIES, THE EVILS FORECAST BY SALARY CRITICS HAVE NOT YET COME TO PASS.⁸⁶ THE IDEA THAT A DESIRE FOR GREATER REMUNERATION FREQUENTLY MOTIVATED DEPARTURES FROM THE BENCH is likewise not of recent origin, but HAS BEEN VOICED FOR CENTURIES. Furthermore, this HISTORY poignantly ILLUSTRATES THAT JUDGES WHO REMAIN ON THE BENCH ARE SAVVY ENOUGH TO POINT TO THE DEPARTURE OF THEIR BRETHREN AT THE SAME TIME THEY REMIND CONGRESS ABOUT A PAY RAISE. The import of this veiled threat is not ignored, however empty this threat usually is.

History has also shown that THE NUMBER OF JUDGES DEPARTING THE BENCH HAS INCREASED IN RECENT YEARS⁸⁷ SOME OF THESE DEPARTURES undoubtedly ARE BASED UPON FINANCIAL CONCERNS ENGENDERED BY JUDICIAL SALARIES.⁸⁸ HOWEVER, THE INCONVENIENT TRUTH FOR SALARY CRITICS REMAINS: IN "THE

LAST 200 YEARS, RELATIVELY FEW JUDGES HAVE EXPLICITLY CITED LOW PAY AS THEIR REASON FOR RESIGNATION.⁸⁹

This brief account of the salary "crisis" demonstrates that, DESPITE MUCH WAILING AND GRINDING OF TEETH, THE FEDERAL JUDICIARY REMAINS A POWERFUL (some might say too powerful)⁹⁰ and viable entity that shows NO SIGN OF LOSING ITS VIGOR.⁹¹ Generally, THE JUDICIARY CONTINUES TO BE RECOGNIZED FOR ITS EXCELLENCE.⁹² Yet, some critics still point to judicial problems as evidence that low judicial salaries have a deleterious effect on America's justice system. Among these problems are the crowded dockets, the inferior judges producing pedestrian opinions, the increased risk of bribery and corruption, and the threat that the judiciary will become a club for only the wealthy. As the analysis below demonstrates, NONE OF THESE CHARGES HAVE MUCH MERIT.

Raising judicial wages are bad – it attracts candidates who only care about the pecuniary aspects of the job

Baker, 2007 - Professor at the Washington University in Saint Louis – School of Law (Scott, "Should We Pay Federal Circuit Judges More?", Boston University Law Review, July 4, 2007, SSRN database)//TT

THE FAMILIAR ECONOMIC ARGUMENT IS THAT HIGHER WAGES ATTRACT BETTER WORKERS. IN OTHER WORDS, WORKERS WITH THE GREATEST SKILL OR HUMAN CAPITAL COMMAND THE HIGHEST WAGES.⁴² THIS ARGUMENT DOES NOT READILY TRANSFER TO THE POOL OF FEDERAL CIRCUIT JUDICIAL NOMINEES. Almost every nominee for a judgeship takes a pay cut for the bench. Even nominees that come from the public sector could, if they wanted to, work in law firms, which would pay more than a circuit judgeship. The real impact of higher judicial salaries is a reduction of the pay cut nominees have to take. As we shall see, REDUCING THE SIZE OF THE PAY CUT COULD THEORETICALLY AFFECT THE JUDICIARY'S PERFORMANCE.

PEOPLE CARE ABOUT both NON-PECUNIARY and pecuniary ASPECTS OF A JOB.⁴³ For any person, a preference profile can be constructed indicating how much he or she subjectively values each non-pecuniary aspect and each pecuniary aspect of a given job. This profile will differ for each person depending on the individual's wealth, how much he or she values consumption versus leisure, and many other personal factors.

Now take judges. JUDGES CARE ABOUT A NUMBER OF THINGS BESIDES MONEY: STATUS, PRESTIGE, LEISURE, POWER TO AFFECT POLICY, AND PUBLIC SERVICE.⁴⁴ DIFFERENT PEOPLE ATTACH DIFFERENT WEIGHTS TO THESE NON-PECUNIARY ASPECTS OF THE JOB. THE SPREAD BETWEEN THE JUDICIAL SALARY AND THE WAGE IN A CANDIDATE'S NEXT BEST OPPORTUNITY REVEALS THE STRENGTH OF THE CANDIDATE'S ATTACHMENT TO THE NON-PECUNIARY ASPECTS OF JUDGING. In other words, the spread reflects the person's taste for becoming a judge; a candidate willing to accept a large spread has a strong preference for judging.⁴⁵ Furthermore, AN INDIVIDUAL'S PREFERENCES OVER THE VARIOUS NON-PECUNIARY ASPECTS OF A JUDGESHIP MIGHT THEN INFLUENCE EVENTUAL JUDICIAL PERFORMANCE. A strong desire for the circuit judgeship could, for example, correlate with a strong preference for leisure, which might manifest itself by that judge taking a long time to write her opinions.

By raising salaries, Congress reduces the spread between judicial salaries and the candidate's next best opportunity. As a result, HIGHER SALARIES MIGHT WEED OUT SOME OF THE PEOPLE WITH THE STRONGEST DESIRES FOR THE JUDICIAL ROLE. Sure, the true ideologue, the leisure maximizer, the prestige-obsessed, and the committed public servant will still be interested in the judgeship, but now so will a lot of other people. Under the "salary matters" theory, INCREASED COMPETITION AFFECTS THE KIND OF PERSON EVENTUALLY SELECTED FOR THE BENCH.

To see why this might be so, suppose that the pay for circuit judges is zero. In this case, individuals willing to take the job must really want to be judges. These individuals value non-pecuniary aspects of the job a lot – leisure, power, prestige, public service, etc. – and money less so (perhaps because they are wealthy already). Suppose the pay is increased to \$150,000 a year. In that case, people who would take the judgeship for nothing would still compete for the judicial slot, but now people who place a lower value on non-pecuniary perks and a higher value on wages would enter the pool. Increasing pay to \$2 million a year expands the pool even further; it now includes some lawyers who do not care much about the non-pecuniary aspects of the judgeship and care a lot about money. In this way, RAISING JUDICIAL PAY (1) EXPANDS THE CANDIDATE POOL AND (2) ALTERS THE PROFILE OF "TASTES" FOR THE JUDICIAL ROLE AMONG POOL MEMBERS.

Salaries not key— non pecuniary parts of the job alone motivates judges to serve

Frank, 2002 — Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY 'CRISIS'", Marquette Law Review, July 17, 2002, [//TT](http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf)

Also important to an understanding of the judicial salary "crisis" is the motivation of those who seek judgeships. Certainly no judge has ever been misled into believing that a federal judgeship is a fast track to wealth and material prosperity²³⁹ -although federal judgeships entail an abundance of retirement and disability benefits²⁴⁰ -so IT MUST BE SOMETHING ELSE THAT ENTICES ATTORNEYS TO THE BENCH AND KEEPS THEM HAPPY ENOUGH TO CONTINUE IN SERVICE. MANY JUDGES ARE HAPPY. In the words of Justice Breyer: "I think we have a fabulous job.,²⁴¹ "THE FACT THAT VERY FEW JUDGES .EVER RESIGN FROM THE BENCH INDICATES THAT THE NONPECUNIARY BENEFITS FROM THIS WORK ARE PROBABLY WORTH CONSIDERABLY MORE TO THEM" THAN THE INCOME THEY FOREGO.²⁴² Similarly, judging from the number of attorneys still seeking positions on the federal bench, it is apparent that many of them share Justice Breyer's sentiments and believe that they can be fulfilled through judicial service, despite moderate salaries.⁴³

B. Non-Pecuniary Income

No one disputes that FEDERAL JUDGES WORK HARD, perhaps harder than most government employees. JUDGES ALSO FACE DIFFICULT DECISIONS OF GREAT IMPORTANCE TO THE COMMUNITY.²⁴⁴ No doubt, most could obtain greater compensation in private practice. But as many contemporary judges understand, THERE IS MUCH MORE TO LIFE THAN MONEY, AND THE DAILY GRIND OF A LAW FIRM PARTNERSHIP, while meaningful for some, MAY NOT BE EVERYONE'S CUP OF TEA. Take for example Justice Felix Frankfurter, who conceded that "I wanted to be a lawyer, but I didn't want to have clients.,²⁴⁵ Frankfurter could have escaped the headaches associated with clients by remaining in academia, but found the lure of the bench irresistible. Certainly he understood that serving as a judge could be downright fun, or in the words of Judge Posner, "judging is a gas."²⁴⁶ Chief Justice Rehnquist is probably correct that as a matter of cosmic fairness there should be an increase in judicial salaries. But THERE IS LITTLE BASIS for his claim THAT SUCH AN INCREASE IS NECESSARY TO RECRUIT AND MAINTAIN A FIRST-RATE JUDICIARY, BECAUSE MANY SEEK SERVICE ON THE JUDICIARY FOR REASONS OTHER THAN THE PAY.

A large part of the reason why SALARY LEVELS HAVE NOT DELETERIOUSLY AFFECTED RECRUITMENT OR RETENTION OF JUDGES IS THAT ATTORNEYS AND JUDGES SEEK THE BENCH FOR A MULTIPLICITY OF REASONS, MANY OF WHICH HAVE LITTLE TO DO WITH MONEY. They can derive net utility from various aspects of judging and being a judge. Indeed, "NONPECUNIARY SATISFACTIONS ARE AN IMPORTANT PART OF MOST FEDERAL JUDGES' 'INCOME.'"²⁴⁷ "[S]alary figures do not tell the whole story of the trend in federal judicial income. 'Income,' when used realistically to denote the features that make one job more or less attractive than another, obviously contains nonpecuniary as well as pecuniary elements; nor are the pecuniary elements exhausted in salary.²⁴⁸ In the words of Judge Sprecher, MONETARY "COMPENSATION IS NOT THE PRIMARY ATTRACTION FOR THOSE WHO ASPIRE TO JUDICIAL SERVICE.,,"²⁴⁹ There are at least nine non-monetary aspects of a judge's compensation that must be included in any calculation of the "income" they derive from their jobs, and which attract attorneys to a judicial career.

Prestige is enough to attract judges to join the bench

Frank, 2002 — Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY 'CRISIS'", Marquette Law Review, July 17, 2002, [//TT](http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf)

"Public esteem is difficult to measure but it is an important factor in the desirability of any job or office.²⁵⁰ MANY WHO UNDERTAKE A CAREER ON THE BENCH DO SO, IN PART, BECAUSE OF THE PRESTIGE AND HONOR OF THE JOB.²⁵¹ WHO, after all, DOES NOT DESIRE THE ESTEEM OF ONE'S PEERS? Judge Bork, certainly an authority on the judiciary, believes that the dignity OF THE POSITION is "a major attraction OF A CAREER ON THE BENCH, 252 AND MANY OTHER EXPERTS AGREE.²⁵³ Thus, for some judges, the honors "inherent in service on the federal bench outweigh simple calculations of personal income potential.²⁵⁴ Money takes second place TO THE ESTEEM THAT CAN BE GAINED ON THE BENCH: Litigants stand when judges enter the courtroom; judges are addressed by a special title; judges wear special robes; judges are the center of attention in court; JUDGES OF EVEN

MODEST MENTAL MEANS ARE PERCEIVED AS WISE AND KNOWLEDGEABLE; AND JUDGES ENJOY PRIVILEGES THAT MAKE THEIR COLLEAGUES IN THE OTHER TWO BRANCHES SALIVATE.²⁵⁵ With this kind of

stature, it is no wonder that MANY ATTORNEYS SEEK JUDGESHIPS,²⁵⁶ for "no position which offers prestige ever lacks applicants."²⁵⁷

Accordingly, SO LONG AS JUDICIAL SALARIES PERMIT THE MAINTENANCE OF A REASONABLY COMFORTABLE EXISTENCE, WHAT JUDGES LACK IN MONEY CAN FREQUENTLY BE MADE UP IN PRESTIGE.²⁵⁸

Power, authority, and public service are enough to recruit qualified candidates

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY "CRISIS"", Marquette Law Review, July 17, 2002, <http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf>)/TT

Closely related to the prestige of federal judgeships is the power and authority that judges wield,²⁵⁹ AS JUDGES RECEIVE RESPECT LARGELY BECAUSE OF THEIR AUTHORITY AND THE EFFECT OF THEIR DECISIONS.²⁶⁰ Law impacts everyone's life; therefore, judges-as interpreters of law, arbiters of legal disputes, and creators of common law-exercise their power over the smallest and greatest among men. "We are under a Constitution, but the Constitution is what the judges say it is,"²⁶¹ and the judges have been doing a lot of saying of late.

"Count de Tocqueville remarked more than a century ago that hardly a political issue arose in the United States that was not converted into a legal question and taken to the courts for decision. Today de Tocqueville's observation is even closer to the mark,²⁶² resulting in judges exercising greater control over the smallest details of the state, often to their pleasure. As St. Augustine observed: "The desire to rule over our equals is an intolerable lust of the soul."²⁶³ Undoubtedly some judges burn with this lust,²⁶⁴ while others simply enjoy having people pay attention to their view on how things ought to be. As an example of the encompassing power of judges, consider that America's judiciary recently decided the outcome of the 2000 Presidential election.²⁶⁵ Certainly the issue need not always be so lofty to warrant judicial attention. Judges are willing to give their opinion on much more pedestrian matters, such as the administration of prisons, hospitals, and public housing²⁶⁶ or whom the Boy Scouts should admit to their ranks.²⁶⁷ Frankly, NO QUESTION IS TOO GREAT OR TOO SMALL TO WARRANT JUDICIAL ATTENTION. ALTHOUGH THE JUDICIARY WAS ORIGINALLY CONSIDERED THE WEAKEST OF THE THREE BRANCHES, THIS CONCEPT IS HARDLY TRUE TODAY.268 BECAUSE ATTORNEYS DO NOT LIVE IN A VACUUM, THEY ARE FULLY AWARE OF THE POWER THEY COULD WIELD AS JUDGES.

For those so inclined, then, SERVING AS A JUDGE ENTAILS ENTRUSTMENT WITH SUBSTANTIAL AUTHORITY; INDEED, MORE AUTHORITY THAN THEY COULD EVER EXERCISE IN PRIVATE PRACTICE. "Because prestige, power, and high incomes are commonly available amenities for partners in large law firms and because those partners are willing to take substantial reductions in income to become judges, it follows that the judiciary confers more prestige (and power) ON THESE INDIVIDUALS THAN IS AVAILABLE TO THEM IN THE LAW FIRM CONTEXT."²⁶⁹ THE JUDICIAL POSITION AFFORDS THEM THE OPPORTUNITY TO ADVANCE THEIR POLITICAL AGENDA OR FAVORITE CONSTITUTIONAL THEORY WELL BEYOND THE RANGE OF A MERE ATTORNEY.^{7*} Such a lawyer, weighing the benefits of a judgeship, will consider "not only the virtually absolute authority bestowed by a judgeship over litigants and lawyers, but also the broader social impact a judge's decisions have as precedent and as social policy."²⁷¹ For these chosen few, because THEY RECEIVE A BENEFIT IN THE POWER THEY WIELD, THE MONETARY REWARDS OF A JUDGESHIP NEED NOT BE GREAT TO RECRUIT OR RETAIN THEM. THEY WILL STICK AROUND IF THEY ARE REASONABLY WELL PAID AND PERCEIVE THEIR POSITION AS AN INFLUENTIAL ONE.

3. Public Service

Not all judges who enjoy the power of the bench do so because they possess a tyrannical or authoritarian streak.²⁷² Many see THE VALUE THAT THIS AUTHORITY HAS FOR SERVING THE COMMON WEAL.²⁷³ After all, WHERE ELSE CAN AN INDIVIDUAL IMPACT PEOPLE'S LIVES IN SUCH A POSITIVE WAY WITH SUCH MOMENTOUS POWER? MANY ATTORNEYS WHO SEEK JUDICIAL POSITIONS, therefore, DESIRE A JOB THAT ENTAILS THE REAL POSSIBILITY OF CONTRIBUTING TO THE BETTERMENT OF LAW AND^{274, 215} SOCIETY. Indeed, THE VERY PURPOSE OF LAW IS "THE WELFARE OF SOCIETY, SO JUDGES WHO SEEK THE POSITION TO ENHANCE THAT WELFARE ARE DOING SO WITH THE 276 NOBLEST SENTIMENTS.^{7 6} As Senator Patrick Leahy has noted, THOSE INTERESTED IN SERVING ON THE JUDICIARY "ARE motivated by public service, not by pay, AND THAT HAS ALWAYS BEEN THE CASE,²⁷⁷ Because many private sector jobs are not as fulfilling to such individuals,²⁷⁸ these judges obtain substantial psychic income from serving on the judiciary that they could not obtain elsewhere.²⁷⁹ Accordingly, they are willing to serve for less remuneration than someone less inclined to public service.

Intellectual challenge and excitement are desired attributes of judgeship—not only money

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY 'CRISIS'", Marquette Law Review, July 17, 2002, [//TT](http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf)

Even those who are committed to the enhancement of the public welfare may be reluctant to undertake a career that is boring or lacks intellectual stimulation. Indeed, MANY AN ATTORNEY FINDS LAW AN ATTRACTIVE VOCATION BECAUSE OF THE INTELLECTUAL CHALLENGE AND EXCITEMENT IT PROVIDES. In a related vein, some JUDGES ARE EXTREMELY "INTERESTED IN PROBLEMS AND THEIR SOLUTIONS," AND THEY SEE THE JUDICIARY AS A DISTINCT OPPORTUNITY WITHIN WHICH TO EXERCISE THEIR PROBLEM-SOLVING SKILLS.²⁸⁰ Indeed, this was one of the attractions that lured Justice Story to the bench, despite the inferior salary.²⁸¹

INTELLECTUAL GROWTH AND STIMULATION ARE UNDOUBTEDLY DESIRED ATTRIBUTES OF ANY POSITION, but perhaps even more so for attorneys. They are substantial benefits that are highly valued in any attorney's career calculation, especially since drudgery is, unfortunately, a real part of almost every attorney's practice. Importantly, then, FEDERAL JUDGESHIPS GENERALLY PROVIDE JUDGES WITH AN ABUNDANCE OF MENTAL STIMULATION.²⁸² In the words of Judge Oakes, SERVING ON THE FEDERAL BENCH "REMAINS ONE OF THE MOST CHALLENGING AND INTERESTING OF ALL JOBS, WITH CONSISTENTLY NEW LEARNING EXPERIENCES EVERY SINGLE DAY."²⁸³ Thus, it IS NOT SURPRISING THAT MANY JUDGES-LIKE MANY LAW PROFESSORS-ARE WILLING TO FOREGO SOME OF THE MONETARY BENEFITS OF PRIVATE PRACTICE SO THAT THEY MIGHT ENJOY THE INTELLECTUAL STIMULATION OF BEING A JUDGE. Frequently, FOR THOSE JUDGES WHO ENJOY THE INTELLECTUAL NATURE AND PROBLEM-SOLVING ASPECTS OF BEING A JUDGE, MONEY IS "OF ONLY SECONDARY INTEREST TO HIM. He fills his emotional needs through the solution of complex problems.,²⁸⁴ This TYPE OF JUDGE SEES SERVICE ON THE JUDICIARY AS AN "opportunity to engage in interesting, exciting and challenging work"²⁸⁵ to an extent that he might not find at a law firm. Thus, such a judge can easily find substantial contentment on the bench without burdening taxpayers with the higher taxes necessary to fund a judicial pay increase.²⁸⁶

AT: Judicial Salary Increases --- Doesn't Impact Decisions

Judges still work hard regardless of pay and "overcrowded" dockets

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY "CRISIS"", Marquette Law Review, July 17, 2002, [//TT](http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf)

1. Surviving Crowded Dockets

In light of heavy caseloads faced by some courts, salary-level critics could argue that these caseloads are somehow related to inadequate salaries. Perhaps judges feel less compelled to maintain a consistent work level, and maybe crowded dockets are a symptom of a judiciary in crisis—a crisis caused by low salaries. SUCH AN ARGUMENT, however, IS EASILY SHOWN TO BE DEVOID OF MERIT.

DESPITE DISSATISFACTION WITH SALARY, THE FEDERAL COURTS HAVE CONTINUED TO FUNCTION WELL EVEN WHILE ENCOUNTERING INCREASED DEMANDS AND EXPANDING CASELOADS. CROWDED DOCKETS ARE essentially unrelated TO THE JUDICIAL PAY scale and instead have their genesis in congressional activity (the federalization of crimes),⁹³ and congressional inactivity (the failure to promptly confirm judicial nominees and to create judgeships).⁹⁴ Not surprisingly, then, caseloads are excessive in many districts and circuits where nominees are awaiting Senate confirmation⁹⁵ or where the drug trade has increased the number of federal criminal cases.⁹⁶ Contrary to salary critics' arguments, JUDGES GENERALLY WORK HARDER TODAY THAN THEY DID EVEN FIFTY YEARS AGO, DESPITE THEIR ABILITY TO MAKE MORE MONEY IN THE PRIVATE SECTOR. Accordingly, salaries have not had a deleterious effect on the amount of judicial work being produced.

Problems with busy caseloads and crowded dockets are hardly recent phenomena.⁹⁷ In 1921, Roscoe Pound complained as follows: "[T]he condition of pressure under which causes are passed upon in the American urban communities of today, where crowded calendars preclude the thoroughness in presentation and deliberation in judicial study which were possible a century ago, prevent judicial lawmaking from achieving its best."⁹⁸ A few years later, Justice Cardozo lamented: "Crowded dockets make it impossible for judges, however able, to probe every case to its foundations."⁹⁹ ONE CAN HARDLY ASCRIBE CROWDED DOCKETS TO ANY RECENT DROP IN THE PURCHASING POWER of federal judges. Thus, THE ACT OF INCREASING SALARIES WILL PROBABLY NOT ALLEVIATE BUSY DOCKETS, DESPITE ARGUMENTS TO THE CONTRARY. After all, it is not as though judges have agreed to a work slowdown to pressure Congress to increase judicial salaries, despite the fact that this practice has proven successful for other workers. In short, JUDICIAL SALARY LEVELS, though lower than what judges could make as attorneys in private practice, are not so pathetic as to disrupt the functioning of the judiciary.

LOW SALARY LEVELS DON'T PRODUCE SUBSTANDARD DECISIONS

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY "CRISIS"", Marquette Law Review, July 17, 2002, [//TT](http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf)

Salary-level critics also suggest that existing salary levels have resulted in an inferior judiciary that produces inferior decisions. As discussed above, the federal judiciary has not reduced its caseload, which would be one sign of a judiciary in crisis. Similarly, FEDERAL JUDGES ARE NOT PRODUCING NOTICEABLY LOWER-QUALITY OPINIONS, OR AT LEAST NONE THAT ARE ATTRIBUTABLE TO "INFERIOR" JUDGES, and CRITICS HAVE NOT IDENTIFIED A RASH OF POOR QUALITY OPINIONS THAT MIGHT SUPPORT THEIR CONTENTIONS. Although some critics suggest that the modern judiciary is of a lower quality because of inadequate salary levels, NONE OF THESE SALARY CRITICS HAVE IDENTIFIED THESE "INFERIOR" JUDGES, SUGGESTING THAT NO SUCH IDENTIFIABLE GROUP EXISTS. As Judge Posner has observed: "Although federal judges like everyone else consider themselves underpaid and would like higher salaries, I do not think that the current salary level is a serious threat to the quality of the federal judiciary. . . ." ¹⁰⁰ Indeed, despite a number of unpopular rulings, THE FEDERAL JUDICIARY STILL RETAINS A HIGH DEGREE OF RESPECT among the American public AND IS GENERALLY CONSIDERED ONE OF THE BRIGHT SPOTS OF THE FEDERAL GOVERNMENT.' O' THIS SCENARIO IS NOT exactly THE GLOOMY SCENARIO that critics of salary levels have been forecasting.

THE ACADEMIC CREDENTIALS OF JUDGES TELL A SIMILAR STORY. THE JUDGES OF TODAY generally ENDURE A MORE SYSTEMATIC AND INTENSIVE FORMAL EDUCATION THAN THEIR PREDECESSORS ENJOYED. This is especially true if one considers that before the 1900s, few lawyers or judges even attended law school, much less three years at a premier legal academy. ¹⁰²

Critics would be hard pressed to name more than a handful of sitting federal judges who do not possess judicial acumen. Undoubtedly, inferior judges on the federal bench are ubiquitous (by definition, not every judge can be the best), just as there likely are bad lawyers practicing at the bar. But **BELIEVING THAT JUDICIAL SALARIES ATTRACT JUDGES TO THE BENCH OR KEEP THEM FROM PURSUING PRIVATE PRACTICE IS BASELESS.** Indeed, many a law firm would hire any federal judge with alacrity, and in light of the prestige and revenue that attracting a former federal judge would likely entail, it is probable that many a law firm would hire even an incompetent one. ¹⁰³ Furthermore, even the prestige of the bench follows departing jurists to the private firm: "Retired judges (even judges who have resigned to pursue a career in practice) usually retain the title 'judge,' and the title commands some deference even when separated from the office." ¹⁰⁴ **IF SUCH A JUDGE WERE INTERESTED ONLY IN HIS FINANCIAL WELL-BEING AND SOME MODICUM OF PRESTIGE, HE WOULD QUICKLY JUMP TO A PRIVATE LAW FIRM.** Other than the back-loaded nature of the judicial compensation scheme, ¹⁰⁵ the level of judicial salaries gives such a judge little incentive to stick around. Accordingly, there is little basis for arguing that the present salary structure results in the retention of incompetent judges while encouraging talented jurists to depart for the greener pastures of a private law firm.

It is true, of course, that judicial salaries hardly compare to the earnings achievable in the private sector. From time to time, this disparity has encouraged some judges to leave the bench and discouraged talented members of the bar from committing to the judiciary, ¹⁰⁶ at least temporarily. **But salary has never seriously affected the quality of the judiciary.** In fact, some of the greatest American jurists have served in times when judicial salaries were on the leaner side.

Deficient salaries don't increase the risk of bribery

Frank, 2002 – Judge advocate in the US Army Judge Advocate General's Corps (Michael J., "JUDGE NOT, LEST YEE BE JUDGED UNWORTHY OF A PAY RAISE: AN EXAMINATION OF THE FEDERAL JUDICIAL SALARY 'CRISIS'", Marquette Law Review, July 17, 2002, <http://judgewatch.org/library/fed-judicial-salaries/Judge%20Not,%20Lest%20Yee%20Be%20Judged%20Unworthy%20of%20a%20Pay%20Raise-%20An%20Examina.pdf>)/TT

Despite warnings that deficient salaries might increase the incidence of bribery, ⁹ this evil has not materialized. Notwithstanding allegedly inadequate salary levels, most judges have not sought to supplement their incomes through graft and corruption, and **NO CORRELATION HAS BEEN SHOWN BETWEEN THE INCIDENCE OF JUDICIAL CORRUPTION AND THE RATE OF JUDICIAL COMPENSATION.** Indeed, federal judges are thought to be among the most respectable and honest members of the federal government. Perhaps **THIS IS BECAUSE AN INDIVIDUAL'S SALARY LEVEL IS NOT INDICATIVE OF HIS OR HER PERSONAL HONESTY.** For example, take Brazilian judges, whose salary "is over thirty times that of the average salary," an amount that, according to the logic of salary critics, decreases "the incentives for corrupt behavior."¹²⁰ Perhaps these generous salaries diminish some of the incentive for corruption, but Brazilians, whose average monthly income is just \$260,¹² are hardly getting their money's worth. With no disrespect to Brazilian judges, they certainly do not enjoy an international reputation for above-average moral rectitude commensurate with their salary level. Indeed, "Brazil is replete with tales of corrupt judges, arbitrary rulings and requests for bribes."¹²² Demonstrating the law of diminishing returns, it is apparent that **PAYING JUDGES THIRTY TIMES THE AVERAGE BRAZILIAN SALARY IS NOT PURCHASING THIRTY TIMES THE AVERAGE AMOUNT OF BRAZILIAN HONESTY, ¹²³ NOR IS THERE ANY REASON TO BELIEVE THAT INCREASING THE SALARY OF AMERICAN JUDGES WOULD INCREASE THE AMERICAN'S MORAL RECTITUDE.** Because **honesty is not a commodity that can be bought and sold,** Brazilians, like Americans, could better spend their tax revenue elsewhere. Taxpayers cannot purchase integrity for morally weak judges, and they should not be forced to enrich judges who are willing to prostitute their honesty for material gain. ¹²⁴

THE RATIONALE BEHIND THE CRITICS' THEORY-THAT WELL-COMPENSATED JUDGES DO NOT NEED BRIBES TO SURVIVE, while under-compensated judges do **IS PROBABLY ACCURATE ONLY IN EXTREME SITUATIONS WHEN JUDICIAL SALARIES ARE ONLY SLIGHTLY ABOVE THE POVERTY LEVEL,** a situation not faced by members of the American judiciary. ¹²⁵ Thus, for example, if a judge could not buy food for his children, his moral resolve might be overcome by a strong desire to preserve his family, perhaps by accepting money from litigants in exchange for desired rulings. ¹²⁶ **NO ONE CONTENDS THAT AMERICAN FEDERAL JUDICIAL SALARIES ARE CLOSE TO THE POVERTY LEVEL.** "The salaries judges receive do not impose the sort of economic hardship that could even begin to explain, let alone justify, a judge's decision to shade her rulings for economic gain."¹²⁷ The problem judges and would-be judges face is more likely to be a problem with sending their children to prestigious (read: expensive) universities, ²⁸ and maintaining an affluent lifestyle. As Professor David Barnhizer mused, "[J]udicial corruption is generally not related to levels of judicial compensation. Judges receive a respectable amount of compensation on both state and federal levels."¹²⁹

This is not to say that wealthy politicians and judges never seek bribes. They obviously do. ¹³⁰ **BUT INCREASING SALARIES IS NOT AN EFFECTIVE MEANS OF INHIBITING SUCH CONDUCT.** In fact, it is arguable that **INCREASED SALARIES WILL ACTUALLY ATTRACT THOSE WHO VALUE MONEY ABOVE OTHER GOODS-SUCH AS HONESTY-AND SUCH JUDGES WOULD BE MORE INCLINED TO ACCEPT BRIBES.**¹³¹ **HIGHER SALARIES MIGHT "ATTRACT THE**

VENAL TO OFFICE, PLAUSIBLY INCREASING RATHER THAN DECREASING THE INCIDENCE OF CORRUPTION.

³² As Archbishop Fulton Sheen once wrote: "Riches in great abundance have a peculiar quality; they make men more greedy." ³³ Thus, encouraging the wealthy to join the judiciary or making judges wealthy is not a wise course of action, at least from the perspective of preventing bribery. "SIMPLY INCREASING JUDICIAL SALARIES WILL NOT AUTOMATICALLY IMPROVE THE QUALITY OF THE JUDICIARY. THE HIGHER THE SALARY THE MORE DESIRABLE THE POSITION BECOMES TO THE LEAST DESIRABLE CANDIDATES. 134 JUDGES WHO DESIRE FINANCIAL WEALTH MORE THAN SERVING HONESTLY WILL LIKELY EITHER RESIGN THEIR POSTS OR PURSUE GRAFT, REGARDLESS OF WHAT THEY ARE PAID. Because the public fisc could never afford to satisfy such a judge's lust for riches-even if such satisfaction were possible-it is also doubtful that a substantial increase in pay would persuade these judges to serve faithfully and honestly. Therefore, THE PRESENT SALARY SCHEME WISELY ENCOURAGES JUDGES WHO VALUE MONEY AT A LEVEL ABOVE THE NON-MONETARY BENEFITS OF SERVING ON THE JUDICIARY TO DEPART THE BENCH.

AT: Court Stripping

Congress won't strip the court

Devins, 7 --- Professor of Law and Government at William and Mary (Winter 2007, Neal, University of Dayton Law Review, "ENACTING AND INTERPRETING STATUTES IN THE CONSTITUTION'S SHADOWS SYMPOSIUM: CONSTITUTIONAL AVOIDANCE AND THE ROBERTS COURT," 32 Dayton L. Rev. 339, JMP)

III. Conclusion: The Roberts Court and Constitutional Avoidance

What lessons should the Roberts Court glean from recent congressional attacks against the Court and from the Warren era? SHOULD THE ROBERTS COURT MAKE USE OF CONSTITUTIONAL AVOIDANCE BECAUSE IT HAS A HIGH OPINION OF CONGRESS-that is, IT BELIEVES CONGRESS CARES ABOUT THE CONSTITUTION AND WANTS TO ENGAGE IN MEANINGFUL CONSTITUTIONAL DIALOGUES? Alternatively, SHOULD IT MAKE USE OF CONSTITUTIONAL AVOIDANCE BECAUSE IT FEARS THAT CONGRESS IS LIKELY TO STRIKE BACK AT CONSTITUTIONAL RULINGS INVALIDATING FEDERAL STATUTES? The answer is no to both questions.

First, unlike Congress in the Warren era, TODAY'S CONGRESS IS LESS ENGAGED IN CONSTITUTIONAL MATTERS AND LESS INTERESTED IN ASSERTING ITS PREROGATIVE TO INDEPENDENTLY INTERPRET THE CONSTITUTION. n35 Second, IT DOES NOT SEEM THAT CONGRESS IS POISED TO STRIKE BACK AT THE COURT. Unlike the Warren Court rulings, Rehnquist Court rulings did not prompt the ire of Congress. Recent court-stripping proposals, for example, have largely focused on state n36 and lower federal court n37 rulings rather than Supreme Court decisions. This has been a distinguishing feature for most of these proposals. And, as mentioned, the rulings in which the Court reinvigorated federalism by striking down all or part of 31 statutes did not prompt any significant response from Congress.

Lawmakers do not have incentives to strip the Court OF JURISDICTION OR OTHERWISE ENGAGE IN MEANINGFUL COURT-CURBING PRACTICES. THOUGH SOME LAWMAKERS ARE INTERESTED IN SCORING POINTS WITH THEIR CONSTITUENTS by introducing anti-court legislation and making rhetorical statements about activist judges, THERE IS little risk of Congress waging battle with the courts BY ENACTING JURISDICTION-STRIPPING PROPOSALS. n38

Congressional response to Hamdan actually disproves the link

Devins, 7 --- Professor of Law and Government at William and Mary (Winter 2007, Neal, University of Dayton Law Review, "ENACTING AND INTERPRETING STATUTES IN THE CONSTITUTION'S SHADOWS SYMPOSIUM: CONSTITUTIONAL AVOIDANCE AND THE ROBERTS COURT," 32 Dayton L. Rev. 339, JMP)

What then of THE MILITARY COMMISSION ACT, n39 WHICH WAS CONGRESS'S RESPONSE TO the Roberts Court's 2006 decision in HAMDAN v. Rumsfeld? n40 Not only did Congress authorize military commission trials of enemy combatants, but lawmakers stripped the federal courts of habeas jurisdiction, while allowing federal court review of both commission verdicts and the determination of whether a detainee is an enemy combatant. n41 This legislation, for reasons I have detailed elsewhere, n42 WAS not intended to be a rebuke to the Supreme Court. LAWMAKERS CLAIMED TO BE FOLLOWING THE COURT'S DIRECTION THAT CONGRESS SORT OUT WHETHER GUANTANAMO DETAINEES SHOULD BE TRIED BY MILITARY COMMISSIONS OR FEDERAL COURTS. ALSO, LAWMAKERS MADE CLEAR THAT THEY WERE NOT STRIPPING THE COURTS OF THEIR AUTHORITY TO HEAR HABEAS CORPUS CLAIMS GROUNDED IN THE CONSTITUTION; INSTEAD, LAWMAKERS ARGUED THAT ENEMY COMBATANTS DO NOT POSSESS CONSTITUTIONAL HABEAS RIGHTS. n43 Under this view, the only habeas protections afforded enemy combatants are the ones that Congress granted them through legislation-something that Congress could rescind. For this very reason, lawmakers made clear that the Court could conclude that enemy combatants possess constitutional habeas rights and thereby neuter the statute's prohibition of habeas filings. Bill sponsor Senator Lindsey Graham (R-S.C.) put it this way: "It is a statutory right of habeas that has been granted to enemy combatants. And if there is a constitutional right of habeas corpus given to enemy combatants, that is a totally different endeavor, and it would change in many ways what I have said." n44

The Roberts Court, in other words, can make use of straightforward statutory interpretation techniques to negate the habeas provision of post-Hamdan legislation. n45 There is no need to invalidate the bill as an unconstitutional restriction on court jurisdiction. More significant for purposes of this essay, there would be no need to make explicit use of [*347] constitutional avoidance techniques because of the Court's desire to avoid the constitutional question as a reason to limit the statute's reach. The Court, instead, can simply declare that the statute does not interfere with constitutional habeas, including the Court's power to sort out

whether the Constitution provides habeas protections to enemy combatants. In this way, THE ROBERTS COURT CAN USE A STATUTORY PROHIBITION OF HABEAS JURISDICTION AS AN OCCASION TO ASSERT ITS AUTHORITY TO DEFINE THE CONSTITUTION'S MEANING

--- XT: Congress Won't Strip

Congress won't force passage of stripping bills --- just wants to rhetorically attack courts

Devins, 7 --- Professor of Law and Government at William and Mary (Winter 2007, Neal, University of Dayton Law Review, "ENACTING AND INTERPRETING STATUTES IN THE CONSTITUTION'S SHADOWS SYMPOSIUM: CONSTITUTIONAL AVOIDANCE AND THE ROBERTS COURT," 32 Dayton L. Rev. 339, JMP)

II. The Rehnquist Court

Fast-forward to 2006 (when John Roberts became Chief Justice of the United States). THERE ARE DRAMATIC DIFFERENCES BETWEEN the Rehnquist-era Congress and earlier Congresses. These differences explain why LAWMAKERS TODAY are less interested in constitutional questions and also HAVE INCENTIVES TO LAUNCH RHETORICAL ATTACKS AGAINST THE COURTS. THE DEFINING FEATURE OF TODAY'S CONGRESS IS POLITICAL POLARIZATION ALONG IDEOLOGICAL LINES. ⁿ¹⁵ No longer are there liberal Rockefeller Republicans or conservative southern Democrats. Before the 2006 elections, if a line of ideology had been drawn in the House and Senate, all Republicans would have been to the right of all Democrats. ⁿ¹⁶ This phenomenon is fueled by party primaries, in which candidates in both the House and Senate must appeal to their respective base when running for election. ⁿ¹⁷ It is also fueled in the House of Representatives by redistricting, which typically guarantees safe seats for Republicans or Democrats. ⁿ¹⁸

What are the consequences of this ideological polarization? One consequence is greater cohesion within the parties and a sense that the parties want to deliver a message that will resonate with their base. ⁿ¹⁹ This is ["343] so-called "message politics," where the Democrats and Republicans develop distinctive, competing messages. There is also less interest in what happens to legislation after it is enacted, including Supreme Court decisions invalidating legislation. This stems from "position-taking legislation," where the focus is on making judgmental statements that are pleasing to the base, instead of producing certain results for constituents. For example, by enacting the Gun-Free School Zones Act, ⁿ²⁰ lawmakers were able to take a position in favor of protecting children, regardless of whether the Court upheld the law. ⁿ²¹

Another consequence of message politics is that lawmakers are less interested in independently interpreting the Constitution. There are several indications of this loss of interest. First, there has been a clear decline in the percentage of hearings raising significant constitutional issues. Outside of the Judiciary Committees (which have strong incentives to continue holding constitutional hearings) the number of hearings that raised significant constitutional issues declined across the board between 1970 and 2000. ⁿ²² For example, the Foreign Affairs Committee, which used to have its own expertise on constitutional questions, does not hold nearly as many constitutional hearings as it once did. ⁿ²³ Second, when Congress does hold constitutional hearings, lawmakers increasingly look for witnesses who will support the preexisting views of the party that selects them. ⁿ²⁴ Of course, hearings have never really been a bipartisan search for the truth. However, some committees used to have unified staffs, and the hearings were less of the staged press conferences that they are today. ⁿ²⁵

A final consequence is that there has been a dramatic change in lawmaker attitudes toward congressional interpretation of the Constitution since Morgan conducted his study of the 1959 Congress. Bruce Peabody tried to replicate the Morgan study by questioning members of Congress in 2000 using the same questionnaire that Morgan used. ⁿ²⁶ This recent survey occurred during the height of the Rehnquist Court federalism revival. ["344] Notwithstanding this revival, only 13.8% of lawmakers, as compared to 40% in the Morgan survey, thought that the Court should give controlling weight to congressional interpretations of the Constitution. ⁿ²⁷ Correspondingly, Peabody found that 71.3% of lawmakers thought that the courts should give either limited or no weight to congressional assessments of the constitutionality of legislation. ⁿ²⁸

Notably, the federalism revival did not prompt any meaningful backlash in Congress. Federalism-related hearings did not increase in the 1990s as compared to other periods, and the federalism hearings that did take place were not related to Court decisions. Rather, they were about the Contract with America. ⁿ²⁹ The Court's federalism revival was of no interest to Congress, at least with respect to hearings--there is virtually no mention of the federalism decisions in the Congressional Record. ⁿ³⁰ Congress, in other words, was not interested in engaging in any kind of dialogue with the Court on these issues.

Against this backdrop, it is not surprising that TODAY'S LAWMAKERS SEE COURT- STRIPPING PROPOSALS ON SOCIALLY-DIVISIVE ISSUES AS A WAY TO SPEAK TO THEIR BASE. Like position-taking legislation, LAWMAKERS ARE MOST INTERESTED IN LAUNCHING RHETORICAL ATTACKS AGAINST THE COURT. Moreover, BECAUSE THERE IS SOME FEAR THAT MEDIAN VOTERS SUPPORT JUDICIAL INDEPENDENCE, ⁿ³¹ SOCIAL CONSERVATIVES do not want to risk a backlash against their agenda BY PUSHING FOR THE ENACTMENT OF SUCH BILLS. ⁿ³² Indeed, they can reach out to their base by introducing bills and making floor statements about them. Consider, for example, the proposed legislation stripping the courts of jurisdiction on same-sex marriage and the Pledge of Allegiance. ⁿ³³ In 2004, the House approved these measures shortly before the November elections, at a time when the Senate never had an opportunity to consider them. ⁿ³⁴ If Congress had been truly interested in getting that legislation approved, those bills would have been taken up earlier, and they would have made their way from the House to the Senate or the Senate would have independently considered ["345] them. That did not happen. Instead, SOCIAL CONSERVATIVES IN THE HOUSE WANTED TO SEND A MESSAGE THAT WOULD RESONATE WITH THEIR BASE WITHOUT RISK OF POLITICAL BACKLASH.

Congress won't strip courts

Devins, 7 --- Professor of Law and Government at William and Mary (Winter 2007, Neal, University of Dayton Law Review, "ENACTING AND INTERPRETING STATUTES IN THE CONSTITUTION'S SHADOWS SYMPOSIUM: CONSTITUTIONAL AVOIDANCE AND THE ROBERTS COURT," 32 Dayton L. Rev. 339, JMP)

In the pages that follow, I will compare Court-Congress relations in the early Warren Court era to those during the Rehnquist Court era. Following this comparison, I will argue that THE ROBERTS COURT HAS NO REASON TO EMPLOY CONSTITUTIONAL AVOIDANCE TECHNIQUES. ^{First,} TODAY'S CONGRESS IS NOT PARTICULARLY INTERESTED IN CONSTITUTIONAL QUESTIONS, SO THERE IS NO GOOD GOVERNANCE REASON TO USE CONSTITUTIONAL AVOIDANCE. ^{Second,} THOUGH A WHOLE RAFT OF COURT-STRIPPING PROPOSALS HAS BEEN INTRODUCED IN THE PAST FEW YEARS, THE EVIDENCE SUGGESTS THAT TODAY'S CONGRESS IS NOT INTERESTED IN STRIKING BACK AT THE SUPREME COURT IN THAT WAY.

AT: Congressional Override

Interest groups ensure that Congress doesn't override Supreme Court decisions

Eskridge, 91 – Professor of Law, Georgetown University Law Center, John A. Garver Professor of Jurisprudence at Yale Law School (William N., “Overriding Supreme Court Statutory Interpretation Decisions”, 101 Yale L.J. 331 1991-1992, 19991, [//TT](http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=4816&context=fss_papers)

WHY DOES CONGRESS NOT OVERRIDE MORE OF THE SUPREME COURT'S STATUTORY DECISIONS?¹⁴⁰ THE MOST OBVIOUS REASON SUGGESTED BY THIS STUDY¹⁴¹ IS THE EXISTENCE OF CONFLICTUAL DEMAND PATTERNS. Many Supreme Court statutory decisions involve big stakes and sharply clashing interests. While the losers often have enough clout to bring decisions to the congressional agenda, the winners are also likely to have some influence. In such cases, UNLESS THE LOSERS AT THE SUPREME COURT LEVEL CAN PERSUADE OTHER GROUPS TO BE SUPPORTIVE OR NEUTRAL, THEIR CHANCES OF OVERTURNING A SUPREME COURT DECISION ARE NOT PROMISING. This explanation squares with the data generated by the current survey. THE SUPREME COURT'S MOST CONTROVERSIAL STATUTORY DECISIONS ARE USUALLY NOT OVERRIDDEN BECAUSE THERE ARE STRONG INTEREST GROUP ALIGNMENTS ON BOTH SIDES OF THE ISSUES, LEAVING THE COURT'S DECISIONS FIRMLY INTACT. The congressional overrides listed in Appendix I tend to involve Supreme Court cases in which the winning interests were not powerful at the time of the override—because the interests are diffuse or outside the political process (decisions benefiting accused criminals) or because the substantive position was weak (Gilbert) or had lost force over time (Boutillier).

AT: Money Laundering SDI

US isn't key – London is the center of money laundering.

Hanning and Connett 15

(James and David, July 4, <http://www.independent.co.uk/news/uk/crime/london-is-now-the-global-moneylaundering-centre-for-the-drug-trade-says-crime-expert-10366262.html>, "London is now the global money-laundering centre for the drug trade, says crime expert", twm)

The City of London is the money-laundering centre of the world's drug trade, according to an internationally acclaimed crime expert. UK banks and financial services have ignored so-called "know your customer" rules designed to curb criminals' abilities to launder the proceeds of crime, Roberto Saviano warned. Mr Saviano, author of the international bestseller Gomorrah, which exposed the workings of the Neapolitan crime organisation Camorra, said: "The British treat it as not their problem because there aren't corpses on the street." His warning follows a National Crime Agency (NCA) threat assessment which stated: "We assess that hundreds of billions of US dollars of criminal money almost certainly continue to be laundered through UK banks, including their subsidiaries, each year."

Money laundering is a very small part of domestic surveillance.

Jenifer Fenton 7-17-2015(Activits: US overstates encryption threat, underreports wiretap figures, Executive Producer Talk to Al Jazeera at Al Jazeera Media Network, <http://america.aljazeera.com/articles/2015/7/17/overstating-encryption-threat-underreporting-wiretap-numbers.html> ZV)

But the MOST "PREVALENT TYPE OF CRIMINAL OFFENSE INVESTIGATED using wiretaps" – 89 percent – WAS DRUG OFFENSES. FOUR PERCENT WERE RELATED TO homicide and the OTHERS INCLUDED smuggling and MONEY LAUNDERING, according to the Wiretap Report. "THEY ARE CONFLATING two different sets of iSSUES and THEY ARE DOING IT INTENTIONALLY," said Gidari.

Effective control in the united states will push money laundering to other countries – means all of their impacts are still triggered.

Financial Action Task Force 15

(an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions, FATF, 2015, <http://www.fatf-gafi.org/pages/faq/moneylaundering/>, ASN)

Launderers are continuously looking for new routes for laundering their funds. ECONOMIES WITH GROWING OR DEVELOPING FINANCIAL CENTRES, BUT INADEQUATE CONTROLS ARE PARTICULARLY VULNERABLE AS ESTABLISHED FINANCIAL CENTRE COUNTRIES IMPLEMENT COMPREHENSIVE ANTI-MONEY LAUNDERING REGIMES. DIFFERENCES BETWEEN NATIONAL ANTI-MONEY LAUNDERING SYSTEMS WILL BE EXPLOITED BY LAUNDERERS, WHO TEND TO MOVE THEIR NETWORKS TO COUNTRIES AND FINANCIAL SYSTEMS WITH WEAK OR INEFFECTIVE COUNTERMEASURES. Some might argue that developing economies cannot afford to be too selective about the sources of capital they attract. But postponing action is dangerous. THE MORE IT IS DEFERRED, THE MORE ENTRENCHED ORGANISED CRIME CAN BECOME. AS WITH THE DAMAGED INTEGRITY OF AN INDIVIDUAL FINANCIAL INSTITUTION, THERE IS A DAMPING EFFECT ON FOREIGN DIRECT INVESTMENT WHEN A COUNTRY'S COMMERCIAL AND FINANCIAL SECTORS ARE PERCEIVED TO BE SUBJECT TO THE CONTROL

AND INFLUENCE OF ORGANIZED CRIME. Fighting money laundering and terrorist financing is therefore a part of creating a business friendly environment which is a precondition for lasting economic development.

Non unique – US not stopping money laundering now

Hanning and Connett 15

(James and David, July 4, <http://www.independent.co.uk/news/uk/crime/london-is-now-the-global-moneylaundering-centre-for-the-drug-trade-says-crime-expert-10366262.html>, “London is now the global money-laundering centre for the drug trade, says crime expert”, ellipses in original, twm)

Interviewed by The Independent on Sunday, Mr Saviano said of the international drugs trade that “Mexico is its heart and London is its head”. He said the cheapness and the ease of laundering dirty money through UK-based banks gave London a key role in drugs trade. “Antonio Maria Costa of the UN Office on Drugs and Crime found that drug trafficking organisations were blatantly recycling dirty money through European and American banks, but no one takes any notice,” he said. “He found that banks were welcoming dirty money because they need cash, liquidity during the financial crisis. The figures are too big to be rejected Yet there was no reaction.”

London and Austria block EU efforts to fight money laundering.

Hanning and Connett 15

(James and David, July 4, <http://www.independent.co.uk/news/uk/crime/london-is-now-the-global-moneylaundering-centre-for-the-drug-trade-says-crime-expert-10366262.html>, “London is now the global money-laundering centre for the drug trade, says crime expert”, twm)

He accused the British Government, together with Austria, of consistently blocking anti-money-laundering moves by the European Union. “They will carry on like that until someone gets killed here by the Russians or the Italians.” he said. Mr Saviano said he feared one reason was because banks are a key source of political funding. “Every time there’s an election campaign, I wonder if someone will come forward and start a campaign on money laundering ... but it never happens. The reason, I am convinced but I don’t have the proof, is that a good part of the money that comes from money laundering goes into the election campaign. Not illegally, legally, because it can come in because of a lack of regulation.”

Non-unique criminal organizations are too embedded - in some instances they are running their own banks.

Hanning and Connett 15

(James and David, July 4, <http://www.independent.co.uk/news/uk/crime/london-is-now-the-global-moneylaundering-centre-for-the-drug-trade-says-crime-expert-10366262.html>, “London is now the global money-laundering centre for the drug trade, says crime expert”, twm)

Twenty years ago, drug money was laundered offshore because the top international banks “were afraid of opening their doors to dirty money, they were afraid of losing control”, he said. “The more criminal capital comes in, the more criminals there are on the boards. The Mafia set up its own bank, Michele Sindona’s Banca Privata Finanziaria, and the other banks would have nothing to do with them,” he said. “Not any more. Now, because of the problem of cash, they can’t wait to get the Mafia organisations in.”

Impact turn - Less money laundering will actually hurt economies.

Quinn 13

(freelance journalist in Guadalajara where he writes about technology, real estate and security issues faced by international companies, “ Mexico’s new anti-money laundering law is bad for business”,

Quartz, October 29, 2013, <http://qz.com/139570/mexicos-new-anti-money-laundering-law-is-bad-for-business/>, GCM)

MONEY LAUNDERING IN MEXICO IS BIG BUSINESS: \$10 BILLION IN DRUG MONEY WAS WASHED THERE IN 2012, ACCORDING TO GLOBAL RISK MANAGEMENT FIRM KROLL. Even so, MEXICO'S LATEST ATTEMPT TO CRACK DOWN ON THE CRIME PUTS A HEFTY BURDEN ON THE PRIVATE SECTOR IN A COUNTRY THAT'S BEEN SLOW TO TARGET KNOWN LAUNDERERS. The law went into effect in July and focuses on "vulnerable activities," or industries like gaming, jewelry, automobile, ART AND REAL ESTATE THAT ARE OFTEN TARGETS FOR MONEY LAUNDERING BECAUSE THEY HANDLE LARGE AMOUNTS OF CASH. The requirements vary per sector, BUT FOR MOST, CASH TRANSACTIONS OVER A CERTAIN AMOUNT (pdf) MUST BE REPORTED TO THE GOVERNMENT. In certain cases, identification is required for purchases regardless of the form of payment. Jewelers will have to maintain files for customers who make purchases valued at more than 52,000 pesos, or roughly \$4,000. THIS CREATE CHALLENGES FOR JEWELERS WHO DEAL WITH INTERNATIONAL CLIENTS, said Miguel Cotero Ochoa, the president of the state of Jalisco's Jewelry Chamber. Those CLIENTS WILL LIKELY TURN TO OTHER COUNTRIES THAT DON'T REQUIRE SUCH BUREAUCRATIC ENTANGLEMENTS, he said. "WE SUPPORT THE AUTHORITIES IN THEIR EFFORT TO COMBAT THIS PROBLEM. HOWEVER, SOME OF THE REGULATIONS IN THE LAW LEAVE US OUT OF THE GLOBAL COMPETITION," Cotero Ochoa said in an interview in Spanish. A CONSULTANT IN MEXICO CITY ESTIMATED THE REQUIREMENTS WILL LIKELY COST BUSINESSES IN THE AFFECTED INDUSTRIES 3-8% OF THEIR INCOME (link in Spanish). Businesses are required to train employees and maintain an archive of those transactions that meet the law's requirements, said Cotero Ochoa. "THE MAJORITY OF OUR COMPANIES ARE SMALL FIRMS AND THE REQUIREMENTS AND REGULATIONS THE SECRETARY OF FINANCE IS PLACING ARE GOING TO BE IMPOSSIBLE—or very complicated—TO FULFILL," he said. THE JEWELRY INDUSTRY PLANS TO WORK WITH AUTHORITIES TO MODIFY THE LAW BASED ON SOME OF THEIR CONCERNS, Cotero Ochoa said. And THEY'RE NOT THE ONLY ONES CHALLENGING IT. LARGE RETAIL CHAINS IN MEXICO, INCLUDING DEPARTMENT STORES LIKE EL PALACIO DE HIERRO, LIVERPOOL, SEARS, AND SANBORNS, HAVE ALREADY TAKEN LEGAL ACTION (link in Spanish) CLAIMING THAT THE LAW VIOLATES THEIR CONSTITUTIONAL RIGHTS OF EQUALITY AND NON-DISCRIMINATION, FREE ECONOMIC COMPETITION AND TAX EQUITY. They, along with members of the real estate and automotive industries, ARGUE THAT THEIR BUSINESSES HAVE BEEN UNFAIRLY TARGETED WHILE BRITISH BANK HSBC WAS FINED A MERE \$27.5 MILLION IN MEXICO FOR ITS LAX MONEY-LAUNDERING CONTROLS.

AT: Nationalized Internet Emory

2ac to Nationalization

1. Nationalization is inevitable

Goldstein, Writer for the Atlantic, 2014

[Gordon M. Goldstein, The End of the Internet?,
<http://www.theatlantic.com/magazine/archive/2014/07/the-end-of-the-internet/372301/>]

SOME EXPERTS ANTICIPATE A FUTURE WITH A BRAZILIAN INTERNET, A EUROPEAN INTERNET, AN IRANIAN INTERNET, AN EGYPTIAN INTERNET—all with different content regulations and trade rules, and perhaps with contrasting standards and operational protocols. Eli NOAM, a PROFESSOR of economics and finance AT COLUMBIA Business School, BELIEVES THAT SUCH A PROGRESSIVE FRACTURING of the global Internet IS INEVITABLE. “WE MUST GET USED TO THE IDEA THAT THE STANDARDISED INTERNET IS THE PAST BUT NOT THE FUTURE,” he wrote last fall. “And that THE FUTURE IS A FEDERATED INTERNET, NOT A UNIFORM ONE.” Noam thinks that can be managed, in part through the development of new intermediary technologies that would essentially allow the different Internets to talk to each other, and allow users to navigate the different legal and regulatory environments.

Perhaps. But at a minimum, this patchwork solution would be disruptive to American companies like Google, Facebook, Amazon, and eBay, which would see their global reach diminished. And it would make international communications and commerce more costly. THE U.S. GOVERNMENT IS RESISTING THIS TRANSFORMATION. BUT THE INTERNET IS SIMPLY TOO CONSEQUENTIAL—SOCIALY, POLITICALLY, AND ECONOMICALLY—FOR STATES TO READILY FORGO CONTROL OF IT, and America, as Marc Andreessen observes, has lost “the moral high ground” in the debate. PERHAPS IT WAS NEVER REALISTIC TO EXPECT THE WORLD WIDE WEB TO LAST.

2. Not reverse causal – people are pushing for nationalization because of NSA fears – that does NOT mean they will stop if the NSA does the plan.

3. Greed will determine internet decisions

Wagner, Commentator for Information Week, 08

[Mitch Wagner, Should The U.S. Nationalize The Internet?,
<http://www.informationweek.com/software/information-management/should-the-us-nationalize-the-internet/d/d-id/1069315?>]

THE INTERNET FACES MANY PROBLEMS FROM COMPANIES LOOKING TO MAXIMIZE PROFITS AT THE EXPENSE OF THE PUBLIC GOOD. GREEDY BUSINESSES threaten innovation BY TRYING TO PUT AN END

TO NET NEUTRALITY, MEDIA COMPANIES WANT TO CONTROL EVERY INTERNET-CONNECTED DEVICE IN AN EFFORT TO LOCK DOWN DISTRIBUTION channels, and spammers and other fraudsters have pretty much taken over e-mail.

Now, TechCrunch is reporting that Vint CERF, the so-called "father of the Internet," SAYS MAYBE WE SHOULD THINK OF THE INTERNET AS BEING LIKE THE HIGHWAY SYSTEM -- A PUBLIC GOOD THAT SHOULD BE NATIONALIZED.

Erick Schonfeld at TechCrunch writes:

Should the Internet be owned and maintained by the government, just like the highways? Vint Cerf, the "father of the Internet" and Google's Internet evangelist, made this radical suggestion while he was sitting next to me on a panel yesterday about national tech policy at the Personal Democracy Forum. Maybe he was inspired by the presence of one of the other panelists, Claudio Prado, from Brazil's Ministry of Culture, who kept on talking about the importance of embracing Internet "peeracy." (Although, I should note that Mr. Cerf frowned upon that ill-advised coinage). But I think (or hope, rather) that he was really trying to spark a debate about whether the Internet should be treated more like the public resource that it is.

His comment was in the context of a bigger discussion about the threat to net neutrality posed by the cable and phone companies, who are making moves to control the amount and types of bits that can go through their pipes. It was made almost in passing and the discussion quickly moved to other topics.

THE CASE FOR LETTING THE GOVERNMENT RUN THE INTERNET IS TEMPTING. Rather than letting telcos, media companies, and spammers fight to control the Internet, WE COULD JUST LET THE GOVERNMENT RUN THE PIPE TO ENSURE ITS CONTINUED FAIRNESS.

4. Timeframe for the disad is long – no idea when nationalized internet control will actually occur – it is decades away before private businesses would be willing to give up control.

5. Government control won't stop cyber-terror

Holmes, former assistant secretary of state & distinguished fellow at the Heritage Foundation, 2013

[Kim R. Holmes, Washington Times, April 17, 2013, <http://www.washingtontimes.com/news/2013/apr/17/holmes-staying-one-step-ahead-of-cyberattacks/>]

IMPOSING AN OLD-FASHIONED, TOP-DOWN REGULATORY SOLUTION as the Obama administration and some in Congress want to do IS TEMPTING. After a proposed Senate cybersecurity act failed to pass, the administration issued an executive order that reflects this regulatory approach.

BUT HEAVY-HANDED REGULATION IS A 19TH-CENTURY SOLUTION TO A 21ST-CENTURY PROBLEM. FEDERAL REGULATIONS ARE SLOW TO IMPLEMENT, CUMBERSOME TO MANAGE AND UNABLE TO KEEP UP WITH THE RAPID ADVANCES OF HACKERS AND CYBERWARRIORS, who continually change their lines of attack. THIS APPROACH USHERS IN A CLUMSY BUREAUCRATIC REGIME THAT UNDOUBTEDLY WILL BECOME EVEN SLOWER AND MORE CUMBERSOME OVER TIME. That is the nature of regulatory bureaucracy.

There is a better way. The rule of thumb for policymakers should be to encourage companies and other entities to find methods to better protect themselves from cyberattacks. They need to be able to share information voluntarily and protect themselves from liabilities associated with doing that, while ensuring that their proprietary information is safeguarded.

Companies sharing information on cyberattacks need to know that they will not be put at a competitive disadvantage in the marketplace. All shared information should be exempted from Freedom of Information Act requests and regulatory use. Moreover, private-public partnerships should be established so information could be shared fully and in a timely manner.

Developing a cybersecurity liability and insurance system would be another step in the right direction. As explained in the Heritage report, "such a system returns cyber-security liability to those who are largely responsible for cyber-security losses" i.e., not the consumer but the software manufacturers who, through negligence or other reasons, fail to offer safeguards against cyberincursions and companies that do little about security weaknesses in their cybersystems.

The Heritage report contains another innovative recommendation: Create a nonprofit organization that can assess the surety of an organization's supply chain, similar to the way Underwriters Laboratories Inc. assesses the safety of various commercial products. Once a company is given a grade, consumers of software and technical equipment can decide for themselves how safe a purchase would be.

Finally, there is the critical issue of cyberattacks by states, terrorists and criminals. A model to pursue is the one used by the former Soviet state of Georgia in response to cyberattacks from Russia in 2012. The Georgian government planted a malware booby trap in a file that Russian intelligence hacked, foiling that attempt at espionage and, more importantly, identifying the perpetrator. U.S. companies should be allowed to execute similar operations, either in cooperation with law enforcement or on their own.

CYBERSECURITY IS A COMPLEX PROBLEM. THAT IS WHY A ONE-SIZE-FITS-ALL, TOP-DOWN REGULATORY REGIME RUN BY THE FEDERAL GOVERNMENT IS UNWISE. TO STAY A STEP AHEAD OF HACKERS, AMERICANS NEED A SYSTEM THAT EMPOWERS THEM TO PROTECT THEMSELVES.

6. Cyber-terror is all hype

Singer, Director, 21st Century Defense Initiative, Senior Fellow, Foreign Policy @ Brookings Institute, 2012

[Peter W. Singer, The Cyber Terror Bogeyman, Armed Forces Journal, November 2012, <http://www.brookings.edu/research/articles/2012/11/cyber-terror-singer>]

WE HAVE LET OUR FEARS OBSCURE HOW TERRORISTS REALLY USE THE INTERNET.

About 31,300. That is roughly the number of magazine and journal articles written so far that discuss the phenomenon of cyber terrorism.

ZERO. That IS THE NUMBER OF PEOPLE THAT WHO BEEN HURT OR KILLED BY CYBER TERRORISM at the time this went to press.

In many ways, CYBER TERRORISM IS LIKE the Discovery Channel's "SHARK WEEK," when WE OBSESS about shark attacks DESPITE THE FACT THAT YOU ARE ROUGHLY 15,000 TIMES MORE LIKELY TO BE HURT OR KILLED IN AN ACCIDENT INVOLVING A TOILET. But by looking at how terror groups actually use the Internet, rather than fixating on nightmare scenarios, we can properly prioritize and focus our efforts.

PART OF THE PROBLEM IS THE WAY WE TALK ABOUT THE ISSUE. The FBI defines cyber terrorism as a "premeditated, politically motivated attack against information, computer systems, computer programs and data which results in violence against non-combatant targets by subnational groups or clandestine agents." A key word there is "violence," yet MANY DISCUSSIONS SWEEP ALL SORTS OF NONVIOLENT ONLINE MISCHIEF INTO THE "TERROR" BIN. Various reports lump together everything from Defense Secretary Leon Panetta's recent statements that a terror group might launch a "digital Pearl Harbor" to Stuxnet-like sabotage

(ahem, committed by state forces) to hacktivism, WikiLeaks and credit card fraud. As one congressional staffer put it, the way we use a term like cyber terrorism “has as much clarity as cybersecurity — that is, none at all.”

Another part of the problem is that WE OFTEN MIX UP OUR FEARS WITH THE ACTUAL STATE OF AFFAIRS. Last year, Deputy Defense Secretary William Lynn, the Pentagon’s lead official for cybersecurity, spoke to the top experts in the field at the RSA Conference in San Francisco. “It is possible for a terrorist group to develop cyber-attack tools on their own or to buy them on the black market,” Lynn warned. “A couple dozen talented programmers wearing flip-flops and drinking Red Bull can do a lot of damage.”

The deputy defense secretary was CONFLATING FEAR AND REALITY, not just about what stimulant-drinking programmers are actually hired to do, but also what is needed to pull off an attack that causes meaningful violence. The requirements go well beyond finding top cyber experts. Taking down hydroelectric generators, or designing malware like Stuxnet that causes nuclear centrifuges to spin out of sequence doesn’t just require the skills and means to get into a computer system. It’s also knowing what to do once you are in. To cause true damage requires an understanding of the devices themselves and how they run, the engineering and physics behind the target.

THE STUXNET CASE, FOR EXAMPLE, INVOLVED not just cyber experts well beyond a few wearing flip-flops, but also EXPERTS IN AREAS THAT RANGED FROM INTELLIGENCE AND SURVEILLANCE TO NUCLEAR PHYSICS TO THE ENGINEERING OF A SPECIFIC KIND OF SIEMENS-BRAND INDUSTRIAL EQUIPMENT. It also required expensive tests, not only of the software, but on working versions of the target hardware as well.

AS George R. LUCAS Jr., a PROFESSOR AT THE U.S. NAVAL ACADEMY, PUT IT, CONDUCTING A TRULY MASS-SCALE ACTION USING CYBER MEANS “SIMPLY OUTSTRIPS THE INTELLECTUAL, ORGANIZATIONAL AND PERSONNEL CAPACITIES OF EVEN THE MOST WELL-FUNDED AND WELL-ORGANIZED TERRORIST ORGANIZATION, as well as those of even the most sophisticated international criminal enterprises.”

Lucas said THE THREAT of cyber terrorism HAS BEEN VASTLY OVERBLOWN.

“To be blunt, neither the 14-year-old hacker in your next-door neighbor’s upstairs bedroom, nor the two- or three-person al-Qaida cell holed up in some apartment in Hamburg are going to bring down the Glen Canyon and Hoover dams,” he said.

We should be crystal clear: This is not to say that terrorist groups are uninterested in using the technology of cyberspace to carry out acts of violence. In 2001, al-Qaida computers seized in Afghanistan were found to contain models of a dam, plus engineering software that simulated the catastrophic failure of controls. Five years later, jihadist websites were urging cyber attacks on the U.S. financial industry to retaliate for abuses at Guantanamo Bay.

Nor does it mean that cyber terrorism, particularly attacks on critical infrastructure, is of no concern. In 2007, Idaho National Lab researchers experimented with cyber attacks on their own facility; they learned that remotely changing the operating cycle of a power generator could make it catch fire. Four years later, the Los Angeles Times reported that white-hat hackers hired by a water provider in California broke into the system in less than a week. Policymakers must worry that real-world versions of such attacks might have a ripple effect that could, for example, knock out parts of the national power grid or shut down a municipal or even regional water supply.

But so far, WHAT TERRORISTS HAVE ACCOMPLISHED IN THE CYBER REALM DOESN’T MATCH OUR FEARS, THEIR DREAMS OR EVEN WHAT THEY HAVE MANAGED THROUGH TRADITIONAL MEANS.

Bad for Economy

Nationalized internet would collapse global growth

McDowell, FCC Chair, 2012

[5/31/31, Comm'r. McDowell's Congressional Testimony, <http://www.fcc.gov/document/commr-mcdowells-congressional-testimony-5-31-2012>]

It is a pleasure and an honor to testify beside my friend, Ambassador Phil Verveer. First, please allow me to dispense quickly and emphatically any doubts about the bipartisan resolve of the United States' to resist efforts to expand the International Telecommunication Union's ("ITU") authority over Internet matters. Some ITU officials have dismissed our concern over this issue as mere "election year politics." Nothing could be further from the truth as evidenced by Ambassador Verveer's testimony today as well as recent statements from the White House, Executive Branch agencies, Democratic and Republican Members of Congress and my friend and colleague, FCC Chairman Julius Genachowski. We are unified on the substantive arguments and have always been so. Second, it is important to define the challenge before us. The threats are real and not imagined, although they admittedly sound like works of fiction at times. For many years now, scores of countries led by China, Russia, Iran, Saudi Arabia, and many others, have pushed for, as then-Russian Prime Minister Vladimir Putin said almost a year ago, "international control of the Internet" through the ITU.¹ I have tried to find a more concise way to express this issue, but I can't seem to improve upon now-President Putin's crystallization of the effort that has been afoot for quite some time. More importantly, I think we should take President Putin very seriously. ¹ Vladimir Putin, Prime Minister of the Russian Federation, Working Day, GOV'T OF THE RUSSIAN FED'N, <http://premier.gov.ru/eng/events/news/15601/> (June 15, 2011) (last visited May 14, 2012). Six months separate us from the renegotiation of the 1988 treaty that led to insulating the Internet from economic and technical regulation. What proponents of Internet freedom do or don't do between now and then will determine the fate of the Net, affect global economic growth and determine whether political liberty can proliferate. During the treaty negotiations, the most lethal threat to Internet freedom may not come from a full frontal assault, but through insidious and seemingly innocuous expansions of intergovernmental powers. This subterranean effort is already under way. While influential ITU Member States have put forth proposals calling for overt legal expansions of United Nations' or ITU authority over the Net, ITU officials have publicly declared that the ITU does not intend to regulate Internet governance while also saying that any regulations should be of the "light-touch" variety.² But which is it? It is not possible to insulate the Internet from new rules while also establishing a new "light touch" regulatory regime. Either a new legal paradigm will emerge in December or it won't. The choice is binary. Additionally, as a threshold matter, it is curious that ITU officials have been opining on the outcome of the treaty negotiation. The ITU's Member States determine the fate of any new rules, not ITU leadership and staff. I remain hopeful that the diplomatic process will not be subverted in this regard. As a matter of process and substance, patient and persistent incrementalism is the Net's most dangerous enemy and it is the hallmark of many countries that are pushing the proregulation agenda. Specifically, some ITU officials and Member States have been discussing an alleged worldwide phone numbering "crisis." It seems that the world may be running out of phone numbers, over which the ITU does have some jurisdiction. ² Speech by ITU Secretary-General Touré, The Challenges of Extending the Benefits of Mobile (May 1, 2012), http://www.itu.int/net/pressoffice/press_releases/index.aspx?lang=en (last visited May 29, 2012). ³ Today, many phone numbers are used for voice over Internet protocol services such as Skype or Google Voice. To function properly, the software supporting these services translate traditional phone numbers into IP addresses. The Russian Federation has proposed that the ITU be given jurisdiction over IP addresses to remedy the phone number shortage.³ What is left unsaid, however, is that potential ITU jurisdiction over IP addresses would enable it to regulate Internet services and devices with abandon. IP addresses are a fundamental and essential component to the inner workings of the Net. Taking their administration away from the bottomup, non-governmental, multi-stakeholder model and placing it into the hands of international bureaucrats would be a grave mistake. Other efforts to expand the ITU's reach into the Internet are seemingly small but are tectonic in scope. Take for example the Arab States' submission from February that would change the rules' definition of "telecommunications" to include "processing" or computer functions.⁴ This change would essentially swallow the Internet's functions with only a tiny edit to existing rules.⁵ When ITU leadership claims that no Member States have proposed absorbing Internet governance into the ITU or other intergovernmental entities, the Arab States' submission demonstrates that nothing could be further from the truth. An infinite number of avenues exist to ³ Further Directions for Revision of the ITRs, Russian Federation, CWG-WCIT12 Contribution 40, at 3 (2011), <http://www.itu.int/md/T09-CWG.WCIT12-C-0040/en> (last visited May 29, 2012) ("To oblige ITU to allocate/distribute some part of IPv6 addresses (as same way/principle as for telephone numbering, simultaneously existing of many operators/numbers distributors inside unified numbers space for both fixed and mobile phone services) and determination of necessary requirements."). ⁴ Proposed Revisions, Arab States, CWG-WCIT12 Contribution 67, at 3 (2012), <http://www.itu.int/md/T09CWG.WCIT12-C-0067/en> (last visited May 29, 2012). ⁵ And Iran argues that the current definition already includes the Internet. Contribution from Iran, The

Islamic Republic of Iran, CWG-WCIT12 Contribution 48, Attachment 2 (2011), <http://www.itu.int/md/T09-CWG.WCIT12C-0048/en> (last visited May 29, 2012).³ accomplish the same goal and it is camouflaged subterfuge that proponents of Internet freedom should watch for most vigilantly. Other examples come from China. China would like to see the creation of a system whereby Internet users are registered using their IP addresses. In fact, last year, China teamed up with Russia, Tajikistan and Uzbekistan to propose to the UN General Assembly that it create an "International Code of Conduct for Information Security" to mandate "international norms and rules standardizing the behavior of countries concerning information and cyberspace."⁶ Does anyone here today believe that these countries' proposals would encourage the continued proliferation of an open and freedom-enhancing Internet? Or would such constructs make it easier for authoritarian regimes to identify and silence political dissidents? These proposals may not technically be part of the WCIT negotiations, but they give a sense of where some of the ITU's Member States would like to go. Still other proposals that have been made personally to me by foreign government officials include the creation of an international universal service fund of sorts whereby foreign – usually state-owned – telecom companies would use international mandates to charge certain Web destinations on a "per-click" basis to fund the build-out of broadband infrastructure across the globe. Google, iTunes, Facebook and Netflix are mentioned most often as prime sources of funding. In short, the U.S. and like-minded proponents of Internet freedom and prosperity across the globe should resist efforts to expand the powers of intergovernmental bodies over the Internet⁶ Letter dated 12 September 2011 from the Permanent Representatives of China, the Russian Federation, Tajikistan, and Uzbekistan to the United Nations addressed to the Secretary-General, Item 93 of the provisional agenda - Developments in the field of information and telecommunications in the context of international security, 66th Session of the United Nations General Assembly, Annex (Sep. 14, 2011), http://www.cs.brown.edu/courses/csci1800/sources/2012_UN_Russia_and_China_Code_o_Conduct.pdf (last visited May 29, 2012), even in the smallest of ways. As my supplemental statement and analysis explains in more detail below, such a scenario would be devastating to global economic activity, but it would hurt the developing world the most. Thank you for the opportunity to appear before you today and I look forward to your questions. Thank you, Chairman Walden and Ranking Member Eshoo, for holding this hearing. Its topic is among the most important public policy issues affecting global commerce and political freedom: namely, whether the International Telecommunication Union (ITU), or any other intergovernmental body, should be allowed to expand its jurisdiction into the operational and economic affairs of the Internet. As we head toward the treaty negotiations at the World Conference on International Telecommunications (WCIT) in Dubai in December, I urge governments around the world to avoid the temptation to tamper with the Internet. Since its privatization in the early 1990s, the Internet has flourished across the world under the current deregulatory framework. In fact, the long-standing international consensus has been to keep governments from regulating core functions of the Internet's ecosystem. Yet, some nations, such as China, Russia, India, Iran and Saudi Arabia, have been pushing to reverse this course by giving the ITU or the United Nations itself regulatory jurisdiction over Internet governance. The ITU is a treaty-based organization under the auspices of the United Nations.¹ Don't take my word for it, however. As Russian Prime Minister Vladimir Putin said almost one year ago, the goal of this well-organized and energetic effort is to establish "international control over the Internet using the monitoring and supervisory capabilities of the [ITU]."² Motivations of some ITU Member states vary. Some of the arguments in support of such actions may stem from frustrations with the operations of Internet Corporation for Assigned Names and Numbers (ICANN). Any concerns regarding ICANN, however, should not be used as a pretext to end the multi-stakeholder model that has served all nations – especially the developing world – so well. Any reforms to ICANN should take place through the bottom-up multi-stakeholder process and should not arise through the WCIT's examination of the International Telecommunication Regulations (ITRs). Constructive reform of the ITRs may be needed. If so, the scope of any review should be limited to traditional telecommunications services and not expanded to include information services or any form of Internet services. Modification of the current multistakeholder Internet governance model may be necessary as well, but we should all work together to ensure no intergovernmental regulatory overlays are placed into this sphere. Not only would nations surrender some of their national sovereignty in such a pursuit, but they would suffocate their own economies as well, while politically paralyzing engineering and business decisions within a global regulatory body. ¹ History, I <http://www.itu.int/en/about/Pages/history.aspx>">U, <http://www.itu.int/en/about/Pages/history.aspx> (last visited May 14, 2012). ² Vladimir Putin, Prime Minister of the Russian Federation, Working Day, GOV'T OF THE RUSSIAN FED'N, <http://premier.gov.ru/eng/events/news/15601/> (June 15, 2011) (last visited May 14, 2012). Every day headlines tell us about industrialized and developing nations alike that are awash in debt, facing flat growth curves, or worse, shrinking GDPs. Not only must governments, including our own, tighten their fiscal belts, but they must also spur economic expansion. An unfettered Internet offers the brightest ray of hope for growth during this dark time of economic uncertainty, not more regulation. Indeed, we are at a crossroads for the Internet's future. One path holds great promise, while the other path is fraught with peril. The promise, of course, lies with keeping what works, namely maintaining a freedom-enhancing and open Internet while insulating it from legacy regulations. The peril lies with changes that would ultimately sweep up Internet services into decades-old ITU paradigms. If successful, these efforts would merely imprison the future in the regulatory dungeon of the past. The future of global growth and political freedom lies with an unfettered Internet. Shortly after the Internet was privatized in 1995, a mere 16 million people were online worldwide.³ As of early 2012, approximately 2.3 billion people were using the Net.⁴

Internet connectivity quickly evolved from being a novelty in industrialized countries to becoming an essential tool for commerce – and sometimes even basic survival – in all nations, but especially in the developing world. Such explosive growth was helped, not hindered, by a deregulatory construct. Developing nations stand to gain the most from the rapid pace of deployment and adoption of Internet technologies brought forth by an Internet free from intergovernmental regulation. By way of illustration, a McKinsey report released in January examined the Net's effect on the developing world, or "aspiring countries."⁵ In 30 specific aspiring countries studied, including Malaysia, Mexico, Morocco, Nigeria, Turkey and Vietnam,⁶ Internet penetration has grown 25 percent per year for the past five years, compared to only five percent per year in developed nations.⁷ Obviously, broadband penetration is lower in aspiring countries than in the developed world, but that is quickly changing thanks to mobile Internet access technologies. Mobile subscriptions in developing countries have risen from 53 percent of the global market in 2005 to 73 percent in 2010.⁸ In fact, Cisco estimates that the number of mobile-connected devices will exceed the world's population sometime this year.⁹ Increasingly, Internet users in these countries use only mobile devices for their Internet access.¹⁰ This trend has resulted in developing countries growing their global share of Internet users from 33 percent in 2005, to 52 percent in 2010, with a projected 61 percent share by 2015.¹¹ The 30 aspiring countries discussed earlier are home to one billion Internet users, half of all global Internet users. The effect that rapidly growing Internet connectivity is having on aspiring countries' economies is tremendous. The Net is an economic growth accelerator. It contributed an average 1.9 percent of GDP growth in aspiring countries for an estimated total of \$366 billion in 2010.¹³ In some developing economies, Internet connectivity has contributed up to 13 percent of GDP growth over the past five years.¹⁴ In six aspiring countries alone, 1.9 million jobs were associated with the Internet.¹⁵ And in other countries, the Internet creates 2.6 new jobs for each job it disrupts.¹⁶ I expect that we would all agree that these positive trends must continue. The best path forward is the one that has served the global economy so well, that of a multi-stakeholder governed Internet. One potential outcome that could develop if pro-regulation nations are successful in granting the ITU authority over Internet governance would be a partitioned Internet. In particular, fault lines could be drawn between countries that will choose to continue to live under the current successful model and those Member States who decide to opt out to place themselves under an intergovernmental regulatory regime. A balkanized Internet would not promote global free trade or increase living standards. At a minimum, it would create extreme uncertainty and raise costs for all users across the globe by rendering an engineering, operational and financial morass. For instance, Harvard and the Massachusetts Institute of Technology (MIT) recently announced placing many of their courses online for free – for anyone to use. The uncertainty and economic and engineering chaos associated with a newly politicized intergovernmental legal regime would inevitably drive up costs as cross border traffic and cloud computing become more complicated and vulnerable to regulatory arbitrage. Such costs are always passed on to the end user consumers and may very well negate the ability of content and application providers such as Harvard and MIT to offer first-rate educational content for free. Nations that value freedom and prosperity should draw a line in the sand against new regulations while welcoming reform that could include a non-regulatory role for the ITU. Venturing into the uncertainty of a new regulatory quagmire will only undermine developing nations the most.

Cyber Terror Impact Answer

Cyberwar isn't a big threat—best studies prove

Jason **HEALEY**, Director of the Cyber Statecraft Initiative at the Atlantic Council, **13** ["No, Cyberwarfare Isn't as Dangerous as Nuclear War," March 20, 2013, www.usnews.com/opinion/blogs/world-report/2013/03/20/cyber-attacks-not-yet-an-existential-threat-to-the-us]

America does not face an existential cyberthreat today, despite recent **warnings**. Our cybervulnerabilities are undoubtedly grave and **THE THREATS WE FACE ARE SEVERE BUT far from COMPARABLE TO nuclear war**.

The most recent alarms come in a Defense Science Board report on how to make military cybersystems more resilient against advanced threats (in short, Russia or China). It warned that the "cyber threat is serious, with potential consequences similar in some ways to the nuclear threat of the Cold War." Such fears were also expressed by Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, in 2011. He called cyber "The single biggest existential threat that's out there" because "cyber actually more than theoretically, can attack our infrastructure, our financial systems."

WHILE IT IS TRUE THAT CYBER ATTACKS MIGHT DO THESE THINGS, IT IS ALSO TRUE they have not only never happened but are far more difficult to accomplish than mainstream thinking believes. The consequences from cyber threats may be similar in some ways to nuclear, as the Science Board concluded, but mostly, they are incredibly dissimilar.

Eighty years ago, the generals of the U.S. Army Air Corps were sure that their bombers would easily topple other countries and cause their populations to panic, claims which did not stand up to reality. **A study OF THE 25-YEAR HISTORY OF CYBER CONFLICT, BY THE ATLANTIC COUNCIL AND CYBER CONFLICT STUDIES ASSOCIATION, HAS SHOWN** a similar dynamic where **THE IMPACT OF DISRUPTIVE CYBERATTACKS has been consistently overestimated.**

Rather than theorizing about future cyberwars or extrapolating from today's concerns, the history of cyberconflict that have actually been fought, shows that cyber incidents have so far tended to have effects that are either widespread but fleeting or persistent but narrowly focused. **NO ATTACKS, SO FAR, HAVE BEEN BOTH WIDESPREAD AND PERSISTENT. THERE HAVE BEEN no AUTHENTICATED cases of anyone dying FROM A CYBER ATTACK. ANY WIDESPREAD DISRUPTIONS,** even the 2007 disruption against Estonia, **HAVE BEEN SHORT-LIVED** causing no significant GDP loss.

Moreover, as with conflict in other domains, cyberattacks can take down many targets but keeping them down over time in the face of determined defenses has so far been out of the range of all but the most dangerous adversaries such as Russia and China. Of course, if the United States is in a conflict with those nations, cyber will be the least important of the existential threats policymakers should be worrying about. **PLUTONIUM TRUMPS BYTES IN A SHOOTING WAR.**

This is not all good news. Policymakers have recognized the problems since at least 1998 with little significant progress. Worse, the threats and vulnerabilities are getting steadily more worrying. **STILL, experts have been warning of a cyber Pearl Harbor for 20 of the 70 years since the actual Pearl Harbor.**

The transfer of U.S. trade secrets through Chinese **CYBER ESPIONAGE COULD SOMEDAY ACCUMULATE INTO AN EXISTENTIAL THREAT. BUT IT DOESN'T SEEM SO SEEM JUST YET,** with only handwaving estimates of annual losses of 0.1 to 0.5 percent to the total U.S. GDP of around \$15 trillion. That's bad, but **IT DOESN'T ADD UP TO AN EXISTENTIAL CRISIS** or "economic cyberwar."

Cyber threats are hype

The Economist, 12/8/2012. "Hype and fear," <http://www.economist.com/news/international/21567886-america-leading-way-developing-doctrines-cyber-warfare-other-countries-may>.

EVEN as anxiety about jihadi terrorist threats has eased, thanks to the efforts of intelligence agencies and drone attacks' disruption of the militants' sanctuaries, [FEARS OVER WESTERN SOCIETIES' VULNERABILITY TO CYBER-ASSAULTS HAVE GROWN](#).

Political and military leaders miss no chance to declare that cyberwar is already upon us. America's defence secretary, Leon [PANETTA](#), [TALKS OF A "CYBER-PEARL HARBOUR"](#). A senior official says privately that a cyber-attack on America that "would make 9/11 look like a tea party" is only a matter of time.

[THE NIGHTMARES ARE OF](#) [mouseclicks](#) [EXPLODING FUEL REFINERIES, FRYING POWER GRIDS OR BLINDING AIR-TRAFFIC CONTROLLERS, THE REALITY IS ALREADY OF COUNTLESS ANONYMOUS ATTACKS ON GOVERNMENTS AND BUSINESSES](#). These seek to disrupt out of malice, or to steal swathes of valuable commercial or security-related data. Some experts believe that such thefts have cost hundreds of billions of dollars in stolen R&D.

Many of these attacks are purely criminal. But the most sophisticated are more often the work of states, carried out either directly or by proxies. Attribution—detecting an enemy's fingerprints on a cyber-attack—is still tricky, so officials are reluctant to point the finger of blame publicly. But China is by far the most active transgressor. It employs thousands of gifted software engineers who systematically target technically advanced Fortune 100 companies. The other biggest offenders are Russia and, recently, Iran (the suspected source of the Shamoon virus that crippled thousands of computers at Saudi Arabia's Aramco and Qatar's RasGas in August).

America and its allies are by no means passive victims. Either America, Israel or the two working together almost certainly hatched the Stuxnet worm, found in 2010, that was designed to paralyse centrifuges at Iran's Natanz uranium-enrichment plant. The Flame virus, identified by Russian and Hungarian experts this year, apparently came from the same source. It was designed to strike at Iran by infecting computers in its oil ministry and at targets in the West Bank, Syria and Sudan.

Boring, not lurid

For all the hype, policies on cyber-warfare remain confused and secretive. The American government is bringing in new rules and a clearer strategy for dealing with cyber-threats. Barack Obama is said to have signed in October a still-secret directive containing new guidelines for federal agencies carrying out cyber-operations. It sets out how they should help private firms, particularly those responsible for critical national infrastructure, to defend themselves against cyber-threats by sharing information and setting standards.

The directive is partly a response to the stalling of cyber-legislation in the Senate. Republican senators argue that it imposes too great a regulatory burden on industry, which is already obliged to disclose when it is subject to a cyber-attack. It is also meant to govern how far such bodies as the Department of Homeland Security can go in their defence of domestic networks against malware attacks.

The Pentagon is also working on more permissive rules of engagement for offensive cyber-warfare, for example to close down a foreign server from which an attack was thought to be emanating. General Keith Alexander heads both Cyber Command (which has a budget of \$3.4 billion for next year) and the National Security Agency. He has often called for greater flexibility in taking the attack to the "enemy". The emergence of new cyber-warfare doctrines in America is being watched closely by allies who may follow where America leads—as well as by potential adversaries.

However, Jarno Linnell of Stonesoft, a big computer security firm, says that all levels of government in the West lack strategic understanding on cyber-warfare. So, although questions abound, answers are few. For example, it is not clear how much sensitive information about threats or vulnerabilities government agencies should share even with private-sector firms that are crucial to national security. Often the weakest link is their professional advisers, such as law firms or bankers who have access to sensitive data.

Almost all (roughly 98%) of the vulnerabilities in commonly used computer programmes that hackers exploit are in software created in America. Making private-sector companies more secure might involve a controversial degree of intrusion by government agencies, for example the permanent monitoring of e-mail traffic to make sure that every employee is sticking to security rules. Government hackers may also like to hoard such vulnerabilities rather than expose them. That way they can later create "backdoors" in the software for offensive purposes.

Also controversial is the balance between defence and attack. General Alexander stresses that in cyber-warfare, the attacker has the advantage. Mr Linnell says that, although America has better offensive cyber-capabilities than almost anybody, its defences get only three out of ten.

Setting rules for offensive cyber-warfare is exceptionally tricky. When it comes to real, physical war, the capability may become as important as air superiority has been for the past 70 years: though it cannot alone bring victory, you probably can't win if the other side has it.

China has long regarded the network-centric warfare that was developed by America in the late-1980s and copied by its allies as a weakness it might target, particularly as military networks share many of the same underpinnings as their civilian equivalents. The People's Liberation Army (PLA) talks about "informationisation" in war, "weakening the information superiority of the enemy and operational effectiveness of the enemy's computer equipment". China's planning assumes an opening salvo of attacks on the enemy's information centres by cyber, electronic and kinetic means to create blind spots that its armed forces would then be able to exploit. Yet as the PLA comes to rely more on its own information networks it will no longer enjoy an asymmetric advantage. FEW DOUBT THE IMPORTANCE OF BEING ABLE TO DEFEND YOUR OWN MILITARY NETWORKS FROM CYBER-ATTACKS (and to operate effectively when under attack), while threatening those of your adversaries.

BUT TO CONCLUDE THAT FUTURE WARS WILL BE CONDUCTED LARGELY IN CYBERSPACE IS AN EXAGGERATION. MARTIN LIBICKI OF THE RAND CORPORATION, a think-tank, ARGUES THAT WITH SOME EXCEPTIONS CYBER-WARFARE NEITHER DIRECTLY HARMS PEOPLE NOR DESTROYS EQUIPMENT. AT BEST IT "CAN CONFUSE AND FRUSTRATE...AND THEN ONLY TEMPORARILY". IN SHORT, "CYBER-WARFARE CAN ONLY BE A SUPPORT FUNCTION" for other forms of war.

Four horsemen

Besides the cyber element of physical warfare, FOUR OTHER WORRIES ARE: STRATEGIC CYBERWAR (direct attacks on an enemy's civilian infrastructure); CYBER-ESPIONAGE; CYBER-DISRUPTION, such as the distributed denial-of-service attacks that briefly overwhelmed Estonian state, banking and media websites in 2007; AND CYBER-TERRORISM. Gauging an appropriate response to each of these is hard. Mr Linnell calls for a "triad" of capabilities: resilience under severe attack; reasonable assurance of attribution so that attackers cannot assume anonymity; and the means to hit back hard enough to deter an unprovoked attack.

FEW WOULD ARGUE AGAINST IMPROVING RESILIENCE, PARTICULARLY OF CRITICAL NATIONAL INFRASTRUCTURE such as power grids, sewerage and transport systems. BUT SUCH TARGETS ARE NOT AS VULNERABLE AS IS NOW OFTEN SUGGESTED. CYBER-ATTACKS ON PHYSICAL ASSETS ARE MOST LIKELY TO USE WHAT MR LIBICKI CALLS "ONE-SHOT WEAPONS" AIMED AT INDUSTRIAL CONTROL SYSTEMS. STUXNET WAS AN EXAMPLE: IT DESTROYED PERHAPS A TENTH OF THE IRANIAN CENTRIFUGES AT NATANZ AND DELAYED SOME URANIUM ENRICHMENT FOR A FEW MONTHS, BUT THE VULNERABILITIES IT EXPOSED WERE SOON REPAIRED. Its limited and fleeting success will also have led Iran to take measures to hinder future attacks. IF THAT IS THE BEST THAT TWO FIRST-RATE CYBER-POWERS CAN DO AGAINST A THIRD-RATE INDUSTRIAL POWER, NOTES MR LIBICKI, IT PUTS INTO PERSPECTIVE THE MORE ALARMIST PREDICTIONS OF IMPENDING CYBER-ATTACKS ON INFRASTRUCTURE IN THE WEST.

Moreover, ANYONE CONTEMPLATING A CYBER-ATTACK on physical infrastructure has little idea how much actual damage it will cause, and if people will die. They CANNOT KNOW IF THEY ARE CROSSING AN ADVERSARY'S RED LINE and in doing so would trigger a violent "kinetic" response (involving real weapons). WHETHER OR NOT AMERICA HAS EFFECTIVE CYBER-WEAPONS, IT HAS MORE THAN ENOUGH CONVENTIONAL ONES TO MAKE ANY POTENTIAL AGGRESSOR THINK TWICE.

For that reason, improving attribution of cyber-attacks is a high priority. Nigel Inkster, a former British intelligence officer now at the International Institute for Strategic Studies, highlights the huge risk to the perpetrator of carrying out an infrastructure attack given the consequences if it is detected. In October Mr Panetta said that "potential aggressors should be aware that the United States has the capacity to locate them and hold them accountable for actions that harm America or its interests."

He may be over-claiming. Given that cyber-attacks can be launched from almost anywhere, attribution is likely to remain tricky and to rely on context, motive and an assessment of capabilities as much as technology. That is one reason why countries on the receiving end of cyber attacks want to respond in kind—ambiguity cuts both ways. But poor or authoritarian countries attacking rich democratic ones may not have the sorts of assets that are vulnerable to a retaliatory cyber-attack.

The difficulty is even greater when it comes to the theft (or “exfiltration”, as it is known) of data. For China and Russia, ransacking Western firms for high-tech research and other intellectual property is tempting. The other way round offers thinner pickings. In 2009 hackers from an unnamed “foreign intelligence agency” made off with some 24,000 confidential files from Lockheed Martin, a big American defence contractor. As a result they could eavesdrop on online meetings and technical discussions, and gather information about the sensors, computer systems and “stealth” technology of the F-35 Joint Strike Fighter. This may have added to the delays of an already troubled programme as engineers tried to fix vulnerabilities that had been exposed in the plane’s design. Investigators traced the penetrations with a “high level of certainty” to known Chinese IP addresses and digital fingerprints that had been used for attacks in the past. Less than two years later, China unveiled its first stealth fighter, the J-20.

Theft from thieves

As Mr Libicki asks, “what can we do back to a China that is stealing our data?” Espionage is carried out by both sides and is traditionally not regarded as an act of war. But the massive theft of data and the speed with which it can be exploited is something new. Responding with violence would be disproportionate, which leaves diplomacy and sanctions. But America and China have many other big items on their agenda, while trade is a very blunt instrument. It may be possible to identify products that China exports which compete only because of stolen data, but it would be hard and could risk a trade war that would damage both sides.

CYBER-DISRUPTION HAS NUISANCE VALUE AND MAY BE COSTLY TO REPAIR, BUT IT CAN BE MITIGATED BY DECENT DEFENCES. CYBER-TERRORISM HAS REMAINED LARGELY IN THE IMAGINATION OF FILM-MAKERS, but would be worth worrying about if it became a reality. Stonesoft’s Mr Linnell reckons that, though al-Qaeda and its offshoots show little sign of acquiring the necessary skills, they could buy them. Mr Libicki is more sceptical. BIG TEAMS OF HIGHLY QUALIFIED PEOPLE ARE NEEDED TO PRODUCE STUXNET-TYPE EFFECTS, WHICH MAY BE BEYOND EVEN SOPHISTICATED TERRORIST GROUPS. ALSO, THE LARGER THE TEAM THAT IS NEEDED, THE MORE LIKELY IT IS TO BE PENETRATED.

Hurts the Internet

Balkanization would destroy the internet – crushes trade & economic growth McDowell, Commission of the FCC, 2012

[Robert M. McDowell, The U.N. Threat to Internet Freedom,
<http://www.wsj.com/articles/SB10001424052970204792404577229074023195322>]

Merely saying "no" to any changes to the current structure of Internet governance is likely to be a losing proposition. A more successful strategy would be for proponents of Internet freedom and prosperity within every nation to encourage a dialogue among all interested parties, including governments and the ITU, to broaden the multi-stakeholder umbrella with the goal of reaching consensus to address reasonable concerns. As part of this conversation, we should underscore the tremendous benefits that the Internet has yielded for the developing world through the multi-stakeholder model.

UPENDING THIS MODEL WITH A NEW REGULATORY TREATY IS LIKELY TO PARTITION THE INTERNET as some countries would inevitably choose to opt out. **A balkanized Internet would be devastating to global free trade and national sovereignty.** IT WOULD IMPAIR INTERNET GROWTH MOST SEVERELY IN THE DEVELOPING WORLD BUT ALSO GLOBALLY AS TECHNOLOGISTS ARE FORCED TO SEEK BUREAUCRATIC PERMISSION to innovate and invest. **THIS WOULD ALSO UNDERMINE THE PROLIFERATION OF NEW CROSS-BORDER TECHNOLOGIES, SUCH AS CLOUD COMPUTING.**

A TOP-DOWN, CENTRALIZED, INTERNATIONAL REGULATORY OVERLAY IS ANTITHETICAL TO THE ARCHITECTURE OF THE NET, WHICH IS A GLOBAL NETWORK OF NETWORKS WITHOUT BORDERS. NO GOVERNMENT, let alone an intergovernmental body, CAN MAKE ENGINEERING AND ECONOMIC DECISIONS IN LIGHTNING-FAST INTERNET TIME. PRODUCTIVITY, RISING LIVING STANDARDS AND THE SPREAD OF FREEDOM EVERYWHERE, BUT ESPECIALLY IN THE DEVELOPING WORLD, WOULD GRIND TO A HALT as engineering and business decisions become politically paralyzed within a global regulatory body.

ANY ATTEMPTS TO EXPAND INTERGOVERNMENTAL POWERS OVER THE INTERNET—no matter how incremental or seemingly innocuous—**SHOULD BE TURNED BACK.** Modernization and reform can be constructive, but not if the end result is a new global bureaucracy that departs from the multi-stakeholder model. **ENLIGHTENED NATIONS SHOULD DRAW A LINE IN THE SAND AGAINST NEW REGULATIONS** while welcoming reform that could include a nonregulatory role for the ITU.

State control destroys the value of the internet Alford, Senior Program Officer, Internet Freedom, Freedom House, 2014

[Gigi Alford, State Partitioning of the Internet Harms Users Everywhere,
http://www.huffingtonpost.com/freedom-house/state-partitioning-of-the_b_5843162.html]

For as long as the global internet has withstood attempts by states to subjugate its cables, servers, and protocols, the virtual world has been a refuge for users who are deprived of their fundamental freedoms offline. This boon of technology is what led UN experts to declare the internet

"an indispensable tool for realizing a range of human rights" and to debate whether access to such an engine of human progress constitutes a right in itself.

However, SINCE Edward SNOWDEN DISCLOSED documents on SECRET U.S. and British data-COLLECTION PROGRAMS, THE INTERNET HAS FACED INTENSIFIED CHALLENGES FROM ALL SIDES—some genuine and others opportunistic— THAT COULD LEAD STATES TO PARTITION THE DIGITAL COMMONS INTO NATIONAL AND REGIONAL DEMESNES.

AN INTERNET THAT IS FRAGMENTED BY political, legal, and technical BOUNDARIES WOULD THROTTLE THE ANIMATING PURPOSE OF THE INTERNATIONAL BILL OF HUMAN RIGHTS, while an indivisible and global internet is able to facilitate such goals. AS STATES FULLY FATHOM THE INTERNET'S DISRUPTIVE POWER AND RUSH TO IMPOSE CHOKE POINTS IN THE NAME OF NATIONAL SOVEREIGNTY, THE DIGITAL WORLD INCREASINGLY MIRRORS THE ANALOG WORLD'S HUMAN RIGHTS DEFICIENCIES, which it once transcended. The virtual refuge is being dismantled, and for individuals on the wrong side of the new borders, it has been replaced with separate and unequal "splinternets."

SUCH DIGITAL APARTHEID FLIES IN THE FACE OF THE UNIVERSALITY OF HUMAN RIGHTS, AND IT CONTRADICTS INTERNATIONAL JURISPRUDENCE THAT REJECTS SEPARATE-BUT-EQUAL REGIMES. As the UN Human Rights Council has affirmed, "the same rights that people have offline must also be protected online."

Champions of a unified internet are putting forth strong economic and geopolitical arguments to counter these challenges—including earlier this month at the ninth annual Internet Governance Forum (IGF) in Istanbul, Turkey, and next month at the International Telecommunications Union (ITU) plenipotentiary meeting in Busan, South Korea. But stakeholders often miss the bigger picture when they overlook the human rights case against a "Westphalian web" model of internet governance.

Internet Good

Internet solves everything – access is key Genachowski 13

[Chair-FCC, 4/16, "The Plot to Block Internet Freedom",
http://www.foreignpolicy.com/articles/2013/04/16/plot_block_internet_freedom?page=full]

The Internet has created an extraordinary new democratic forum for people around the world to express their opinions. It is revolutionizing global access to information: Today, more than 1 billion people worldwide have access to the Internet, and at current growth rates, 5 billion people -- about 70 percent of the world's population -- will be connected in five years. But this growth trajectory is not inevitable, and threats are mounting to the global spread of an open and truly "worldwide" web. The expansion of the open Internet must be allowed to continue: The mobile and social media revolutions are critical not only for democratic institutions' ability to solve the collective problems of a shrinking world, but also to a dynamic and innovative global economy that depends on financial transparency and the free flow of information. The threats to the open Internet were on stark display at last December's World Conference on International Telecommunications in Dubai, where the United States fought attempts by a number of countries -- including Russia, China, and Saudi Arabia -- to give a U.N. organization, the International Telecommunication Union (ITU), new regulatory authority over the Internet. Ultimately, over the objection of the United States and many others, 89 countries voted to approve a treaty that could strengthen the power of governments to control online content and deter broadband deployment. In Dubai, two deeply worrisome trends came to a head. First, we see that the Arab Spring and similar events have awakened nondemocratic governments to the danger that the Internet poses to their regimes. In Dubai, they pushed for a treaty that would give the ITU's imprimatur to governments' blocking or favoring of online content under the guise of preventing spam and increasing network security. Authoritarian countries' real goal is to legitimize content regulation, opening the door for governments to block any content they do not like, such as political speech. Second, the basic commercial model underlying the open Internet is also under threat. In particular, some proposals, like the one made last year by major European network operators, would change the ground rules for payments for transferring Internet content. One species of these proposals is called "sender pays" or "sending party pays." Since the beginning of the Internet, content creators -- individuals, news outlets, search engines, social media sites -- have been able to make their content available to Internet users without paying a fee to Internet service providers. A sender-pays rule would change that, empowering governments to require Internet content creators to pay a fee to connect with an end user in that country. Sender pays may look merely like a commercial issue, a different way to divide the pie. And proponents of sender pays and similar changes claim they would benefit Internet deployment and Internet users. But the opposite is true: If a country imposed a payment requirement, content creators would be less likely to serve that country. The loss of content would make the Internet less attractive and would lessen demand for the deployment of Internet infrastructure in that country. Repeat the process in a few more countries, and the growth of global connectivity -- as well as its attendant benefits for democracy -- would slow dramatically. So too would the benefits accruing to the global economy. Without continuing improvements in transparency and information sharing, the innovation that springs from new commercial ideas and creative breakthroughs is sure to be severely inhibited. To their credit, American Internet service providers have joined with the broader U.S. technology industry, civil society, and others in opposing these changes. Together, we were able to win the battle in Dubai over sender pays, but we have not yet won the war. Issues affecting global Internet openness, broadband deployment, and free speech will return in upcoming international forums, including an important meeting in Geneva in May, the World Telecommunication/ICT Policy Forum. The massive investment in wired and wireless broadband infrastructure in the United States demonstrates that preserving an open Internet is completely compatible with broadband deployment. According to a recent UBS report, annual wireless capital investment in the United States increased 40 percent from 2009 to 2012, while investment in the rest of the world has barely inched upward. And according to the Information Technology and Innovation Foundation, more fiber-optic cable was laid in the United States in 2011 and 2012 than in any year since 2000, and 15 percent more than in Europe. All Internet users lose something when some countries are cut off from the World Wide Web. Each person who is unable to connect to the Internet diminishes our own access to information. We become less able to understand the world and formulate policies to respond to our shrinking planet. Conversely, we gain a richer understanding of global events as more people connect around the world, and those societies nurturing nascent democracy movements become more familiar with America's traditions of free speech

and pluralism. That's why we believe that the Internet should remain free of gatekeepers and that no entity -- public or private -- should be able to pick and choose the information web users can receive. That is a principle the United States adopted in the Federal Communications Commission's 2010 Open Internet Order. And it's why we are deeply concerned about arguments by some in the United States that broadband providers should be able to block, edit, or favor Internet traffic that travels over their networks, or adopt economic models similar to international sender pays. We must preserve the Internet as the most open and robust platform for the free exchange of information ever devised. Keeping the Internet open is perhaps the most important free speech issue of our time.

Russia Controls

Russia controlling the internet

Bloomberg 5 – 1 – 14

[Ilya Khrennikov and Anastasia Ustinova, Putin's Next Invasion? The Russian Web, <http://www.bloomberg.com/bw/articles/2014-05-01/russia-moves-toward-china-style-internet-censorship>]

Google (GOOG) Executive Chairman Eric SCHMIDT WARNED last year THAT RUSSIA WAS "ON THE PATH" TOWARD CHINESE-STYLE INTERNET CENSORSHIP. Vladimir PUTIN IS PROVING HIM RIGHT. At a meeting with media executives in St. Petersburg on April 24, the Russian president said his government will impose greater control over information flowing through the Internet, which the former KGB lieutenant colonel has called a creation of U.S. spy agencies.

RUSSIA'S PARLIAMENT HAS APPROVED A LAW SIMILAR TO CHINA'S THAT WOULD REQUIRE INTERNET COMPANIES SUCH AS GOOGLE TO LOCATE SERVERS HANDLING RUSSIAN TRAFFIC INSIDE THE COUNTRY AND STORE USER DATA LOCALLY FOR SIX MONTHS. The legislation, which is scheduled to take effect on Aug. 1, also classifies the roughly 30,000 Russian bloggers who have 3,000 or more readers as media outlets, making them and the companies that host them subject to regulation. "THIS LAW IS A STEP TOWARD SEGMENTING AND NATIONALIZING THE INTERNET AND PUTTING IT UNDER THE KREMLIN'S CONTROL," SAYS Matthew SCHAAF, a program officer at Freedom House, a research group in Washington. "IT COULD HAVE A SERIOUS CHILLING EFFECT ON ONLINE EXPRESSION IN RUSSIA, MAKING USERS STOP TO THINK HOW THEIR GOOGLE SEARCHES AND FACEBOOK POSTS COULD BE USED AGAINST THEM."

AT: Nuclear DA Northwestern

X-IM is an alt cause to lack of nuclear competitiveness

Ted Jones, 6/10, Director of International Supplier Relations for NEI, JUNE 10, 2015, "What Heritage Gets Wrong About Nuclear Energy and Ex-Im Bank",

<http://neinuclearnotes.blogspot.com/2015/06/what-heritage-gets-wrong-about-nuclear.html>

EX-IM ENABLES U.S. NUCLEAR SUPPLIERS TO REDUCE RUSSIAN ENERGY DOMINANCE. Notably, Jack acknowledges the challenges posed by Russian competition in global nuclear energy markets. He accepts that U.S. nuclear exporters are contending with aggressive Russian expansion and that favorable financing terms is one of Russia's key competitive advantages. And he acknowledges that Russia's expansion into nuclear energy increases the overreliance of U.S. partners on Russian energy, implicating broader U.S. national security interests. AS AN ALTERNATIVE RESPONSE TO RUSSIA'S NUCLEAR ENERGY EXPORT STRATEGY, JACK SUGGESTS STREAMLINING U.S. EXPORT REGULATIONS FOR U.S. NUCLEAR COOPERATION PARTNERS. MODERNIZING U.S. NUCLEAR EXPORT CONTROLS IS A NECESSARY BUT INSUFFICIENT STEP TOWARD A LEVEL PLAYING FIELD WITH RUSSIAN AND OTHER FOREIGN NUCLEAR ENERGY SUPPLIERS. Crucially, IT WOULD DO NOTHING TO ADDRESS THE COMPETITIVE IMBALANCE IN FINANCING, WHICH IS OFTEN THE DECISIVE FACTOR IN NUCLEAR ENERGY TENDERS. In short, IF THE EX-IM BANK GOES AWAY, THE U.S. NUCLEAR ENERGY INDUSTRY WILL LOSE A CRITICAL TOOL FOR COMPETING AGAINST RUSSIAN NUCLEAR ENERGY SUPPLY. EXPORT CONTROL REFORM IS NOT A SUBSTITUTE. Russia's edge in financing proved critical in reactor sale to Hungary. Although Jack is correct to note that energy-security concerns give an advantage to non-Russian energy suppliers, the Russian edge in financing is so powerful that it has been decisive in recent tenders IN EASTERN EUROPE. IF THE EX-IM BANK GOES AWAY, NUCLEAR ENERGY SUPPLIERS FROM FRANCE, SOUTH KOREA AND JAPAN – ALL BACKED BY NATIONAL EXPORT CREDIT AGENCIES – WILL BENEFIT FROM WORRIES ABOUT OVERRELIANCE ON RUSSIA. The U.S. industry will not even be at the table. This circumstance has led Ambassador John Bolton to write that while Tea Party Republicans might have a point about economic subsidies, they're getting the Ex-Im Bank issue horribly wrong when it comes to geo-politics. Ex-Im is a requirement to compete. Jack repeats the claim that private financing can fill the void left by the Ex-Im Bank. But the commercial banks have repeatedly debunked this myth about Ex-Im and private financing – as recently as last week. In no business sector is the indispensability of the Ex-Im Bank clearer than in the export of nuclear power. THERE DOES NOT EXIST A COMMERCIAL BANK THAT WILL FINANCE A NUCLEAR POWER PLANT FOR 18 YEARS PLUS THE TERM OF CONSTRUCTION – THE AGREED LIMIT AMONG MEMBERS OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD). According to the commercial banking executives that I've consulted, their unwillingness to finance nuclear power plants without the Ex-Im Bank holding a stake has nothing to do with project risk. Foreign utilities are typically very low credit risks. Rather, they explain that Basel III capital reserve requirements prevent them from allocating billions of dollars in tier one capital for as many years as necessary to finance a nuclear power plant. Jack claims that foreign customers "can demand support from export credit agencies for the simple reason that such support is available." If Ex-Im Bank goes away, export credit agency support will still be demanded by suppliers, and it will still be available – but from non-U.S. suppliers only. Again, U.S. nuclear suppliers will not even be able to compete. Jack correctly points out that the U.S. industry has some advantages, including "reliable and efficient products, operational excellence, and safety culture." But if these advantages are often insufficient today, how can they be adequate when U.S. nuclear suppliers lose the ability to offer a competitive financing package? JACK RIGHTLY POINTS OUT THAT THE GLOBAL ELIMINATION OF EXPORT CREDIT AGENCIES IS THE MOST DESIRABLE SOLUTION. BUT AS FORMER REAGAN-ERA ASSISTANT SECRETARY OF DEFENSE FRANK GAFFNEY HAS POINTED OUT, UNILATERAL DISARMAMENT IS A TERRIBLE STRATEGY TO ACHIEVE THAT OUTCOME. Through leverage provided by the Ex-Im Bank, the United States has successfully imposed discipline on other export credit agencies in multiple business sectors, including nuclear energy. Under the Nuclear Sector Understanding of the OECD, export credit financing terms and trade-related aid in the nuclear energy sector must conform to agreed limits. If the United States shuts down the Bank, it would lose its greatest source of leverage for disciplining the 59 export credit agencies operating worldwide. Uncertainty about Ex-Im is already hurting U.S. suppliers. Although Jack writes that the Ex-Im Bank is "inherently political," it enjoyed strong bipartisan support from its establishment almost eight decades ago until 2011, when Heritage Action and other groups made it a target. I speak regularly to nuclear energy executives, who compete every day in international markets. Every one of them has a story about international customers asking whether their company will be able to close deals,

given the uncertainty about Ex-Im Bank. Some of the executives have confirmed that their international competitors were the sources of the customers' worries about Ex-Im Bank. This is the burden that U.S. nuclear exporters have carried since 2011. If Ex-Im goes away, that burden will in many cases become insuperable.

Russia's economy is in trouble and economic decline means it can't fight a war

Anders Åslund, 14, Economist and a Senior Fellow at the Atlantic Council and Chairman of the International Advisory Council at the Center for Social and Economic Research, April 22, 2014, "Russia Is in No Economic Shape to Fight a War", <http://www.themoscowtimes.com/opinion/article/russia-is-in-no-economic-shape-to-fight-a-war/498728.html>

But RUSSIA HAS ONLY A 2.9 PERCENT SHARE OF GLOBAL GROSS DOMESTIC PRODUCT. This is only 6 percent of NATO's GDP. In 2012, RUSSIA'S DEFENSE EXPENDITURES CORRESPONDED TO ONE-TENTH OF NATO'S DEFENSE EXPENDITURES. A COUNTRY SO ECONOMICALLY WEAK WOULD BE WELL ADVISED NOT TO CHALLENGE FAR WEALTHIER AND STRONGER NEIGHBORS. To make matters worse, RUSSIA HAS FEW ALLIES. IN PARTICULAR, RUSSIA IS LIKELY TO BE HIGHLY VULNERABLE TO FINANCIAL SANCTIONS. One month ago, the Western discussion on possible sanctions against Russia focused on whether they could be effective. During the spring meeting of the International Monetary Fund in Washington April 12 to 13, the question was turned around: Do we really want to destroy Russia that fast? The dominant theme was that geopolitical risk is back, and Russia is seen as the main risk. Official Russian reactions to the Western threat of sanctions have been that Russia's state corporations would invest in Russia and that Russia would establish its own payments system, making itself independent of the Western financial system. But none of this is realistic. In its March report on the Russian economy, the World Bank showed that the country's total foreign debt at the end of January was \$732 billion. The distribution between public and private debt is only available from October last year. Then, state banks had \$128 billion and nonfinancial state corporations \$164 billion of foreign debt. Adding \$80 billion of government foreign debt, Russia's total public foreign debt was \$372 billion, while its international currency reserves are \$477 billion, but much of those can be frozen as well. This makes Russia highly vulnerable to international financial sanctions. In an insightful article in Foreign Affairs magazine on April 10, Robert Kahn argued that "RUSSIA'S RELATIONSHIP TO GLOBAL FINANCIAL MARKETS — INTEGRATED, HIGHLY LEVERAGED AND OPAQUE — CREATES VULNERABILITY, WHICH SANCTIONS COULD EXPLOIT TO PRODUCE A RUSSIAN 'LEHMAN MOMENT': A SHARP, RAPID DELEVERAGING WITH MAJOR CONSEQUENCES FOR RUSSIA'S ABILITY TO TRADE AND INVEST." THAT COULD MEAN A "SUDDEN STOP" OF INTERNATIONAL FINANCE TO RUSSIA, WHICH WOULD HAVE DEVASTATING CONSEQUENCES FOR ITS ECONOMY. State banks and other state-controlled corporations are not creditors to the West but big borrowers. Companies such as Rosneft have larger debts than their market capitalization, and their debts are held abroad. IF THEY ARE NOT ABLE TO ROLL OVER THEIR LARGE FOREIGN DEBTS, THEY WILL BE STARVED OF CAPITAL. IN RECENT WEEKS, THE DISCUSSION IN WASHINGTON HAS HARDLY BEEN ABOUT WHETHER TO SANCTION RUSSIAN STATE BANKS BUT RATHER WHICH ONES AND WHEN IS THE BEST TIME TO DO IT. ANY SIGNIFICANT BANK THAT ESTABLISHED ITSELF IN CRIMEA WOULD BE SANCTIONED. Gazprombank appears a prime target since its beneficiary owner, Bank Rossiya, is already sanctioned. In addition, it is relatively small and not that well connected with the rest of the financial system, so it could be used as a trial balloon. Ukraine's Prosecutor General's Office has just initiated a criminal case against Sberbank, and probably will for other Russian state banks, for "financing terrorists," which is considered an extremely serious crime in the U.S. BASED ON RECENT U.S. STATEMENTS, IT WOULD BE SURPRISING IF WASHINGTON DOES NOT SANCTION ONE OR SEVERAL RUSSIAN STATE BANKS THIS WEEK. Moreover, Kahn writes, "The West can mete out some degree of financial punishment without even explicitly sanctioning Russian banks." This can be accomplished by simply tightening rules governing due diligence and money-laundering activities. USUALLY, SANCTIONS ARE ONLY EFFECTIVE IF EUROPEAN COUNTRIES APPLY THE SANCTIONS AS WELL, BUT GIVEN THE DOMINANT ROLE OF THE U.S. IN THE REGULATION OF GLOBAL FINANCE, LITTLE CAN BE DONE WITHOUT THE APPROVAL OF U.S. AUTHORITIES. RECENTLY, U.S. LAW ENFORCEMENT FINED BRITISH BANK HSBC \$1.2 BILLION FOR HAVING LAUNDERED DRUG MONEY IN MEXICO. PUTIN'S IDEA OF A RUSSIAN PAYMENT SYSTEM IS A PIPE DREAM. WHO WOULD ACCEPT RUSSIAN CREDIT CARDS ABROAD? The big Russian state banks have already problems maintaining elementary correspondent relations because of their opacity. VTB Capital, for example, has complained about regulatory problems in London. To judge by growth forecasts, JP Morgan and Finnish BOFIT assess that sheer market volatility in March alone shaved off 2 percentage points from Russia's expected economic growth this year. IN THE FIRST

QUARTER, RUSSIA'S GDP CONTRACTED BY HALF A PERCENT. IN MARCH, THE WORLD BANK PRESENTED A "HIGH-RISK" SCENARIO IN WHICH RUSSIA'S GDP WOULD DECLINE BY 1.8 PERCENT IN 2014, CAPITAL flight may reach \$133 billion, and investment may fall by one-tenth. At present, that looks like a low-risk scenario. The IMF and the Washington-based Institute of International Finance have recently produced much more pessimistic scenarios, which have not been published as yet. Both consider stress scenarios with a decline of Russia's GDP this year of about 4 percent, capital outflows in \$150 billion to \$180 billion and sharply falling exchange rates. Similarly, former Finance Minister Alexei Kudrin predicts a capital outflow of \$160 billion this year. GDP COULD FALL MORE BECAUSE THE RISKS ARE MANY, AND THEY ARE NEARLY ALL ON THE DOWNSIDE. THE IMPACT OF THE KREMLIN'S AGGRESSION AGAINST UKRAINE ON THE RUSSIAN ECONOMY WILL BE POWERFUL AND MULTIFACETED. THE COUNTRY'S INTERNATIONAL CURRENCY RESERVES WILL FALL, BUT PROBABLY NOT BELOW \$350 BILLION. THE RUBLE EXCHANGE RATE WILL PLUNGE, WHILE INFLATION AND INTEREST RATES WILL RISE, REDUCING INVESTMENT AND CONSUMPTION. The main positive effects will come from the cheaper ruble that will boost exports and improve the current account as well as the budget balance. THE CENTRAL PROBLEM WILL BE FALLING STANDARD OF LIVING, WHICH IS VITAL FOR PUTIN'S POWER. If Russia's National Security Council had invited one of the country's many good economists, it would probably have heard that RUSSIA IS IN NO SHAPE TO CARRY OUT AN AGGRESSIVE WAR IN UKRAINE.

Russia's economy low now

Peter **Hobson**, 15, Business editor at Moscow Times, April 19, 2015, "Weak Russian Economic Data Blunt Putin's Optimism", <http://www.themoscowtimes.com/business/article/russia-economic-data-blunts-putin-s-optimism/519340.html>

THE RUBLE SLUMPED 4 PERCENT AND MOSCOW-LISTED STOCKS FELL on Friday AFTER OFFICIAL DATA SHOWED THAT RUSSIA'S ECONOMY CONTRACTED SHARPLY IN THE FIRST QUARTER OF THIS YEAR. The data, which showed a deep decline in real wages and consumer spending, came a day after President Vladimir Putin told Russians that the worst of the economic crisis was behind them, saying, "We have passed the peak of our problems. ... Nothing burst, and everything is working," according to a transcript on the Kremlin website. But despite Putin's positivity, RUSSIA'S PROBLEMS AREN'T OVER YET. ECONOMIC ACTIVITY PLUMMETED IN THE FIRST THREE MONTHS OF THE YEAR ACCORDING TO FIGURES RELEASED BY THE ROSSTAT STATE STATISTICS SERVICE. RETAIL SALES CONTRACTED BY 8.7 PERCENT IN MARCH, COMPARED TO THE SAME MONTH IN 2014. REAL WAGES FELL 9.3 PERCENT YEAR-ON-YEAR. UNEMPLOYMENT ROSE BY 100,000 PEOPLE IN MARCH TO 4.5 MILLION, OR 5.9 PERCENT OF THE ECONOMICALLY ACTIVE POPULATION. RUSSIA'S ECONOMY IS UNDER PRESSURE FROM WESTERN SANCTIONS imposed on Moscow over its actions in UKRAINE AND STEEP FALLS IN THE PRICE OF OIL, RUSSIA'S MAIN EXPORT. INVESTMENT SLUMPED BY 5.3 PERCENT COMPARED WITH MARCH 2014, the Rosstat figures showed. Industrial production was down by 0.6 percent year-on-year. According to London-based economic research company Capital Economics, THE DATA WAS CONSISTENT WITH THE RUSSIAN ECONOMY CONTRACTING 3-3.5 PERCENT IN THE FIRST QUARTER COMPARED TO THE SAME PERIOD LAST YEAR. THE FIGURES DROVE A SELL OFF OF RUSSIAN ASSETS. Dollar-traded shares on Moscow's RTS index closed down 5.9 percent at 998 points, while the ruble-denominated MICEX, which is buoyed by a weaker Russian currency, fell 1.8 percent to 1,657 points. The ruble on Friday fell 4 percent against the U.S. dollar to 51.9 and 4.5 percent against the euro to 56.1. Russian shares and the ruble had rebounded sharply since last year, when jitters over Western sanctions and the rapidly falling oil price prompted panic selling that briefly forced the ruble to 80 against the dollar. From one of the world's worst-performing currencies last year, the ruble this year became one of the best-performing. However, the RUSSIAN CURRENCY IS STILL ONE-THIRD WEAKER TO THE DOLLAR THAN AT THE START OF 2014, before Moscow's annexation of Crimea from Ukraine prompted the West to retaliate with sanctions. The ruble's rally had fueled optimism that Russia would weather the economic crisis better than expected. Finance Minister Anton Siluanov said last week the economy could return to growth in the second half of this year. Inflation, which had sped to its highest in 13 years as the weakening ruble raised the price of foreign goods, this month saw its first weekly fall since last summer, to 16.8 percent year-on-year. Last Wednesday the ruble strengthened below 50 to the dollar for the first time since November last year, leading Central Bank Governor Elvira Nabiullina to suggest that Russia now had leeway to cut interest rates. "With other things being equal and no new significant negative factors, the ruble's strengthening will allow us to cut the key rate," Elvira Nabiullina told reporters on Thursday in Washington, where finance ministers and central bankers gathered for International Monetary Fund meetings, the

Bloomberg news agency reported. "The ruble is in a more or less balanced situation," Bloomberg quoted Nabiullina as saying. THE CENTRAL BANK LAST YEAR RAISED INTEREST RATES FROM 5.5 PERCENT TO 17 PERCENT TO BOLSTER THE RUBLE, BUT TRIMMED ITS BENCHMARK RATE TO 14 PERCENT THIS YEAR AS THE CURRENCY FIRMED. Officials and businesses have leaned heavily on the bank to cut rates further and faster to make borrowing affordable and stimulate investment. RUSSIA'S ECONOMY IS EXPECTED TO CONTRACT BY UP TO 5 PERCENT THIS YEAR. Timothy Ash, chief emerging markets economist at Standard Bank in London, said in a note to investors on Friday that the Central Bank would likely cut rates. THE RATE CUT WOULD LIKELY PROMPT THE RUBLE TO FALL AGAIN, HE SAID. "[THE] RUBLE RALLY HAD SIMPLY RUN TOO FAR," he wrote. "I expect to see it now weaken back to more like 55-60 [to the dollar]."

AT: Offshoring DA Emory

Example 2ac Block

1. Offshoring doesn't boost the economy

Bivens, Research and Policy Director at the Economic Policy Institute (EPI), 05

[L. Josh Bivens, Truth and consequences of offshoring, Recent studies overstate the benefits and ignore the costs to American workers, Briefing Paper #155, <http://www.epi.org/publication/bp155/>]

Conclusion

THE ISSUE OF OFFSHORING DEMANDS A CAREFUL RESPONSE BY POLICY MAKERS, WITH THE GREAT CHALLENGE BEING TO MAKE SURE ANY POTENTIAL BENEFITS ARE EQUITABLY DISTRIBUTED among firms and workers. Any policy response must therefore be well informed about the costs and benefits of offshoring. Proponents of offshoring and many economists have claimed that its negative impact on the U.S. economy over the past four years has been exaggerated by politicians and others. Even if true, this ignores the fact that offshoring is likely to grow rapidly in the future and could well have large effects on the U.S. economy in years to come. Therefore, balanced analyses about what these effects would be are needed. The three reports examined in this paper exaggerate the size of the benefits offered to American workers by offshoring and gloss over the more troubling distributional consequences.

WHILE OFFSHORING HAS CLEARLY PROVIDED SUBSTANTIAL COST SAVINGS AND IMPROVED PROFITS FOR A NUMBER OF FIRMS that have engaged in it, ONE CANNOT ASSUME THAT THESE BENEFITS WILL SCALE UP FOR THE BROADER ECONOMY. MAINSTREAM INTERNATIONAL ECONOMICS TEACHES THAT DEEPENING INTERNATIONAL INTEGRATION USUALLY INCREASES NATIONAL INCOME, BUT NOT ALWAYS. THE OFFSHORING OF WHITE-COLLAR WORK AND ITS CONSEQUENCES (i.e., foreign productivity growth in what is an export sector for the United States) FITS IN WITH MANY OF THE CHARACTERISTICS OF THE EXCEPTIONS.

Further, even if this offshoring does increase national income, AMERICAN WORKERS WILL STILL LIKELY MISS OUT ON MANY OF THE BENEFITS. Mainstream international economics is equally clear that INTERNATIONAL INTEGRATION REDISTRIBUTES MORE INCOME THAN IT CREATES. If total U.S. GDP is raised by offshoring, but American workers lose at the expense of corporate profits, then workers are wholly justified in resisting offshoring, at least until they receive some compensation for their losses. GOOD ECONOMIC POLICY SHOULD NOT REST ON INSISTING THAT AMERICAN WORKERS SACRIFICE THEIR OWN SELF-INTEREST IN TERMS OF LOWER WAGES TO THE LARGER NATIONAL INTEREST OF INCREASED NATIONAL INCOME. Policy should also not be driven by studies that mask the costs of offshoring while providing inflated estimates of its benefits. If proponents of offshoring want to reap the potential efficiency gains it offers, a new social contract needs to be proffered to American workers to insure them against the very real risks offshoring poses to their living standards.

2. The link isn't reversible – many companies may have left because of NSA fears – that doesn't mean they will return as a result of the plan.

3. Access to Employees & cost savings determine offshoring – not surveillance Business Insider 2011

[Here's The TRUE Reason US Companies Offshore Jobs, 1/25/11,
<http://www.businessinsider.com/heres-the-true-reason-us-companies-offshore-jobs-2011-1>]

Most AMERICAN COMPANIES ENGAGED IN OFFSHORING SAY A SHORTAGE OF SKILLED DOMESTIC EMPLOYEES – not cost cutting – IS THE PRIMARY REASON WHY THEY MOVE SOME JOB FUNCTIONS OVERSEAS.

Also, manufacturers and HIGH-TECH/telecommunication (NASDAQ:QQQQ) COMPANIES ARE LESS LIKELY TO ESTABLISH OFFSHORE OPERATIONS AND ARE MOVING INCREASINGLY TOWARD THE USE OF THIRD-PARTY PROVIDERS OF OFFSHORE LABOR.

These are among the findings of the sixth annual study on corporations' offshoring trends by the Center for International Business Education and Research's Offshoring Research Network (ORN) at Duke University's Fuqua School of Business and The Conference Board, an independent research association. THE STUDY IS PART OF ONGOING RESEARCH INTO THE EFFECTS OF OFFSHORING TRENDS ON AMERICAN COMPETITIVENESS AND REFLECTS THE SENTIMENTS OF BUSINESS MANAGERS.

"Over half of the participants in our survey say offshoring has resulted in no change in the number of domestic jobs in most functions," said Arie Lewin, Fuqua professor of strategy and international business. "The finding THAT THE U.S. SOFTWARE SECTOR HAS THE HIGHEST RATIO OF OFFSHORE TO DOMESTIC EMPLOYEES – almost 13 offshored jobs per 100 domestic jobs – MAY BE A REFLECTION OF A SCARCITY OF DOMESTIC SCIENCE AND ENGINEERING GRADUATES IN THE U.S."

4. Link is about overall NSA fears – the plan isn't big enough to fix all the problems their link evidence is about.

5. Non-Unique – Recent data decisions Hoover, Business Journal's Washington Bureau, 5 – 13 – 15

[Kent Hoover, House votes to end NSA bulk data collection; will this restore trust in tech?,
<http://www.bizjournals.com/bizjournals/washingtonbureau/2015/05/house-votes-to-end-nsa-bulk-data-collection-will.html>]

THE TECHNOLOGY INDUSTRY WON A VICTORY Wednesday afternoon WHEN THE HOUSE PASSED LEGISLATION THAT WOULD END THE National Security AGENCY'S BULK COLLECTION OF telephone and Internet METADATA.

The USA Freedom Act(H.R. 2048) passed on a 338-88 vote. The legislation allows more targeted collection of data by intelligence agencies. The White House endorsed the bill, saying it "strikes an appropriate balance between significant reform and preservation of important national security tools. "

Similar legislation is pending in the Senate, which faces a June 1 deadline because that's when the Patriot Act's existing authorities for intelligence-gathering expire.

THE TECHNOLOGY INDUSTRY STRONGLY SUPPORTED THE MEASURE, SAYING IT WAS NECESSARY IN ORDER TO RESTORE PUBLIC TRUST IN AMERICAN TECHNOLOGY COMPANIES.

"That **TRUST HAS DECLINED MEASURABLY** among both U.S. citizens and citizens of our foreign allies since the revelations regarding the U.S. surveillance programs began two years ago," stated a joint letter to House members from seven technology industry groups, ranging from the Internet Association to TechNet. "As a result of increasing concern about the level of access the U.S. government has to user-generated data held by technology companies, **MANY DOMESTIC AND FOREIGN USERS HAVE TURNED TO FOREIGN TECHNOLOGY PROVIDERS WHILE**, simultaneously, foreign jurisdictions have implemented reactionary policies that threaten the fabric of the borderless internet."

The USA Freedom Act "ends the indiscriminate collection of bulk data, avoids data retention mandates, and creates a strong transparency framework for both government and private companies to report national security requests."

6. Not a big enough internal link into the economy – even if tech companies are important – losing all of that growth isn't enough to cause a recession.

7. No impact to economic decline – prefer new data

Daniel W. **DREZNER**, professor of international politics at the Fletcher School of Law and Diplomacy at Tufts University, **14** ["The System Worked: Global Economic Governance during the Great Recession," *World Politics*, Vol. 66, No. 1 (January 2014), p. 123-164]

The final significant outcome addresses **A DOG THAT HASN'T BARKED**: the effect of the Great Recession on cross-border conflict and violence. **DURING THE INITIAL STAGES OF THE CRISIS, MULTIPLE ANALYSTS ASSERTED THAT THE FINANCIAL CRISIS WOULD LEAD STATES TO INCREASE THEIR USE OF FORCE** as a tool for staying in power.⁴² They voiced genuine concern that the global economic downturn would lead to an increase in conflict—**WHETHER THROUGH** greater internal **REPRESSION, DIVERSIONARY WARS, ARMS RACES, OR A RATCHETING UP OF GREAT POWER CONFLICT**. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fueled impressions of a surge in global public disorder.

The aggregate data suggest otherwise, HOWEVER. The Institute for Economics and Peace has concluded that "**THE AVERAGE LEVEL OF PEACEFULNESS IN 2012 IS APPROXIMATELY THE SAME AS IT WAS IN 2007**."⁴³ **INTERSTATE VIOLENCE** in particular **HAS DECLINED SINCE THE START OF THE FINANCIAL CRISIS, AS HAVE MILITARY EXPENDITURES** in most sampled countries. Other **STUDIES CONFIRM THAT THE GREAT RECESSION HAS NOT TRIGGERED ANY INCREASE IN VIOLENT CONFLICT**, as Lotta Themner and Peter Wallensteen conclude: "[T]he pattern is one of relative stability when we consider the trend for the past five years."⁴⁴ **THE secular DECLINE IN VIOLENCE THAT STARTED WITH THE END OF THE COLD WAR HAS NOT BEEN REVERSED**. Rogers Brubaker observes that "**THE CRISIS HAS NOT** to date **GENERATED THE SURGE IN PROTECTIONIST NATIONALISM OR ETHNIC EXCLUSION THAT MIGHT HAVE BEEN EXPECTED**."⁴³

8. Turn – fears of the NSA are hurting US business and the economy Horne, Aussie financial technology executive, 2013

[Peter Horne, Cautionary Tales of Restrictive U.S. Internet Policies,
<http://www.customers.com/forum/cautionary-tales-of-restrictive-us-internet-policies/>]

But these SHENANIGANS BY THE ZEALOTS OF THE U.S. INTELLIGENCE COMMUNITIES NOT ONLY DISADVANTAGED NON-U.S. COMPANIES; THEY WERE IN SERIOUS DANGER OF PUTTING U.S. COMPANIES AT SERIOUS RISK OF LOSING THEIR PLACE IN THE NEW RACE. The U.S. does not have the monopoly on knowledgeable, smart, and motivated technologists, and so people started to solve the problem for themselves. In fact during the period of restrictions on the use of SSL outside of the U.S., an enterprising pair of Australians called Eric Young and Tim Hudson created an SSL library called SSLeay which became the defacto global standard implementation of the SSL protocol to the point where it is also now used as a default around the world in the OpenSSL package (every Mac has it). The rather strangely named "legion of the bouncy castle" is also a website domiciled in Australia that hosts the development of the benchmark SSL library for the Java environment. What was starting to happen was that the open source movement and smart people outside the U.S. were working their way around restrictive U.S. policies, and I have no doubt that had the restrictions continued both Netscape and Microsoft would have been toppled by a foreign developed web browser.

Now wind forward 20 years, and this weekend we are hearing of cloud based web email services from LavaBit and Silent Circle closing their doors because (and it is illegal for them to give any specific detail) they would rather close their doors than allow U.S. intelligence agencies to demand access to their networks and databases. We also know that while Google and Microsoft were willing participants in the NSA data collection processes revealed by the whistle blower Edward Snowden, the NSA was able to coerce Yahoo and Apple against their will to do the same.

I hope someone with some ounce of wisdom is thinking about this in the U.S. government. THE DRUMS ARE BANGING, THE TECHNOLOGISTS ARE ACTIVATING, AND THE CYPHERPUNKS ARE PRINTING NEW T-SHIRTS. HISTORY TELLS US THAT IF YOU KEEP GOING YOU ARE GOING TO FIND THAT THOSE OUTSIDE THE U.S. ACTUALLY HAVE THE SMARTS AND ECONOMIC POWER TO HIT YOU WHERE IT HURTS - IN YOUR TECH INDUSTRY. THINGS WILL SLOW DOWN, TEMPER WILL GO UP, INDUSTRY WILL GET HURT, NOT A LOT WILL BE ACHIEVED, AND YOU'LL HAVE TO CHANGE BECAUSE IF THERE IS ONE THING AMERICA LIKES MORE THAN CHASING BOOGIE MEN, IT IS ITS INDUSTRIES MAKING MONEY AND IT'S PEOPLE IN JOBS.

We don't have to go through this lesson again, do we? It's only been 20 years since the last time.

9. US economy weak now Boak, AP economics Writer, 5 – 7 – 15

[Josh Boak, A Hazy View of U.S. Economy Emerges,
<http://www.usnews.com/news/business/articles/2015/05/07/a-hazy-view-of-us-economy-emerges-ahead-of-april-jobs-report>]

When the government reports Friday on job growth during April, it could help clarify an increasingly nagging question:

Just HOW STRONG IS THE U.S. ECONOMY?

THE PICTURE HAS GROWN HAZIER OF LATE. Employers added only 126,000 jobs in March, ending a yearlong streak of monthly gains above 200,000. For April, economists predict a rebound to 222,500 added jobs.

Yet WEAKNESSES HAVE EMERGED IN REPORTS SHOWING FALLING WORKER PRODUCTIVITY, A SLOWDOWN IN EXPORTS, MODEST CONSUMER SPENDING AND SLUGGISH OVERALL ECONOMIC EXPANSION.

Over the past few years, the United States has served as a powerful engine for the world's economy. But on Thursday, THE INTERNATIONAL MONETARY FUND PREDICTED THAT ASIAN ECONOMIES WOULD LEAD GLOBAL GROWTH IN 2015, IN PART THANKS TO RECOVERIES IN INDIA AND JAPAN.

SINCE THE YEAR BEGAN, THE U.S. ECONOMY HAS SENT SIGNALS OF BOTH POTENTIAL STRENGTH AND POTENTIALLY DEBILITATING WEAKNESS. LOWER OIL PRICES HAVE FORCED CUTBACKS AT ENERGY COMPANIES AND THE MANUFACTURERS SUPPLYING THEM. THE STRONGER DOLLAR HAS SQUASHED EXPORT GROWTH AND HELD DOWN CORPORATE PROFITS. WORKER PAY, A CHRONIC DRAG ON U.S. GROWTH, HAS YET TO RISE SIGNIFICANTLY FOR MANY.

Ext – Offshoring Doesn't Help

Pro offshoring studies flawed

Bivens, Research and Policy Director at the Economic Policy Institute (EPI), 05

[L. Josh Bivens, Truth and consequences of offshoring, Recent studies overstate the benefits and ignore the costs to American workers, Briefing Paper #155, <http://www.epi.org/publication/bp155/>]

Over the past two years, ECONOMIC OBSERVERS HAVE FOCUSED ATTENTION ON A NEW TREND IN THE AMERICAN ECONOMY: INCREASED GLOBAL COMPETITION FOR WHITE-COLLAR JOBS that used to seem well-insulated and secure. While blue-collar labor (particularly in manufacturing) has felt a squeeze from global competition for decades, both in terms of employment security and wage growth, white-collar jobs held by well-credentialed Americans have been largely safe from pressures stemming from the global labor market. RECENT REPORTS OF COMPANIES SENDING WORK ABROAD, RANGING FROM CALL-CENTER OPERATORS TO SOFTWARE PROGRAMMERS, HAVE CHANGED THIS FEELING OF SECURITY.

SUCH INSECURITY, especially coming from a group that many assumed would be a prime beneficiary of globalization—i.e., well-credentialed, white-collar workers—HAS GENERATED A POTENT POLITICAL ANXIETY ABOUT THE IMPLICATIONS OF GLOBAL ECONOMIC INTEGRATION for American workers.

In response to this anxiety and an incipient political backlash against offshoring, a number of studies have been released by various organizations touting large economic benefits that will accrue to the American economy through the offshoring of white-collar work. A CLOSER EXAMINATION OF these STUDIES, however, SHOWS THAT THE PROMISED BENEFITS OF OFFSHORING ARE FAR OVERSTATED, while the likely economic costs are not addressed at all. FURTHER, EVEN THE POTENTIAL BENEFITS TO THE AMERICAN ECONOMY FROM OFFSHORING ARE LIKELY TO BE CONCENTRATED IN THE INCOMES OF A RELATIVELY SELECT PERCENTAGE OF AMERICAN HOUSEHOLDS.

This briefing paper examines three STUDIES CLAIMING THAT THE OFFSHORING OF WHITE-COLLAR WORK WILL RESULT IN LARGE BENEFITS to the U.S. economy. These studies—written by McKinsey Global Institute (MGI), Global Insight (GI), and Catherine Mann in a policy brief for the Institute for International Economics (IIE)—HAVE BEEN CITED OFTEN in business reporting about the overall impact of white-collar offshoring on the American economy. HOWEVER, THESE FINDINGS DO NOT HOLD UP TO SCRUTINY, AND in fact, EACH paper MAKES EXCESSIVE CLAIMS ABOUT THE BENEFITS OF WHITE-COLLAR OFFSHORING.

Economy Impact Answers

Empirics prove no war.

Miller 1—Morris Miller is an adjunct economics professor at the University of Ottawa [Jan.-Mar, 2001, "Poverty: A Cause of War?" *Peace Magazine*, <http://peacemagazine.org/archive/v17n1p08.htm>]

Economic Crises?

SOME SCHOLARS HAVE ARGUED THAT IT IS NOT POVERTY, as such, THAT CONTRIBUTES TO the support for ARMED CONFLICT, BUT rather some catalyst, such as an ECONOMIC CRISIS. HOWEVER, A STUDY BY Minxin PEI AND Ariel ADESNIK SHOWS THAT THIS HYPOTHESIS LACKS MERIT. AFTER STUDYING 93 EPISODES OF ECONOMIC CRISIS IN 22 COUNTRIES in Latin American and Asia SINCE WORLD WAR II, THEY CONCLUDED THAT MUCH OF THE CONVENTIONAL THINKING ABOUT THE POLITICAL IMPACT OF ECONOMIC CRISIS IS WRONG:

"THE SEVERITY OF ECONOMIC CRISIS—as measured in terms of inflation and negative growth—BORE NO RELATIONSHIP TO THE COLLAPSE OF REGIMES ... OR (in democratic states, rarely) TO AN OUTBREAK OF VIOLENCE... In the cases of dictatorships and semi-democracies, THE RULING ELITES RESPONDED TO CRISES BY INCREASING REPRESSION (thereby USING ONE FORM OF VIOLENCE TO ABORT ANOTHER)."

No impact to the economy

Jervis 11—Robert Jervis, Professor in the Department of Political Science and School of International and Public Affairs at Columbia University [December 2011, "Force in Our Times," *Survival*, Vol. 25, No. 4, p. 403-425]

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be A WORSENING OF the CURRENT ECONOMIC DIFFICULTIES, which COULD itself PRODUCE GREATER NATIONALISM, UNDERMINE DEMOCRACY AND BRING BACK OLD-FASHIONED BEGGAR-MY-NEIGHBOR ECONOMIC POLICIES. WHILE THESE DANGERS ARE REAL, it is hard to believe that the conflicts could be great enough TO LEAD the MEMBERS OF THE COMMUNITY TO CONTEMPLATE FIGHTING EACH OTHER. IT IS NOT SO MUCH THAT ECONOMIC INTERDEPENDENCE has proceeded to the point where it COULD NOT BE REVERSED – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. RATHER IT IS THAT even if the more extreme versions of free trade and economic liberalism become discredited, IT IS HARD TO SEE HOW without building on a preexisting high level of political conflict LEADERS AND MASS OPINION WOULD COME TO BELIEVE THAT THEIR COUNTRIES COULD PROSPER BY IMPOVERISHING OR even ATTACKING OTHERS. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? WHILE A PESSIMIST

COULD NOTE THAT THIS ARGUMENT DOES NOT APPEAR AS OUTLANDISH AS IT DID BEFORE THE FINANCIAL CRISIS, AN OPTIMIST COULD REPLY (CORRECTLY, in my view) THAT THE VERY FACT THAT WE HAVE SEEN **such a sharp economic down-turn** WITHOUT **anyone** SUGGESTING THAT FORCE of arms IS THE SOLUTION SHOWS THAT **even if bad times bring about greater economic conflict, it will not make war thinkable.**

Answers to “Growth solves Poverty”

Economic growth causes poverty

Trainer 7—Visiting Fellow in the Faculty of Arts at the University of NSW (Ted, “We can't go on living like this”, <http://www.onlineopinion.com.au/author.asp?id=1973>)

WE SAY WE WANT TO save the environment, and to have peace, and to ELIMINATE POVERTY. And we do - but only until we see what this requires. THE FUNDAMENTAL CAUSE OF THE big global PROBLEMS THREATENING US NOW IS SIMPLY OVER-CONSUMPTION, THE RATE AT WHICH WE IN RICH COUNTRIES ARE USING UP RESOURCES IS GROSSLY UNSUSTAINABLE. It's far beyond levels that can be kept up for long or that could be spread to All people. Yet MOST PEOPLE TOTALLY FAIL TO GRASP THE MAGNITUDE OF THE OVER-SHOOT. The REDUCTIONS REQUIRED ARE SO BIG THAT THEY CANNOT BE ACHIEVED WITHIN A CONSUMER-CAPITALIST SOCIETY. HUGE AND EXTREMELY RADICAL CHANGE TO VERY SYSTEMS AND CULTURE ARE NECESSARY.

Growth leads to increased inequality – decline solves

Hugh **Stretton 76**. “Capitalism, Socialism and the Environment”. Cambridge University Press. Hugh Stretton AC (born 15 July 1924) is an Australian historian and professor and Rhodes Scholar. He was educated at Mentone Grammar School, Scotch College, Melbourne, the University of Melbourne, the University of Oxford and Princeton University.[1] He has been voted one of Australia's ten most influential public intellectuals[2]. GD

ENVIRONMENTAL STRESSES VARIED from year to year and from country to country ACCORDING TO NATIONAL LUCK AND RESOURCES. But HOWEVER THE PROBLEMS VARIED, THE DEMOCRACIES DEALT WITH THEM ROUTINELY. They DEVELOPED THEIR EXISTING MACHINERY FOR RURAL AND URBAN CONSERVATION, national parks, CLEAN AIR AND WATER, pure food, public health, AND SO ON. WHENEVER THEY FOUND THOSE WELL-TRIED METHODS INSUFFICIENT THEY MADE pragmatic INNOVATIONS OF THE KINDS RECOMMENDED BY their ENVIRONMENTAL ECONOMISTS AND ADMINISTRATORS. Inequalities increased. That was NOT BECAUSE ENVIRONMENTAL POLITICIANS INTRODUCED REACTIONARY PHILOSOPHIES - BEING DEMOCRATIC POLITICIANS THEY ASSURED THE WORLD AS BLANDLY AS EVER THAT THEIR POLICIES HAD SCARCELY ANY COSTS AND BENEFITED EVERYBODY. But ALTHOUGH THERE WAS NO SYSTEMATIC PHILOSOPHY OF DISTRIBUTION THERE WAS A SYSTEMATIC EFFECT: INEQUALITIES INCREASED. They did not increase to a South African scale. The democracies were not as bad as the frostbitten oligarchies of the previous chapter. For one thing they were not as frugal. Perhaps self-government is always self-indulgent, as the oligarchs alleged. Democracies do seem to behave, like many of their investors and economists, as 5 percenters - they discount futures at 5 % per year and rarely worry more than twenty years ahead. That is far enough to iron out short fluctuations - after the famous one in the 1970s there have been no more temporary fuel crises - but of course it is not far enough ahead to guarantee the perpetual stability that some conservationists dream of. DEMOCRATIC ADMINISTRATORS CAN 'T PROVE THAT THERE WILL NEVER BE A GLOBAL DOOMSDAY. But THEY DO INVEST HEAVILY IN RESEARCH AND TECHNICAL DEVELOPMENT. WhETHER OR NOT THAT AVERTS ANY DOOMSDAY it MAKES LIFE MORE COMFORTABLE MEANWHILE. Whenever a technical change ameliorates an environmental problem, to that degree the need for abstinence is less. So THE HARDSHIPS are less. For democratic reasons they ARE also a little BETTER DISTRIBUTED. Traditions of welfare have survived, the votes of the poor still carry some weight, labor unions have held on to some entrenched positions. There were also for a while some traditions of common cause and shared sacrifice. The Y LIVED ON AS SENTIMENTAL MEMORIES OF NATIONAL CRISES RATHER THAN AS PEACETIME PRINCIPLES OF COMMERCIAL OR POLITICAL

BEHAVIOR, so it was only in times of crisis that they had much effect - which accounts for an ironical rhythm in the relations between inequalities and environmental troubles. There were periods when new troubles were mild enough to be met without actual loss - the year's new corrective measures absorbed only part of the year's increase of productivity. Such LIGHT COSTS WERE SPREAD AS IMPERCEPTIBLY AS POSSIBLE, usually through inflation and price movements, to fall chiefly onto the mass of householders and consumers. Thus THE YEARS OF LEAST TROUBLE SAW LEAST INCREASE OF HARDSHIP, BUT MOST INCREASE OF INEQUALITY. At THE OPPOSITE EXTREME WERE TIMES OF CRISIS WHEN THERE WAS NEGATIVE ECONOMIC GROWTH, WITH SUDDEN UNEMPLOYMENT AND ACUTE SHORTAGES OF PARTICULAR RESOURCES. Those more dramatic HARDSHIPS HAD TO BE DISTRIBUTED WITH A GREATER SHOW OF FAIRNESS. There were emergency doles and transfers, emergency rations. Some rich accepted symbolic losses, sometimes real, usually temporary. So IN BAD YEARS THERE WAS MORE SUFFERING BUT SLIGHTLY LESS INEQUITY. The DEMOCRACIES WERE thus GENTLER IN THE WAY THEY INCREASE INEQUALITIES - BUT THEY DID INCREASE THEM. They DID IT NEGATIVELY BY THEIR RESPONSES TO SHORTAGES, INVOLUNTARILY BY THEIR MECHANISMS OF INFLATION, AND POSITIVELY BY THE WAY THEY DISTRIBUTED THE COSTS AND CONSEQUENCES OF ENVIRONMENTAL REFORM.

Ext – US Economy Weak Now

US economy is weak

New York Times 4 – 29 – 15

[Nelson D. Schwartz, U.S. Economy Grew at 0.2% Rate in First Quarter,
http://www.nytimes.com/2015/04/30/business/gdp-q1-united-states-economy.html?_r=0]

Repeating an all-too-familiar pattern, THE AMERICAN ECONOMY SLOWED TO A CRAWL IN THE FIRST QUARTER OF 2015, WEIGHED DOWN BY A WEAKER TRADE PERFORMANCE, FALLING BUSINESS INVESTMENT AND STILL-CAUTIOUS CONSUMERS.

At 0.2 percent, the annualized growth rate last quarter was better than the winter wipeout in the first quarter of 2014, when the economy contracted at a 2.1 percent rate. But THE FIGURES RELEASED on Wednesday BY THE COMMERCE DEPARTMENT CONFIRM OTHER SIGNALS in recent weeks THAT THE ECONOMY, WHICH WAS HIT AGAIN BY HARSH WEATHER IN LARGE PORTIONS OF THE NATION, BEGAN 2015 BY TREADING AT WATER AT BEST.

“THE U.S. ECONOMY STUMBLERD BADLY in the first quarter,” SAID Scott ANDERSON, senior vice president and chief economist at Bank of the West in San Francisco. “MODEST GROWTH IN THE FOURTH QUARTER OF 2014 TURNED INTO VIRTUALLY NO GROWTH IN THE FIRST QUARTER OF 2015.”

THE ANEMIC SHOWING WAS LED BY TWO AREAS THAT WERE ESPECIALLY WEAK: NET EXPORTS AND BUSINESS INVESTMENT.

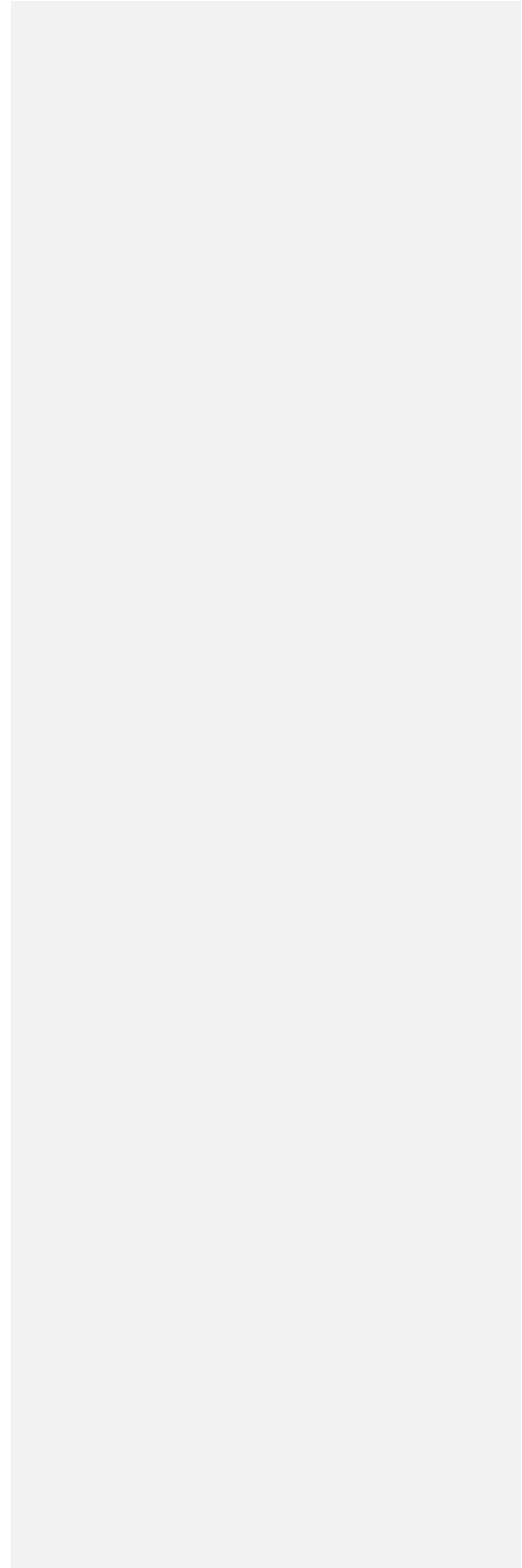
Real Economic Growth

Annual rate of change in the gross domestic product, based on quarterly figures adjusted for inflation and seasonal fluctuations.

PLUNGING INVESTMENT BY BUSINESSES ALSO WEIGHED ON THE AMERICAN ECONOMY, A TREND SOME EXPERTS ATTRIBUTE TO BIG CUTS IN SPENDING IN THE ENERGY SECTOR, as falling oil prices prompted drillers and oil production companies to pull back on new projects.

AT: Overload Core Michigan 7

A2: terror da



Yes Overload

Experts agree – squo surveillance is counterproductive and wastes money

Ward 15 – staff writer (Stan, “NSA swamped with data overload also trashes the Constitution,” Best VPN, 5/18/2015, <https://www.bestvpn.com/blog/19187/nsa-swamped-with-data-overload-also-trashes-the-constitution/>) //RGP

Almost on the second anniversary of the Edward Snowden revelations, ANOTHER (in)FAMOUS NSA WHISTLEBLOWER HAS AGAIN SPOKEN UP. This comes at a pivotal juncture in the legislative calendar as contentious debate about surveillance rages over the impending sunset of some of the Patriot Act. IT HAS LONG BEEN AN ARGUMENT of the civil liberties crowd THAT BULK DATA GATHERING WAS COUNTER-PRODUCTIVE, if not counter- intuitive. The argument was couched in language suggesting that TO “COLLECT IT ALL”, AS The then NSA director James CLAPPER FAMOUSLY DECRIED, was to, in effect, gather nothing, AS THE choking amounts of information COLLECTED WOULD BE SO GREAT AS TO BE UNABLE TO BE ANALYZED EFFECTIVELY. This assertion is supported by William Binney, a founder of Contrast Security and a former NSA official, logging more than three decades at the agency. IN ALLUDING TO WHAT HE TERMED “BULK DATA FAILURE”, BINNEY SAID THAT AN ANALYST TODAY CAN RUN ONE SIMPLE QUERY ACROSS THE NSA’S VARIOUS DATABASES, ONLY TO BECOME IMMEDIATELY OVERLOADED WITH INFORMATION. With about four billion people (around two-thirds of the world’s population) under the NSA and partner agencies’ watchful eyes, according to his estimates, THERE IS FAR TOO MUCH DATA BEING COLLECTED. “THAT’S WHY THEY COULDN’T STOP THE BOSTON BOMBING, OR THE PARIS SHOOTINGS, BECAUSE THE DATA WAS ALL THERE... The data was all there... the NSA is great at going back over it forensically for years to see what they were doing before that. But that doesn’t stop it.” Binney is in a position to know, EARNING HIS STRIPES DURING THE TERRORISM BUILD UP THAT CULMINATED WITH THE 9/11 WORLD TRADE CENTER BOMBING IN 2001. He left just days after the draconian legislation known as the USA Patriot Act was enacted by Congress on the heels of that attack. One of the reasons which prompted his leaving was the scrapping of a surveillance system on which he long worked, only to be replaced by more intrusive systems. It is interesting to note here that Edward Snowden, in alluding to Binney, said he was inspired by Binney’s plight, and that this, in part, prodded him to leak thousands of classified documents to journalists. Little did Binney know that his work was to be but the tip of the iceberg in a program that eventually grew to indiscriminately “collect it all.” What is worrisome is the complicity with the bulk data collection by dozens of private companies – maybe as many as 72. Yet THIS TYPE OF COLLECTION PALES IN COMPARISON TO THAT OF THE “UPSTREAM” PROGRAM IN WHICH THE NSA TAPPED INTO UNDERSEA FIBER OPTIC CABLES. With the cooperation of Britain’s GCHQ, the NSA is able to sift more than 21 petabytes a day. GATHERING SUCH ENORMOUS AMOUNTS OF INFORMATION IS EXPENSIVE AND INEFFECTIVE, ACCORDING TO BINNEY, BUT IT GETS LAWMAKERS ATTENTION IN A WAY THAT RESULTS IN MASSIVE INCREASES IN NSA BUDGETS. Binney warns that, “They’re taking away half of the Constitution in secret.” President Obama has presided over this agency’s land grab, and has endorsed it, often to referring to Upstream as a “critical national security tool.” His feckless approach to the spying build up is the reason for its proliferation, and is why Congress meanders rudderless in attempts to curtail it. The President’s anti-privacy stance is being “rewarded” by repudiation among members of his own party, and is reflected in their rejecting his latest legacy-building, pet piece of legislation – the Trans Pacific Partnership (TPP). But their constituents would be better served by producing legislation that would restore Constitutional rights trampled on by the NSA.

Bulk data collection fails – it saps critical resources and diverts attention

Maass 15 – Journalist for The Intercept (Peter, “INSIDE NSA, OFFICIALS PRIVATELY CRITICIZE “COLLECT IT ALL” SURVEILLANCE,” The Intercept, 5/28/2015, <https://firstlook.org/theintercept/2015/05/28/nsa-officials-privately-criticize-collect-it-all-surveillance/>) //RGP

AS MEMBERS OF CONGRESS struggle to agree on which surveillance programs to re-authorize before the Patriot Act expires, they might consider the unusual advice of an intelligence analyst at the National Security Agency who warned about the danger of collecting too much data. Imagine, the analyst wrote in a leaked document, that you are standing in a shopping aisle trying to decide between jam, jelly or fruit spread, which size, sugar-free or not, generic or Smucker’s. It can be paralyzing. “WE IN THE AGENCY ARE AT RISK OF A

SIMILAR, COLLECTIVE PARALYSIS IN THE FACE OF A DIZZYING ARRAY OF CHOICES EVERY SINGLE DAY,” the analyst wrote in 2011. “ANALYSIS PARALYSIS’ ISN’T only a cute rhyme. It’s THE TERM FOR WHAT HAPPENS WHEN YOU SPEND SO MUCH TIME ANALYZING A SITUATION THAT YOU ULTIMATELY STYMIE ANY OUTCOME ... It’s what happens in SIGINT [signals intelligence] when we have access to endless possibilities, but we struggle to prioritize, narrow, and exploit the best ones.” The document is one of about a dozen in which NSA INTELLIGENCE EXPERTS EXPRESS CONCERNS usually heard from the agency’s critics: THAT THE U.S. GOVERNMENT’S “COLLECT IT ALL” STRATEGY CAN UNDERMINE THE EFFORT TO FIGHT TERRORISM. The documents, provided to The Intercept by NSA whistleblower Edward Snowden, appear to contradict years of statements from senior officials who have claimed that pervasive surveillance of global communications helps the government identify terrorists before they strike or quickly find them after an attack. THE PATRIOT ACT, portions of which expire on Sunday, has been used since 2001 to conduct a number of dragnet surveillance programs, including the bulk collection of phone metadata from American companies. But the DOCUMENTS SUGGEST THAT ANALYSTS AT THE NSA HAVE DROWNED IN DATA SINCE 9/11, MAKING IT MORE DIFFICULT FOR THEM TO FIND THE REAL THREATS. The titles of the documents capture their overall message: “Data Is Not Intelligence,” “The Fallacies Behind the Scenes,” “Cognitive Overflow?” “Summit Fever” and “In Praise of Not Knowing.” Other titles include “Dealing With a ‘Tsunami’ of Intercept” and “Overcome by Overload?” The documents are not uniform in their positions. Some acknowledge the overload problem but say the agency is adjusting well. They do not specifically mention the Patriot Act, just the larger dilemma of cutting through a flood of incoming data. But IN AN APPARENT SIGN OF THE SCALE OF THE PROBLEM, THE DOCUMENTS CONFIRM THAT THE NSA EVEN HAS A SPECIAL CATEGORY OF PROGRAMS THAT IS CALLED “COPING WITH INFORMATION OVERLOAD.” The jam vs. jelly document, titled “Too Many Choices,” started off in a colorful way but ended with a fairly stark warning: “The SIGINT mission is far too vital to unnecessarily expand the haystacks while we search for the needles. Prioritization is key.” THESE DOUBTS ARE INFREQUENTLY HEARD FROM OFFICIALS INSIDE THE NSA. These DOCUMENTS ARE A WINDOW INTO THE PRIVATE THINKING OF mid-level OFFICIALS who are almost never permitted to discuss their concerns in public. AN AMUSING PARABLE circulated at the NSA a few years ago. Two people go to a farm and purchase a truckload of melons for a dollar each. They then sell the melons along a busy road for the same price, a dollar. As they drive back to the farm for another load, they realize they aren’t making a profit, so one of them suggests, “Do you think we need a bigger truck?” The parable was written by an intelligence analyst in a document dated Jan. 23, 2012 that was titled, “Do We Need a Bigger SIGINT Truck?” It expresses, in a lively fashion, a critique of the agency’s effort to collect what former NSA Director Keith Alexander referred to as “the whole haystack.” The critique goes to the heart of the agency’s drive to gather as much of the world’s communications as possible: because it may not find what it needs in a partial haystack of data, the haystack is expanded as much as possible, on the assumption that more data will eventually yield useful information. “THE PROBLEM IS THAT WHEN YOU COLLECT IT ALL, WHEN YOU MONITOR EVERYONE, YOU UNDERSTAND NOTHING.” –EDWARD SNOWDEN The Snowden files show that in practice, it doesn’t turn out that way: MORE IS NOT NECESSARILY BETTER, AND IN FACT, EXTREME VOLUME CREATES ITS OWN CHALLENGES. “Recently I tried to answer what seemed like a relatively straightforward question about which telephony metadata collection capabilities are the most important in case we need to shut something off when the metadata coffers get full,” wrote the intelligence analyst. “By the end of the day, I felt like capitulating with the white flag of, ‘We need COLOSSAL data storage so we don’t have to worry about it,’ (aka we need a bigger SIGINT truck).” The analyst added, “WITHOUT METRICS, HOW DO WE KNOW THAT WE HAVE IMPROVED SOMETHING OR MADE IT WORSE?” There’s a running joke ... that we’ll only know if collection is important by shutting it off and seeing if someone screams.” Another document, while not mentioning the dangers of collecting too much data, expressed concerns about pursuing entrenched but unproductive programs. “How many times have you been watching a terrible movie, only to convince yourself to stick it out to the end and find out what happens, since you’ve already invested too much time or money to simply walk away?” the document asked. “THIS ‘GONE TOO FAR TO STOP NOW’ MENTALITY IS OUR BUILT-IN MECHANISM TO HELP US ALLOCATE AND RATION RESOURCES. However, it can work to our detriment in prioritizing and deciding which projects or efforts are worth further expenditure of resources, regardless of how much has already been ‘sunk.’ As has been said before, insanity is doing the same thing over and over and expecting different results.” “WE ARE DROWNING IN INFORMATION. AND YET WE KNOW NOTHING. FOR SURE.” –NSA INTELLIGENCE ANALYST Many of these documents were written by intelligence analysts who had regular columns distributed on NSANet, the agency’s intranet. One of the columns was called “Signal v. Noise,” another was called “The SIGINT Philosopher.” Two of the documents cite the academic work of Herbert Simon, who won a Nobel Prize for his pioneering research on what’s become known as the attention economy. Simon wrote that consumers and managers have trouble making smart choices because their exposure to more information decreases their ability to understand the information. Both documents mention the same passage from Simon’s essay, Designing Organizations for an Information-Rich World: “IN AN INFORMATION-RICH WORLD, THE WEALTH OF INFORMATION MEANS A DEARTH OF SOMETHING ELSE: A SCARCITY OF WHATEVER IT IS THAT INFORMATION CONSUMES. WHAT INFORMATION CONSUMES IS RATHER OBVIOUS: IT CONSUMES THE

ATTENTION OF ITS RECIPIENTS. Hence A WEALTH OF INFORMATION CREATES A POVERTY OF ATTENTION AND A NEED TO ALLOCATE THAT ATTENTION EFFICIENTLY AMONG THE OVERABUNDANCE OF INFORMATION SOURCES THAT MIGHT CONSUME IT." In addition to consulting Nobel-prize winning work, NSA analysts have turned to easier literature, such as Malcolm Gladwell's best-selling Blink: The Power of Thinking Without Thinking. The author of a 2011 document referenced Blink and stated, "THE KEY TO GOOD DECISION MAKING IS NOT KNOWLEDGE. IT IS UNDERSTANDING. WE ARE SWIMMING IN THE FORMER. WE ARE DESPERATELY LACKING IN THE LATTER." The author added, "Gladwell has captured one of the biggest challenges facing SID today. Our costs associated with this information overload are not only financial, such as the need to build data warehouses large enough to store the mountain of data that arrives at our doorstep each day, but also include the more intangible costs of too much data to review, process, translate and report." Alexander, the NSA director from 2005 to 2014 and chief proponent of the agency's "collect it all" strategy, vigorously defended the bulk collection programs. "What we have, from my perspective, is a reasonable approach on how we can defend our nation and protect our civil liberties and privacy," he said at a security conference in Aspen in 2013. He added, "You need the haystack to find the needle." The same point has been made by other officials, including James Cole, the former deputy attorney general who told a congressional committee in 2013, "If you're looking for the needle in the haystack, you have to have the entire haystack to look through." NSA Slide, May 2011 The opposing viewpoint was voiced earlier this month by Snowden, who noted in an interview with the Guardian that THE MEN WHO COMMITTED RECENT TERRORIST ATTACKS IN FRANCE, CANADA AND AUSTRALIA WERE UNDER SURVEILLANCE—THEIR DATA WAS IN THE HAYSTACK YET THEY WEREN'T SINGLED OUT. "IT WASN'T THE FACT THAT WE WEREN'T WATCHING PEOPLE OR NOT," SNOWDEN SAID. "IT WAS THE FACT THAT WE WERE WATCHING PEOPLE SO MUCH THAT WE DID NOT UNDERSTAND WHAT WE HAD. The problem is that WHEN YOU COLLECT IT ALL, WHEN YOU MONITOR EVERYONE, YOU UNDERSTAND NOTHING." In a 2011 interview with SIDtoday, a deputy director in the Signals Intelligence Directorate was asked about "analytic modernization" at the agency. His response, while positive on the NSA's ability to surmount obstacles, noted that it faced difficulties, including the fact that some targets use encryption and switch phone numbers to avoid detection. He pointed to volume as a particular problem. "WE LIVE IN AN INFORMATION AGE WHEN WE HAVE MASSIVE RESERVES OF INFORMATION AND DON'T HAVE THE CAPABILITY TO EXPLOIT IT," he stated. "I was told that there are 2 petabytes of data in the SIGINT System at any given time. How much is that? That's equal to 20 million 4-drawer filing cabinets. How many cabinets per analyst is that? By the end of this year, we'll have 1 terabyte of data per second coming in. You can't crank that through the existing processes and be effective." The documents noted the difficulty of sifting through the ever-growing haystack of data. For instance, a 2011 document titled "ELINT Analysts – Overcome by Overload? Help is Here with IM&S" outlined a half dozen computer tools that "are designed to invert the paradigm where an analyst spends more time searching for data than analyzing it." Another document, written by an intelligence analyst in 2010, bluntly stated that "we are drowning in information. And yet we know nothing. For sure." The analyst went on to ask, "Anyone know just how many tools are available at the Agency, alone? Would you know where to go to find out? Anyone ever start a new target...without the first clue where to begin? Did you ever start a project wondering if you were the sole person in the Intelligence Community to work this project? How would you find out?" The analyst, trying to encourage more sharing of tips about the best ways to find data in the haystack, concluded by writing, in boldface, "Don't let those coming behind you suffer the way you have." THE AGENCY APPEARS TO BE SPENDING SIGNIFICANT SUMS OF MONEY TO SOLVE THE HAYSTACK PROBLEM. The document headlined "Dealing With a 'Tsunami' of Intercept," written in 2006 by three NSA officials and previously published by The Intercept, outlined a series of programs to prepare for a near future in which the speed and volume of signals intelligence would explode "almost beyond imagination." The document referred to a mysterious NSA entity—the "Coping With Information Overload Office." This appears to be related to an item in the Intelligence Community's 2013 Budget Justification to Congress, known as THE "BLACK BUDGET"—\$48.6 MILLION FOR PROJECTS RELATED TO "COPING WITH INFORMATION OVERLOAD."

Mass surveillance is counter-productive for fighting terrorism – it causes information overload

Gross 13 – covers technology and telecom policy in the U.S. government for the IDG News Service, and is based in Washington, D.C. (Grant, "Critics question whether NSA data collection is effective," PC World, 6/25/2013, <http://www.pcworld.com/article/2042976/critics-question-whether-nsa-data-collection-is-effective.html>) //RGP

The RECENTLY REVEALED MASS COLLECTION OF PHONE RECORDS AND OTHER COMMUNICATIONS BY THE U.S. NATIONAL SECURITY AGENCY MAY NOT BE EFFECTIVE IN PREVENTING TERRORISM, according to some critics. THE DATA COLLECTION PROGRAMS, as revealed by former NSA contractor Edward Snowden, IS GIVING GOVERNMENT AGENCIES information overload, critics said during the Computers, Freedom and Privacy Conference in Washington, D.C. "IN KNOWING A LOT ABOUT A LOT OF DIFFERENT PEOPLE [THE DATA COLLECTION] IS GREAT FOR THAT," said Mike German, a former Federal Bureau of Investigation special agent whose policy counsel for national security at the American Civil Liberties Union. "IN ACTUALLY FINDING THE VERY FEW BAD ACTORS THAT ARE OUT THERE, NOT SO GOOD." The mass collection of data from innocent people "won't tell you how guilty people act," German added. THE PROBLEM WITH CATCHING TERRORISM SUSPECTS HAS NEVER BEEN THE INABILITY TO COLLECT INFORMATION, BUT TO ANALYZE THE "OCEANS" OF INFORMATION COLLECTED, he said. MASS DATA COLLECTION IS "LIKE trying to look for needles by building bigger haystacks," added Wendy Grossman, a freelance technology writer who helped organize the conference. But Timothy Edgar, a former civil liberties watchdog in the Obama White House and at the Office of Director of National Intelligence, partly defended the NSA collection programs, noting that U.S. intelligence officials attribute the surveillance programs with preventing more than 50 terrorist actions. Some critics have disputed those assertions. Edgar criticized President Barack Obama's administration for keeping the NSA programs secret. He also said it was "ridiculous" for Obama to suggest that U.S. residents shouldn't be concerned about privacy because the NSA is collecting phone metadata and not the content of phone calls. Information about who people call and when they call is sensitive, he said. But Edgar, now a visiting fellow at the Watson Institute for International Studies at Brown University, also said that Congress, the Foreign Intelligence Surveillance Court and internal auditors provide some oversight of the data collection programs, with more checks on data collection in place in the U.S. than in many other countries. Analysts can query the phone records database only if they see a connection to terrorism, he said. The U.S. has some safeguards that are "meaningful and substantive, although I'm sure many in this room ... and maybe even me, if I think about it long enough, might think they're not good enough," Edgar said. While German noted that the NSA has reported multiple instances of unauthorized access by employees to the antiterrorism databases, Edgar defended the self-reporting. "It's an indication of a compliance system that's actually meaningful and working," he said. "If you had a compliance system that said there was no violation, there were never any mistakes, there was never any improper targeting that took place ... that would be an indication of a compliance regime that was completely meaningless." THE MASS DATA COLLECTION COMBINED WITH BETTER DATA ANALYSIS TOOLS TRANSLATES INTO AN "ARMS RACE" WHERE INTELLIGENCE OFFICIALS TRY TO FIND NEW CONNECTIONS WITH THE DATA THEY COLLECT, said Ashkan Soltani, a technology and privacy consultant. NEW DATA ANALYSIS TOOLS LEAD INTELLIGENCE OFFICIALS TO BELIEVE THEY CAN FIND MORE LINKS TO TERRORISM IF THEY JUST HAVE "ENOUGH DATA," BUT THAT BELIEF IS "too much sci fi," he said. "THIS IS THE DIFFICULT PART, IF YOU'RE SAYING THAT IF WE HAVE ENOUGH DATA WE'LL BE ABLE TO PREDICT THE FUTURE," the ACLU's German said.

NSA is overloaded – disproportion between analysts and data risks surprises SIDtoday, 11

The Signals Intelligence Directorate Today Editor, "Is There a Sustainable Ops Tempo in S2? How Can Analysts Deal With the Flood of Collection? – An interview with [redacted] (conclusion)," 4/16/11, <https://s3.amazonaws.com/s3.documentcloud.org/documents/2089125/analytic-modernization.pdf> // IS

Q: 7. (U//FOUO) Various PUSHES FOR ANALYTIC MODERNIZATION HAVE BEEN GOING ON for decades AT NSA, but now the issue really seems to be taking center stage. In fact, the number one "SIGINT Goal for 2011-2015" is to "revolutionize analysis." What's different now?

A: (S//SI//REL) We live in an Information Age when WE HAVE MASSIVE RESERVES OF INFORMATION AND DON'T HAVE THE CAPABILITY TO EXPLOIT IT. I was told that there are 2 petabytes of data in the SIGINT System at any given time. How much is that? That's equal to 20 million 4-drawer filing cabinets. How many cabinets per analyst is that?? BY THE END OF THIS YEAR, WE'LL HAVE 1 TERABYTE OF DATA

PER SECOND COMING IN. YOU CAN'T CRANK THAT THROUGH THE EXISTING PROCESSES AND BE EFFECTIVE.

Q: (U) ...So IT'S A MATTER OF VOLUME?

A: (S//SI//REL) NOT VOLUME ALONE, BUT ALSO COMPLEXITY. WE NEED TO PIECE TOGETHER THE DATA. IT'S impossible TO DO THAT USING TRADITIONAL METHODS. STRONG SELECTORS - LIKE PHONE NUMBERS - WILL BECOME A THING OF THE PAST. IT USED TO BE THAT IF YOU HAD A TARGET'S NUMBER, YOU COULD FOLLOW IT FOR MOST OF YOUR CAREER. NOT ANYMORE. My daughter doesn't even make phone calls, and many targets do the same. Also, THE COMMERCIAL MARKET DEMANDS PRIVACY, AND THIS WILL DRIVE OUR TARGETS to go encrypted, maybe INTO UNEXPLOITABLE REALMS. Our nation needs us to look for patterns surrounding a particular spot on Earth and make the connections - who can do that if not us? And we can't do it using traditional methods.

Q: (U) Looking into the future, is there anything that especially worries you? ...An eventuality (internal or external) that would make it hard for A&P to continue to put out quality intelligence?

A: (U//FOUO) I'M WORRIED THAT WE HAVE SO MUCH GOOD STUFF THAT WE COULD LOCK DOWN ANALYSTS AND HAVE THEM JUST PRODUCING PRODUCT, AND something would jump out and surprise us. So we need the discipline to invest in the wild and the unknowns.

Analyst improvement is key to check overload SID Reporting Board, 7

Signals Intelligence Directorate Reporting Board, part of the largest functional directorate in the NSA, "Data Is Not Intelligence," 09/18/07, <https://s3.amazonaws.com/s3.documentcloud.org/documents/2088973/data-is-not-intelligence.pdf> // IS

(U) 'Data Is Not Intelligence'

FROM: [Redacted]

SID Reporting Board (S12R) Run Date: 09/18/2007

(U//FOUO) THESE WORDS CAME FROM DR. THOMAS FINGAR (PICTURED) IN HIS KEYNOTE ADDRESS AT THE ANALYTIC TRANSFORMATION SYMPOSIUM IN CHICAGO on 5 September. Such a strong reminder at the opening of his address was intended to remind those at the symposium of the importance he and the Director of National Intelligence, the Honorable J. Michael McConnell, place on improving analysis throughout the Intelligence Community.

(U//FOUO) Dr. Fingar, the Deputy Director of National Intelligence for Analysis, made this statement at the opening of the symposium sponsored by the Intelligence and National Security Alliance, a non-profit, non-partisan public policy forum focusing on intelligence and national security issues. The symposium was held in Chicago, Illinois, from 4 to 6 September 2007.

(U//FOUO) DR. FINGAR CONTINUED BY SAYING THAT "INTELLIGENCE COMES FROM THE brains of analysts."

He clearly wanted those attending the symposium to understand his view of the importance of the analytic process in producing intelligence. THE EMPHASIS THROUGHOUT HIS REMARKS WAS THAT THE INTELLIGENCE COMMUNITY MUST TRANSFORM ITS ANALYTIC MISSION. THE TRANSFORMATION IS BEING EFFECTED IN THREE AREAS: ENHANCING THE QUALITY OF ANALYTIC PRODUCTS; MANAGING THE MISSION MORE EFFECTIVELY at a Community level; AND BUILDING MORE INTEGRATED ANALYTIC OPERATIONS across the Intelligence Community.

(U//FOUO) TO ENHANCE THE QUALITY OF ANALYTIC PRODUCTS, ANALYSTS THEMSELVES MUST IMPROVE. THEY CAN DO THIS BY RECEIVING MORE AND BETTER FORMAL TRAINING, AND BY CONTINUING TO LEARN THROUGH EXPERIENCE and mentoring from more experienced analysts. In addition, they must alter mindsets that keep them from sharing information, especially that which would improve an intelligence product. An adjunct to changing mindsets about sharing information is establishing trust between and among analysts as a way to improve the quality of analytic products.

(U//FOUO) In an explanation of how to manage the analytic mission more effectively at the Community level, Dr. Fingar reviewed the A-Space and Library of National Intelligence (LNI) programs. While some leaders might consider these two programs more as tools, Dr. Fingar stressed that they were programs to help analysts enhance products. A-Space will provide a virtual environment in which analysts can work on data and collaborate. The LNI will give analysts a research facility that will help them gather already-disseminated intelligence on a topic.

(U//FOUO) THE EFFORT TO BUILD MORE INTEGRATED ANALYTIC OPERATIONS INVOLVES, IN PART, GREATLY IMPROVING COLLABORATION. SETTING COMMON STANDARDS IS A KEY TO COLLABORATION, and collaboration will enhance the quality of analytic products, according to Dr. Fingar. He emphasized that the IC analytic standards recently approved were a step, but only a step. He called for "transparency" in intelligence analysis; that is, that all analysis has to be reproducible. Following established common standards will help ensure transparency. More importantly, collaboration will help establish an analytic community.

(U//FOUO) Dr. Fingar's address set the tone for the rest of the symposium. The point was that THE QUALITY OF INTELLIGENCE PRODUCTS MUST IMPROVE--MUST "transform." THE MOST IMPORTANT PART IN THE TRANSFORMATION IS THE ANALYST. IN TRAINING ANALYSTS BETTER, BY ENCOURAGING THEM TO LEARN CONTINUALLY THROUGH EXPERIENCE and mentoring, PRODUCT WILL IMPROVE. MORE EFFECTIVE MANAGEMENT, through programs such as A-Space and the LNI, WILL HELP GIVE ANALYSTS DATA AND INTELLIGENCE THEY NEED, and a better environment in which to work. COLLABORATION IS ENCOURAGED AND MADE EASIER BY THESE PROGRAMS, and collaboration is part of building integrated operations. ALL OF THESE TOGETHER WILL HELP ENSURE THAT THE QUALITY OF ANALYTIC PRODUCTS IMPROVES--THAT CUSTOMERS RECEIVE INTELLIGENCE, not data.

Data risks errors which have immediate and larger impacts – our timeframe is nanoseconds

Zoldan, 13

Ari Zoldan is an entrepreneur in the technology industry and business analyst based primarily in New York City and Washington, D.C. "More Data, More Problems: is Big Data Always Right?" Wired, May 2013, <http://www.wired.com/2013/05/more-data-more-problems-is-big-data-always-right/> // IS

Which leads us to our second problem: THE SHEER AMOUNT OF DATA! NO WONDER WE ARE MORE PRONE TO "SIGNAL ERROR" AND "CONFIRMATION BIAS." SIGNAL ERROR IS WHEN LARGE GAPS OF DATA HAVE BEEN OVERLOOKED BY ANALYSTS. If places like Coney Island and Rockaway were overlooked in Hurricane Sandy, like they were in the Twitter study, we could be looking at a higher death toll today. CONFIRMATION BIAS IS THE PHENOMENON THAT PEOPLE WILL SEARCH WITHIN THE DATA TO CONFIRM THEIR OWN PREEXISTING VIEWPOINT, AND DISREGARD THE DATA THAT GOES AGAINST THEIR PREVIOUSLY HELD POSITION. In other words, you will find what you seek out. What if FEMA looked at the Twitter data with a preexisting belief that the worst hit part of the Tri-state area was Manhattan? They may have allocated their resources in places that didn't need it the most. The third problem is best described by Marcia Richards Suelzer, senior analyst at Wolters Kluwer. She says, "WE CAN NOW MAKE CATASTROPHIC MISCALCULATIONS IN nanoseconds AND BROADCAST THEM UNIVERSALLY. WE HAVE LOST THE BALANCE IN 'LAG TIME.'" SIMPLY PUT, WHEN WE BOTCH THE FACTS, OUR ABILITY TO CREATE DAMAGE IS greatly magnified BECAUSE OF OUR ENHANCED TECHNOLOGY, GLOBAL INTERCONNECTIVITY, AND HUGE DATA SIZES.

Upstream controls the bulk of data – whistleblowers confirm

Whittaker, 15

Zack Whittaker is a writer-editor for ZDNet, and sister sites CNET and CBS News, citing an NSA whistleblower, "NSA is so overwhelmed with data, it's no longer effective, says whistleblower," ZDNet, 4/30/15, [//IS">http://www.zdnet.com/article/nsa-whistleblower-overwhelmed-with-data-ineffective/?tag=nl.e539&s_cid=e539&ttag=e539&ftag=TRE17cfd61 // IS](http://www.zdnet.com/article/nsa-whistleblower-overwhelmed-with-data-ineffective/?tag=nl.e539&s_cid=e539&ttag=e539&ftag=TRE17cfd61)

"The Upstream PROGRAM IS WHERE THE VAST BULK OF THE INFORMATION WAS BEING COLLECTED," SAID BINNEY, TALKING ABOUT HOW THE NSA TAPPED UNDERSEA FIBER OPTIC CABLES. With help from its British counterparts at GCHQ, THE NSA IS ABLE TO "BUFFER" MORE THAN 21 PETABYTES A DAY. BINNEY SAID THE "collect it all" MANTRA NOW MAY BE THE NORM, BUT IT'S **expensive AND ineffective.**

NSA's spot-a-terrorist data-mining algorithms fail

Musgrave 13 (Shawn, Projects Editor at the public records intelligence site MuckRock.com, 6/8, "Does Mining Our Big Data for Terrorists Actually Make Us Any Safer?" <http://motherboard.vice.com/blog/does-mining-our-big-data-for-terrorists-actually-make-us-any-safer//Tang>)

Whether it's at the NSA, FBI, CIA or some more classified body we mere citizens aren't mature enough to know about, data-mining is the belle of the intelligence ball. The power of statistical prediction to connect the dots, preemptively identify the bad guys and thwart the next terrorist attack has been trumpeted loudly in defense of surveillance programs, including the NSA's latest misadventure. But MANY COUNTERTERRORISM AND STATISTICAL EXPERTS DOUBT THAT EVEN THE MOST ADVANCED SPOT-A-TERRORIST ALGORITHMS CAN PRODUCE ANYTHING BEYOND FALSE POSITIVES AND MANGLED CIVIL LIBERTIES. In his address Friday afternoon, President Obama downplayed the recent revelations about NSA surveillance, dismissing much of the ensuing scrutiny as "hype." HE SAID THAT THE NSA'S EXTENSIVE COLLECTION OF PHONE CALL METADATA FROM VERIZON, SPRINT AND AT&T, AS WELL AS ITS PRISM PROGRAM to vacuum up server data from Google, Facebook, Microsoft and other Internet service providers (Dropbox coming soon!) were both legal and appropriately supervised. These

programs "HELP US PREVENT TERRORIST ATTACKS," he said, and "on net it was worth us doing." Senator Diane Feinstein, standing next to Saxby Chambliss, her Republican counterpart on the Senate Intelligence Committee, explained to the citizenry, "It's called protecting America." As construction workers put the finishing touches on the NSA's new data facility in Utah—it is said that it will be the largest data center in the world—details continue to emerge that flesh out the exact shape and scope of NSA's various dragnets. As groups like the Electronic Frontier Foundation have been warning for years, it's clear that the agency is pouring considerable resources into collecting and parsing through vast datasets in hopes of neutralizing terrorist threats. But, as has been asked of the TSA and DHS more widely, WHERE'S THE ACTUAL PROOF THESE PROGRAMS OFFER MORE BENEFITS THAN DOWNSIDES? Where are the thwarted plots to balance against the chill of privacy loss and the threats to, say, activists and the government's political opponents? AMONG NATIONAL SECURITY EXPERTS AND DATA SCIENTISTS, THERE'S CONSIDERABLE SKEPTICISM THAT NSA-STYLE DATA-MINING IS AN APPROPRIATE TOOL FOR FERRETING OUT SECURITY THREATS. As Ben Smith reported yesterday, finding the BOSTON BOMBERS RELIED ON OLD FASHIONED POLICE WORK, NOT TROVES OF DATA. In a 2008 study, THE NATIONAL RESEARCH COUNCIL CONCLUDED THAT COMBING DATA STREAMS FOR TERRORISTS IS "NEITHER FEASIBLE AS AN OBJECTIVE NOR DESIRABLE AS A GOAL." In particular, THE REPORT'S AUTHORS UNDERScore DUBIOUS DATA QUALITY AND HIGH RISK OF FALSE POSITIVES AS PRACTICAL OBSTACLES TO MINING DATA FOR SIGNATURES OF TERRORIST BEHAVIOR. "There's been considerable interest in the intelligence community around using data to identify terrorists," says Stephen Fienberg, a professor of statistics and social sciences at Carnegie Mellon University, who contributed to the NRC report. "But the specifics have always been elusive, and the claims are rarely backed up by serious empirical study." IN A 2006 INTERVIEW WITH THE NEW YORK TIMES, AN FBI OFFICIAL JOKED THAT THE ENDLESS STREAM OF LEADS MEANT MORE "CALLS TO PIZZA HUT" OR CONTACTING A "SCHOOL TEACHER WITH NO INDICATION THEY'VE EVER BEEN INVOLVED IN INTERNATIONAL TERRORISM - CASE CLOSED." Fienberg insists that the RARITY OF TERRORIST EVENTS (AND TERRORISTS THEMSELVES) MAKES PREDICTING THEIR OCCURRENCE A FRAUGHT CRAPSHOOT. He says that INTELLIGENCE ANALYSTS LACK TRAINING DATA – INDICATIVE PATTERNS OF BEHAVIOR DRAWN FROM OBSERVING MULTIPLE ITERATIONS OF A COMPLEX EVENT – TO VERIFY WHETHER THEIR MODELS HAVE PREDICTIVE VALIDITY. "These are very, very rare events – terrorist events and terrorists themselves – that you're trying to predict. Clearly there are places where this kind of predictive activity has been very successful – fraud detection in telecommunications, for example – but there we're talking not-so-rare events." Jeff Jonas, a data scientist at IBM and senior associate at the Center for Strategic and International Studies, agrees, dismissing such terrorism prediction models as "civil liberty infringement engines." In a 2006 paper co-written by Jim Harper of the Cato Institute, JONAS ASSERTS THAT SHEER PROBABILITY AND A LACK OF HISTORICAL DATA DOOMS COUNTERTERRORISM DATA-MINING TO A QUAGMIRE OF FALSE POSITIVES. "Unless investigators can winnow their investigations down to data sets already known to reflect a high incidence of actual terrorist information," Jonas and Harper write, "THE HIGH NUMBER OF FALSE POSITIVES WILL RENDER ANY RESULTS ESSENTIALLY USELESS." Ethical (not to mention constitutional) issues of wrongly painting people as terrorists aside, Jonas and Harper suggest that CHASING DOWN SO MANY BOGUS LEADS ONLY DETRACTS FROM PURSUING GENUINE ONES, AND THUS ACTUALLY HAMPERS EFFECTIVE COUNTERTERRORISM. In a 2006 interview with the New York Times, AN FBI OFFICIAL CONFIRMED THE CONSIDERABLE WASTE AND FRUSTRATION OF RUNNING DOWN BOGUS TIP-OFFS FROM THE NSA'S WIRETAP DRAGNET, JOKING THAT THE ENDLESS STREAM OF LEADS MEANT MORE "CALLS TO PIZZA HUT" or contacting a "school teacher with no indication they've ever been involved in international terrorism - case closed." Given enough data and fine-tuning of algorithms, of course, other experts emphasize that false positives can be reduced significantly, and insist that data-mining will play a key role in counterterrorism. Kim Taipale of the Center for Advanced Studies in Science and Technology Policy testified to this effect before the Senate Judiciary Committee in 2007, criticizing Jonas and Harper specifically for making "pseudo-technical" arguments that fail to reflect the way actual data-mining algorithms work. NSA's Utah data center. Photo courtesy NSA. And even critics admit that, with enough data to develop these training sets, analysts might be able to sift out terrorist markers. "If you can get your arms around a big enough set of data, you'll always find something in there," says Fred Cate, director of the Center for Applied Cybersecurity Research at Indiana University Law School, another contributor to the NRC report. "It's not unreasonable to think that the more data you can get access to that you might discover something of predictive value." The ease of mining personal data may make these systems ripe for abuse, but that ease also lends itself to a "better safe than sorry" mindset. "There's a certain 'because it's there' nature to this," says Cate. "If you know all these records are there, you worry about explaining why you didn't try to get access to them" to stop a terror plot. AS MORE AND MORE REVEALING INFORMATION FINDS ITS WAY ONLINE AND INTO COMMERCIAL DATABASES, THE TEMPTATION INCREASES FOR INTELLIGENCE AGENCIES TO GOBBLE UP THIS DATA JUST IN CASE. But the wider the net we cast—and the broader incursion on the privacy of Americans and others—the heavier the burden becomes to produce a terrorist or two. And to

Cate's knowledge, despite extensive mining, the NSA has struck no such motherlode. While the government has acknowledged that these latest data surveillance programs are several years old, they have yet to trot out any concrete evidence of their efficacy. Between the NSA's dismal record, drowsy oversight from the top-secret FISA courts and vague promises from Obama, Feinstein and others that this will all be worth it someday, Washington should buckle up for plenty more "hype" from the civil libertarian set. Absent public exposure, independent oversight, and robust evaluation, it's impossible to determine whether such efforts truly have anything to throw on the scale against citizen privacy.

NSA mass surveillance results in overload

Angwin 13 (Julia, writer for WSJ, 12/25, "NSA Struggles to Make Sense of Flood of Surveillance Data," <http://www.wsj.com/articles/SB10001424052702304202204579252022823658850//Tang>)

William BINNEY, creator of some of the computer code used by the National Security Agency to snoop on Internet traffic around the world, DELIVERED AN UNUSUAL MESSAGE HERE IN SEPTEMBER TO AN AUDIENCE WORRIED THAT THE SPY AGENCY KNOWS TOO MUCH. IT KNOWS SO MUCH, HE SAID, THAT IT CAN'T UNDERSTAND WHAT IT HAS. "WHAT THEY ARE DOING IS MAKING THEMSELVES DYSFUNCTIONAL BY TAKING ALL THIS DATA." Mr. Binney said at a privacy conference here. THE AGENCY IS DROWNING IN USELESS DATA, WHICH HARMS ITS ABILITY TO CONDUCT LEGITIMATE SURVEILLANCE, claims Mr. Binney, who rose to the civilian equivalent of a general during more than 30 years at the NSA before retiring in 2001. ANALYSTS ARE SWAMPED WITH SO MUCH INFORMATION THAT THEY CAN'T DO THEIR JOBS EFFECTIVELY, AND THE ENORMOUS STOCKPILE IS AN IRRESISTIBLE TEMPTATION FOR MISUSE. Mr. Binney's warning has gotten far less attention than legal questions raised by leaks from former NSA contractor Edward Snowden about the agency's mass collection of information around the world. Those revelations unleashed a re-examination of the spy agency's aggressive tactics. MORE Snowden Warns of Dangers of Citizen Surveillance But the NSA needs more room to store all the data it collects—and new phone records, data on money transfers and other information keep pouring in. A new storage center being built in Utah will eventually be able to hold more than 100,000 times as much as the contents of printed materials in the Library of Congress, according to outside experts. Some of the documents released by Mr. Snowden detail concerns inside the NSA about drowning in information. AN INTERNAL BRIEFING DOCUMENT IN 2012 ABOUT FOREIGN CELLPHONE-LOCATION TRACKING BY THE AGENCY SAID THE EFFORTS WERE "OUTPACING OUR ABILITY TO INGEST, PROCESS AND STORE" DATA. IN MARCH 2013, some NSA ANALYSTS ASKED FOR PERMISSION TO COLLECT LESS DATA THROUGH A PROGRAM CALLED MUSCULAR BECAUSE THE "RELATIVELY SMALL INTELLIGENCE VALUE IT CONTAINS DOES NOT JUSTIFY THE SHEER VOLUME OF COLLECTION," another document shows. In response to questions about Mr. Binney's claims, an NSA spokeswoman says the agency is "not collecting everything, but we do need the tools to collect intelligence on foreign adversaries who wish to do harm to the nation and its allies." Existing surveillance programs were approved by "all three branches of government," and each branch "has a role in oversight," she adds. In a statement through his lawyer, Mr. Snowden says: "When your working process every morning starts with poking around a haystack of seven billion innocent lives, you're going to miss things." He adds: "WE'RE BLINDING PEOPLE WITH DATA WE DON'T NEED." A PRESIDENTIAL PANEL RECOMMENDED EARLIER THIS MONTH THAT THE AGENCY SHUT DOWN ITS BULK COLLECTION OF TELEPHONE-CALL RECORDS OF ALL AMERICANS. THE FEDERAL GOVERNMENT COULD ACCOMPLISH THE SAME GOAL BY QUERYING PHONE COMPANIES, THE PANEL CONCLUDED. THE PANEL ALSO RECOMMENDED THE CREATION OF "SMART SOFTWARE" THAT COULD SORT DATA AS THE INFORMATION IS COLLECTED, rather than the current system where "vast amounts of data are swept up and the sorting is done after it has been copied" on to data-storage systems. ADMINISTRATION OFFICIALS ARE REVIEWING THE REPORT. A separate task force is expected to issue its own findings next year, and lawmakers have proposed several bills that would change how the NSA collects and uses data. The 70-year-old Mr. Binney says he is generally underwhelmed by the panel's "bureaucratic" report, though "IT WOULD BE SOMETHING MEANINGFUL" IF THE CONTROVERSY LEADS TO ADOPTION OF THE "SMART SOFTWARE" STRATEGY AND CREATION OF A TECHNOLOGY OVERSIGHT GROUP WITH FULL ACCESS TO "BE IN THE KNICKERS OF THE NSA"" and Federal Bureau of Investigation. Mr. Binney lives off his government pension and makes occasional appearances to talk about his work at the NSA. The spy agency has defended its sweeping surveillance programs as essential in the fight against terrorism. But HAVING TOO MUCH DATA

CAN HURT THOSE EFFORTS, ACCORDING TO MR. BINNEY AND A HANDFUL OF COLLEAGUES WHO HAVE RAISED CONCERNS SINCE LOSING AN INTERNAL BATTLE TO BUILD PRIVACY-PROTECTING INTERNET

SURVEILLANCE TOOLS in the late 1990s. At the time, the agency was struggling to transform itself from a monitor of mostly analog signals, such as radio and satellite transmissions, to an effective sleuth in the emerging digital world. Diane Roark, a House Intelligence Committee staff member assigned to oversee the NSA, says she was "very disturbed" to learn in meetings at the agency's headquarters in Fort Meade, Md., in 1997 "what bad shape they were in." She saw a glimmer of hope in a corner of the NSA called the Sigint Automation Research Center. Mr. Binney, who joined the agency in 1965 with a cadre of young mathematicians hired to tackle the increasingly mathematical world of ciphers and codes, was working with the research center's chief to create an innovative approach to monitoring Internet traffic. "Our approach was to focus on the known terrorist community, which predominately existed overseas," recalls Ed Loomis, who ran the research center. "However, we were also interested in any communications they had with anyone in America." The push was legally tricky. Only the FBI is allowed to collect such information within the U.S.—and usually must prove to a judge that there is a good reason to launch surveillance. Mr. Loomis worried that the rules were too restrictive and could hinder the NSA's terrorist-catching abilities. So Messrs. Binney and Loomis built a system to scrape data from the Internet, throw away the content about U.S. citizens and zoom in on the leftover metadata—or the "to" and "from" information in Internet traffic. They called it ThinThread. To keep the data-gathering effort manageable, the two men designed ThinThread to collect data within "two hops" of a suspected bad guy. That meant the system would be built to automatically flag people who communicated with "dirty numbers" or possible terrorists—and records of people who contacted them. Messrs. BINNEY AND LOOMIS ALSO BELIEVED THAT THINTHREAD'S POWERS SHOULD BE CONSTRAINED TO PROTECT THE PRIVACY OF AMERICANS. MR. BINNEY DESIGNED A WAY TO ENCRYPT ALL THE U.S. METADATA, AND THEIR PLANS ALLOWED THE SPY AGENCY'S ANALYSTS TO UNSCRAMBLE THE INFORMATION ONLY WITH PERMISSION FROM A WARRANT APPROVED BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT. The court oversees NSA

activities that affect U.S. residents. THINTHREAD WAS NEVER DEPLOYED. Agency lawyers refused to relax a ban on recording any U.S. communications. Dickie George, a senior NSA official who retired in 2011, says the consensus was that Mr. Binney's "heart was in the right place," but the technology wasn't ready. Messrs. Binney and Loomis say ThinThread could have done the job for which it was built. But Mr. Loomis was told to shut down the project. Instead, he was told, the NSA would fund a surveillance program called Trailblazer, built by outside contractors. Distraught about the decision, Messrs. Binney and Loomis and another NSA employee, Kirk Wiebe, announced plans to retire on Oct. 31, 2001. Mr. Binney reconsidered after the Sept. 11, 2001, terrorist attacks, but left as intended after hearing about new plans to use his metadata-analysis technology to hunt for terrorists. There was one big difference. The privacy protections designed to shield Americans from illegal intrusions weren't on the drawing board anymore, he says. In 2002, the three retired NSA employees and Ms. Roark asked the Defense Department's inspector general to investigate whether the decision to halt ThinThread and fund Trailblazer was made appropriately. Trailblazer's data-filtering system was never built, either. Instead, NSA officials secretly sought and won support for an array of programs to conduct warrantless wiretapping of phone and Internet content. They got similar approval to collect and analyze metadata from nearly every U.S. phone call and vast swaths of Internet traffic. Mr. Binney settled into retirement. But the spy agency's surveillance efforts began to draw more attention. In 2006, AT&T Inc. technician Mark Klein leaked documents showing that the company was working with the NSA to scour the Internet with technology that was similar to the system built by Messrs. Binney and Loomis. Outside criticism of the agency grew after articles in the New York Times and Baltimore Sun about the agency's surveillance efforts, including ThinThread. President George W. Bush briefly shut down the warrantless wiretapping program, but then parts of it were legalized by a new law passed in Congress. Meanwhile, the metadata analysis program continued in secret. Federal officials suspected the three retired NSA employees and Ms. Roark, the former House staff member, of involvement in the leaks, according to government documents. FBI agents swooped in on all four, and Mr. Binney says agents drew their guns on him while he was in the shower. A Justice Department official couldn't be reached for comment on the case. Messrs. Binney, Loomis and Wiebe and Ms. Roark weren't charged with wrongdoing, but the FBI soon pursued NSA official Thomas Drake, a ThinThread supporter. In 2010, prosecutors charged him with violating the Espionage Act, citing "willful retention" of classified documents. Mr. Drake pleaded guilty to one count of exceeding authorized use of a government computer. Mr. Drake says government officials "wanted to make an object lesson of me, drive the stake of national security right through me, and then prop me out on the public commons as punishment for holding up the mirror of their own malfeasance and usurpations of power." The raids and prosecution of Mr. Drake angered Mr. Binney. He decided to go public with his concerns. In April 2012, he spoke at an event called a "Surveillance Teach-in" at the Whitney Museum of American Art in New York. Wearing a short-sleeve, collared shirt and jeans, Mr. Binney looked like a grandfatherly professor amid the crowd of activists, some wearing Anonymous masks. "I was focused on foreign threats," he said. "Unfortunately, after 9/11, they took my solutions and directed them at this country and everybody in it." Mr. Binney's claims were hard to prove. Even Mr. Loomis, the co-creator of ThinThread, didn't think it was possible that the same NSA lawyers who refused to budge on the ban against recording any U.S. communications had approved more invasive surveillance procedures after he left the agency. "After all my struggles with those folks, I just couldn't believe that they went 180 degrees against the law," he said. In August 2012, filmmaker Laura Poitras released an eight-minute, online documentary about Mr. Binney. She called him a whistleblower. Mr. Snowden saw the video and reached out to Ms. Poitras with an avalanche of undisclosed documents, she says. Some of the documents leaked by the NSA contractor back up Mr. Binney. For example, documents detailed the agency's two clandestine metadata-surveillance programs: the bulk collection of phone-calling records and Internet traffic-analysis program. The NSA hasn't disputed the documents. THE OBAMA ADMINISTRATION SAYS THE INTERNET PROGRAM WAS SHUT DOWN IN 2011, WHILE THE BULK COLLECTION OF PHONE RECORDS STILL IS GOING ON. John C. Inglis, THE NSA'S DEPUTY DIRECTOR, TOLD LAWMAKERS IN JULY THAT THE AGENCY HAD COURT APPROVAL TO DO WARRANTLESS

"THIRD-HOP" QUERIES OF BULK TELEPHONE RECORDS. A "THIRD-HOP" ANALYSIS OF ONE SUSPECTED TERRORIST COULD ALLOW THE NSA TO SIFT THROUGH THE RECORDS OF AT LEAST A MILLION PEOPLE. Mr. BINNEY SAYS HE ADVISED NSA OFFICIALS TO "NEVER GO BEYOND TWO HOPS." HE HAS URGED LAWMAKERS AND AN OVERSIGHT BOARD TO LIMIT DATA COLLECTION TO "TWO HOPS" AND ESTABLISH A TECHNICAL AUDITING TEAM TO VERIFY THE SPY AGENCY'S CLAIMS ABOUT ITS DATA COLLECTION AND USAGE. THE PRESIDENTIAL PANEL SUGGESTED ENDING THE BULK COLLECTION OF PHONE METADATA ENTIRELY. INSTEAD, PHONE COMPANIES SHOULD STORE THE RECORDS AND TURN THEM OVER ONLY WITH A COURT ORDER, THE PANEL ADDED. President Barack Obama will decide in coming weeks which of the panel's recommendations he will implement. The recommendations aren't binding. In recent months, the retired computer-code creator has been greeted like a hero almost everywhere he goes. Mr. Snowden, living in Russia under temporary asylum, says through his lawyer that he has "tremendous respect" for Mr. Binney, "who did everything he could according to the rules."

Most recent ev

Puiu 15 – staff writer (Tibi, "The NSA is gathering so much data, it's become swamped and ironically ineffective at preventing terrorism," ZME Science, 5/6/2015, <http://www.zmescience.com/research/technology/nsa-overwhelmed-data-53354/>) //RGP

One of the most famous NSA whistleblowers (or the 'original NSA whistleblower'), William BINNEY, SAID THE AGENCY IS COLLECTING STUPENDOUS AMOUNTS OF DATA – SO MUCH THAT IT'S ACTUALLY HAMPERING INTELLIGENCE OPERATIONS. Binney worked for three decades for the intelligence agency, but left shortly after the 9/11 attacks. A program he had developed was scrapped and replaced with a system he said was more expensive and more intrusive, which made him feel he worked for an incompetent employer. Plans to enact the now controversial Patriot Act was the last straw, so he quit. Since then, Binney has frequently criticized the agency and revealed some of its operations hazards and weaknesses. Among these, he alleges: THE NSA BURIED KEY INTELLIGENCE THAT COULD HAVE PREVENTED 9/11. The agency's bulk data collection from internet and telephone communications is unconstitutional and illegal in the US; Electronic intelligence gathering is being used for covert law enforcement, political control and industrial espionage, both in and beyond the US; Edward Snowden's leaks could have been prevented. Ironically, Snowden cites Binney as an inspiration. His greatest insights however is that THE NSA IS INEFFECTIVE AT PREVENTING TERRORISM BECAUSE ANALYSTS ARE TOO SWAMPED WITH INFORMATION under its bulk collection programme. CONSIDERING BINNEY'S IMPECCABLE TRACK RECORD – HE WAS CO-FOUNDER AND DIRECTOR OF THE WORLD GEOPOLITICAL & MILITARY ANALYSIS AT THE SIGNALS INTELLIGENCE AUTOMATION RESEARCH CENTER (SARC), a branch with 6,000 employees – I can only presume HE KNOWS WHAT HE'S TALKING ABOUT. The Patriot Act is a U.S. law passed in the wake of the September 11, 2001 terrorist attacks. Its goals are to strengthen domestic security and broaden the powers of law-enforcement agencies with regards to identifying and stopping terrorists. In effect, the law laxes the restrictions authorities have to search telephone, e-mail communications, medical, financial, and other records. Because a lot of people use web services whose servers are located in the US, this means that the records of people not located or doing business in the US are also spied upon by the NSA. ALL THIS INFORMATION, however, COMES AT A PRICE: OVERLOAD. According to the Guardian, the NSA buffers a whopping 21 petabytes a day! In this flood of information, AN NSA ANALYST WILL QUICKLY FIND HIMSELF OVERWHELMED. QUEERING KEYWORDS LIKE "BOMB" OR "DRUGS" MIGHT PROVE A NIGHTMARE FOR THE ANALYST IN QUESTION. It's impossible not to, considering four billion people — around two-thirds of the world's population — are under the NSA and partner agencies' watchful eyes, according to Binney. "THAT'S WHY THEY COULDN'T STOP THE BOSTON BOMBING, OR THE PARIS SHOOTINGS, BECAUSE THE DATA WAS ALL THERE," SAID Binney for ZDnet. "The data was all there... the NSA is great at going back over it forensically for years to see what they were doing before that," he said. "But that doesn't stop it." So, according to Binney, ANALYSTS STILL USE RUDIMENTARY TOOLS TO FILTER THE VAST AMOUNTS OF INFORMATION THE NSA IS COLLECTING. With everybody speaking about "big data" and other such buzz phrases, IT'S A BIT HILARIOUS TO THINK THE NSA IS ACTUALLY SAFE GUARDING FOR TERRORISM BY LOOKING FOR NEEDLES IN HAYSTACKS. "The Upstream program is where the vast bulk of the information was being collected," said Binney, talking about how the NSA tapped undersea fiber optic cables. Basically, THE NSA is collecting as much data as it can get its hands on at this point (legally or otherwise...), but it all SEEMS TOO GREEDY FOR THEIR OWN GOOD, NOT TO MENTION

PUBLIC SAFETY. According to Binney, THE FACT THE NSA IS COLLECTING THIS MUCH DATA ISN'T TO THEIR ADVANTAGE, BUT ACTUALLY A VULNERABILITY.

Information overload destroys system effectiveness

Mathiesen, professor of sociology of law, '13 (Thomas Mathiesen Professor of Sociology of Law at the University of Oslo, "Towards a Surveillant Society: The Rise of Surveillance Systems in Europe" Pgs 195-196, 2013,

[//GY">https://books.google.com/books?id=X1ZutlZgfD8C&dq=too+much+surveillance+AND+overload&source=gbs_navlinks_s\)//GY](https://books.google.com/books?id=X1ZutlZgfD8C&dq=too+much+surveillance+AND+overload&source=gbs_navlinks_s)

MANY OF THE LARGE SURVEILLANCE SYSTEM DESCRIBED EARLIER ARE NOT EASY TO USE, OR CLOSE TO UNUSABLE, WHEN IT COMES TO FINDING TERRORISTS IN ADVANCE, WHETHER LONE WOLVES OR GROUPS. This goes for Eurodac, the Data Retention Directive, the various PNRs, the API, the Prum Treaty, and perhaps also for the Schengen Information System. THESE FIVE OR MORE SYSTEMS FACE A COMMON THREAT, NAMELY WHAT WE MAY CALL INFORMATION OVERLOAD. THERE IS FAR TOO MUCH INFORMATION – IN ALL OF THE SYSTEMS, WHICH MAKES THE PICKING OUT OF TERRORISTS ON AN INDIVIDUAL OR GROUP BASIS IN ADVANCE EXTREMELY DIFFICULT. The Data Retention Directive, the various PNRs and the Prum Treaty are perhaps particularly vulnerable to this. Take the Data Retention Directive. It collects all information concerning communication (except content) on all citizens in a given State. The information has to be retained for a long period of time – up to two years. SIMPLE ARITHMETIC TELLS US THAT THE INFORMATION WHICH HAS TO BE, AND IS, RETAINED, BECOMES COLOSSAL. Let us say that a particular State is small, and has roughly five million inhabitants (Norway is a small country, and had 4,920,300 inhabitants on 1 January 2011; we will soon have 5 million). Most inhabitants have telephones, often several mobile telephones, as well as access to the Internet and other communication technologies. Say that communication technology equals the number of inhabitants, five million for one year. This is clearly an underestimation, but roughly the average retention period – Norway has in fact a retention period of one year. IF THE GIVEN STATE HAS DECIDED ON MANDATORY RETENTION FOR TWO YEARS – WHICH IS THE LIMIT – THE DATABASE CONTAINS NOT FIVE, BUT TEN MILLION TECHNOLOGIES. HOWEVER, THE TECHNOLOGY CONTAINS A LARGE NUMBER OF DATA ENTRIES. If the given State has decided on mandatory retention on all communication – who owns the communication technology which is used, who uses the communication technology in question, at what time does the communication begin, at what time does it end, from where is the call taken and from where is it received, whether the caller or the called or both are moving around during the communication, to where they have moved, all of this and a number of other data entries for one year brings the database to an enormous number of millions of data entries per year. After one year the data which is stored has to be deleted. But IT NEVER ENDS, BECAUSE A SIMILAR NUMBER OF DATA ENTRIES ARE STORED FOR EACH INDIVIDUAL AND FOR ALL OF THE FIVE MILLION INHABITANTS FOR ANOTHER YEAR, AND ANOTHER YEAR AND ANOTHER YEAR... Add to this that not only the inhabitants of this particular State are in the system, but so are all of the inhabitants of all the States of Europe (and outside States, like Norway). You end up with a fabulous number of data entries which turns the famous finding of the needle in the haystack into a reality – to say the least. For States deciding on two years of mandatory retention – the limit – the number of data entries will be doubled – even more fabulous. Many of the EU States are much larger than Norway – Great Britain had 61 million inhabitants in 2009. There are 27 large and small States in the EU. You stop counting.

Overload = nuke war

Information overload leads to a cyber crash – outweighs nuclear war

Goor, physicist and political scientist, MA Law, '13 (Dan Goor, political scientist, MA in Law and Diplomacy, “PRISM, a symptom of “information explosion,” beware!” 2013, <https://dangoor.wordpress.com/2013/07/02/prism-a-symptom-of-information-explosion-beware/>) //GY

PRISM, A SYMPTOM OF “INFORMATION EXPLOSION,” BEWARE!¶ While the political and security implications of leaks by Edward Snowden are monopolizing the news, THE MAIN DANGER IS FROM INFORMATION OVERLOAD, MISINTERPRETATIONS AND PERHAPS DANGEROUS (OR EVEN ROGUE) ACTION COULD BE THE MAIN ISSUE.¶ TOO MUCH INFORMATION LEADS TO CHAOS. In the mid fifteen hundreds, Miguel de Cervantes Saavedra predicted that too much information will drive people insane by demonstrating how his hero, Don Quixote, went mad because he read too much. Albert Einstein said the: “I fear the day when the [information] technology overlaps with our humanity; the world will only have a generation of idiots.”¶ In George Orwell’s 1984 he wrote of government that has total visibility to what every person does, and soon we shall be able to read people’s minds, to know what thoughts each person may have.¶ Communication is a complex process, which land itself to high level of misinterpretations. WITH GOVERNMENT MONITORING EVERYTHING ITS CITIZENRY DOES, AND TAKE ACTION BASED ON INTERPRETATION BY BOTH MAN AND MACHINE, ONE CAN EXPECT AN EVENTUAL STATE OF CHAOS IN THE WORLD.¶ This year NSA’s one and one half million square foot facility in Utah would become operational, it would accommodate the trillions of bits of information that NSA is gathering from the United States and from around the world. Following is Wikipedia overview of the NSA facility:¶ “The Utah Data Center, also known as the Intelligence Community Comprehensive National Cybersecurity Initiative Data Center,[1] is a data storage facility for the United States Intelligence Community that is designed to store extremely large amounts of data.[2][3][4] Its purpose is to support the Comprehensive National Cybersecurity Initiative (CNCI), though its precise mission is classified.[5] The National Security Agency (NSA), which will lead operations at the facility, is the executive agent for the Director of National Intelligence.[6] It is located at Camp Williams, near Bluffdale, Utah, between Utah Lake and Great Salt Lake.”¶ THE GOOGLE INFORMATION ABOUT JUDICIAL REQUESTS FROM VARIOUS COUNTRIES SUPPORTS THE NOTION THAT THE WORLD IS MOVING TOWARDS AN INFORMATION OVERLOAD, THE WORLD IS LEADING TOWARDS a “cyber crash,” that could well dwarf any nuclear confrontation THAT MAY CONFRONT THE HUMAN RACE.¶ Should, or could, safeguards be put in place to prevent information from going wild?¶ Several years ago when Gordon MOORE OF INTEL PREDICTED THAT EVERY FEW YEARS COMPUTATION POWER WOULD DOUBLE, AN ALARM SHOULD HAVE SOUNDED. MOORE WAS CLOSE TO CORRECT, EXCEPT THAT INFORMATION TECHNOLOGY IS GROWING EVEN FASTER AND COULD BECOME AN AVALANCHE OUT OF CONTROL.¶ It is likely that the human race will survive the “cyber explosion,” just as it survived Malthus prediction of resource shortage, of atomic annihilation. That not withstanding, THE PRUDENT THING FOR BOTH SCIENTISTS AND POLITICIANS TO EXERCISE SOME RATIONAL CONTROL ON INFORMATION GROWTH.

Iran !

Overload causes Iran war

Trobock, 14

Randall Trubbock, Master of Science in Cybersecurity from Utica College, May 2014, "The Application Of Splunk In The Intelligence Gathering Process," Proquest // is amp

FAULTY INTELLIGENCE METHODS, SUCH AS THOSE THAT WOULD BE THE RESULT OF **information overload**, POSE A **significant threat** TO PEACE THROUGHOUT THE WORLD. For example, **HAVING INACCURATE OR INCOMPLETE INTELLIGENCE ON IRAN'S NUCLEAR CAPABILITIES AND THE LOCATIONS OR NATURE OF ITS NUCLEAR PLANTS, A RISK-AVERSE ISRAEL MIGHT OVERESTIMATE ITS NEED TO TAKE BOTH DRASTIC AND PRE-EMPTIVE MEASURES AGAINST IRAN** (Young, 2013). **THIS COULD RESULT IN INVOLVEMENT FROM SEVERAL COUNTRIES, INCLUDING THE UNITED STATES, POTENTIALLY COSTING BILLIONS OF DOLLARS AND THOUSANDS OF SOLDIERS' LIVES.**

Turns aff – drones

Despite a plethora of surveillance technology border surveillance fails due to data overload

Abrams and Cyphers No date (David, Chief Technology Officer, True Systems, Dennis, VP Sales Operations, "TrueSentry Border Surveillance", http://www.daveab.com/files/TrueSentry_Border_Surveillance.pdf//Tang)

BORDER SECURITY REMAINS A KEY HOMELAND SECURITY CHALLENGE. BORDER GUARDS, SURVEILLANCE OPERATORS, AND COMMAND STAFF DO NOT HAVE AN INTEGRATED COMMAND AND CONTROL SYSTEM to protect national borders. There is a lack of sufficient coverage from sensors and cameras. IMPORTANT THREATS ARE LOST IN AN OVERLOAD OF INFORMATION FROM FALSE ALARMS. The collaboration and communications needed for tactical intercept missions is lacking. WIDE AND DIVERSE TERRAIN COUPLED WITH LARGE-SCALE POPULATION CENTERS, SEA PORTS, AND NATIONAL BOUNDARIES MAKE A DIFFICULT ENVIRONMENT TO EFFECTIVELY SCALE-UP BORDER SURVEILLANCE. FAR-FIELD CAMERAS, THERMAL VISION, AND PAN/TILT/ZOOM CAMERAS are used to remotely monitor border zones. Unmanned aerial vehicles (UAVS) fly continuous GPS-guided missions to give operators a bird's eye view. SURVEILLANCE TOWERS typically use radar as a cost-effective way to get broad sensor coverage of diverse border zone terrain. INTRUSION DETECTION SYSTEMS like underground buried cables are used to monitor electromagnetic field changes to distinguish between people, vehicles and animals at a perimeter. OUTDOOR MOTION DETECTION is also done with microwave and infrared sensors. INTELLIGENT PRESSURE FENCE SENSORS detect when intruders climb or cut a fence-line. Yet for ALL THESE ADVANCES IN SURVEILLANCE EQUIPMENT WE ARE STILL LEFT WITH BORDER GUARDS STRUGGLING WITH HIGH FALSE ALARM RATES AND LOW PROBABILITY OF DETECTION AND INTERCEPT. THERE ARE JUST TOO MANY CAMERAS AND NOT ENOUGH BORDER FORCES TO MONITOR THEM ALL. THREATS ARE LOST BECAUSE OF TOO MANY FALSE ALARMS. The COST OF VERIFYING TARGETS, ESCALATING THEM INTO THREATS, AND DISPATCHING RESPONSE TEAMS IS TOO HIGH. INTERCEPT MISSION TEAMS DO NOT HAVE EFFECTIVE COLLABORATION TOOLS. INTELLIGENCE AND THREAT PATTERN ANALYSIS IS JUST TOO TIME CONSUMING TO THWART THE NEXT INTRUSION.

Border drones are ineffective and costly

Bennet 1/7 (Brian, reporter for the LA Times, 1/7/15, "Border drones are ineffective, badly managed, too expensive, official says", <http://www.latimes.com/nation/immigration/la-na-border-drones-20150107-story.html//Tang>)

Drones patrolling the U.S. border are poorly managed and ineffective at stopping illegal immigration, and the government should abandon a \$400-million plan to expand their use, according to an internal watchdog report released Tuesday. The 8-year-old drone program has cost more than expected, according to a report by the Department of Homeland Security's inspector general, John Roth. RATHER THAN SPEND MORE ON DRONES, THE DEPARTMENT SHOULD "PUT THOSE FUNDS TO BETTER USE," Roth recommended. HE DESCRIBED THE PREDATOR B DRONES FLOWN ALONG THE BORDER BY U.S. CUSTOMS AND BORDER PROTECTION AS "DUBIOUS ACHIEVERS." "Notwithstanding the significant investment, WE SEE NO EVIDENCE THAT THE DRONES CONTRIBUTE TO A MORE SECURE BORDER, AND THERE IS NO REASON TO INVEST ADDITIONAL TAXPAYER FUNDS AT THIS TIME." Roth said in a statement. The audit concluded THAT CUSTOMS AND BORDER PROTECTION COULD BETTER USE THE FUNDS ON MANNED AIRCRAFT AND GROUND SURVEILLANCE TECHNOLOGY. The drones were designed to fly over the border to spot smugglers and illegal border crossers. But auditors found that 78% OF THE TIME THAT AGENTS HAD PLANNED TO USE THE CRAFT, THEY WERE

GROUNDING BECAUSE OF BAD WEATHER, BUDGET CONSTRAINTS OR MAINTENANCE PROBLEMS. Even when aloft, auditors found, the drones contributed little. Three drones flying around the Tucson area helped apprehend about 2,200 people illegally crossing the border in 2013, fewer than 2% of the 120,939 apprehended that year in the area. BORDER PATROL SUPERVISORS HAD PLANNED ON USING DRONES TO INSPECT GROUND-SENSOR ALERTS. BUT A DRONE WAS USED IN THAT SCENARIO ONLY SIX TIMES IN 2013. AUDITORS FOUND THAT OFFICIALS UNDERESTIMATED THE COST OF THE DRONES BY LEAVING OUT OPERATING COSTS SUCH AS PILOT SALARIES, EQUIPMENT AND OVERHEAD. Adding such items increased the flying cost nearly fivefold, to \$12,255 per hour. PEOPLE THINK THESE KINDS OF SURVEILLANCE TECHNOLOGIES WILL BE A SILVER BULLET. TIME AFTER TIME, WE SEE THE PRACTICAL REALITIES OF THESE SYSTEMS DON'T LIVE UP TO THE HYPE. - Jay Stanley, ACLU privacy expert "It really doesn't feel like [Customs and Border Protection] has a good handle on how it is using its drones, how much it costs to operate the drones, where that money is coming from or whether it is meeting any of its performance metrics," said Jennifer Lynch, a lawyer for the Electronic Frontier Foundation, a San Francisco-based privacy and digital rights group. THE REPORT'S CONCLUSIONS WILL MAKE IT HARDER FOR OFFICIALS TO JUSTIFY FURTHER INVESTMENT IN THE BORDER SURVEILLANCE DRONES, ESPECIALLY AT A TIME WHEN HOMELAND SECURITY'S BUDGET IS AT THE CENTER OF THE BATTLE over President Obama's program to give work permits to millions of immigrants in the country illegally. EACH PREDATOR B SYSTEM COSTS ABOUT \$20 MILLION. "People think these kinds of surveillance technologies will be a silver bullet," said Jay Stanley, a privacy expert at the American Civil Liberties Union. "Time after time, we see the practical realities of these systems don't live up to the hype." Customs and Border Protection, which is part of Homeland Security, operates the fleet of nine long-range Predator B drones from bases in Arizona, Texas and North Dakota. THE AGENCY PURCHASED 11 DRONES, BUT ONE CRASHED IN ARIZONA IN 2006 AND ANOTHER FELL INTO THE PACIFIC OCEAN OFF SAN DIEGO AFTER A MECHANICAL FAILURE LAST YEAR. Agency officials said in response to the audit that they had no plans to expand the fleet aside from replacing the Predator that crashed last year. The agency is authorized to spend an additional \$433 million to buy up to 14 more drones. The drones — unarmed versions of the MQ-9 Reaper drone flown by the Air Force to hunt targets in Pakistan, Somalia and elsewhere — fly the vast majority of their missions in narrowly defined sections of the Southwest border, the audit found. They spent most of their time along 100 miles of border in Arizona near Tucson and 70 miles of border in Texas. Rep. Henry Cuellar (D-Texas) has promoted the use of drones along the border but believes the agency should improve how it measures their effectiveness. HOMELAND SECURITY "CAN'T PROVE THE PROGRAM IS EFFECTIVE BECAUSE THEY DON'T HAVE THE RIGHT MEASURES," Cuellar said in an interview. "THE TECHNOLOGY IS GOOD, BUT HOW YOU IMPLEMENT AND USE IT — THAT IS ANOTHER QUESTION." THE AUDIT ALSO SAID THAT DRONES HAD BEEN FLOWN TO HELP THE FBI, THE TEXAS DEPARTMENT OF PUBLIC SAFETY AND THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES. SUCH MISSIONS HAVE LONG FRUSTRATED BORDER PATROL AGENTS, WHO COMPLAIN THAT DRONES AND OTHER AIRCRAFT AREN'T AVAILABLE WHEN THEY NEED THEM, said Shawn Moran, vice president of the Border Patrol agents' union. "We saw the drones were being lent out to many entities for nonborder-related operations and we said, 'These drones, if they belong to [Customs and Border Protection], should be used to support [its] operations primarily,'" Moran said.

Turns aff – generic

Additional surveillance directly trades off with security concerns – the more information we have the less effective counter terror measures are

Greenwald 10 (Glenn, constitutional lawyer, 8/9, “The Digital Surveillance State: Vast, Secret, and Dangerous”, <http://www.cato-unbound.org/2010/08/09/glenn-greenwald/digital-surveillance-state-vast-secret-dangerous//Tang>)

What makes THIS LEVIATHAN particularly odious is that it DOES NOT EVEN SUPPLY THE SECURITY WHICH IS ENDLESSLY INVOKED TO JUSTIFY IT. IT ACTUALLY DOES THE OPPOSITE. As many SURVEILLANCE EXPERTS HAVE REPEATEDLY ARGUED, including House Intelligence Committee member Rush Holt, THE MORE SECRET SURVEILLANCE POWERS WE VEST IN THE GOVERNMENT, THE MORE UNSAFE WE BECOME. Cato’s Julian Sanchez put it this way: “We’ve gotten so used to the ‘privacy/security tradeoff’ that it’s worth reminding ourselves, every now and again, that surrendering privacy does not automatically make us more secure—that SYSTEMS OF SURVEILLANCE CAN THEMSELVES BE A MAJOR SOURCE OF INSECURITY.” That’s because THE SURVEILLANCE STATE ALREADY COLLECTS SO MUCH INFORMATION ABOUT US, OUR ACTIVITIES AND OUR COMMUNICATIONS—SO INDISCRIMINATELY AND ON SUCH A VAST SCALE—THAT IT IS INCREASINGLY DIFFICULT FOR IT TO DETECT ANY ACTUAL NATIONAL SECURITY THREATS. NSA whistle blower Adrienne Kinne, when exposing NSA EAVESDROPPING abuses, warned of what ABC News described as “THE WASTE OF TIME SPENT LISTENING TO INNOCENT AMERICANS, INSTEAD OF LOOKING FOR THE TERRORIST NEEDLE IN THE HAYSTACK.” As Kinne explained: BY CASTING THE NET SO WIDE, and continuing to collect on Americans and aid organizations, IT’S ALMOST LIKE THEY’RE MAKING THE HAYSTACK BIGGER AND IT’S HARDER TO FIND THAT PIECE OF INFORMATION THAT MIGHT ACTUALLY BE USEFUL to somebody. YOU’RE ACTUALLY HURTING OUR ABILITY TO EFFECTIVELY PROTECT OUR NATIONAL SECURITY. As the Post put it in its “Top Secret America” series: The NSA sorts a fraction of those [1.7 billion e-mails, phone calls and other types of daily collected communications] into 70 separate databases. The same problem bedevils every other intelligence agency, none of which have enough analysts and translators for all this work. That article details how AMPLE INFORMATION REGARDING alleged FT. HOOD SHOOTER NIDAL HASSAN and ATTEMPTED CHRISTMAS DAY BOMBER UMAR ABDULMUTALLAB WAS COLLECTED BUT SIMPLY WENT UNRECOGNIZED. Similarly, The Washington Post’s David Ignatius previously reported that Abdulmutallab was not placed on a no-fly list despite ample evidence of his terrorism connections because INFORMATION OVERLOAD “CLOGGED” THE SURVEILLANCE SYSTEM AND PREVENTED ITS BEING PROCESSED. Identically, Newsweek’s Mike Isikoff and Mark Hosenball documented that U.S. INTELLIGENCE AGENCIES INTERCEPT, GATHER AND STORE SO MANY EMAILS, RECORDED TELEPHONE CALLS, AND OTHER COMMUNICATIONS THAT IT’S SIMPLY IMPOSSIBLE TO SORT THROUGH OR UNDERSTAND WHAT THEY HAVE, QUITE POSSIBLY CAUSING THEM TO HAVE MISSED CRUCIAL EVIDENCE IN THEIR POSSESSION ABOUT BOTH THE FORT HOOD AND ABDULMUTALLAB PLOTS: This deluge of Internet traffic—involving e-mailers whose true identity often is not apparent—is one indication of the volume of raw intelligence U.S. spy agencies have had to sort through ... THE LARGE VOLUME OF MESSAGES ALSO MAY HELP TO EXPLAIN HOW AGENCIES CAN BECOME SO OVERWHELMED WITH DATA THAT SOMETIMES IT IS DIFFICULT, IF NOT IMPOSSIBLE, TO CONNECT POTENTIALLY IMPORTANT DOTS. As a result, our vaunted Surveillance State failed to stop the former attack and it was only an alert airplane passenger who thwarted the latter. So it isn’t that we keep sacrificing our privacy to an always-growing National Security State in exchange for greater security. The opposite is true: WE KEEP SACRIFICING OUR PRIVACY TO THE ALWAYS-GROWING NATIONAL SECURITY STATE IN EXCHANGE FOR LESS SECURITY.

Info overload will collapse the surveillance state

North 13 (Gary, American Christian Reconstructionist theorist and economic historian. 7/29,

“Surveillance state will collapse; data overload increasingly blinds it”,

<http://nooganomics.com/2013/07/surveillance-state-will-collapse-data-overload-increasingly-blinds-it//Tang>)

Wyden trusts in the wisdom and power of political democracy. He is naive. He should trust in the free market. People's day-to-day economic decisions are the heart of the matter, not their occasional voting. The individual decisions of people in the market will ultimately thwart Congress and the surveillance state. The free market's signals, not the phone taps of the NSA, will shape the future. THE BUREAUCRATS' QUEST FOR OMNISCIENCE AND OMNIPOTENCE WILL COME TO A WELL-DESERVED END, just as it did in the Soviet Union, and for the same reason. THE STATE IS INHERENTLY MYOPIC: SHORT-SIGHTED COMPUTERS MAKE IT BLIND. THE STATE FOCUSES ON THE SHORT RUN. COMPUTERS OVERWHELM BUREAUCRATS WITH SHORT-RUN INFORMATION. Let us not forget that THE INTERNET WAS INVENTED BY DARPA: THE MILITARY'S RESEARCH BRANCH. IT INVENTED THE INTERNET TO PROTECT THE MILITARY'S COMMUNICATIONS NETWORK FROM A NUCLEAR ATTACK BY THE USSR. Today, there is no USSR. There is the World Wide Web: the greatest technological enemy of the state since Gutenberg's printing press. The state is myopic. THE FACT THAT THE NSA'S TWO "COMPUTER FARMS" — IN UTAH AND IN MARYLAND — ARE SEVEN TIMES LARGER THAN THE PENTAGON WILL NOT CHANGE THIS FACT. THEY HAVE BITTEN OFF MORE THAN THEY CAN CHEW. CENTRAL PLANNERS ARE BUREAUCRATS, AND BUREAUCRACY IS BLIND. IT CANNOT ASSESS ACCURATELY the importance of the MOUNTAINS OF DATA THAT ARE HIDDEN IN GOVERNMENT-COLLECTED AND PROGRAM-ASSESSED DIGITS. The knowledge possessed in the free market is always more relevant. Society is the result of human action, not of human design. The bureaucrats do not understand this principle, and even if they did, it would not change reality.

Turns aff - NCTC

The size of the NCTC should be reduced to more effectively combat terrorism

Storm 13 (Darlene, freelance writer, citing Bridget Nolan, sociology phd, worked as a CT analyst at the NCTC, 8/7 "Is US intelligence so big that counterterrorism is failing? 'Yes' say insiders", <http://www.computerworld.com/article/2475096/security0/is-us-intelligence-so-big-that-counterterrorism-is-failing---yes--say-insiders.html//Tang>)

When might you consider quitting your job to be a "win"? When you work for the CIA and "the Company" tries to block the publication of your dissertation about the National Counterterrorism Center. Bridget Rose Nolan, a sociology PhD at the University of Pennsylvania, worked as a counterterrorism analyst at the National Counterterrorism Center (NCTC) from 2010 – 2011. Basically she worked as an analyst while also conducting "ethnographic observations" by interviewing 16 female and seven male analysts for her doctoral dissertation at the University of Pennsylvania. The Philadelphia Inquirer explained, "She set out to explore the culture of the terrorism center and how it, and its counterparts, share information – or fail to." After three years of "fighting" the CIA over the right to publish, she won, but the "win" meant she had to resign. Instead of too big to fail, in essence, counterterrorism may be failing in some areas because it is too big, because counterterrorism analysts suffer from so much information overload that they are not effective in stopping terrorism. "Fewer people in the system could help to streamline the bureaucracy and reduce the number of emails and documents that make the analysts feel overwhelmed with information." Other contributing factors that make terrorism harder to fight include sabotage among co-workers, stove-piping, confusion, bureaucracy that might make your head explode, and agencies that don't play well together. Several people working in counterterrorism suggested that the solutions to be more effective include cutting out the bloat and making the intelligence community smaller, much smaller. NCTC was formed as a "knee-jerk reaction to 9/11." The continuing War on Terror leads to more databases, more information which creates more stove-piping. There is no Google-like search to find information from one agency to the other, and each intelligence agency hoards the good secret stuff for itself. One analyst suggested that NCTC was "never intended to be real. That all along, it's just been a CYA [cover your ass] political maneuver." Another CT analyst suggested that if NCTC were to continue, then it "should be about one-tenth its current size." When it comes to intelligence information, analysts must "publish or perish," but it's more about quantity than quality. There are endless "turf battles" complete with paper ownership battles as well as "strategies of deception and sabotage." Even analysts working for the same agency might try to stall in order to "scoop" another analyst; they also might try to "kill" the piece. That's before the six months to two years for official reviews of the papers, "layers and layers of soul-crushing review." There is also "a lack of faith in management both as qualified reviewers and as unbiased supporters." One analyst said, "Information sharing is when YOU give ME your data."

Turns aff – NSA

NSA failing now – their drowning in information – only the plan makes surveillance effective

Angwin 13 – staff writer (“NSA Struggles to Make Sense of Flood of Surveillance Data,” WSJ, 12/25/2013, <http://www.wsj.com/articles/SB10001424052702304202204579252022823658850>) //RGP

*Language edited

LAUSANNE, Switzerland— WILLIAM BINNEY, creator of some of the computer code used by the National Security Agency to snoop on Internet traffic around the world, DELIVERED AN UNUSUAL MESSAGE HERE IN SEPTEMBER TO AN AUDIENCE WORRIED THAT THE SPY AGENCY KNOWS TOO MUCH. IT KNOWS SO MUCH, he said, that it can't understand what it has. WHAT THEY ARE DOING IS MAKING THEMSELVES DYSFUNCTIONAL BY TAKING ALL THIS DATA.” Mr. Binney said at a privacy conference here. THE AGENCY IS drowning in useless data, WHICH HARMS ITS ABILITY TO CONDUCT LEGITIMATE SURVEILLANCE, claims Mr. Binney, who rose to the civilian equivalent of a general during more than 30 years at the NSA before retiring in 2001. ANALYSTS ARE SWAMPED WITH SO MUCH INFORMATION THAT THEY CAN'T DO THEIR JOBS EFFECTIVELY, and the enormous stockpile is an irresistible temptation for misuse. Mr. Binney's warning has gotten far less attention than legal questions raised by leaks from former NSA contractor Edward Snowden about the agency's mass collection of information around the world. Those revelations unleashed a re-examination of the spy agency's aggressive tactics. MORE Snowden Warns of Dangers of Citizen Surveillance But the NSA needs more room to store all the data it collects—and new phone records, data on money transfers and other information keep pouring in. A new storage center being built in Utah will eventually be able to hold more than 100,000 times as much as the contents of printed materials in the Library of Congress, according to outside experts. Some of the documents released by Mr. Snowden detail concerns inside the NSA about drowning in information. AN INTERNAL BRIEFING DOCUMENT IN 2012 ABOUT FOREIGN CELLPHONE-LOCATION TRACKING BY THE AGENCY SAID THE EFFORTS WERE "OUTPACING OUR ABILITY TO INGEST, PROCESS AND STORE" DATA. in March 2013, some NSA analysts asked for permission to collect less data through a program called Muscular because the “relatively small intelligence value it contains does not justify the sheer volume of collection,” another document shows. In response to questions about Mr. Binney's claims, an NSA spokeswoman says the agency is “not collecting everything, but we do need the tools to collect intelligence on foreign adversaries who wish to do harm to the nation and its allies.” Existing surveillance programs were approved by “all three branches of government,” and each branch “has a role in oversight,” she adds. In a statement through his lawyer, Mr. Snowden says: “WHEN YOUR WORKING PROCESS EVERY MORNING STARTS WITH POKING AROUND A HAYSTACK OF SEVEN BILLION INNOCENT LIVES, YOU'RE GOING TO MISS THINGS.” He adds: “WE'RE BLINDING [overwhelming] people with data we don't need.”

Status quo NSA operations are ineffective due to information overload – makes preventing terrorism impossible

Maass, acclaimed author and journalist on surveillance, 5/28 (PETER MAASS “INSIDE NSA, OFFICIALS PRIVATELY CRITICIZE “COLLECT IT ALL” SURVEILLANCE” 05/28/2015 11:38 AM <https://firstlook.org/theintercept/2015/05/28/nsa-officials-privately-criticize-collect-it-all-surveillance/>) //GY

AS MEMBERS OF CONGRESS struggle to agree on which surveillance programs to re-authorize before the Patriot Act expires, they might consider the unusual advice of an intelligence analyst at THE NATIONAL SECURITY AGENCY who WARNED ABOUT THE DANGER OF COLLECTING TOO MUCH DATA. Imagine, the analyst wrote in a leaked document, that you are standing in a shopping aisle trying to decide between jam, jelly or fruit spread, which size, sugar-free or not, generic or Smucker's. It can be paralyzing. “We in the agency are at risk of a similar, collective paralysis in the face of a dizzying array of choices every

single day," the analyst wrote in 2011. "ANALYSIS PARALYSIS' ISN'T ONLY A CUTE RHYME. IT'S THE TERM FOR WHAT HAPPENS WHEN YOU SPEND SO MUCH TIME ANALYZING A SITUATION THAT YOU ULTIMATELY STYMIE ANY OUTCOME IT'S WHAT HAPPENS IN SIGINT [SIGNALS INTELLIGENCE] WHEN WE HAVE ACCESS TO ENDLESS POSSIBILITIES, BUT WE STRUGGLE TO PRIORITIZE, NARROW, AND EXPLOIT THE BEST ONES."¶ The document is one of about a dozen in which NSA intelligence experts express concerns usually heard from the agency's critics: that THE U.S. GOVERNMENT'S "COLLECT IT ALL" STRATEGY CAN UNDERMINE THE EFFORT TO FIGHT TERRORISM. The documents, provided to The Intercept by NSA whistleblower Edward Snowden, appear to contradict years of statements from senior officials who have claimed that pervasive surveillance of global communications helps the government identify terrorists before they strike or quickly find them after an attack.¶ The Patriot Act, portions of which expire on Sunday, has been used since 2001 to conduct a number of dragnet surveillance programs, including the bulk collection of phone metadata from American companies. But THE DOCUMENTS SUGGEST THAT ANALYSTS AT THE NSA HAVE DROWNED IN DATA SINCE 9/11, MAKING IT MORE DIFFICULT FOR THEM TO FIND THE REAL THREATS. The titles of the documents capture their overall message: "Data Is Not Intelligence," "The Fallacies Behind the Scenes," "Cognitive Overflow?" "Summit Fever" and "In Praise of Not Knowing." Other titles include "Dealing With a 'Tsunami' of Intercept" and "Overcome by Overload?"¶ The documents are not uniform in their positions. Some acknowledge the overload problem but say the agency is adjusting well. They do not specifically mention the Patriot Act, just the larger dilemma of cutting through a flood of incoming data. But in an apparent sign of the scale of the problem, THE DOCUMENTS CONFIRM THAT THE NSA EVEN HAS A SPECIAL CATEGORY OF PROGRAMS THAT IS CALLED "COPING WITH INFORMATION OVERLOAD."¶ The jam vs. jelly document, titled "Too Many Choices," started off in a colorful way but ended with a fairly stark warning: "THE SIGINT MISSION IS FAR TOO VITAL TO UNNECESSARILY EXPAND THE HAYSTACKS WHILE WE SEARCH FOR THE NEEDLES. PRIORITIZATION IS KEY."¶ These doubts are infrequently heard from officials inside the NSA. THESE DOCUMENTS ARE A WINDOW INTO THE PRIVATE THINKING OF MID-LEVEL OFFICIALS WHO ARE ALMOST NEVER PERMITTED TO DISCUSS THEIR CONCERNS IN PUBLIC.¶ AN AMUSING PARABLE circulated at the NSA a few years ago. Two people go to a farm and purchase a truckload of melons for a dollar each. They then sell the melons along a busy road for the same price, a dollar. As they drive back to the farm for another load, they realize they aren't making a profit, so one of them suggests, "Do you think we need a bigger truck?"¶ The parable was written by an intelligence analyst in a document dated Jan. 23, 2012 that was titled, "Do We Need a Bigger SIGINT Truck?" It expresses, in a lively fashion, a critique of the agency's effort to collect what former NSA Director Keith Alexander referred to as "the whole haystack." THE CRITIQUE GOES TO THE HEART OF THE AGENCY'S DRIVE TO GATHER AS MUCH OF THE WORLD'S COMMUNICATIONS AS POSSIBLE: BECAUSE IT MAY NOT FIND WHAT IT NEEDS IN A PARTIAL HAYSTACK OF DATA, THE HAYSTACK IS EXPANDED AS MUCH AS POSSIBLE, ON THE ASSUMPTION THAT MORE DATA WILL EVENTUALLY YIELD USEFUL INFORMATION. THE SNOWDEN FILES SHOW THAT IN PRACTICE, IT DOESN'T TURN OUT THAT WAY: MORE IS NOT NECESSARILY BETTER, AND IN FACT, EXTREME VOLUME CREATES ITS OWN CHALLENGES.¶ "Recently I tried to answer what seemed like a relatively straightforward question about which telephony metadata collection capabilities are the most important in case we need to shut something off when the metadata coffers get full," wrote the intelligence analyst. "By the end of the day, I felt like capitulating with the white flag of, 'We need COLOSSAL data storage so we don't have to worry about it,' (aka we need a bigger SIGINT truck)." The analyst added, "WITHOUT METRICS, HOW DO WE KNOW THAT WE HAVE IMPROVED SOMETHING OR MADE IT WORSE? THERE'S A RUNNING JOKE ... THAT WE'LL ONLY KNOW IF

COLLECTION IS IMPORTANT BY SHUTTING IT OFF AND SEEING IF SOMEONE SCREAMS.”¶ ANOTHER DOCUMENT, WHILE NOT MENTIONING THE DANGERS OF COLLECTING TOO MUCH DATA, EXPRESSED CONCERNS ABOUT PURSUING ENTRENCHED BUT UNPRODUCTIVE PROGRAMS.¶ “How many times have you been watching a terrible movie, only to convince yourself to stick it out to the end and find out what happens, since you’ve already invested too much time or money to simply walk away?” the document asked. “THIS ‘GONE TOO FAR TO STOP NOW’ MENTALITY IS OUR BUILT-IN MECHANISM TO HELP US ALLOCATE AND RATION RESOURCES. HOWEVER, IT CAN WORK TO OUR DETRIMENT IN PRIORITIZING AND DECIDING WHICH PROJECTS OR EFFORTS ARE WORTH FURTHER EXPENDITURE OF RESOURCES, regardless of how much has already been ‘sunk.’ As has been said before, insanity is doing the same thing over and over and expecting different results.” Many of these documents were written by intelligence analysts who had regular columns distributed on NSANet, the agency’s intranet. One of the columns was called “Signal v. Noise,” another was called “The SIGINT Philosopher.” Two of the documents cite the academic work of Herbert Simon, who won a Nobel Prize for his pioneering research on what’s become known as the attention economy. Simon wrote that consumers and managers have trouble making smart choices because their exposure to more information decreases their ability to understand the information. Both documents mention the same passage from Simon’s essay, *Designing Organizations for an Information-Rich World*:¶ “In an information-rich world, the wealth of information means a dearth of something else: a scarcity of whatever it is that information consumes. What information consumes is rather obvious: it consumes the attention of its recipients. Hence A WEALTH OF INFORMATION CREATES A POVERTY OF ATTENTION AND A NEED TO ALLOCATE THAT ATTENTION EFFICIENTLY AMONG THE OVERABUNDANCE OF INFORMATION SOURCES THAT MIGHT CONSUME IT.”¶ In addition to consulting Nobel-prize winning work, NSA analysts have turned to easier literature, such as Malcolm Gladwell’s best-selling *Blink: The Power of Thinking Without Thinking*. The author of a 2011 document referenced *Blink* and stated, “The key to good decision making is not knowledge. It is understanding. We are swimming in the former. We are desperately lacking in the latter.” The author added, “Gladwell has captured one of the biggest challenges facing SID today. OUR COSTS ASSOCIATED WITH THIS INFORMATION OVERLOAD ARE NOT ONLY FINANCIAL, such as the need to build data warehouses large enough to store the mountain of data that arrives at our doorstep each day, BUT ALSO INCLUDE THE MORE INTANGIBLE COSTS OF TOO MUCH DATA TO REVIEW, PROCESS, TRANSLATE AND REPORT.”¶ Alexander, the NSA director from 2005 to 2014 and chief proponent of the agency’s “collect it all” strategy, vigorously defended the bulk collection programs. “What we have, from my perspective, is a reasonable approach on how we can defend our nation and protect our civil liberties and privacy,” he said at a security conference in Aspen in 2013. He added, “You need the haystack to find the needle.” The same point has been made by other officials, including James Cole, the former deputy attorney general who told a congressional committee in 2013, “If you’re looking for the needle in the haystack, you have to have the entire haystack to look through.” The opposing viewpoint was voiced earlier this month by Snowden, who noted in an interview with the Guardian that the men who committed recent terrorist attacks in France, Canada and Australia were under surveillance—their data was in the haystack yet they weren’t singled out. “It wasn’t the fact that we weren’t watching people or not,” Snowden said. “It was the fact that we were watching people so much that we did not understand what we had. THE PROBLEM IS THAT WHEN YOU COLLECT IT ALL, WHEN YOU MONITOR EVERYONE, YOU UNDERSTAND NOTHING.”¶ In a 2011 interview with SIDtoday, a deputy director in the Signals Intelligence Directorate was asked about “analytic modernization” at the agency. His response, while positive on the NSA’s ability to surmount obstacles, noted that it faced difficulties, including the fact that some targets use

encryption and switch phone numbers to avoid detection. He pointed to volume as a particular problem.¶“We live in an Information Age when we have massive reserves of information and don’t have the capability to exploit it,” he stated. “I was told that there are 2 petabytes of data in the SIGINT System at any given time. How much is that? That’s equal to 20 million 4-drawer filing cabinets. How many cabinets per analyst is that? By the end of this year, we’ll have 1 terabyte of data per second coming in. YOU CAN’T CRANK THAT THROUGH THE EXISTING PROCESSES AND BE EFFECTIVE.”¶ THE DOCUMENTS NOTED THE DIFFICULTY OF SIFTING THROUGH THE EVER-GROWING HAYSTACK OF DATA. For instance, a 2011 document titled “ELINT Analysts – Overcome by Overload? Help is Here with IM&S” outlined a half dozen computer tools that “are designed to invert the paradigm where an analyst spends more time searching for data than analyzing it.” Another document, written by an intelligence analyst in 2010, bluntly stated that “we are drowning in information. And yet we know nothing. For sure.” The analyst went on to ask, “Anyone know just how many tools are available at the Agency, alone? Would you know where to go to find out? Anyone ever start a new target...without the first clue where to begin? Did you ever start a project wondering if you were the sole person in the Intelligence Community to work this project? How would you find out?” The analyst, trying to encourage more sharing of tips about the best ways to find data in the haystack, concluded by writing, in boldface, “Don’t let those coming behind you suffer the way you have.”¶

Overload makes surveillance ineffective and infringes on civil rights

Ward, journalist, 5/18 (Stan Ward, correspondent for Best VPN “NSA swamped with data overload also trashes the Constitution” 18 May 2015 <https://www.bestvpn.com/blog/19187/nsa-swamped-with-data-overload-also-trashes-the-constitution/>) //GY

Almost on the second anniversary of the Edward Snowden revelations, another (in)famous NSA whistleblower has again spoken up. This comes at a pivotal juncture in the legislative calendar as contentious debate about surveillance rages over the impending sunset of some of the Patriot Act.¶IT HAS LONG BEEN AN ARGUMENT OF THE CIVIL LIBERTIES CROWD THAT BULK DATA GATHERING WAS COUNTER-PRODUCTIVE, IF NOT COUNTER-INTUITIVE. THE ARGUMENT WAS COINED IN LANGUAGE SUGGESTING THAT TO “COLLECT IT ALL”, as the then NSA director James Clapper famously decried, WAS TO, IN EFFECT, GATHER NOTHING, AS THE CHOKING AMOUNTS OF INFORMATION COLLECTED WOULD BE SO GREAT AS TO BE UNABLE TO BE ANALYZED EFFECTIVELY.¶ This assertion is supported by William Binney, a founder of Contrast Security and a former NSA official, logging more than three decades at the agency. IN ALLUDING TO WHAT HE TERMED “BULK DATA FAILURE”, BINNEY SAID THAT AN ANALYST TODAY CAN RUN ONE SIMPLE QUERY ACROSS THE NSA’S VARIOUS DATABASES, ONLY TO BECOME IMMEDIATELY OVERLOADED WITH INFORMATION.¶ With about four billion people (around two-thirds of the world’s population) under the NSA and partner agencies’ watchful eyes, according to his estimates, THERE IS FAR TOO MUCH DATA BEING COLLECTED.¶ “That’s why they couldn’t stop the Boston bombing, or the Paris shootings, because the data was all there... The data was all there... the NSA is great at going back over it forensically for years to see what they were doing before that. But that doesn’t stop it.”¶ Binney is in a position to know, earning his stripes during the terrorism build up that culminated with the 9/11 World Trade Center bombing in 2001. He left just days after the draconian legislation known as the USA Patriot Act was enacted by Congress on the heels of that attack. One of the reasons which prompted his leaving was the scrapping of a surveillance system on which he long worked, only to be replaced by more intrusive systems.¶ It is interesting to note here that Edward Snowden, in alluding to Binney, said he was inspired by Binney’s plight, and that this, in part, prodded him to leak thousands of

classified documents to journalists. Little did Binney know that his work was to be but the tip of the iceberg in a program that eventually grew to indiscriminately “collect it all.”⁴ What is worrisome is the complicity with the bulk data collection by dozens of private companies – maybe as many as 72. Yet this type of collection pales in comparison to that of the “Upstream” program in which the NSA tapped into undersea fiber optic cables. With the cooperation of Britain’s GCHQ, the NSA is able to sift more than 21 petabytes a day. ¶ GATHERING SUCH ENORMOUS AMOUNTS OF INFORMATION IS EXPENSIVE AND INEFFECTIVE, according to Binney. But IT GETS LAWMAKERS ATTENTION IN A WAY THAT RESULTS IN MASSIVE INCREASES IN NSA BUDGETS. BINNEY WARNS THAT, ¶ “THEY’RE TAKING AWAY HALF OF THE CONSTITUTION IN SECRET.” ¶ President Obama has presided over this agency’s land grab, and has endorsed it, often to referring to Upstream as a “critical national security tool.” HIS FECKLESS APPROACH TO THE SPYING BUILD UP IS THE REASON FOR ITS PROLIFERATION, AND IS WHY CONGRESS MEANDERS RUDDERLESS IN ATTEMPTS TO CURTAIL IT. ¶ THE PRESIDENT’S ANTI-PRIVACY STANCE IS BEING “REWARDED” BY REPUDIATION AMONG MEMBERS OF HIS OWN PARTY, and is reflected in their rejecting his latest legacy-building, pet piece of legislation – the Trans Pacific Partnership (TPP). But THEIR CONSTITUENTS WOULD BE BETTER SERVED BY PRODUCING LEGISLATION THAT WOULD RESTORE CONSTITUTIONAL RIGHTS TRAMPLED ON BY THE NSA.

Turns aff – NSA – grid collapse

Strain on surveillance systems threatens power disruptions – collapses the agency

Gorman, '06 (SIOBHAN GORMAN, senior reporter Baltimore Sun "NSA risking electrical overload" August 06, 2006 http://articles.baltimoresun.com/2006-08-06/news/0608060158_1_agency-power-surges-nsa/3) //GY

WASHINGTON -- The National Security Agency is running out of juice. THE DEMAND FOR ELECTRICITY TO OPERATE ITS EXPANDING INTELLIGENCE SYSTEMS HAS LEFT THE HIGH-TECH EAVESDROPPING AGENCY ON THE VERGE OF EXCEEDING ITS POWER SUPPLY, THE LIFE BLOOD of its sprawling 350-acre Fort Meade headquarters, according to current and former intelligence officials. Agency officials anticipated the problem nearly a decade ago as they looked ahead at the technology needs of the agency, sources said, but IT WAS NEVER MADE A PRIORITY, AND NOW THE AGENCY'S ABILITY TO KEEP ITS OPERATIONS GOING IS THREATENED. THE NSA IS ALREADY UNABLE TO INSTALL SOME COSTLY AND SOPHISTICATED NEW EQUIPMENT, including two new supercomputers, for fear of blowing out the electrical infrastructure, they said. At minimum, THE PROBLEM COULD PRODUCE DISRUPTIONS LEADING TO OUTAGES AND POWER SURGES AT THE FORT MEADE HEADQUARTERS, HAMPERING THE WORK OF INTELLIGENCE ANALYSTS AND DAMAGING EQUIPMENT, THEY SAID. At worst, IT COULD FORCE A VIRTUAL SHUTDOWN OF THE AGENCY, PARALYZING THE INTELLIGENCE OPERATION, ERASING CRUCIAL INTELLIGENCE DATA AND CAUSING IRREPARABLE DAMAGE TO COMPUTER SYSTEMS -- ALL DETRIMENTAL TO THE FIGHT AGAINST TERRORISM. Estimates on how long the agency has to stave off such an overload vary from just two months to less than two years. NSA officials "claim they will not be able to operate more than a month or two longer unless something is done," said a former senior NSA official familiar with the problem, who spoke on condition of anonymity. Agency leaders, meanwhile, are scrambling for stopgap measures to buy time while they develop a sustainable plan. LIMITATIONS OF THE ELECTRICAL INFRASTRUCTURE IN THE MAIN NSA COMPLEX AND THE SUBSTATION SERVING THE AGENCY, ALONG WITH GROWING DEMAND IN THE REGION, PREVENT AN IMMEDIATE FIX, according to current and former government officials. "IF THERE'S A MAJOR POWER FAILURE OUT THERE, ANY BACKUP SYSTEMS WOULD BE INADEQUATE TO POWER THE WHOLE FACILITY," said Michael Jacobs, who headed the NSA's information assurance division until 2002. "It's obviously worrisome, particularly on days like today," he said in an interview during last week's barrage of triple-digit temperatures. William Nolte, a former NSA executive who spent decades with the agency, said POWER DISRUPTIONS WOULD SEVERELY HAMPER THE AGENCY. "You've got an awfully big computer plant and a lot of precision equipment, and I don't think they would handle power surges and the like really well," he said. "Even recalibrating equipment would be really time consuming -- with lost opportunities and lost up-time." POWER SURGES CAN ALSO WIPE OUT ANALYSTS' HARD DRIVES, said Matthew Aid, a former NSA analyst who is writing a multivolume history of the agency. The information on those hard drives is so valuable that many NSA employees remove them from their computers and lock them in a safe when they leave each day, he said. A half-dozen current and former government officials knowledgeable about the energy problem discussed it with The Sun on condition of anonymity because of the sensitivity of the issue. NSA spokesman Don Weber declined to comment on specifics about the NSA's power needs or what is being done to address them, saying that even private companies consider such information proprietary. In a statement to The Sun, he said that "as new technologies become available, the demand for power increases and NSA must determine the best and most economical way to use our existing power and bring on additional capacity." Biggest BGE customer, The NSA is Baltimore Gas &

Electric's largest customer, using as much electricity as the city of Annapolis, according to James Bamford, an intelligence expert and author of two comprehensive books on the agency.¶ BGE spokeswoman Linda Foy acknowledged a power company project to deal with the rising energy demand at the NSA, but she referred questions about it to the NSA.¶ THE AGENCY GOT A TASTE OF THE POTENTIAL FOR TROUBLE JAN. 24, 2000, WHEN AN INFORMATION OVERLOAD, RATHER THAN A POWER SHORTAGE, CAUSED THE NSA'S FIRST-EVER NETWORK CRASH. It took the agency 3 1/2 days to resume operations, but with a power outage it could take considerably longer to get the NSA humming again.¶ The 2000 shutdown rendered the agency's headquarters "brain-dead," as then-NSA Director Gen. Michael V. Hayden told CBS's 60 Minutes in 2002.¶ "I don't want to trivialize this. This was really bad," Hayden said. "WE WERE DARK. OUR ABILITY TO PROCESS INFORMATION WAS GONE."¶ As an immediate fallback measure, the NSA sent its incoming data to its counterpart in Great Britain, which stepped up efforts to process the NSA's information along with its own, said Bamford.¶ The agency came under intense criticism from members of Congress after the crash, and the incident rapidly accelerated efforts to modernize the agency.¶ One former NSA official familiar with the electricity problem noted a sense of deja vu six years later. "To think that this was not a priority probably tells you more about the extent to which NSA has actually transformed," the former official said. "In the end, IF YOU DON'T HAVE POWER, YOU CAN'T DO [ANYTHING]."¶ Already some equipment is not being sufficiently cooled, and agency leaders have forgone plugging in some new machinery, current and former government officials said. The power shortage will also delay the installation of two new, multimillion-dollar supercomputers, they said.¶ To begin to alleviate pressure on the electrical grid, the NSA is considering buying additional generators and shutting down so-called "legacy" computer systems that are decades old and not considered crucial to the agency's operations, said three current and former government officials familiar with the situation.¶

Turns aff – UPSTREAM

Information collected by UPSTREAM is ineffective and counterproductive – causes info overload which makes terror attacks less likely to be detected

Whittaker 4/30 (Zach, writer-editor for ZDNet, and sister sites CNET and CBS News., 4/30/15, “NSA is so overwhelmed with data, it’s no longer effective, says whistleblower,”

<http://www.zdnet.com/article/nsa-whistleblower-overwhelmed-with-data-ineffective//Tang>)

A FORMER NATIONAL SECURITY AGENCY OFFICIAL turned whistleblower has spent almost a decade and a half in civilian life. And he says he’s still “pissed” by what he’s seen leak in the past two years. In a lunch meeting hosted by Contrast Security founder Jeff Williams on Wednesday, WILLIAM BINNEY, a former NSA official WHO SPENT MORE THAN THREE DECADES AT THE AGENCY, SAID THE US GOVERNMENT’S MASS SURVEILLANCE PROGRAMS HAVE BECOME SO ENGORGED WITH DATA THAT THEY ARE NO LONGER EFFECTIVE, LOSING VITAL INTELLIGENCE in the fray. THAT, HE SAID, CAN -- AND HAS -- LED TO TERRORIST ATTACKS SUCCEEDING. As the Snowden leaks began, there was “fear and panic” in Congress just a few minutes after the first NSA leak was published, the phones of US lawmakers began to buzz, hours before most of America would find out over their morning coffee. Binney said that AN ANALYST TODAY CAN RUN ONE SIMPLE QUERY ACROSS THE NSA’S VARIOUS DATABASES, ONLY TO BECOME IMMEDIATELY OVERLOADED WITH INFORMATION. With about four billion people -- around two-thirds of the world’s population -- under the NSA and partner agencies’ watchful eyes, according to his estimates, THERE IS TOO MUCH DATA BEING COLLECTED. “THAT’S WHY THEY COULDN’T STOP THE BOSTON BOMBING, OR THE PARIS SHOOTINGS, BECAUSE THE DATA WAS ALL THERE,” said Binney. Because THE AGENCY ISN’T CAREFULLY AND METHODICALLY SETTING ITS TOOLS UP FOR SMART DATA COLLECTION, THAT LEAVES ANALYSTS TO SEARCH FOR A NEEDLE IN A HAYSTACK. “The data was all there... the NSA is great at going back over it forensically for years to see what they were doing before that,” he said. “But that doesn’t stop it.” BINNEY CALLED THIS A “BULK DATA FAILURE” -- in that the NSA PROGRAMS, leaked by Edward Snowden, ARE COLLECTING TOO MUCH FOR THE AGENCY TO PROCESS. He said the problem runs deeper across law enforcement and other federal agencies, like the FBI, the CIA, and the Drug Enforcement Administration (DEA), which all have access to NSA intelligence. Binney left the NSA a month after the September 11 attacks in New York City in 2001, days after controversial counter-terrorism legislation was enacted -- the Patriot Act -- in the wake of the attacks. Binney stands jaded by his experience leaving the shadowy eavesdropping agency, but impassioned for the job he once had. He left after a program he helped develop was scrapped three weeks prior to September 11, replaced by a system he said was more expensive and more intrusive. Snowden said he was inspired by Binney’s case, which in part inspired him to leak thousands of classified documents to journalists. Since then, THE NSA HAS RAMPED UP ITS INTELLIGENCE GATHERING MISSION TO INDISCRIMINATELY “COLLECT IT ALL.” Binney said the NSA is today not as interested in phone records -- such as who calls whom, when, and for how long. Although the Obama administration calls the program a “critical national security tool,” the agency is increasingly looking at the content of communications, as the Snowden disclosures have shown. Binney said he estimated that a “maximum” of 72 companies were participating in the bulk records collection program -- including Verizon, but said it was a drop in the ocean. He also called PRISM, the clandestine surveillance program that grabs data from nine named Silicon Valley giants, including Apple, Google, Facebook, and Microsoft, just a “minor part” of the data collection process. “THE UPSTREAM PROGRAM IS WHERE THE VAST BULK OF THE INFORMATION WAS BEING COLLECTED.” said Binney, TALKING ABOUT HOW THE NSA TAPPED UNDERSEA FIBER OPTIC CABLES. With help from its British counterparts at GCHQ, THE NSA IS ABLE TO “BUFFER” MORE THAN 21 PETABYTES A DAY. Binney said THE “COLLECT IT ALL” MANTRA NOW MAY BE THE NORM, BUT IT’S EXPENSIVE AND INEFFECTIVE. “If you have to collect everything, there’s an ever increasing need for more and more budget,” he said. “That means you can build your empire.” They say you never leave the intelligence community. Once you’re a spy, you’re always a spy -- it’s a job for life, with few exceptions. One of those is blowing the whistle, which he did. Since then, he has spent his retirement lobbying for change and reform in industry and in Congress. “They’re taking away half of the constitution in secret,” said Binney. “If they want to change the constitution, there’s a way to do that -- and it’s in the constitution.” An NSA spokesperson did not immediately comment.

Turns cyberterror

Mass surveillance collapses the internet and makes cyberterror likely

Bryant, VICE, 1/26 (Ben Bryant, VICE News "Mass Surveillance Does Not Stop Terrorists, Europe's Top Rights Body Says" January 26, 2015 <https://news.vice.com/article/mass-surveillance-does-not-stop-terrorists-europes-top-rights-body-says>) //GY

MASS SURVEILLANCE IS INEFFECTIVE IN THE FIGHT AGAINST TERRORISM, threatens human rights and violates the privacy enshrined in European law, Europe's top rights body has said.¶ Among a raft of non-binding proposals, parliamentary watchdogs should be given the power to approve intelligence agencies' budgets and whistleblowers should be offered statutory protection, a report by the assembly of the Council of Europe said.¶ The 35-page document drafted by Dutch parliamentarian Pieter Omtzigt proposes measures that should be taken by the assembly's 47 European member states before the "industrial-surveillance complex spins out of control." The assembly, which will now debate the report, provides recommendations to the European Court of Human Rights which are not legally binding but can be influential. European governments are free to ignore the assembly's recommendations, but must explain why if they choose to do so.¶ The report also says that current British laws may be incompatible with the European convention on human rights, an internationally binding treaty. British surveillance may contradict Article 8, the right to privacy; Article 10, the right to freedom of expression; and Article 6, the right to a fair trial.¶ In wake of Paris attacks, David Cameron calls for new powers to break encrypted communications. Read more here.¶ The assembly has been investigating the question of surveillance since last year, and in April heard evidence via videolink from Edward Snowden, the fugitive US National Security Agency whistleblower.¶ ITS REPORT WAS DISMISSIVE OF THE VALUE OF INTELLIGENCE GLEANED FROM MASS SURVEILLANCE, SAYING: "WE HAVE SEEN THAT MASS SURVEILLANCE IS NOT EVEN EFFECTIVE AS A TOOL IN THE FIGHT AGAINST TERRORISM AND ORGANISED CRIME, IN COMPARISON WITH TRADITIONAL TARGETED SURVEILLANCE."¶ It does not specifically mention the recent Paris terrorist attacks in which 17 people were shot dead by terrorists, however. UK Prime Minister David Cameron has used the Paris shootings to call for widening surveillance powers, despite admissions from France that the attackers were known to the authorities, but that they discontinued eavesdropping last summer.¶ CITING INDEPENDENT US REVIEWS OF MASS SURVEILLANCE, THE REPORT SAID "RESOURCES THAT MIGHT PREVENT ATTACKS ARE DIVERTED TO MASS SURVEILLANCE, LEAVING POTENTIALLY DANGEROUS PERSONS FREE TO ACT."¶ SOME ASPECTS OF MASS SURVEILLANCE, SUCH AS THE DELIBERATE WEAKENING OF ENCRYPTION, EVEN PRESENT "A GRAVE DANGER FOR NATIONAL SECURITY" THE REPORT SAID, BECAUSE SUCH weaknesses "can be detected and exploited by rogue states, terrorists cyber-terrorists and ordinary criminals." Cameron has recently called for new powers to break encrypted communications.¶ UK will ask preschool teachers to spy on children in latest counter-terror proposals. Read more here.¶ MASS SURVEILLANCE threatens "the very existence of the Internet AS WE KNOW IT" AND "NOBODY AND NOTHING IS SAFE FROM SNOOPING BY OUR OWN COUNTRIES' AND EVEN FOREIGN INTELLIGENCE SERVICES" WITHOUT TECHNOLOGY THAT SAFEGUARDS PRIVACY, THE DOCUMENT ADDED.¶ The assembly also sent a letter to the German, British and US authorities asking if they had circumvented laws restricting domestic spying by getting a third party to do it for them. The Germans and British deny the accusation, but the US has failed to reply.¶ The report concludes that the British response was probably true — because the UK's Data Retention and Investigatory Powers Act already allows for the wide-ranging collection of personal data.¶ Eric King, deputy director of privacy NGO Privacy International, told VICE News: "This latest report highlights what

has been said all along: intelligence agencies in the UK are in the business of mass, indiscriminate surveillance and there are few if any legal safeguards in place to protect human rights. "It's embarrassing that the British government continues to neither confirm nor deny the essential facts behind this, limiting the opportunity for debate, limiting the opportunity for reform, and limiting proper accountability in the courts. "Secret interpretations of secret laws are plainly not a sustainable position, and place democracy and the rule of law in jeopardy."

Overload negates effectiveness of cybersecurity operations

Conti et al, Director of the Information Technology Operations Center, '06 (Gregory Conti, Kulsoom Abdullah, Julian Grizzard, John Stasko, John A. Copeland, Mustaque Ahamad, Henry L. Owen, and Chris Lee, Georgia Institute of Technology "Countering Security, Information, Overload through Alert and Packet Visualization" March/April 2006 Published by the IEEE Computer Society <http://ieeexplore.ieee.org/stamp/stamp.jsp?tp=&arnumber=1607922>) //GY

THE MASSIVE AMOUNT OF SECURITY DATA THAT NETWORK SENSORS AND HOST-BASED APPLICATIONS GENERATE CAN QUICKLY OVERWHELM THE OPERATORS CHARGED WITH DEFENDING THE NETWORK. Often, OPERATORS OVERLOOK IMPORTANT DETAILS, AND IT'S DIFFICULT TO GAIN A COHERENT PICTURE OF NETWORK HEALTH AND SECURITY STATUS by manually traversing textual logs, using commandline analysis scripts or traditional graphing and charting techniques. In many instances, THIS FLOOD OF DATA WILL ACTUALLY REDUCE THE OVERALL LEVEL OF SECURITY by consuming operators' available time or misdirecting their efforts. In extreme circumstances, THE OPERATORS WILL BECOME DESENSITIZED AND IGNORE SECURITY WARNINGS ALTOGETHER, EFFECTIVELY NEGATING THE VALUE OF THEIR SECURITY SYSTEMS.

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Information visualization of security-related data bears great promise in making our personal computers, servers, and networks more secure. Such work is both an art and a science requiring expertise from the computer graphics, information visualization, interface design, and security communities to turn the raw security data into insightful and actionable information and knowledge. THERE IS NO SHORTAGE OF RAW DATA—IN FACT THERE IS FAR MORE THAN CAN BE ANALYZED BY TODAY'S BEST TOOLS. HUMANS OFTEN COPE WITH THIS TORRENT OF DATA BY USING CRUDE STATISTICAL TECHNIQUES, TEXTUAL DISPLAYS, AND OUTDATED GRAPHICAL TECHNIQUES AND BY IGNORING LARGE PORTIONS OF THE DATA. We believe that security visualization, at its best, is both compelling as a video game and several orders of magnitude more effective than the tools we employ today. In this article, we moved toward this goal by exploring the design, implementation, and evaluation of two complementary systems springing from immediate, high-priority security needs and developed by an interdisciplinary team of researchers. By bringing together diverse ideas and expertise, we directly addressed significant problems facing the people who defend our information technology resources.

New CISA bill fails to effectively stop cyberattacks – gathering more information distracts officials from fixing structural problems

Castillo 5/7 (Andrea, program manager of the Technology Policy Program for the Mercatus Center at George Mason University, 5/7/15, "Cybersecurity bill more likely to promote information overload than

prevent cyberattacks,” <http://thehill.com/blogs/congress-blog/homeland-security/241242-cybersecurity-bill-more-likely-to-promote-information//Tang>)

A growing number of information security and hacking incidents emphasize the importance of improving U.S. cybersecurity practices. But **MANY COMPUTER SECURITY EXPERTS ARE CONCERNED THAT** the Cybersecurity Information Sharing Act of 2015 (**CISA**) **IS UNLIKELY TO MEANINGFULLY PREVENT CYBERATTACKS** as supporters claim. **RATHER, IT WILL PROVIDE ANOTHER AVENUE FOR FEDERAL OFFICES TO EXTRACT PRIVATE DATA WITHOUT ADDRESSING OUR ROOT CYBERSECURITY VULNERABILITIES.** The main premise of CISA is that cyber breaches can be prevented by encouraging private companies to share cyber threat data with the government. CISA would extend legal immunity to private entities that share sensitive information about security vulnerabilities—often containing personally identifiable information (PII) about users and customers—with federal offices like the Department of Justice (DOJ), Department of Homeland Security (DHS) and Director of National Intelligence (DNI). This concerns privacy advocates who point out that such data collection could serve as an alternative surveillance tool for the NSA. Section 5(A) of CISA authorizes federal agencies to “disclose, retain, and use” shared data for many purposes beyond promoting cybersecurity, like investigating terrorism, the sexual exploitation of children, violent felonies, fraud, identity theft, and trade secret violation. In other words, CISA would allow federal agencies to use data obtained under the auspices of “cybersecurity protection” in entirely unrelated criminal investigations — potentially indefinitely. Indeed, CISA is currently stalled in the Senate in deference to debate over the NSA’s controversial bulk collection programs. But the Senate cool-down should not let us forget that CISA does not just threaten civil liberties, it could actually undermine cybersecurity. **INFORMATION SECURITY EXPERTS POINT OUT THAT EXISTING INFORMATION SHARING MEASURES RUN BY PRIVATE COMPANIES LIKE IBM AND DELL SECUREWORKS RARELY PREVENT ATTACKS LIKE CISA ADVOCATES PROMISE.** One survey of information security professionals finds that 87 percent of responders did not believe information sharing measures such as CISA will significantly reduce privacy breaches. The federal government already operates at least 20 information sharing offices collaborating on cybersecurity with the private sector, as Eli Dourado and I found in our new analysis through the Mercatus Center at George Mason University. These numerous **FEDERAL INFORMATION-SHARING INITIATIVES HAVE NOT STEMMED THE TIDAL WAVE OF GOVERNMENT CYBERATTACKS.** Another Mercatus Center analysis Dourado and I conducted finds that the number of reported federal information security failures has increased by an astounding 1,012 percent—from 5,502 in FY 2006 to 61,214 in FY 2013. Almost 40 percent of these involved the PII of federal employees and civilians. CISA could therefore have the unintended consequence of creating a juicy and unprepared target for one-stop hacking. **THE OFFICE OF MANAGEMENT AND BUDGET REPORTS THAT MANY OF THE FEDERAL AGENCIES THAT WOULD BE GIVEN LARGE DATA MANAGEMENT RESPONSIBILITIES THROUGH CISA, LIKE THE DOJ AND DHS, REPORTED THOUSANDS OF SUCH BREACHES IN FY 2014.** These agencies’ own information security systems are unlikely to become miraculously impervious to external hacking upon CISA’s passing. In fact, the **MASSIVE AMOUNTS OF NEW DATA TO MANAGE COULD FURTHER OVERWHELM CURRENTLY SUBOPTIMAL PRACTICES.** The **FEDERAL GOVERNMENT’S INFORMATION SECURITY FAILURES INDICATE A TECHNOCRATIC MINDSET THAT FALSELY EQUATES THE COMPLEXITY OF BUREAUCRACY WITH THE STRENGTH OF A SOLUTION. IN REALITY, THE GOVERNMENT’S BRITTLE AND REDUNDANT INTERNAL CYBERSECURITY POLICIES ACTIVELY CONTRIBUTE TO THEIR SECURITY CHALLENGES.** The Government Accountability Office (GAO) has reported for years that **SUCH OVERLAPPING AND UNCLEAR RESPONSIBILITY IN FEDERAL CYBERSECURITY POLICY LIMITS THE OFFICES’ ULTIMATE EFFECTIVENESS.** A 2015 GAO investigation concludes that **WITHOUT SIGNIFICANT CHANGE “THE NATION’S MOST CRITICAL FEDERAL AND PRIVATE SECTOR INFRASTRUCTURE SYSTEMS WILL REMAIN AT INCREASED RISK OF ATTACK FROM ADVERSARIES.” THE FEDERAL GOVERNMENT MUST GET ITS OWN HOUSE IN ORDER BEFORE SUCH COMPREHENSIVE INFORMATION SHARING MEASURES LIKE CISA COULD BE EVEN TECHNICALLY FEASIBLE.** But CISA would be a failure even if managed by the most well-managed government systems because it seeks to impose a technocratic structure on a dynamic system. **EFFECTIVE REFORM WILL PROMOTE A SELF-ORGANIZING “COLLABORATIVE SECURITY APPROACH” AS** outlined by groups like the Internet Society, an international nonprofit devoted to Internet policy and technology standards. Cybersecurity provision is too important a problem to be inadequately addressed by measures that will fail to improve security.

Turns terror

OVERLOAD MAKES TERRORIST ATTACKS MORE LIKELY TO GO UNPREVENTED

Eddington, 1/27 (Patrick Eddington, CATO institute, "No, Mass Surveillance Won't Stop Terrorist Attacks" January 27, 2015 <http://reason.com/archives/2015/01/27/mass-surveillance-and-terrorism#.19hszl:U8Io>) //GY

The recent terrorist attack on the office of French satirical magazine Charlie Hebdo generated a now-familiar meme: Another terrorist attack means we need more surveillance. ¶ Sen. Bob Corker (R-Tenn.) said that while "Congress having oversight certainly is important ... WHAT IS MORE IMPORTANT RELATIVE TO THESE TYPES OF EVENTS IS ENSURING WE DON'T OVERLY HAMSTRING THE NSA'S ABILITY TO COLLECT THIS KIND OF INFORMATION IN ADVANCE AND KEEP THESE KINDS OF ACTIVITIES FROM OCCURRING." Similarly, Sen. Lindsey Graham (R-S.C.) spoke of his "fear" that "our intelligence capabilities, those designed to prevent such an attack from taking place on our shores, are quickly eroding," adding that the government surveillance "designed to prevent these types of attacks from occurring is under siege." ¶ A recent poll demonstrates that their sentiments are widely shared in the wake of the attack. ¶ But would more mass surveillance have prevented the assault on the Charlie Hebdo office? Events from 9/11 to the present help provide the answer: ¶ 2009: Umar Farouk Abdulmutallab—i.e., the "underwear bomber"—nearly succeeded in downing the airline he was on over Detroit because, according to then-National Counterterrorism Center (NCC) director Michael Leiter, the federal Intelligence Community (IC) failed "to connect, integrate, and fully understand the intelligence" it had collected. ¶ 2009: Army Major Nidal Hasan was able to conduct his deadly, Anwar al-Awlaki-inspired rampage at Ft. Hood, Texas, because the FBI bungled its Hasan investigation. ¶ 2013: The Boston Marathon bombing happened, at least in part, because the CIA, Department of Homeland Security (DHS), FBI, NCC, and National Security Agency (NSA) failed to properly coordinate and share information about Tamerlan Tsarnaev and his family, associations, and travel to and from Russia in 2012. Those failures were detailed in a 2014 report prepared by the Inspectors General of the IC, Department of Justice, CIA, and DHS. ¶ 2014: The Charlie Hebdo and French grocery store attackers were not only known to French and U.S. authorities but one had a prior terrorism conviction and another was monitored for years by French authorities until less than a year before the attack on the magazine. ¶ NO, MASS SURVEILLANCE DOES NOT PREVENT TERRORIST ATTACKS. ¶ IT'S WORTH REMEMBERING THAT THE MASS SURVEILLANCE PROGRAMS INITIATED BY THE U.S. GOVERNMENT AFTER THE 9/11 ATTACKS—the legal ones and the constitutionally-dubious ones—WERE PREMISED ON THE BELIEF THAT BIN LADEN'S HIJACKER-TERRORISTS WERE ABLE TO PULL OFF THE ATTACKS BECAUSE OF A FAILURE TO COLLECT ENOUGH DATA. Yet in their subsequent reports on the attacks, the Congressional Joint Inquiry (2002) and the 9/11 Commission found exactly the opposite. THE DATA TO DETECT (AND THUS FOIL) THE PLOTS WAS IN THE U.S. GOVERNMENT'S HANDS PRIOR TO THE ATTACKS; THE FAILURES WERE ONES OF SHARING, ANALYSIS, AND DISSEMINATION. THAT MALADY PERFECTLY DESCRIBES EVERY INTELLIGENCE FAILURE FROM PEARL HARBOR TO THE PRESENT DAY. ¶ The Office of the Director of National Intelligence (created by Congress in 2004) was supposed to be the answer to the "failure-to-connect-the-dots" problem. TEN YEARS ON, THE PROBLEM REMAINS, THE IC BUREAUCRACY IS BIGGER THAN EVER, AND OUR GOVERNMENT IS CONTINUING TO RELY ON MASS SURVEILLANCE PROGRAMS THAT HAVE FAILED TIME AND AGAIN TO STOP TERRORISTS WHILE SIMULTANEOUSLY UNDERMINING THE CIVIL LIBERTIES AND PERSONAL PRIVACY OF EVERY AMERICAN. THE QUEST TO "COLLECT IT ALL," TO BORROW A PHRASE FROM NSA DIRECTOR KEITH ALEXANDER, ONLY LEADS TO THE ACCUMULATION OF MASSES OF USELESS

INFORMATION, MAKING IT HARDER TO FIND REAL THREATS AND COSTING BILLIONS TO STORE.¶ A recent Guardian editorial noted that such MASS-SURVEILLANCE MYOPIA IS SPREADING among European political leaders as well, despite the fact that "terrorists, from 9/11 to the Woolwich jihadists and the neo-Nazi Anders Breivik, have almost always come to the authorities' attention before murdering."¶ MASS SURVEILLANCE IS NOT ONLY DESTRUCTIVE OF OUR LIBERTIES, ITS CONTINUED USE IS A VIRTUAL guarantee of more lethal intelligence failures. AND OUR CONTINUED WILL TO DISBELIEVE THOSE FACTS IS A MENTAL DODGE WE ENGAGE IN AT OUR PERIL.

Overload of data makes terrorism prevention impossible

Tufekci, assistant professor UNC, 2/3 (Zeynep Tufekci, assistant professor at the University of North Carolina, "Terror and the limits of mass surveillance" Feb 03, 2015 <http://blogs.ft.com/the-exchange/2015/02/03/zeynep-tufekci-terror-and-the-limits-of-mass-surveillance/>) //GY

But THE ASSERTION THAT BIG DATA IS "WHAT IT'S ALL ABOUT" WHEN IT COMES TO PREDICTING RARE EVENTS IS NOT SUPPORTED BY WHAT WE KNOW ABOUT HOW THESE METHODS WORK, AND MORE IMPORTANTLY, DON'T WORK. Analytics on massive datasets can be powerful in analysing and identifying broad patterns, or events that occur regularly and frequently, but ARE SINGULARLY UNSUITED TO FINDING UNPREDICTABLE, ERRATIC, AND RARE NEEDLES IN HUGE HAYSTACKS. IN FACT, THE BIGGER THE HAYSTACK — the more massive the scale and the wider the scope of the surveillance — THE LESS SUITED THESE METHODS ARE TO FINDING SUCH EXCEPTIONAL EVENTS, AND THE MORE THEY MAY SERVE TO DIRECT RESOURCES AND ATTENTION AWAY FROM APPROPRIATE TOOLS AND METHODS.¶

After Rigby was killed, GCHQ, Britain's intelligence service, was criticised by many for failing to stop his killers, Michael Adebolajo and Michael Adebowale. A lengthy parliamentary inquiry was conducted, resulting in a 192-page report that lists all the ways in which Adebolajo and Adebowale had brushes with data surveillance, but were not flagged as two men who were about to kill a soldier on a London street. GCHQ defended itself by saying that some of the crucial online exchanges had taken place on a platform, believed to be Facebook, which had not alerted the agency about these men, or the nature of their postings. The men apparently had numerous exchanges that were extremist in nature, and their accounts were suspended repeatedly by the platform for violating its terms of service.¶ "If only Facebook had turned over more data," the thinking goes.¶ But THAT IS MISLEADING, AND MAKES SENSE ONLY WITH THE BENEFIT OF HINDSIGHT. SEEKING LARGER VOLUMES OF DATA, such as asking Facebook to alert intelligence agencies every time that it detects a post containing violence, would deluge the agencies WITH MULTIPLE FALSE LEADS THAT WOULD LEAD TO A DATA QUAGMIRE, RATHER THAN CLUES TO IMPENDING CRIMES.¶ For big data analytics to work, THERE NEEDS TO BE A RELIABLE CONNECTION BETWEEN THE SIGNAL (POSTING OF VIOLENT CONTENT) AND THE EVENT (KILLING SOMEONE). OTHERWISE, THE SIGNAL IS WORSE THAN USELESS. Millions of Facebook's billion-plus users post violent content every day, ranging from routinised movie violence to atrocious violent rhetoric. TURNING OVER THE DATA FROM ALL SUCH OCCURRENCES WOULD MERELY FLOOD THE AGENCIES WITH "FALSE POSITIVES" — ERRONEOUS INDICATIONS FOR EVENTS THAT ACTUALLY WILL NOT HAPPEN. SUCH DATA OVERLOAD IS NOT WITHOUT COST, AS IT TAKES TIME AND EFFORT TO SIFT THROUGH THESE MILLIONS OF STRANDS OF HAY TO CONFIRM THAT THEY ARE, INDEED, NOT NEEDLES — ESPECIALLY WHEN WE DON'T EVEN KNOW WHAT NEEDLES LOOK LIKE. ALL THAT THE INVESTIGATORS WOULD HAVE WOULD BE A LOT OF OPEN LEADS WITH NO RESOLUTION, TAKING AWAY RESOURCES FROM ANY REAL INVESTIGATION. Besides, account suspensions carried out by platforms like Facebook's are haphazard, semi-automated and unreliable indicators. THE FLAGGING SYSTEM MISSES A LOT MORE VIOLENT

CONTENT THAN IT FLAGS, AND IT OFTEN FLAGS CONTENT AS INAPPROPRIATE EVEN WHEN IT IS NOT, AND SUFFERS FROM MANY BIASES. Relying on such a haphazard system is not a reasonable path at all.¶ So is all the hype around big data analytics unjustified? Yes and no. There are appropriate use cases for which massive datasets are intensely useful, and perform much better than any alternative we can imagine using conventional methods. Successful examples include using Google searches to figure out drug interactions that would be too complex and too numerous to analyse one clinical trial at a time, or using social media to detect national-level swings in our mood (we are indeed happier on Fridays than on Mondays).

Overload makes lone wolf terror prevention ineffective

Tufekci, assistant professor UNC, 2/3 (Zeynep Tufekci, assistant professor at the University of North Carolina, "Terror and the limits of mass surveillance" Feb 03, 2015 <http://blogs.ft.com/the-exchange/2015/02/03/zeynep-tufekci-terror-and-the-limits-of-mass-surveillance/>) //GY

In contrast, CONSIDER THE "LONE WOLF" ATTACKER who took hostages at, of all things, a "Lindt Chocolat Café" in Sydney. Chocolate shops ARE NOT REGULAR TARGETS OF POLITICAL VIOLENCE, and random, crazed men attacking them IS NOT A PATTERN ON WHICH WE CAN BASE FURTHER IDENTIFICATION. Yes, the Sydney attacker claimed jihadi ideology and brought a black flag with Islamic writing on it, but given the rarity of such events, it's not always possible to separate the jihadi rhetoric from issues of mental health — every era's mentally ill are affected by the cultural patterns around them. THIS ISN'T A JOB FOR BIG DATA ANALYTICS. (The fact that the gunman was on bail facing various charges and was known for sending hate letters to the families of Australian soldiers killed overseas suggests it was a job for traditional policing).¶ WHEN CONFRONTED WITH THEIR FAILURES IN PREDICTING THOSE RARE ACTS OF DOMESTIC TERRORISM, here's what GCHQ, and indeed the NSA, SHOULD HAVE SAID INSTEAD OF ASKING FOR INCREASED SURVEILLANCE CAPABILITIES: STOP ASKING US TO COLLECT MORE AND MORE DATA TO PERFORM AN IMPOSSIBLE TASK. THIS GLUT OF DATA IS MAKING OUR JOB HARDER, NOT EASIER, AND THE EXPECTATION THAT THERE WILL NEVER BE SUCH INCIDENTS, EVER, IS NOT REALISTIC.¶ Attention should instead be focused on the causal chain that led the Kouachi brothers on their path. It seems that the French-born duo had an alienated, turbulent youth, and then spent years in French prisons, where they were transformed from confused and incompetent wannabe jihadis to hardliners who were both committed and a lot more capable of carrying out complex violence acts than when they entered the prison. UNDERSTANDING SUCH PATHS WILL ALMOST CERTAINLY BE MORE PRODUCTIVE FOR PREVENTING SUCH EVENTS, AND WILL ALSO SPARE ALL OF US FROM ANOTHER REAL DANGER: GOVERNMENTS THAT KNOW TOO MUCH ABOUT THEIR CITIZENS, AND A MISGUIDED BELIEF IN WHAT BIG DATA CAN DO TO FIND NEEDLES IN TOO-LARGE HAYSTACKS.

Mass data mining makes terror prevention impossible

Schneier, 3/24 (Bruce Schneier Advisory Board Member of the Electronic Privacy Information Center, "Why Mass Surveillance Can't, Won't, And Never Has Stopped A Terrorist" Mar 24 2015, 2:15 AM <http://digg.com/2015/why-mass-surveillance-cant-wont-and-never-has-stopped-a-terrorist>) //GY

Data mining is offered as the technique that will enable us to connect those dots. But while corporations are successfully mining our personal data in order to target advertising, detect financial fraud, and

perform other tasks, THREE CRITICAL ISSUES MAKE DATA MINING AN INAPPROPRIATE TOOL FOR FINDING TERRORISTS. ¶ THE FIRST, AND MOST IMPORTANT, ISSUE IS ERROR RATES. FOR ADVERTISING, DATA MINING CAN BE SUCCESSFUL EVEN WITH A LARGE ERROR RATE, BUT FINDING TERRORISTS REQUIRES A MUCH HIGHER DEGREE OF ACCURACY THAN DATA-MINING SYSTEMS CAN POSSIBLY PROVIDE. ¶ Data mining works best when you're searching for a well-defined profile, when there are a reasonable number of events per year, and when the cost of false alarms is low. Detecting credit card fraud is one of data mining's security success stories: all credit card companies mine their transaction databases for spending patterns that indicate a stolen card. There are over a billion active credit cards in circulation in the United States, and nearly 8% of those are fraudulently used each year. Many credit card thefts share a pattern — purchases in locations not normally frequented by the cardholder, and purchases of travel, luxury goods, and easily fenced items — and in many cases data-mining systems can minimize the losses by preventing fraudulent transactions. The only cost of a false alarm is a phone call to the cardholder asking her to verify a couple of her purchases. ¶ Similarly, the IRS uses data mining to identify tax evaders, the police use it to predict crime hot spots, and banks use it to predict loan defaults. These applications have had mixed success, based on the data and the application, but they're all within the scope of what data mining can ACCOMPLISH. ¶ TERRORIST PLOTS ARE DIFFERENT, MOSTLY BECAUSE WHEREAS FRAUD IS COMMON, TERRORIST ATTACKS ARE VERY RARE. THIS MEANS THAT EVEN HIGHLY ACCURATE TERRORISM PREDICTION SYSTEMS WILL BE SO FLOODED WITH FALSE ALARMS THAT THEY WILL BE USELESS. ¶ THE REASON LIES IN THE MATHEMATICS OF DETECTION. ALL DETECTION SYSTEMS HAVE ERRORS, AND SYSTEM DESIGNERS CAN TUNE THEM TO MINIMIZE EITHER FALSE POSITIVES OR FALSE NEGATIVES. IN A TERRORIST-DETECTION SYSTEM, A FALSE POSITIVE OCCURS WHEN THE SYSTEM MISTAKENLY IDENTIFIES SOMETHING HARMLESS AS A THREAT. A false negative occurs when the system misses an actual attack. Depending on how you "tune" your detection system, you can increase the number of false positives to assure you are less likely to miss an attack, or you can reduce the number of false positives at THE EXPENSE OF MISSING ATTACKS. ¶ BECAUSE TERRORIST ATTACKS ARE SO RARE, FALSE POSITIVES COMPLETELY OVERWHELM THE SYSTEM, NO MATTER HOW WELL YOU TUNE. And I mean completely: MILLIONS OF PEOPLE WILL BE FALSELY ACCUSED FOR EVERY REAL TERRORIST PLOT the system finds, if it ever finds any. ¶ We might be able to deal with all of the innocents being flagged by the system if the cost of false positives were minor. Think about the full-body scanners at airports. Those alert all the time when scanning people. But a TSA officer can easily check for a false alarm with a simple pat-down. This doesn't work for a more general data-based terrorism-detection system. Each alert requires a lengthy investigation to determine whether it's real or not. That takes time and money, and prevents intelligence officers from doing other productive work. Or, more pithily, WHEN YOU'RE WATCHING EVERYTHING, YOU'RE NOT SEEING ANYTHING. ¶ The US intelligence community also likens finding a terrorist plot to looking for a needle in a haystack. And, as former NSA director General Keith Alexander said, "you need the haystack to find the needle." That statement perfectly illustrates the problem with mass surveillance and bulk collection. WHEN YOU'RE LOOKING FOR THE NEEDLE, THE LAST THING YOU WANT TO DO IS PILE LOTS MORE HAY ON IT. MORE SPECIFICALLY, THERE IS NO SCIENTIFIC RATIONALE FOR BELIEVING THAT ADDING IRRELEVANT DATA ABOUT INNOCENT PEOPLE MAKES IT EASIER TO FIND A TERRORIST ATTACK, AND LOTS OF EVIDENCE THAT IT DOES NOT. You might be adding slightly more signal, but you're also adding much more noise. And despite the NSA's "collect it all" mentality, its own documents bear this out. The military intelligence community even talks about the problem of "drinking from a fire hose": having so much irrelevant data that it's impossible to find the important bits. WE SAW THIS PROBLEM WITH THE NSA'S

EAVESDROPPING PROGRAM: THE FALSE POSITIVES OVERWHELMED THE SYSTEM. IN THE YEARS AFTER 9/11, THE NSA PASSED TO THE FBI THOUSANDS OF TIPS PER MONTH; EVERY ONE OF THEM TURNED OUT TO BE A FALSE ALARM. The cost was enormous, and ended up frustrating the FBI agents who were obligated to investigate all the tips. We also saw this with the Suspicious Activity Reports — or SAR — database: tens of thousands of reports, and no actual results. And all the telephone metadata the NSA collected led to just one success: the conviction of a taxi driver who sent \$8,500 to a Somali group that posed no direct threat to the US — and that was probably trumped up so the NSA would have better talking points in front of Congress. THE SECOND PROBLEM WITH USING DATA-MINING TECHNIQUES TO TRY TO UNCOVER TERRORIST PLOTS IS THAT EACH ATTACK IS UNIQUE. Who would have guessed that two pressure-cooker bombs would be delivered to the Boston Marathon finish line in backpacks by a Boston college kid and his older brother? Each rare individual who carries out a terrorist attack will have a disproportionate impact on the criteria used to decide who's a likely terrorist, leading to ineffective detection strategies. THE THIRD PROBLEM IS THAT THE PEOPLE THE NSA IS TRYING TO FIND ARE WILY, AND THEY'RE TRYING TO AVOID DETECTION. IN THE WORLD OF PERSONALIZED MARKETING, THE TYPICAL SURVEILLANCE SUBJECT ISN'T TRYING TO HIDE HIS ACTIVITIES. That is not true in a police or national security context. An adversarial relationship makes the problem much harder, and means that most commercial big data analysis tools just don't work. A commercial tool can simply ignore people trying to hide and assume benign behavior on the part of everyone else. Government data-mining techniques can't do that, because those are the very people they're looking for.

Data overload risks terror attacks – whistleblowers confirm

Whittaker, 15

Zack Whittaker is a writer-editor for ZDNet, and sister sites CNET and CBS News, citing an NSA whistleblower, "NSA is so overwhelmed with data, it's no longer effective, says whistleblower," ZDNet, 4/30/15, [// IS](http://www.zdnet.com/article/nsa-whistleblower-overwhelmed-with-data-ineffective/?tag=nl.e539&s_cid=e539&ttag=e539&ftag=TRE17cfd61)

In a lunch meeting hosted by Contrast Security founder Jeff Williams on Wednesday, WILLIAM BINNEY, A FORMER NSA OFFICIAL WHO SPENT MORE THAN THREE DECADES AT THE AGENCY, SAID THE US GOVERNMENT'S MASS SURVEILLANCE PROGRAMS HAVE BECOME SO **engorged** WITH DATA THAT THEY ARE NO LONGER EFFECTIVE, **losing vital intelligence in the fray.**

THAT, HE SAID, CAN -- AND HAS -- LED TO **terrorist attacks succeeding.**

BINNEY SAID THAT AN ANALYST TODAY CAN RUN ONE SIMPLE QUERY ACROSS THE NSA'S VARIOUS DATABASES, ONLY TO BECOME IMMEDIATELY OVERLOADED WITH INFORMATION. WITH ABOUT FOUR BILLION PEOPLE -- AROUND TWO-THIRDS OF THE WORLD'S POPULATION -- UNDER THE NSA AND PARTNER AGENCIES' WATCHFUL EYES, ACCORDING TO HIS ESTIMATES, THERE IS TOO MUCH DATA BEING COLLECTED.

"THAT'S WHY THEY COULDN'T STOP THE **Boston bombing**, OR THE **Paris shootings**, BECAUSE THE DATA WAS ALL THERE," said Binney. **BECAUSE THE AGENCY ISN'T CAREFULLY AND METHODICALLY SETTING ITS TOOLS UP FOR SMART DATA COLLECTION, THAT LEAVES ANALYSTS TO SEARCH FOR A NEEDLE IN A HAYSTACK.**

"The data was all there... the NSA is great at going back over it forensically for years to see what they were doing before that," he said. "But that doesn't stop it."

Binney called this a "bulk data failure" -- in that THE NSA PROGRAMS, LEAKED BY EDWARD SNOWDEN, ARE COLLECTING TOO MUCH FOR THE AGENCY TO PROCESS. He said the problem runs deeper across law enforcement and other federal agencies, like the FBI, the CIA, and the Drug Enforcement Administration (DEA), which all have access to NSA intelligence.

than government or law can keep up."

Overload kills attempts to stop Al Qaeda attacks

Robb, Air Force analyst, '06 (John Robb, Air Force analyst, "NSA: The Problems with Massively Automated Domestic Surveillance" May 11, 2006

http://globalguerrillas.typepad.com/johnrobb/2006/05/nsa_the_problem.html //GY

Noah, at DefenseTech, tapped Valdis Krebs for his analysis of the problems with the slowly leaked details on the NSAs domestic surveillance efforts. Valdis makes the absolutely correct observation that:

THE RIGHT THING TO DO IS TO LOOK FOR THE BEST HAYSTACK, NOT THE BIGGEST HAYSTACK. WE KNEW EXACTLY WHICH HAYSTACK TO LOOK AT in the year 2000 [BEFORE THE 9/11 ATTACKS]. WE JUST DIDN'T DO IT...

To me, it's pretty clear that the people working on this program aren't as smart as they think they are. SOME TOP LEVEL THINKING INDICATES THAT THIS WILL QUICKLY BECOME A RAT HOLE FOR FEDERAL FUNDS (DUE TO WASTED EFFORT) AND A MAJOR SOURCE OF INFRINGEMENT OF PERSONAL FREEDOM.

Here's some detail:

IT WILL GENERATE OODLES OF FALSE POSITIVES. AL QAEDA IS NOW IN A PHASE WHERE MOST DOMESTIC ATTACKS WILL BE GENERATED BY PEOPLE NOT CURRENTLY CONNECTED TO THE MOVEMENT (like we saw in the London bombings). This means that in many respects they will look like you and me until they act. THE LARGE VOLUME OF FALSE POSITIVES GENERATED WILL NOT ONLY BE HUGELY INEFFICIENT, IT WILL BE A MAJOR INFRINGEMENT ON US LIBERTIES. For example, a false positive will likely get you automatically added to a no-fly list, your boss may be visited (which will cause you to lose your job), etc.

IT WILL BE EXPANDED TO INCLUDE TO MONITOR DOMESTIC GROUPS OTHER THAN AL QAEDA. As we have already seen in numerous incidents across the US, every group that opposes the war or deals with issues in the Middle East will eventually fall under surveillance. Eventually, THIS WILL BEGIN TO BUMP UP THE POLITICAL PROCESS BY TARGETING GROUPS THAT ARE POLITICALLY ACTIVE IN THE OPPOSITION PARTY.

THE DATABASE AND ASSOCIATED INFORMATION WILL BE USED FOR PURPOSES OTHER THAN TRACKING GROUPS. For example: finding who leaked a classified document to a reporter by reading the list of all calls made to that reporter (who is likely on the target list due to the subjects they cover).

Info overload creates redundancy – lack of info sharing makes it impossible to stop attacks

Priest and Arkin 10 (Dana Priest, American academic, journalist and writer, Washington Post, William Arkin, American political commentator, best-selling author, journalist, activist, blogger, and former United States Army soldier, 7/19, "Top Secret America," <http://projects.washingtonpost.com/top-secret-america/articles/a-hidden-world-growing-beyond-control/print///Tang>)

And then came a problem that continues to this day, which has to do with the ODN's rapid expansion. When it opened in the spring of 2005, Negroponte's office was all of 11 people stuffed into a secure vault with closet-size rooms a block from the White House. A year later, the budding agency moved to two floors of another building. In April 2008, it moved into its huge permanent home, Liberty Crossing. Today, many officials who work in the intelligence agencies say they remain unclear about what the ODN is in charge of. To be sure, the ODN has made some progress, especially in intelligence-sharing, information technology and budget reform. The DNI and his managers hold interagency meetings every day to promote collaboration. The last director, Blair, doggedly pursued such nitty-gritty issues as procurement reform, compatible computer networks, tradecraft standards and collegiality. But **IMPROVEMENTS HAVE BEEN**

OVERTAKEN BY VOLUME at the ODN, **AS THE INCREASED FLOW OF INTELLIGENCE DATA OVERWHELMS THE SYSTEM'S ABILITY TO ANALYZE AND USE IT. EVERY DAY, COLLECTION SYSTEMS AT THE NATIONAL SECURITY AGENCY INTERCEPT AND STORE 1.7 BILLION E-MAILS, PHONE CALLS AND OTHER TYPES OF COMMUNICATIONS.** The NSA sorts a fraction of those into 70 separate databases. **THE SAME PROBLEM BEDEVILS EVERY OTHER INTELLIGENCE AGENCY, NONE OF WHICH HAVE ENOUGH ANALYSTS AND TRANSLATORS FOR ALL THIS WORK. THE PRACTICAL EFFECT OF THIS UNWIELDINESS IS VISIBLE,** on a much smaller scale, in the office of Michael

Leiter, the director of the National Counterterrorism Center. Leiter spends much of his day flipping among four computer monitors lined up on his desk. Six hard drives sit at his feet. The data flow is enormous, with dozens of databases feeding separate computer networks that cannot interact with one another. There is a long explanation for why these databases are still not connected, and it amounts to this: It's too hard, and some agency heads don't really want to give up the systems they have. But there's some progress: "All my e-mail on one computer now," Leiter says. "That's a big deal." To get another view of how sprawling Top Secret America has become, just head west on the toll road toward Dulles International Airport. As a Michaels craft store and a Books-A-Million give way to the military intelligence giants Northrop Grumman and Lockheed Martin, find the off-ramp and turn left. Those two shimmering-blue five-story ice cubes belong to the National Geospatial-Intelligence Agency, which analyzes images and mapping data of the Earth's geography. A small sign obscured by a boxwood hedge says so. Across the street, in the chocolate-brown blocks, is Carahsoft, an intelligence agency contractor specializing in mapping, speech analysis and data harvesting. Nearby is the government's Underground Facility Analysis Center. It identifies overseas underground command centers associated with weapons of mass destruction and terrorist groups, and advises the military on how to destroy them. Clusters of top-secret work exist throughout the country, but the Washington region is the capital of Top Secret America. About half of the post-9/11 enterprise is anchored in an arc stretching from Leesburg south to Quantico, back north through Washington and curving northeast to Linthicum, just north of the Baltimore-Washington International Marshall Airport. Many buildings sit within off-limits government compounds or military bases. Others occupy business parks or are intermingled with neighborhoods, schools and shopping centers and go unnoticed by most people who live or play nearby. Many of the newest buildings are not just utilitarian offices but also edifices "on the order of the pyramids," in the words of one senior military intelligence officer. Not far from the Dulles Toll Road, the CIA has expanded into two buildings that will increase the agency's office space by one-third. To the south, Springfield is becoming home to the new \$1.8 billion National Geospatial-Intelligence Agency headquarters, which will be the fourth-largest federal building in the area and home to 8,500 employees. Economic stimulus money is paying hundreds of millions of dollars for this kind of federal construction across the region. **IT'S NOT ONLY THE NUMBER OF BUILDINGS THAT SUGGESTS THE SIZE AND COST OF THIS EXPANSION, IT'S ALSO WHAT IS INSIDE: BANKS OF TELEVISION MONITORS. "ESCORT-REQUIRED"**

BADGES. X-RAY MACHINES AND LOCKERS TO STORE CELLPHONES AND PAGERS. Keypad door locks that open special rooms encased in metal or permanent dry wall, impenetrable to eavesdropping tools and protected by alarms and a security force capable of responding within 15 minutes. Every one of these buildings has at least one of these rooms, known as a SCIF, for sensitive compartmented information facility. Some are as small as a closet; others are four times the size of a football field. SCIF size has become a measure of status in Top Secret America, or at least in the Washington region of it. "In D.C., everyone talks SCIF, SCIF, SCIF," said Bruce Paquin, who moved to Florida from the Washington region several years ago to start a SCIF construction business. "They've got the penis envy thing going. You can't be a big boy unless you're a three-letter agency and you have a big SCIF." SCIFs are not the only must-have items people pay attention to. Command centers, internal television networks, video walls, armored SUVs and personal security guards have also become the bling of national security. "You can't find a four-star general without a security detail," said one three-star general now posted in Washington after years abroad. "Fear has caused everyone to have stuff. Then comes, 'If he has one, then I have to have one.' It's become a status symbol." Among the most important people inside the SCIFs are the low-paid employees carrying their lunches to work to save money. They are the analysts, the 20- and 30-year-olds making \$41,000 to \$65,000 a year, whose job is at the core of everything Top Secret America tries to do. At its best, analysis melds cultural understanding with snippets of conversations, coded dialogue, anonymous tips, even scraps of trash, turning them into clues that lead to individuals and groups trying to harm the United States.

Their work is greatly enhanced by computers that sort through and categorize data. But **IN THE END, ANALYSIS REQUIRES HUMAN JUDGMENT, AND HALF THE ANALYSTS ARE RELATIVELY INEXPERIENCED, HAVING BEEN HIRED IN THE PAST SEVERAL YEARS,** said a senior ODN official. Contract analysts are often straight out of college and trained at corporate headquarters. When hired, a typical analyst knows very little about the priority countries - Iraq, Iran, Afghanistan and Pakistan - and is not fluent in their languages. Still, the number of intelligence reports they produce on these key countries is overwhelming, say current and former intelligence officials who try to cull them every day. The ODN doesn't know exactly how many reports are issued each year, but in the process of trying to find out, the chief of analysis discovered 60 classified analytic Web sites still in operation that were supposed to have been closed down for lack of usefulness. "Like a zombie, it keeps on living" is how one official describes the sites.

THE PROBLEM WITH MANY INTELLIGENCE REPORTS, say officers who read them, is THAT THEY SIMPLY RE-SLICE THE SAME FACTS ALREADY IN CIRCULATION. "It's the soccer ball syndrome. SOMETHING HAPPENS, AND THEY WANT TO RUSH TO COVER IT," said Richard H. Immerman, who was the ODN's assistant deputy director of national intelligence for analytic integrity and standards until early 2009. "I SAW TREMENDOUS OVERLAP." Even the analysts at the National Counterterrorism Center (NCTC), which is supposed to be where the most sensitive, most difficult-to-obtain nuggets of information are fused together, get low marks from intelligence officials for not producing reports that are original, or at least better than the reports already written by the CIA, FBI, National Security Agency or Defense Intelligence Agency. When Maj. Gen. John M. Custer was the director of intelligence at U.S. Central Command, he grew angry at how little helpful information came out of the NCTC. In 2007, he visited its director at the time, retired Vice Adm. John Scott Redd, to tell him so. "I told him that after 41/2 years, this organization had never produced one shred of information that helped me prosecute three wars!" he said loudly, leaning over the table during an interview. Two years later, Custer, now head of the Army's intelligence school at Fort Huachuca, Ariz., still gets red-faced recalling that day, which reminds him of his frustration with Washington's bureaucracy. "WHO HAS THE MISSION OF REDUCING REDUNDANCY AND ENSURING EVERYBODY DOESN'T GRAVITATE TO THE LOWEST-HANGING FRUIT?" he said. "WHO ORCHESTRATES WHAT IS PRODUCED SO THAT EVERYBODY DOESN'T PRODUCE THE SAME THING?" He's hardly the only one irritated. In a secure office in Washington, a senior intelligence officer was dealing with his own frustration. Seated at his computer, he began scrolling through some of the classified information he is expected to read every day: CIA World Intelligence Review, WIRe-CIA, Spot Intelligence Report, Daily Intelligence Summary, Weekly Intelligence Forecast, Weekly Warning Forecast, IC Terrorist Threat Assessments, NCTC Terrorism Dispatch, NCTC Spotlight . . . It's too much, he complained. The inbox on his desk was full, too. He threw up his arms, picked up a thick, glossy intelligence report and waved it around, yelling. "Jesus! Why does it take so long to produce?" "Why does it have to be so bulky?" "Why isn't it online?" THE OVERLOAD OF HOURLY, DAILY, WEEKLY, MONTHLY AND ANNUAL REPORTS IS ACTUALLY COUNTERPRODUCTIVE, say people who receive them. SOME POLICYMAKERS AND SENIOR OFFICIALS DON'T DARE DELVE INTO THE BACKUP CLOGGING THEIR COMPUTERS. THEY RELY INSTEAD ON PERSONAL BRIEFERS, AND THOSE BRIEFERS USUALLY RELY ON THEIR OWN AGENCY'S ANALYSIS, RE-CREATING THE VERY PROBLEM IDENTIFIED AS A MAIN CAUSE OF THE FAILURE TO THWART THE ATTACKS: A LACK OF INFORMATION-SHARING.

More surveillance fails to prevent terror attacks – multiple examples

Marlowe 10 (Lara, Paris Correspondent with The Irish Times., citing Top Secret America report, 7/24, "Information overload threatening to choke response to terror."
<http://www.irishtimes.com/news/information-overload-threatening-to-choke-response-to-terror-1.626474/Tang>)

A report on the colossal counter-terrorism intelligence industry in the US shows that it may be drowning in an ocean of raw data THIS, I suspect, IS HOW EMPIRES DIE: OVER-EXTENDED, ASPHYXIATED BY BUREAUCRACY, DROWNING IN INFORMATION THEY CANNOT ADEQUATELY ASSESS OR ACT UPON. The Washington Post published a STUNNING, THREE-DAY SERIES totalling 11 pages this week ON "TOP SECRET AMERICA". It WAS THE RESULT OF AN INVESTIGATION OVER TWO YEARS by Dana Priest and William Arkin into the explosion of the intelligence industry since September 11th, 2001. Consider the statistics: 1,271 GOVERNMENT ORGANISATIONS AND 1,931 PRIVATE COMPANIES ARE NOW DEVOTED TO COUNTER-TERRORISM, "HOMELAND SECURITY" AND INTELLIGENCE, IN 10,000 LOCATIONS ACROSS THE US. An estimated 854,000 Americans – 1.5 times the population of Washington DC – hold top secret security clearances. Nearly one-third of them are private contractors. About half of Top Secret America is concentrated in a swathe of land running diagonally from Virginia to the southwest, across Washington DC and into Maryland to the northeast. IN THE WASHINGTON AREA ALONE, 33 TOP-SECRET BUILDING COMPLEXES, SOME OF THEM UNMARKED AND WINDOWLESS BEHIND HIGH FENCES, HAVE BEEN OR ARE BEING BUILT SINCE 9/11. They total 1.6 million sq m (17 million sq ft), the equivalent of 22 US Capitol buildings. TURF BATTLES BETWEEN INTELLIGENCE AGENCIES, the habit of holding information close to the chest AND THE IMPOSSIBILITY OF CO-ORDINATING SO MUCH ACTIVITY MAKES FOR HUGE AMOUNTS OF DUPLICATION. For example, 51 FEDERAL ORGANISATIONS AND MILITARY COMMANDS ARE DEDICATED TO TRACKING THE MONEY OF TERRORISTS. THE VOLUME of reporting generated

by Top Secret America – 50,000 INTELLIGENCE REPORTS EACH YEAR – MEANS NO ONE HAS A FULL GRASP OF WHAT IS KNOWN. As James Clapper, President Obama’s nominee for director of national intelligence, told the Post: “There’s only one entity in the entire universe that has visibility on all (top secret programmes) – that’s God.” “The complexity of this system defies description,” said another high-ranking source, retired army Lt Gen John Vines, commissioned to track intelligence at the Department of Defence. The Post concluded that despite a 250 per cent increase in intelligence spending since 9/11, despite the creation or restructuring of 263 organisations, “the problems that gusher of money and bureaucracy were meant to solve . . . have not been alleviated”. AGENCIES ARE STILL FAILING TO SHARE INFORMATION OR “CONNECT THE DOTS”. America may not be measurably safer for the more than \$75 billion (£58 billion) it spends each year on intelligence. The National Security Agency intercepts and stores 1.7 billion e-mails, phone calls and other communications daily. But the NSA and other agencies doing similar work don’t have enough analysts and translators to process the information they cull. One could argue that the absence of large-scale, lethal attacks on the US continent since 9/11 shows the system is working. But THREE RECENT CASES SHOW HOW TOP SECRET AMERICA FAILED TO FORESTALL REAL THREATS. LAST NOVEMBER, US ARMY MAJ NIDAL HASAN WENT ON A SHOOTING RAMPAGE AT FORT HOOD TEXAS, KILLING 13 PEOPLE AND WOUNDING 30 OTHERS. WHEN HE WAS TRAINING AS A PSYCHIATRIST AT WALTER REED ARMY MEDICAL CENTRE, HASAN HAD WARNED HIS SUPERIORS OF “ADVERSE EVENTS” IF MUSLIMS WERE NOT ALLOWED TO LEAVE THE ARMY. AND HE EXCHANGED E-MAILS WITH ANWAR AWLAKI, A RADICAL CLERIC BASED IN YEMEN WHOM THE US HAS TARGETED FOR ASSASSINATION. But THE ARMY’S INTELLIGENCE UNIT DID NOT NOTICE HASAN’S BEHAVIOUR. ITS PROGRAMME, called RITA for Radical Islamic Threat to the Army, WAS TOO BUSY REPLICATING WORK BY THE DEPARTMENT OF HOMELAND SECURITY AND FBI ON ISLAMIST STUDENT GROUPS IN THE US. LAST AUTUMN, PRESIDENT OBAMA SIGNED A SECRET ORDER TO SEND DOZENS OF COMMANDOS TO YEMEN, WHERE THEY SET UP AN INTELLIGENCE CENTRE BRISTLING WITH HI-TECH EQUIPMENT. THEIR VOLUMINOUS REPORTS WERE BUNDLED INTO THE 5,000 PIECES OF DATA SENT DAILY TO THE NATIONAL COUNTER-TERRORISM CENTRE IN WASHINGTON. BURIED IN THE DELUGE WAS THE NEWS THAT A RADICAL NIGERIAN STUDENT HAD VISITED YEMEN, THAT A NIGERIAN FATHER WAS WORRIED ABOUT HIS SON WHO’D GONE TO YEMEN. But WHEN UMAR FAROUK ABDULMUTALLAB TRIED TO BLOW HIMSELF UP ON A FLIGHT TO DETROIT ON CHRISTMAS DAY, THE AIRCRAFT WAS SAVED BY A PASSENGER WHO SAW SMOKE COMING FROM ABDULMUTALLAB’S UNDERWEAR AND TACKLED HIM, preventing him from detonating the device. LIKEWISE, IT WAS A VENDOR IN MANHATTAN WHO ALERTED POLICE TO A HOME-MADE CAR BOMB ON TIMES SQUARE AT THE BEGINNING OF MAY. FAISAL SHAHZAD, the Pakistani-born American citizen who concocted the mix of fertiliser and bleach, WAS ALSO IN CONTACT WITH ANWAR AWLAKI. The Post reports that ANALYSTS WORKING ON THE “PRIORITY COUNTRIES” OF IRAQ, IRAN, AFGHANISTAN AND PAKISTAN KNOW LITTLE ABOUT THEM AND DO NOT SPEAK THEIR LANGUAGES, YET PRODUCE AN “OVERWHELMING” NUMBER OF REPORTS. The MANY-TENTACLED INTELLIGENCE COMMUNITY IN THE US SEEMS BLIGHTED BY TWO OF THE SAME WOES AS US JOURNALISM: THE SAME INFORMATION IS REHASHED OVER AND OVER, AND RECIPIENTS ARE POWERLESS TO SIFT THROUGH THE GLUT OF MATERIAL.

Info overload is counterproductive to counterterror efforts – cognitive burden

Maas 5/28 (Peter, written about war, media, and national security for The New York Times Magazine, The New Yorker, and The Washington Post. 5/28/15, “INSIDE NSA, OFFICIALS PRIVATELY CRITICIZE “COLLECT IT ALL” SURVEILLANCE,” <https://firstlook.org/theintercept/2015/05/28/nsa-officials-privately-criticize-collect-it-all-surveillance//Tang>)

AS MEMBERS OF CONGRESS struggle to agree on which surveillance programs to re-authorize before the Patriot Act expires, they might consider the unusual advice of AN INTELLIGENCE ANALYST AT THE NATIONAL SECURITY AGENCY who WARNED ABOUT THE DANGER OF COLLECTING TOO MUCH DATA. IMAGINE, the analyst wrote in a leaked document, THAT YOU ARE STANDING IN A SHOPPING AISLE TRYING TO DECIDE BETWEEN JAM, JELLY OR FRUIT SPREAD,

WHICH SIZE, SUGAR-FREE OR NOT, GENERIC OR SMUCKER'S. IT CAN BE PARALYZING. "WE IN THE AGENCY ARE AT RISK OF A SIMILAR, COLLECTIVE PARALYSIS IN THE FACE OF A DIZZYING ARRAY OF CHOICES EVERY SINGLE DAY," the analyst wrote in 2011. "ANALYSIS PARALYSIS' ISN'T ONLY A CUTE RHYME. IT'S THE TERM FOR WHAT HAPPENS WHEN YOU SPEND SO MUCH TIME ANALYZING A SITUATION THAT YOU ULTIMATELY STYMIE ANY OUTCOME IT'S WHAT HAPPENS IN SIGINT [SIGNALS INTELLIGENCE] WHEN WE HAVE ACCESS TO ENDLESS POSSIBILITIES, BUT WE STRUGGLE TO PRIORITIZE, NARROW, AND EXPLOIT THE BEST ONES." The document is one of about a dozen in which NSA intelligence experts express concerns usually heard from the agency's critics: THAT THE U.S. GOVERNMENT'S "COLLECT IT ALL" STRATEGY CAN UNDERMINE THE EFFORT TO FIGHT TERRORISM. The documents, provided to The Intercept by NSA whistleblower Edward Snowden, appear to contradict years of statements from senior officials who have claimed that pervasive surveillance of global communications helps the government identify terrorists before they strike or quickly find them after an attack. The Patriot Act, portions of which expire on Sunday, has been used since 2001 to conduct a number of dragnet surveillance programs, including the bulk collection of phone metadata from American companies. But the DOCUMENTS SUGGEST THAT ANALYSTS AT THE NSA HAVE DROWNED IN DATA SINCE 9/11, MAKING IT MORE DIFFICULT FOR THEM TO FIND THE REAL THREATS. The titles of the documents capture their overall message: "Data Is Not Intelligence," "The Fallacies Behind the Scenes," "Cognitive Overflow?" "Summit Fever" and "In Praise of Not Knowing." Other titles include "Dealing With a 'Tsunami' of Intercept" and "Overcome by Overload?" The documents are not uniform in their positions. Some acknowledge the overload problem but say the agency is adjusting well. They do not specifically mention the Patriot Act, just the larger dilemma of cutting through a flood of incoming data. But IN AN APPARENT SIGN OF THE SCALE OF THE PROBLEM, THE DOCUMENTS CONFIRM THAT THE NSA EVEN HAS A SPECIAL CATEGORY OF PROGRAMS THAT IS CALLED "COPING WITH INFORMATION OVERLOAD." THE JAM VS. JELLY DOCUMENT, TITLED "TOO MANY CHOICES," STARTED OFF IN A COLORFUL WAY BUT ENDED WITH A FAIRLY STARK WARNING: "THE SIGINT MISSION IS FAR TOO VITAL TO UNNECESSARILY EXPAND THE HAYSTACKS WHILE WE SEARCH FOR THE NEEDLES. PRIORITIZATION IS KEY." These doubts are infrequently heard from officials inside the NSA. These documents are a window into the private thinking of mid-level officials who are almost never permitted to discuss their concerns in public. AN AMUSING PARABLE circulated at the NSA a few years ago. Two people go to a farm and purchase a truckload of melons for a dollar each. They then sell the melons along a busy road for the same price, a dollar. As they drive back to the farm for another load, they realize they aren't making a profit, so one of them suggests, "Do you think we need a bigger truck?" The parable was written by an intelligence analyst in a document dated Jan. 23, 2012 that was titled, "Do We Need a Bigger SIGINT Truck?" It expresses, in a lively fashion, a critique of the agency's effort to collect what former NSA Director Keith Alexander referred to as "the whole haystack." THE CRITIQUE GOES TO THE HEART OF THE AGENCY'S DRIVE TO GATHER AS MUCH OF THE WORLD'S COMMUNICATIONS AS POSSIBLE: BECAUSE IT MAY NOT FIND WHAT IT NEEDS IN A PARTIAL HAYSTACK OF DATA, THE HAYSTACK IS EXPANDED AS MUCH AS POSSIBLE, ON THE ASSUMPTION THAT MORE DATA WILL EVENTUALLY YIELD USEFUL INFORMATION. THE PROBLEM IS THAT WHEN YOU COLLECT IT ALL, WHEN YOU MONITOR EVERYONE, YOU UNDERSTAND NOTHING. –EDWARD SNOWDEN The Snowden files show that in practice, it doesn't turn out that way: MORE IS NOT NECESSARILY BETTER, AND IN FACT, EXTREME VOLUME CREATES ITS OWN CHALLENGES. "Recently I tried to answer what seemed like a relatively straightforward question about which telephony metadata collection capabilities are the most important in case we need to shut something off when the metadata coffers get full," wrote the intelligence analyst. "By the end of the day, I felt like capitulating with the white flag of, 'We need COLOSSAL data storage so we don't have to worry about it,' (aka we need a bigger SIGINT truck)." The analyst added, "Without metrics, how do we know that we have improved something or made it worse? There's a running joke ... that we'll only know if collection is important by shutting it off and seeing if someone screams." Another document, while not mentioning the dangers of collecting too much data, expressed concerns about pursuing entrenched but unproductive programs. "How many times have you been watching a terrible movie, only to convince yourself to stick it out to the end and find out what happens, since you've already invested too much time or money to simply walk away?" the document asked. "This 'gone too far to stop now' mentality is our built-in mechanism to help us allocate and ration resources. However, IT CAN WORK TO OUR DETRIMENT IN PRIORITIZING AND DECIDING WHICH PROJECTS OR EFFORTS ARE WORTH FURTHER EXPENDITURE OF RESOURCES, REGARDLESS OF HOW MUCH HAS ALREADY BEEN 'SUNK.'" As has been said before, insanity is doing the same thing over and over and expecting different results." "WE ARE DROWNING IN INFORMATION. AND YET WE KNOW NOTHING. FOR SURE." –NSA INTELLIGENCE ANALYST Many of these documents were written by intelligence analysts who had regular columns distributed on NSANet, the agency's intranet. One of the columns was called "Signal v. Noise," another was called "The SIGINT Philosopher." Two of the documents cite the academic work of Herbert Simon, who won a Nobel Prize for his pioneering research on what's

become known as the attention economy. Simon wrote that consumers and managers have trouble making smart choices because their exposure to more information decreases their ability to understand the information. Both documents mention the same passage from Simon's essay, *Designing Organizations for an Information-Rich World*: "IN AN INFORMATION-RICH WORLD, THE WEALTH OF INFORMATION MEANS A DEARTH OF SOMETHING ELSE: A SCARCITY OF WHATEVER IT IS THAT INFORMATION CONSUMES." What information consumes is rather obvious: it consumes the attention of its recipients. Hence a wealth of information creates a poverty of attention and a need to allocate that attention efficiently among the overabundance of information sources that might consume it." In addition to consulting Nobel-prize winning work, NSA analysts have turned to easier literature, such as Malcolm Gladwell's best-selling *Blink: The Power of Thinking Without Thinking*. The author of a 2011 document referenced *Blink* and stated, "THE KEY TO GOOD DECISION MAKING IS NOT KNOWLEDGE. IT IS UNDERSTANDING. WE ARE SWIMMING IN THE FORMER. WE ARE DESPERATELY LACKING IN THE LATTER." The author added, "Gladwell has captured one of the biggest challenges facing SID today. Our COSTS ASSOCIATED WITH THIS INFORMATION OVERLOAD ARE NOT ONLY FINANCIAL, such as the need to build data warehouses large enough to store the mountain of data that arrives at our doorstep each day, BUT ALSO INCLUDE THE MORE INTANGIBLE COSTS OF TOO MUCH DATA TO REVIEW, PROCESS, TRANSLATE AND REPORT." Alexander, the NSA director from 2005 to 2014 and chief proponent of the agency's "collect it all" strategy, vigorously defended the bulk collection programs. "What we have, from my perspective, is a reasonable approach on how we can defend our nation and protect our civil liberties and privacy," he said at a security conference in Aspen in 2013. He added, "You need the haystack to find the needle." The same point has been made by other officials, including James Cole, the former deputy attorney general who told a congressional committee in 2013, "If you're looking for the needle in the haystack, you have to have the entire haystack to look through." NSA Slide, May 2011 The opposing viewpoint was voiced earlier this month by Snowden, who noted in an interview with the *Guardian* that the men who committed recent terrorist attacks in France, Canada and Australia were under surveillance—their data was in the haystack yet they weren't singled out. "It wasn't the fact that we weren't watching people or not," Snowden said. "It was the fact that we were watching people so much that we did not understand what we had. The problem is that when you collect it all, when you monitor everyone, you understand nothing." In a 2011 interview with *SIDtoday*, a deputy director in the Signals Intelligence Directorate was asked about "ANALYTIC MODERNIZATION" at the agency. His response, while positive on the NSA's ability to surmount obstacles, noted that it FACED DIFFICULTIES, INCLUDING THE FACT THAT SOME TARGETS USE ENCRYPTION AND SWITCH PHONE NUMBERS TO AVOID DETECTION. HE POINTED TO VOLUME AS A PARTICULAR PROBLEM. "We live in an Information Age when we have massive reserves of information and don't have the capability to exploit it," he stated. "I was told that there are 2 petabytes of data in the SIGINT System at any given time. How much is that? That's equal to 20 million 4-drawer filing cabinets. How many cabinets per analyst is that? By the end of this year, we'll have 1 terabyte of data per second coming in. You can't crank that through the existing processes and be effective." The documents noted the difficulty of sifting through the ever-growing haystack of data. For instance, a 2011 document titled "ELINT Analysts – Overcome by Overload? Help is Here with IM&S" outlined a half dozen computer tools that "are designed to invert the paradigm where an analyst spends more time searching for data than analyzing it." Another document, written by an intelligence analyst in 2010, bluntly stated that "we are drowning in information. And yet we know nothing. For sure." The analyst went on to ask, "Anyone know just how many tools are available at the Agency, alone? Would you know where to go to find out? Anyone ever start a new target...without the first clue where to begin? Did you ever start a project wondering if you were the sole person in the Intelligence Community to work this project? How would you find out?" The analyst, trying to encourage more sharing of tips about the best ways to find data in the haystack, concluded by writing, in boldface, "Don't let those coming behind you suffer the way you have." The agency appears to be spending significant sums of money to solve the haystack problem. The document headlined "Dealing With a 'Tsunami' of Intercept," written in 2006 by three NSA officials and previously published by *The Intercept*, outlined a series of programs to prepare for a near future in which the speed and volume of signals intelligence would explode "almost beyond imagination." The document referred to a mysterious NSA entity—the "Coping With Information Overload Office." This appears to be related to an item in the Intelligence Community's 2013 Budget Justification to Congress, known as the "black budget"—\$48.6 million for projects related to "Coping with Information Overload." The data glut is felt in the NSA's partner agency in Britain, too. A slideshow entitled "A Short Introduction to SIGINT," from GCHQ, the British intelligence agency, posed the following question: "How are people supposed to keep on top of all their targets and the new ones when they have far more than [they] could do in a day? How are they supposed to find the needle in the haystack and prioritise what is most important to look at?" The slideshow continued, "GIVE AN ANALYST THREE LEADS, ONE OF WHICH IS INTERESTING: THEY MAY HAVE TIME TO FOLLOW THAT UP. GIVE THEM THREE HUNDRED LEADS, TEN OF WHICH ARE INTERESTING: THAT'S PROBABLY NOT MUCH USE." These documents tend to shy away from confrontation—they express concern with the status quo but do not blame senior officials or demand an abrupt change of course. They were written by agency staffers who appear to believe in the general mission of the NSA. For instance, the author of a "SIGINT Philosopher" column wrote that if the NSA was a corporation, it could have the following mission statement: "building informed decision makers — so that targets do not suffer our nation's wrath unless they really deserve it — by exercising deity-like monitoring of the target." On occasion, however, the veil of bureaucratic deference is lowered. In another "SIGINT Philosopher" column, "Cognitive Overflow?," the author offered a forthright assessment of the haystack problem and the weakness of proposed solutions: "If an individual brain has finite 'channel capacity,' does the vast collective of SID, comprised of thousands of brilliant, yet limited, brains also have a definite 'channel capacity'? If so, what is it? How do we know when we've reached it? What if we've already

exceeded it? In essence, could SID's reach exceed its grasp? Can the combined cognitive power of SID connect all the necessary dots to avoid, predict, or advise when the improbable, complex, or unthinkable happens?" The column did not offer an optimistic view. "Take for example the number of tools, clearances, systems, compliances, and administrative requirements we encounter before we even begin to engage in the work of the mission itself," the column continued. "The mission then involves an ever-expanding set of complex issues, targets, accesses, and capabilities. THE 'COGNITIVE BURDEN,' SO TO SPEAK, MUST AT TIMES FEEL OVERWHELMING TO SOME OF US." The analyst who wrote the column dismissed, politely but firmly, the typical response of senior officials when they are asked in public about their ability to find needles in their expanding haystack. "Surely someone will point out that the burgeoning amalgam of technological advances will aid us in shouldering the burden," he noted. "However, historically, this scenario doesn't seem to completely bear out. THE ONSLAUGHT OF MORE COMPUTER POWER—often intended to automate some processes—HAS in many respects DEMANDED AN EXPANSION OF OUR COMBINED 'CHANNEL CAPACITY' RATHER THAN CURBING THE FLOW OF THE INFORMATION."

Mass surveillance collects too much data – hurts the fight against terror

Angwin, award-winning senior reporter at the Wall Street Journal, '13 (JULIA ANGWIN, Wall Street Journal, "NSA Struggles to Make Sense of Flood of Surveillance Data" Dec. 25, 2013 10:30 p.m. ET <http://www.wsj.com/articles/SB10001424052702304202204579252022823658850>) //GY

LAUSANNE, Switzerland— William Binney, creator of some of the computer code used by the National Security Agency to snoop on Internet traffic around the world, delivered an unusual message here in September to an audience worried that the spy agency knows too much.¶ It knows so much, he said, that it can't understand what it has.¶ "What they are doing is making themselves dysfunctional by taking all this data," Mr. Binney said at a privacy conference here.¶ THE AGENCY IS DROWNING IN USELESS DATA, WHICH HARMS ITS ABILITY TO CONDUCT LEGITIMATE SURVEILLANCE, claims Mr. Binney, who rose to the civilian equivalent of a general during more than 30 years at the NSA before retiring in 2001. ANALYSTS ARE SWAMPED WITH SO MUCH INFORMATION THAT THEY CAN'T DO THEIR JOBS EFFECTIVELY, AND THE ENORMOUS STOCKPILE IS AN IRRESISTIBLE TEMPTATION FOR MISUSE.¶ Mr. Binney's warning has gotten far less attention than legal questions raised by leaks from former NSA contractor Edward Snowden about the agency's mass collection of information around the world. Those revelations unleashed a re-examination of the spy agency's aggressive tactics.¶ BUT THE NSA NEEDS MORE ROOM TO STORE ALL THE DATA IT COLLECTS—AND NEW PHONE RECORDS, DATA ON MONEY TRANSFERS AND OTHER INFORMATION KEEP POURING IN. A new storage center being built in Utah will eventually be able to hold more than 100,000 times as much as the contents of printed materials in the Library of Congress, according to outside experts.¶ Some of the documents released by Mr. Snowden detail concerns inside the NSA about drowning in information. AN INTERNAL BRIEFING DOCUMENT IN 2012 ABOUT FOREIGN CELLPHONE-LOCATION TRACKING BY THE AGENCY SAID THE EFFORTS WERE "OUTPACING OUR ABILITY TO INGEST, PROCESS AND STORE" DATA.¶ IN MARCH 2013, SOME NSA ANALYSTS ASKED FOR PERMISSION TO COLLECT LESS DATA THROUGH A PROGRAM CALLED MUSCULAR BECAUSE THE "RELATIVELY SMALL INTELLIGENCE VALUE IT CONTAINS DOES NOT JUSTIFY THE SHEER VOLUME OF COLLECTION," another document shows.¶ In response to questions about Mr. Binney's claims, an NSA spokeswoman says the agency is "not collecting everything, but we do need the tools to collect intelligence on foreign adversaries who wish to do harm to the nation and its allies."¶ Existing surveillance programs were approved by "all three branches of government," and each branch "has a role in oversight," she adds.¶ In a statement through his lawyer, Mr. Snowden says: "WHEN YOUR WORKING PROCESS EVERY MORNING STARTS WITH POKING AROUND A HAYSTACK OF SEVEN BILLION INNOCENT LIVES, YOU'RE GOING TO MISS THINGS." He adds: "We're blinding people with data we don't need."¶ A presidential panel recommended earlier this month that the agency shut down its bulk

collection of telephone-call records of all Americans. The federal government could accomplish the same goal by querying phone companies, the panel concluded.¶ The panel also recommended the creation of "smart software" that could sort data as the information is collected, rather than the current system where "vast amounts of data are swept up and the sorting is done after it has been copied" on to data-storage systems. Administration officials are reviewing the report.¶ A separate task force is expected to issue its own findings next year, and lawmakers have proposed several bills that would change how the NSA collects and uses data.¶ The 70-year-old Mr. Binney says he is generally underwhelmed by the panel's "bureaucratic" report, though "it would be something meaningful" if the controversy leads to adoption of the "smart software" strategy and creation of a technology oversight group with full access to "be in the knickers of the NSA" and Federal Bureau of Investigation.¶ Mr. Binney lives off his government pension and makes occasional appearances to talk about his work at the NSA.¶ THE SPY AGENCY HAS DEFENDED ITS SWEEPING SURVEILLANCE PROGRAMS AS ESSENTIAL IN THE FIGHT AGAINST TERRORISM. BUT HAVING TOO MUCH DATA CAN HURT THOSE EFFORTS, according to Mr. Binney and a handful of colleagues who have raised concerns since losing an internal battle to build privacy-protecting Internet surveillance tools in the late 1990s.¶

Turns military readiness

Data overload wrecks military readiness and training

Erwin, National Defense Magazine, '12 (Sandra I. Erwin, National Defense Industrial Association, "Too Much Information, Not Enough Intelligence" May 2012, <http://www.nationaldefensemagazine.org/archive/2012/May/Pages/TooMuchInformation,NotEnoughIntelligence.aspx>) //GY

The Defense Department over the last decade has built up an inventory of billions of dollars worth of spy aircraft and battlefield sensors. THOSE SYSTEMS CREATE AVALANCHES OF DATA THAT CLOG MILITARY INFORMATION NETWORKS AND OVERWHELM ANALYSTS. ¶ INTELLIGENCE EXPERTS SAY THE MILITARY IS DROWNING IN DATA BUT NOT ABLE TO CONVERT THAT INFORMATION INTO INTELLIGIBLE REPORTS THAT BREAK IT DOWN AND ANALYZE IT. ¶ "The challenge for users of intelligence is that all the different types of information come in a stove-piped manner," says Michael W. Isherwood, a defense analyst and former Air Force fighter pilot. ¶ Intelligence feeds include electronic signals, satellite imagery, moving-target data and full-motion video. "How do you integrate this into a clear picture?" Isherwood asks. THAT IS ONE OF THE ENDURING CHALLENGES IN THE ISR [intelligence, surveillance and reconnaissance] ARENA FOR ALL THE SERVICES. ¶ Isherwood, the author of a Mitchell Institute white paper, titled, "Layering ISR Forces," cautions that success in future operations hinges on "timely, astute combinations of ISR resources." ¶ The Pentagon would be wise to shift its future investments from sensors to data-analysis tools, he says. ¶ "The awareness gained from integrated, multi-source intelligence data is of supreme value," says Isherwood. ¶ In actual combat, a coherent picture of the battlefield is not a "routine event," he says. "Coalition forces in Afghanistan have suffered losses when they were surprised by a much larger insurgent force not detected in time by ISR assets." ¶ MILITARY DRONE OPERATORS AMASS UNTOLD AMOUNTS OF DATA THAT NEVER IS FULLY ANALYZED BECAUSE IT IS SIMPLY TOO MUCH, Isherwood says. ¶ In the Air Force alone, the buildup of data collectors has been dramatic. While its inventory of fighter, bomber, tanker and transport aircraft shrank by 11 percent over the past decade, ISR platforms — primarily unmanned air vehicles — increased by nearly 300 percent, says Isherwood. ¶ Air Force leaders have recognized this problem and recently decided to cut its future purchases of Reaper drones in half — from 48 to 24 — because there is not enough manpower to operate and process the data from more aircraft. IT DIDN'T MAKE SENSE TO HAVE THE PRODUCTION OUT THAT FAR AHEAD OF OUR ABILITY TO ACTUALLY DO THE PROCESSING AND EXPLOITATION AND DISSEMINATION FUNCTION, Deputy Assistant Secretary of the Air Force for Budget Marilyn Thomas says at a February news conference. ¶ The military services have funded programs to develop software algorithms to automate data analysis, but no silver bullet has emerged. ¶ "Industry is working on tools so you can pull a Google Earth image and incorporate the SIGINT [signals intelligence], the MTI [moving target indicator], visual imagery, full-motion video," Isherwood says. ¶ What the military needs is a "decathlete analyst" that can process multiple feeds, versus an operator for each type of data, he says. Defense Department leaders understand the problem, BUT THE "ACQUISITION COMMUNITY NOW NEEDS TO TAKE THAT AND TRANSLATE IT INTO SYSTEMS" THAT TACKLE THIS CHALLENGE. ¶ The Air Force is "really good at building an airplane," Isherwood says. But he has yet to see a comparable requirements document or request for technology that meshes all the sensors, he adds. "They go after it piecemeal." ¶ THE INFORMATION DELUGE PROBLEM ALSO IS EXACERBATED BY THE MILITARY'S ORGANIZATIONAL SILOS THAT ZEALOUSLY PROTECT THEIR DATA. ¶ IT'S HARD TO GET THE COMMUNITY TO PLUG THEIR SENSORS IN, says Gregory G. Wenzel, vice president of advanced

enterprise integration at Booz Allen Hamilton.¶ The so-called “PED” process — processing, exploitation and dissemination — has been a long-standing challenge, he says. “It’s a really hard problem.”¶ Automated analysis tools for video feeds are gradually entering the market, Wenzel says. The National Football League has developed software to search video archives that some defense contractors are using as a model. ¶ One of the more promising systems that could help military ISR operators manage data more efficiently is the DI2E, or defense intelligence information enterprise, says Wenzel. The entire Defense Department and intelligence community will be able to share information, he says. The DI2E is a cloud-based system that draws data from many sensors and databases. ¶ Technologies such as DI2E are part of a larger trend toward networking sources of information, says Richard Sterk, senior aerospace and defense analyst at Forecast International. “THERE’S STILL TOO MANY STAND ALONE LEGACY SYSTEMS.”¶ REGARDLESS OF ADVANCES IN TECHNOLOGY, HE SAYS, A LARGER CONUNDRUM FOR THE MILITARY IS FIGURING OUT HOW TO MANAGE INFORMATION SO COMMANDERS AND TROOPS IN THE FIELD DON’T BECOME OVERWHELMED. “THEY HAVE TO SORT OUT HOW MUCH INFORMATION IS ENOUGH,” says Sterk.¶ The Office of Naval Research and the Marine Corps have been experimenting with another approach to analyzing data known as “semantic wiki.”¶ It solves the “intelligence fusion” problem, says George Eanes, vice president of Modus Operandi, a small firm that developed the wiki tool. ¶ It’s a rather simple approach. “If I’m looking for something of interest, like a white van, I can search across all the data stores that I have access to,” Eanes says. “It presents it in a wiki format. ... It’s a really good tool for pulling the data in from multiple sources and present it in one convenient application.”¶ Semantic wiki can search video, human intelligence reports and satellite imagery. Streaming video could be added in the future, he says. The company has spent the past three to four years working on this technology under several small business innovation research contracts worth about \$5 million, says Eanes.¶ “There has been a cultural shift within the Defense Department toward more desire to share information,” Eanes says. “First they thought the solution was to bring everything into a single database. But that proved impractical. There is too much data,” he says. “Now they’re looking at other solutions. You keep the data where it resides. You access only the data you need.” ¶ Former Marine Corps intelligence analyst Tony Barrett, who is now at Modus Operandi, says that during his time on active duty, his team was overwhelmed by data. He would have liked to have had software to scan unstructured data and provide relevant information, based on queries the analyst sets up, he says. “That frees up the analyst to do due diligence rather than extended periods of research,” he adds. “In Iraq, I had individual analysts that all they did was scan reports and find which ones were relevant. ... Research is extremely frustrating. I would rather my guys spent more time thinking.” ¶ “BECAUSE OF THE DATA OVERLOAD, “WHAT YOU END UP DOING IS TAKING YOUR SMARTEST MARINES WHO WOULD BE YOUR BIGGEST HELP IN PROBLEM SOLVING TO WORK ON YOUR SYSTEM’S PROBLEMS,” Barrett says. “I had my smartest guys always be the principal researchers because I was more confident they would be able to discover more data than less talented analysts.”¶ “ISR EXPERTS ALSO WORRY THAT THE MILITARY HAS BECOME ADDICTED TO FULL-MOTION VIDEO, AT THE EXPENSE OF OTHER INTELLIGENCE DISCIPLINES THAT MIGHT GRADUALLY DISAPPEAR AS THE NUMBER OF SKILLED OPERATORS DECLINES. Video imagery is the most “readily understood” intelligence, says Isherwood.¶ For the Iraq and Afghanistan wars, full-motion video provided by aerial sensors was the preferred form of surveillance. But for other combat scenarios in the future, Isherwood says, “THE MILITARY MIGHT NEED TO RELY ON OTHER TYPES OF DATA SUCH AS SIGNALS INTELLIGENCE (collection of electronic intercepts or emissions), MOVING TARGET INDICATOR DATA (Doppler shifts of moving objects to detect and track targets), RADAR IMAGERY; AND MEASUREMENT AND SIGNALS INTELLIGENCE (combines radar, laser,

optical, infrared, acoustic, electromagnetic and atmospheric mediums to identify objects). There is also "cyber-intelligence," a new discipline that is based on electronic-warfare techniques, says Isherwood. ¶ "Full motion video is what everybody wants," says Chief of Naval Operations Adm. Jonathan Greenert. "A still picture is good but you still have to send it back, develop it quickly," he says. ¶ Access to full-motion video, however, might not be feasible in every conflict. "Not all fights will be in the desert," says Mel French, vice president of development at Telephonics, a supplier of military sensors and electronic warfare systems. ¶ THE UNMANNED AIRCRAFT-MOUNTED SENSORS THAT ARE FAVORED TODAY MIGHT NOT WORK IN OTHER ENVIRONMENTS. "The second you introduce rain to any of those systems, the range goes down, it limits utility," says French. ¶ WE NEED TO THINK OF WHERE ELSE WE ARE GOING TO GO," he says. "Possibly places where we need foliage penetration. That's a hard problem to solve." ¶ The full-motion video soda straw view works when the area is not being defended by adversaries who can shoot down surveillance aircraft, he says. ¶ IN INSTANCES WHEN ISR ASSETS MIGHT BE IN DANGER AND RATHER KEPT AT STANDOFF RANGES, THE MILITARY WILL NEED ANALYSTS WHO CAN DISCERN OTHER FORMS OF DATA SUCH AS SYNTHETIC APERTURE RADAR IMAGES, French says. Some field commanders might complain that they "don't understand the [SAR] shadows," he says. They might not realize that video camera pictures can't be obtained from 200 miles away. Images such as SAR require a trained eye. ¶ As to whether there will be a time when analysts will be able to produce "actionable" intelligence, French says there are no easy answers. ¶ "It's one of those problems that will require years of investments and focus," he says. "We fielded a lot of Band-Aids. Now it's getting back to rationalizing what we fielded."

Excess surveillance data hampers military effectiveness and creates a drag on the economy

Claburn 9 (Thomas, Editor at Large, Enterprise Mobility, 7/9, "Military Grapples With Information Overload," <http://www.informationweek.com/architecture/military-grapples-with-information-overload/d/d-id/1081209?//Tang>)

Surging surveillance data threatens to overwhelm the military's ability to deal with the information. A report from a defense advisory group is calling for new data analysis technology and for taking a cue from Google. Information overload has become a significant challenge for the U.S. military and will require new analysis software and a Google-style cloud infrastructure to manage massive data sets, a U.S. defense advisory group report finds. The December 2008 report, "Data Analysis Challenges," was initially withheld from the public. It was obtained by the Federation of American Scientists' Project on Government Secrecy through a Freedom of Information Act request. The report, written by JASON, a group that provides advice to the Department of Defense (DoD) through the non-profit MITRE Corporation, says that the massive amount of sensor and imagery data being gathered is becoming increasingly difficult to store, analyze, and integrate into defense systems. For example, a DoD surveillance system called Constant Hawk typically produces 10's to 100's of Terabytes of data over a period of a few hours. For that information to be useful, it has to be stored, analyzed, and distributed quickly. The report, however, cites concerns voiced by members of the defense and intelligence communities that much of the surveillance data gathered isn't made useful. "Seventy percent of the data we collect is falling on the floor," MIT defense research scientist Pete Rustan said, according to the report. And the problem is likely to get worse. "As the sensors associated with the various surveillance missions improve, the data volumes are increasing with a projection that sensor data volume could potentially increase to the level of Yottabytes (10^{24} Bytes) by 2015," the report says. Jonathan B. Spira, CEO and chief analyst at research consultancy Basex, author of the forthcoming book Overload!, and organizer of Information Overload Awareness Day on August 12, says information overload is a real problem in the workplace, in government and in the military. "We've seen on

the military side, many instances where information overload can create a whole new kind of fog [of war]," he said. Information overload costs the U.S. economy \$900 billion per year, according to BaseX. The JASON report discounts some of the more extreme projections about data volume growth and recommends that the DoD deploy infrastructure similar to that used by Google, Microsoft, and Yahoo. It also sees military applications for the Hive language used by Facebook for data warehousing. The major problem the DoD faces will be in the area of automated information analysis. "The notion of fully automated analysis is today at best a distant reality, and for this reason, it is critical to invest in research to promote algorithmic advances," the report says. "One way to effectively engage the relevant research communities is through the use of grand challenges in the area of data analysis." Spira sees information overload as a broader problem, one that won't vanish with the development of improved automated information analysis technology. He described a cybersecurity conference at a Maxwell Airforce Base, where military brass had gathered to discuss cyber threats. Emerging from the talk, the generals found they had no e-mail, he said. It turned out that the base's e-mail system had been taken down, not by a cyber attack, but by an e-mail about a card game that got forwarded and, through too many reply-alls, multiplied until over a million messages overloaded the e-mail servers. "We need to address a lot of different aspects of data and information overload, not just things that sound sexy," said Spira.

Data collection has reached the neurological breaking point – additional data will make it impossible to function in the field

Shanker and Ritchel 11 (Thom and Matt, writers for the NYT, cites psychologists and neuroscientists, 1/16, "In New Military, Data Overload Can Be Deadly,"

http://www.nytimes.com/2011/01/17/technology/17brain.html?pagewanted=all&_r=0//Tang

WHEN MILITARY INVESTIGATORS LOOKED INTO AN ATTACK BY AMERICAN HELICOPTERS last February THAT LEFT 23 AFGHAN CIVILIANS DEAD, THEY FOUND THAT THE OPERATOR OF A PREDATOR DRONE HAD FAILED TO PASS ALONG CRUCIAL INFORMATION ABOUT THE MAKEUP OF A GATHERING CROWD OF VILLAGERS. But Air Force and Army officials now say THERE WAS ALSO AN UNDERLYING CAUSE FOR THAT MISTAKE: INFORMATION OVERLOAD. At an Air Force base in Nevada, THE DRONE OPERATOR AND HIS TEAM STRUGGLED TO WORK OUT WHAT WAS HAPPENING IN THE VILLAGE, where a convoy was forming. THEY HAD TO MONITOR THE DRONE'S VIDEO FEEDS WHILE PARTICIPATING IN DOZENS OF INSTANT-MESSAGE AND RADIO EXCHANGES WITH INTELLIGENCE ANALYSTS AND TROOPS ON THE GROUND. There were solid reports that the group included children, but the team did not adequately focus on them amid the swirl of data — much like a cubicle worker who loses track of an important e-mail under the mounting pile. The team was under intense pressure to protect American forces nearby, and in the end it determined, incorrectly, that the villagers' convoy posed an imminent threat, resulting in one of the worst losses of civilian lives in the war in Afghanistan. "Information overload — an accurate description," said one senior military officer, who was briefed on the inquiry and spoke on the condition of anonymity because the case might yet result in a court martial. The DEATHS WOULD HAVE BEEN PREVENTED, HE SAID, "IF WE HAD JUST SLOWED THINGS DOWN AND THOUGHT DELIBERATELY." DATA IS AMONG THE MOST POTENT WEAPONS OF THE 21ST CENTURY. UNPRECEDENTED AMOUNTS OF RAW INFORMATION HELP THE MILITARY DETERMINE WHAT TARGETS TO HIT AND WHAT TO AVOID. And DRONE-BASED SENSORS HAVE GIVEN RISE TO A NEW CLASS OF WIRED WARRIORS WHO MUST FILTER THE INFORMATION SEA. But sometimes they are drowning. Research shows that the kind of intense multitasking required in such situations can make it hard to tell good information from bad. The MILITARY FACES A BALANCING ACT: HOW TO HELP SOLDIERS EXPLOIT MASSES OF DATA WITHOUT SUCCEumbing TO OVERLOAD. ACROSS THE MILITARY, THE DATA FLOW HAS SURGED; SINCE THE ATTACKS OF 9/11, THE AMOUNT OF INTELLIGENCE GATHERED BY REMOTELY PILOTED DRONES AND OTHER SURVEILLANCE TECHNOLOGIES HAS RISEN 1,600 PERCENT. On the ground, troops increasingly use hand-held devices to communicate, get directions and set bombing coordinates. And the SCREENS IN JETS CAN BE SO PACKED WITH DATA THAT SOME PILOTS CALL THEM "DROOL BUCKETS" BECAUSE, THEY SAY, THEY CAN GET LOST STARING INTO THEM. "THERE IS INFORMATION OVERLOAD AT EVERY LEVEL OF THE MILITARY — from the general to the soldier on the ground," said Art Kramer, a neuroscientist and director of the Beckman Institute, a

research lab at the University of Illinois. THE MILITARY HAS ENGAGED RESEARCHERS LIKE MR. KRAMER TO HELP IT UNDERSTAND THE BRAIN'S LIMITS AND POTENTIAL. Just as the military has long pushed technology forward, it is now at the forefront in figuring out how humans can cope with technology without being overwhelmed by it. At George Mason University in Virginia, researchers measure the brain waves of study subjects as they use a simulation of the work done at the Nevada Air Force base. On a computer screen, the subjects see a video feed from one drone and the locations of others, along with instructions on where to direct them. The subjects wear a cap with electrodes attached, measuring brain waves. AS THE NUMBER OF DRONES AND THE PACE OF INSTRUCTIONS INCREASES, THE BRAIN SHOWS SHARP SPIKES IN A KIND OF ELECTRICAL ACTIVITY CALLED THETA — CAUSE FOR CONCERN AMONG THE RESEARCHERS. "IT'S USUALLY AN INDEX OF EXTREME OVERLOAD." said Raja Parasuraman, a director of the university's human factors and applied cognition program. AS THE TECHNOLOGY ALLOWS SOLDIERS TO PULL IN MORE INFORMATION, IT STRAINS THEIR BRAINS. And military researchers say the stress of combat makes matters worse. Some research even suggests that younger people wind up having more trouble focusing because they have grown up constantly switching their attention. For the soldier who has been using computers and phones all his life, "multitasking might actually have negative effects," said Michael Barnes, research psychologist at the Army Research Lab at Aberdeen, Md., citing several university studies on the subject. In tests at a base in Orlando, Mr. Barnes's group has found that when soldiers operate a tank while monitoring remote video feeds, they often fail to see targets right around them. MR. BARNES SAID SOLDIERS COULD BE TRAINED TO USE NEW TECHNOLOGY, "BUT WE'RE NOT GOING TO IMPROVE THE NEUROLOGICAL CAPABILITY." On the other hand, he said, the military should not shy away from improving the flow of data in combat. "It would be like saying we shouldn't have automobiles because we have 40,000 people die on the roads each year," he said. "The pluses of technology are too great." The military is trying novel approaches to helping soldiers focus. At an Army base on Oahu, Hawaii, researchers are training soldiers' brains with a program called "mindfulness-based mind fitness training." It asks soldiers to concentrate on a part of their body, the feeling of a foot on the floor or of sitting on a chair, and then move to another focus, like listening to the hum of the air-conditioner or passing cars. "The whole question we're asking is whether we can rewire the functioning of the attention system through mindfulness," said one of the researchers, Elizabeth A. Stanley, an assistant professor of security studies at Georgetown University. Recently she received financing to bring the training to a Marine base, and preliminary results from a related pilot study she did with Amishi Jha, a neuroscientist at the University of Miami, found that it helped Marines to focus. Even as it worries about digital overload, the Army is acknowledging that technology may be the best way to teach this new generation of soldiers — in particular, a technology that is already in their pockets. In Army basic training, new recruits can get instruction from iPhone apps on subjects as varied as first aid and military values. As part of the updated basic training regimen, recruits are actually forced into information overload — for example, testing first aid skills while running an obstacle course. "It's the way this generation learns," said Lt. Gen. Mark P. Hertling, who oversees initial training for every soldier. "It's a multitasking generation. So if they're multitasking and combining things, that's the way we should be training." The intensity of warfare in the computer age is on display at a secret intelligence and surveillance installation at Langley Air Force Base in Virginia, a massive, heavily air-conditioned warehouse where hundreds of TVs hang from black rafters. EVERY DAY ACROSS THE AIR FORCE'S \$5 BILLION GLOBAL SURVEILLANCE NETWORK, CUBICLE WARRIORS REVIEW 1,000 HOURS OF VIDEO, 1,000 HIGH-ALTITUDE SPY PHOTOS AND HUNDREDS OF HOURS OF "SIGNALS INTELLIGENCE" — USUALLY CELLPHONE CALLS. At the Langley center, officially called Distributed Common Ground System-1, heavy multitasking is a daily routine for people like Josh, a 25-year-old first lieutenant (for security reasons, the Air Force would not release his full name). For 12 hours a day, he monitors an avalanche of images on 10 overhead television screens. They deliver what Josh and his colleagues have nicknamed "Death TV" — live video streams from drones above Afghanistan showing Taliban movements, suspected insurgent safehouses and American combat units headed into battle. As he watches, Josh uses a classified instant-messaging system showing as many as 30 different chats with commanders at the front, troops in combat and headquarters at the rear. And he is hearing the voice of a pilot at the controls of a U-2 spy plane high in the stratosphere. "I'll have a phone in one ear, talking to a pilot on the headset in the other ear, typing in chat at the same time and watching screens," Josh says. "It's intense." The stress lingers when the shift is over. Josh works alongside Anthony, 23, an airman first class who says his brain hurts each night, the way feet ache after a long march. "You have so much information coming in that when you go home — how do you take that away? Sometimes I work out," Anthony said. "Actually, one of my things is just being able to enjoy a nice bowl of cereal with almond milk. I feel the tension is just gone and I can go back again." Video games don't do the trick. "I need something real," he said.

We've gotta deal with overload now to improve counterterrorism long term Shanker and Richtel, 11

(Thom and Matt, Graduate Tufts University - The Fletcher School of Law and Diplomacy, Pulitzer prize winning author, New York Times, 1-16-11, "In New Military, Data Overload Can Be Deadly", <http://www.umsl.edu/~sauterv/DSS4Bl/links/17brain.pdf>, amp)

Mr. BARNES SAID SOLDIERS COULD BE TRAINED TO USE NEW TECHNOLOGY, “but WE’re not going to improve the neurological capability.” On the other hand, he said, the military SHOULD NOT SHY AWAY FROM IMPROVING THE FLOW OF DATA in combat. “IT WOULD BE LIKE SAYING WE SHOULDN’T HAVE AUTOMOBILES BECAUSE WE HAVE 40,000 PEOPLE DIE ON THE ROADS EACH YEAR,” he said. “THE PLUSES OF TECHNOLOGY ARE TOO GREAT.”

A2: tech solves

Tech can't solve – it's not fast enough

Horvitz, 13

Leslie Alan Horvitz, American author, "Information Overload: Babel, Borges and the NSA," 7/2/13, <http://lesliehorvitz.com/blog/2013/7/2/information-overload-babel-borges-and-the-nsa> // IS

NSA AND OTHER SECURITY AGENTS RELY ON COMPUTERS USING A VARIETY OF ALGORITHMS (SOME OF THEM DESIGNED TO SEARCH FOR KEY WORDS LIKE 'TERRORISM') TO FIND THE HOPED-FOR NEEDLES IN THE EVER EXPANDING HAYSTACK. BUT I SUSPECT THAT **technology is incapable of keeping up.** THE DATA THREATENS TO BECOME INDIGESTIBLE. AS SOON AS YOU BRING HUMANS INTO THE EQUATION – and eventually you need analysts to assess the credibility of the information and determine whether it is actionable or not – you run the risk of errors, bad judgment and bias. AND IT TAKES TIME – LOTS OF TIME. So analysts couldn't get to them all; instead they put aside what used to be called "bit buckets" in the industry —electronic bits that someday would have to be sorted out...by someone. According to James Lewis, a cyberexpert quoted in The New York Times, "THEY PARK STUFF IN STORAGE IN THE HOPES THAT THEY WILL EVENTUALLY HAVE TIME TO GET TO IT," ALTHOUGH HE ADMITTED THAT "MOST OF IT SITS AND IS NEVER LOOKED AT BY ANYONE." As another expert put it: "This means that if you can't desalinate all the seawater at once, you get to hold on to the ocean until you figure it out."

Technology doesn't check mass surveillance inefficiencies

Ferguson, 1/16 (DAVID FERGUSON, journalist Raw Story, "Mass surveillance is ineffective at fighting terrorism and makes us less safe, says tech expert" 16 JAN 2015 AT 12:53 ET

<http://www.rawstory.com/2015/01/mass-surveillance-is-ineffective-at-fighting-terrorism-and-makes-us-less-safe-says-tech-expert/> //GY

MASS SURVEILLANCE HAS PROVEN TO BE AN INEFFECTIVE TOOL AGAINST TERRORISTS, and yet in the wake of the attacks on the offices of the French satirical magazine Charlie Hebdo, many politicians are calling for even tighter surveillance on private citizens.¶ In a Thursday column for New Scientist, Open University technology specialist Ray Corrigan explained that MASS ELECTRONIC SURVEILLANCE WILL NEVER BE AN EFFECTIVE MEANS OF ENSURING PUBLIC SAFETY, no matter how sophisticated the technology BECOMES OR HOW GRANULAR A LEVEL AT WHICH OFFICIALS BECOME CAPABLE OF EXAMINING OUR LIVES.¶ "Prime Minister David Cameron wants to reintroduce the so-called snoopers' charter — properly, the Communications Data Bill — which would compel telecoms companies to keep records of all internet, email and cellphone activity," wrote Corrigan. The Prime Minister also wants to ban all forms of encrypted communication like Apple iMessage and the message service WhatsApp.¶ However, Corrigan pointed out, "BROTHERS SAID AND CHERIF KOUACHI AND AMEDY COULIBALY, WHO MURDERED 17 PEOPLE, WERE KNOWN TO THE FRENCH SECURITY SERVICES AND CONSIDERED A SERIOUS THREAT. FRANCE HAS BLANKET ELECTRONIC SURVEILLANCE. IT DIDN'T AVERT WHAT HAPPENED."¶ In France, AUTHORITIES LOST TRACK OF THE EXTREMISTS JUST LONG ENOUGH FOR THEM TO CARRY OUT THEIR ATTACK. SURVEILLANCE SYSTEMS ARE IMPERFECT, Corrigan said, and BLANKET DATA GATHERING IS A WILDLY INEFFICIENT WAY TO WEED OUT POTENTIAL TERROR SUSPECTS. IT GENERATES TOO MUCH USELESS INFORMATION TO SIFT THROUGH, HE SAID, AND OFTEN MISSES VITAL INFORMATION THAT ONLY BECOMES CLEAR IN HINDSIGHT.¶ "You cannot fix any of this by treating the entire population as suspects and then engaging in suspicionless, blanket collection and processing of

personal data," he said. It simply doesn't work.¶ In fact, THE PRACTICE MAY MAKE POPULATIONS LESS SAFE BY GENERATING SO MUCH DATA THAT IT BECOMES STATISTICALLY IMPOSSIBLE FOR INVESTIGATORS TO SPOT ACTUAL LEADS, GENERATING FALSE POSITIVES AT AN ASTONISHING RATE.¶ "Even if your magic terrorist-catching machine has a false positive rate of 1 in 1000 — and no security technology comes anywhere near this — every time you asked it for suspects in the UK it would flag 60,000 innocent people," said Corrigan.¶ "Surveillance of the entire population, the vast majority of whom are innocent, leads to the diversion of limited intelligence resources in pursuit of huge numbers of false leads. TERRORISTS ARE COMPARATIVELY RARE, SO FINDING ONE IS A NEEDLE IN A HAYSTACK PROBLEM. YOU DON'T MAKE IT EASIER BY THROWING MORE NEEDLELESS HAY ON THE STACK," he wrote.¶ In the U.S., a series of revelations from intelligence contractor turned whistleblower Edward Snowden revealed programs through which the National Security Agency is gathering information on average citizens, outraging privacy advocates and opening an international debate on the legality of mass surveillance. Now, in addition to being legally dubious, years into the surveillance programs, THE PRACTICE OF INDISCRIMINATE DATA-GATHERING HAS NEITHER CAUGHT ANY TERRORISTS NOR PREVENTED ANY ATTACKS.¶ On Friday, the American Civil Liberties Union reported on the newly-released results of a year-long investigation by the National Academies: Bulk Collection of Signals Intelligence: Technical Operations 2015.¶ Neema Singh Guliani of the ACLU revealed that the report showed "the domestic nationwide call detail record program has never stopped an act of terrorism or led to the identification of a terrorist suspect."¶ Furthermore, "THE REPORT DID NOT FIND THAT THE RESOURCE COSTS, PRIVACY IMPACTS, AND ECONOMIC HARMS ASSOCIATED WITH BULK COLLECTION ARE BALANCED BY ANY CONCRETE BENEFITS IN INTELLIGENCE CAPABILITIES," Guliani wrote.¶ "Finally," she said, "the report acknowledges that there are additional steps that the intelligence community can take to increase transparency, improve oversight, and limit the use of information collected through surveillance."¶ In his column, Corrigan wrote that law enforcement agencies need to "use modern digital technologies intelligently and through targeted data preservation — not a mass surveillance regime — to engage in court-supervised technological surveillance of individuals whom they have reasonable cause to suspect."¶ "That is not, however," he insisted, "the same as building an infrastructure of mass surveillance."

Technology can't check overload

The SIGINT Philosopher, 11

The SIGINT Philosopher, a Russian language analyst employed by SID, "The SIGINT Philosopher: Cognitive Overload?" 4/15/11,

<https://s3.amazonaws.com/s3.documentcloud.org/documents/2088972/cognitive-overflow.pdf> // IS

(U) There's a computer sitting atop your shoulders. Granted, real computers can apparently best human brains on Jeopardy with ease, but all the same... Since Noam Chomsky and his cohorts at MIT opened the floodgates to the study of how we think, cognitive psychology has come a long way. Although the ensuing decades of research have highlighted the astounding capabilities of our gray matter, the field has also exposed the limitations our brains are subject to. It may be worth considering the implications these limitations have for our work in SID.

(U) "CHANNEL CAPACITY" IS THE TERM SOME COGNITIVE PSYCHOLOGISTS HAVE BEGUN TO APPLY TO THE BRAIN'S LIMITS ON THE AMOUNT OF CERTAIN INFORMATION IT CAN RETAIN. For instance, research shows that THE AVERAGE PERSON CAN ONLY DIFFERENTIATE BETWEEN 5-9 DIFFERENT TONES, SHAPES,

OR TEXTURES AT A GIVEN TIME. ANY MORE, AND OUR CAPACITY TO CATEGORIZE BECOMES OVERTAXED, AND WE BEGIN TO MAKE MISTAKES. IN OTHER WORDS, THE SERVERS OVERLOAD. It is yet another example of how unprepared humans are, in evolutionary terms, for the information age. Evolutionary biologist Sherwood Washburn once wrote:

(U) "Most of human evolution took place before the advent of agriculture, when we lived in small groups, face-to-face. Man evolved to feel strongly about few people, short distances, and relatively brief intervals."

(U) The question then becomes: IF AN INDIVIDUAL BRAIN HAS FINITE "CHANNEL CAPACITY," DOES THE VAST COLLECTIVE OF SID, COMPRISED OF THOUSANDS OF BRILLIANT, YET LIMITED, BRAINS ALSO HAVE A DEFINITE "CHANNEL CAPACITY"? If so, what is it? How do we know when we've reached it? What if we've already exceeded it? In essence, could SID's reach exceed its grasp? Can the combined cognitive power of SID connect all the necessary dots to avoid, predict, or advise when the improbable, complex, or unthinkable happens?

(U) TAKE FOR EXAMPLE THE NUMBER OF TOOLS, CLEARANCES, SYSTEMS, COMPLIANCES, AND ADMINISTRATIVE REQUIREMENTS WE ENCOUNTER before we even begin to engage in the work of the mission itself. THE MISSION THEN INVOLVES AN EVER-EXPANDING SET OF COMPLEX ISSUES, TARGETS, ACCESSES, AND CAPABILITIES. THE "COGNITIVE BURDEN," SO TO SPEAK, MUST AT TIMES FEEL overwhelming to some of us. THE SID IS AN ORGANISM WITH MANY MOVING PARTS. SO HOW DO WE ENSURE OUR SIGINT POTENTIAL IS IN LINE WITH, AND DOESN'T OVERWHELM OUR COLLECTIVE COGNITIVE CAPACITY? Can we count on our overarching SID mechanism to self-regulate, to organically cull, sort, and retain? Or is there perhaps something extra we ought to be doing to ensure we operate at full exploitative and analytic force?

(U) Surely SOMEONE WILL POINT OUT THAT THE BURGEONING AMALGAM OF TECHNOLOGICAL ADVANCES WILL AID US IN SHOULDERING THE BURDEN. HOWEVER, historically, THIS SCENARIO DOESN'T SEEM TO COMPLETELY BEAR OUT. THE ONSLAUGHT OF MORE COMPUTING POWER—OFTEN INTENDED TO AUTOMATE SOME PROCESSES—HAS IN MANY RESPECTS DEMANDED AN EXPANSION OF OUR COMBINED "CHANNEL CAPACITY," RATHER THAN CURBING THE FLOW OF THE INFORMATION THAT'S NECESSARY TO RETAIN.

(U) It's an issue worth thinking about and discussing. In the meantime, I'll be working on my 14-character p ass word...

(U) Editor's note: See a Tapioca Pebble on this topic.

A2: more data solves

More data can't solve – current spending and Britain prove Maass, 15

Peter Maass, a Guggenheim Fellow on the advisory boards of the Solutions Journalism Network, and the Program for Narrative and Documentary Practice at Tufts University, "Inside NSA, Officials Privately Criticize 'Collect it All' Surveillance," The Intercept, 5/28/15, <https://firstlook.org/theintercept/2015/05/28/nsa-officials-privately-criticize-collect-it-all-surveillance/> // IS

THE AGENCY APPEARS TO BE SPENDING SIGNIFICANT SUMS OF MONEY TO SOLVE THE HAYSTACK PROBLEM. The document headlined "Dealing With a 'Tsunami' of Intercept," written in 2006 by three NSA officials and previously published by The Intercept, outlined a series of programs to prepare for a near future in which the speed and volume of signals intelligence would explode "almost beyond imagination." THE DOCUMENT REFERRED TO A MYSTERIOUS NSA ENTITY—THE "COPING WITH INFORMATION OVERLOAD OFFICE." THIS APPEARS TO BE RELATED TO AN ITEM IN THE INTELLIGENCE COMMUNITY'S 2013 BUDGET JUSTIFICATION TO CONGRESS, KNOWN AS THE "BLACK BUDGET"—\$48.6 MILLION FOR PROJECTS RELATED TO "COPING WITH INFORMATION OVERLOAD." THE DATA GLUT IS FELT IN THE NSA'S PARTNER AGENCY IN BRITAIN, TOO. A slideshow entitled "A Short Introduction to SIGINT," from GCHQ, THE BRITISH INTELLIGENCE AGENCY, POSED THE FOLLOWING QUESTION: "HOW ARE PEOPLE SUPPOSED TO KEEP ON TOP OF ALL THEIR TARGETS AND THE NEW ONES WHEN THEY HAVE FAR MORE THAN [THEY] COULD DO IN A DAY? HOW ARE THEY SUPPOSED TO FIND THE NEEDLE IN THE HAYSTACK AND PRIORITISE WHAT IS MOST IMPORTANT TO LOOK AT?" THE SLIDESHOW CONTINUED, "GIVE AN ANALYST THREE LEADS, ONE OF WHICH IS INTERESTING: THEY MAY HAVE TIME TO FOLLOW THAT UP. GIVE THEM THREE HUNDRED LEADS, TEN OF WHICH ARE INTERESTING: THAT'S PROBABLY NOT MUCH USE."

More data fails – statistics – and their evidence is hype Bergen et al., 14

Peter Bergen, David Sterman, Emily Schneider, and Bailey Cahill, *Peter Bergen is an American print and broadcast journalist, author, documentary producer, and CNN's national security analyst. **David Sterman is a program associate at New America and holds a master's degree from Georgetown's Center for Security Studies, ***senior program associate for the International Security Program at New America, "Do Nsa's Bulk Surveillance Programs Stop Terrorists?" New America Foundation, January 2014, https://www.newamerica.org/downloads/IS_NSA_surveillance.pdf // IS

D. THE ADMINISTRATION HAS REPEATEDLY EXAGGERATED THE ROLE OF NSA BULK SURVEILLANCE PROGRAMS IN PREVENTING TERRORISM AND IS MISLEADING THE PUBLIC WHEN IT SAYS THAT 9/11 COULD HAVE BEEN PREVENTED BY SUCH PROGRAMS WHEN, IN FACT, BETTER INFORMATION-SHARING ABOUT ALREADY EXISTING INTELLIGENCE WOULD HAVE BEEN FAR MORE EFFECTIVE IN PREVENTING 9/11.

Members of CONGRESS, SENIOR GOVERNMENT OFFICIALS, AND NSA OFFICIALS HAVE JUSTIFIED THE PROGRAMS WITH STATEMENTS ABOUT HOW MANY TERRORIST EVENTS THE SURVEILLANCE PROGRAMS HAVE FOILED - CITING A TOTAL OF 54 "EVENTS" AROUND THE GLOBE, of which 13 were in the United

States - AND HAVE WARNED OF THE RISK OF A FUTURE 9/11-LIKE ATTACK IF THE PROGRAMS WERE CURTAILED. As mentioned above, President Obama defended the NSA surveillance programs during a visit to Berlin in June, saying: "We know of at least 50 threats that have been averted because of this information not just in the United States, but, in some cases, threats here in Germany. So lives have been saved."³⁹ Gen. Alexander testified before Congress that: "the information gathered from these programs provided the U.S. government with critical leads to help prevent over 50 potential terrorist events in more than 20 countries around the world."⁴⁰ Rep. Mike Rogers, chairman of the House Permanent Select Committee on Intelligence, said on the chamber floor in July that NSA programs "stopped and thwarted terrorist attacks both here and in Europe - saving real lives" a total of 54 times.⁴¹

THE GOVERNMENT'S DEFENSE HAS DEMONSTRATED A LACK OF PRECISION REGARDING THE EXACT NATURE OF THE THREATS IN THE TERRORISM CASES THE GOVERNMENT HAS CLAIMED WERE PREVENTED BY NSA SURVEILLANCE. WERE THEY REAL ATTACKS THAT WERE THWARTED? SERIOUS PLOTS THAT WERE STILL SOMEWHERE IN THE PLANNING STAGES? PLOTS THAT WERE CONCERNING, BUT NEVER REALLY OPERATIONAL? OR DID THEY INVOLVE SOME SORT OF TERRORISM-SUPPORT ACTIVITY, SUCH AS FUNDRAISING? President Obama has called them "threats," Gen. Alexander called them "events" and then later used the term "activities," while Rep. Rogers and one of Gen. Alexander's slides at the 2013 Black Hat conference referred to them as "attacks."⁴²

Sen. Leahy brought attention to this disconnect at a Senate Judiciary Committee hearing in July 2013, saying he had been shown a classified list of "terrorist events" detected through surveillance which did not show that "dozens or even several terrorist plots" had been thwarted by the collection of American telephone metadata under Section 215.⁴³ SEN. LEAHY ASKED GEN. ALEXANDER: "WOULD YOU AGREE THAT THE 54 CASES THAT KEEP GETTING CITED BY THE ADMINISTRATION WERE NOT ALL PLOTS, AND OF THE 54, ONLY 13 HAD SOME NEXUS TO THE U.S.?" AND GEN. ALEXANDER'S REPLY WAS A SIMPLE "YES."⁴⁴ On this key point, beyond his one-word answer, the NSA director did not elaborate while under oath.

LEADING REPORTERS HAVE SOMETIMES SIMPLY PARROTTED THE GOVERNMENT CLAIMS THAT MORE THAN 50 ATTACKS HAVE BEEN AVERTED. Bob Schieffer of CBS News, for instance, said on "Face the Nation" on July 28: "Fifty-six terror plots here and abroad have been thwarted by the NSA [sic] program. So what's wrong with it, then, if it's managed to stop 56 terrorist attacks? That sounds like a pretty good record."⁴⁵ THIS MISREPRESENTATION IN THE MEDIA MOST LIKELY STEMS FROM CONFUSION ABOUT WHAT THIS OFT-CITED 54 NUMBER REALLY REFERS TO - TERRORIST ACTIVITY SUCH AS FUNDRAISING, PLOTS THAT WERE REALLY ONLY NOTIONAL, OR ACTUAL AVERTED ATTACKS.

Despite the government's narrative that NSA surveillance of some kind prevented 13 domestic "events" or "attacks" in the United States, OF THE EIGHT CASES WE HAVE IDENTIFIED AS POSSIBLY INVOLVING THE NSA, INCLUDING THE THREE THE GOVERNMENT HAS NOT CLAIMED, ONLY ONE CAN BE SAID TO INVOLVE AN OPERATIONAL AL-QAEDA PLOT TO CONDUCT AN ATTACK WITHIN THE UNITED STATES, THREE WERE NOTIONAL PLOTS, AND ONE INVOLVED AN ATTACK PLAN IN EUROPE. AND IN THREE OF THE PLOTS WE IDENTIFIED AS POSSIBLY HAVING BEEN PREVENTED BY THE NSA - MOALIN, MUHTOROV AND JUMAEV, AND WARSAME - THE DEFENDANTS WERE COMMITTING OR ALLEGEDLY COMMITTING CRIMES OF SUPPORT FOR A TERRORIST GROUP, RATHER THAN PLOTTING TERRORIST ATTACKS.

More data fails – empirics

Bergen et al., 14

Peter Bergen, David Serman, Emily Schneider, and Bailey Cahill, *Peter Bergen is an American print and broadcast journalist, author, documentary producer, and CNN's national security analyst. **David Serman is a program associate at New America and holds a master's degree from Georgetown's Center for Security Studies, ***senior program associate for the International Security Program at New America, "Do Nsa's Bulk Surveillance Programs Stop Terrorists?" New America Foundation, January 2014, https://www.newamerica.org/downloads/IS_NSA_surveillance.pdf // IS

These MULTIPLE MISSED OPPORTUNITIES CHALLENGE THE ADMINISTRATION'S CLAIMS THAT THE NSA'S BULK SURVEILLANCE PROGRAM COULD HAVE PREVENTED THE 9/11 ATTACKS. THE KEY PROBLEM WAS ONE OF INFORMATION-SHARING, not lack of information. IF INFORMATION-SHARING HAD BEEN FUNCTIONING, MIHDHAR WOULD LIKELY HAVE BEEN CAUGHT regardless of the collection of telephone metadata, AND IF INFORMATION-SHARING WAS NOT FUNCTIONING, IT IS UNCLEAR WHY COLLECTING MORE INFORMATION WOULD HAVE CHANGED THE RESULT. Even if Mihdhar's phone calls from San Diego to Yemen is considered a moment for preventing the 9/11 attacks, it is likely that more targeted surveillance of that phone number rather than bulk collection of metadata would have been sufficient. Communications to and from the house in Yemen were already being intercepted by the NSA as a result of investigations into the 1998 U.S. embassy bombings in Africa and the USS Cole bombing in 2000.⁶² According to U.S. officials quoted by Josh Meyer, a leading national security reporter at the Los Angeles Times, the information from the calls could have been shared through a FISA warrant under the authorities the NSA had even before 9/11.⁶³ The United States government could and should have been alerted to Mihdhar's phone calls even without the expanded authority to collect the telephone metadata of all Americans under Section 215. Indeed, Richard Clarke, the national coordinator for security, infrastructure protection, and counterterrorism from 1998 to 2001, has explained that the Justice Department "could have asked the FISA Court for a warrant to all phone companies to show all calls from the U.S. which went to the Yemen number. As far as I know, they did not do so. They could have."⁶⁴ Clarke played down the need for bulk collection in such a scenario, continuing, "My understanding is that they did not need the current All Calls Data Base FISA warrant to get the information they needed. Since they had one end of the calls (the Yemen number), all they had to do was ask for any call connecting to it."⁶⁵ (Clarke was one of the five members of the White House review group that President Obama established in August 2013 to review the U.S. government's surveillance activities and which issued its report on December 18, 2013). THE OVERALL PROBLEM FOR U.S. COUNTERTERRORISM OFFICIALS IS NOT THAT THEY NEED THE INFORMATION FROM THE BULK COLLECTION OF PHONE DATA, BUT THAT THEY DON'T SUFFICIENTLY UNDERSTAND OR WIDELY SHARE THE INFORMATION THEY ALREADY POSSESS THAT IS DERIVED FROM CONVENTIONAL LAW ENFORCEMENT AND INTELLIGENCE TECHNIQUES. THIS WAS TRUE OF THE TWO 9/11 HIJACKERS LIVING IN SAN DIEGO AND IT IS ALSO THE UNFORTUNATE PATTERN WE HAVE SEEN IN SEVERAL OTHER SIGNIFICANT TERRORISM CASES: • Chicago resident David Coleman Headley was central to the planning of the 2008 terrorist attacks in Mumbai that killed 166 people. Yet, following the 9/11 attacks, U.S. authorities received plausible tips regarding Headley's associations with militant groups at least five times from his family members, friends, and acquaintances.⁶⁶ These multiple tips were never followed up in an effective fashion. • Maj. Nidal Hasan, a U.S. Army psychiatrist, killed 13 people at Fort Hood, Texas, in 2009. Before the attack, U.S. intelligence agencies had intercepted multiple emails between

Maj. Hasan and Anwar al-Awlaki, a U.S.- born cleric living in Yemen who was notorious for his ties to militants. The emails included a discussion of the permissibility in Islam of killing U.S. soldiers. Counterterrorism investigators didn't follow up on these emails, believing that they were somehow consistent with Maj. Hasan's job as a military psychiatrist.⁶⁷ • Carlos Bledsoe, a convert to Islam, fatally shot a soldier at a **Little Rock**, Ark., military recruiting office in 2009, several months after returning from a stay in Yemen. As a result of that trip, Bledsoe was under investigation by the FBI. Yet, he was still able to buy the weapons for his deadly attack when he was back in the United States.⁶⁸ • Nigerian Umar Farouq Abdulmutallab attempted to blow up **Northwest Flight 253** over Detroit on Christmas Day 2009 with an "underwear bomb." Fortunately, the bomb failed to explode. Yet, a few weeks before the botched attack, Abdulmutallab's father contacted the U.S. Embassy in Nigeria with concerns that his son had become radicalized and might be planning something.⁶⁹ This information wasn't further investigated. Abdulmutallab had been recruited by al-Qaeda's branch in Yemen for the mission. The White House review of the bomb plot concluded that there was sufficient information known to the U.S. government to determine that Abdulmutallab was likely working for al-Qaeda in Yemen and that the group was looking to expand its attacks beyond Yemen.⁷⁰ Yet, Abdulmutallab was allowed to board a plane bound for the United States without any question. ALL OF THE MISSED OPPORTUNITIES IN THESE SERIOUS TERRORISM CASES ARGUE NOT FOR THE GATHERING OF EVER-MORE VAST TROVES OF INFORMATION, BUT SIMPLY FOR A BETTER UNDERSTANDING OF THE INFORMATION THE GOVERNMENT HAS ALREADY COLLECTED THAT WAS DERIVED FROM CONVENTIONAL LAW ENFORCEMENT AND INTELLIGENCE METHODS.

Network and pattern identification fails

Keefe, 6

(Patrick Radden, Century Foundation fellow, author of 'Chatter: Dispatches from the Secret World of Global Eavesdropping', 3-12-2006, New York Times, "Can Network Theory Thwart Terrorists?", lexis, amp)

NETWORK ACADEMICS CAUTION that THE FIELD IS STILL IN ITS INFANCY AND should not be regarded as a panacea. Duncan WATTS OF COLUMBIA University POINTS OUT that IT'S much EASIER TO TRACE A NETWORK WHEN YOU CAN ALREADY IDENTIFY SOME OF ITS MEMBERS. But much SOCIAL-NETWORK RESEARCH INVOLVES simply TRAWLING large DATABASES FOR TELLTALE BEHAVIORS OR ACTIVITIES THAT MIGHT BE TYPICAL OF A TERRORIST. In this case the LINKS AMONG PEOPLE ARE NOT BASED ON ACTUAL RELATIONSHIPS AT ALL, BUT on AN "AFFILIATION NETWORK," IN WHICH INDIVIDUALS ARE CONNECTED BY VIRTUE OF taking part in a SIMILAR ACTIVITY. THIS sort of APPROACH HAS BEEN EFFECTIVE FOR CORPORATIONS IN DETECTING FRAUD. A credit-card company knows that when someone uses a card to purchase \$2 of gas at a gas station, and then 20 minutes later makes an expensive purchase at an electronics store, there's a high probability that the card has been stolen. Marc Sageman, a former C.I.A. case officer who wrote a book on terror networks, notes that correlating certain signature behaviors could be one way of tracking terrorists: jihadist groups in Virginia and Australia exercised at paint-ball courses, so analysts could look for Muslim militants who play paint ball, he suggests. BUT whereas there is a long history of signature behaviors that indicate fraud, jihadist terror networks are a relatively new phenomena and offer fewer reliable patterns.

THERE IS also some DOUBT that IDENTIFYING HUBS WILL DO much GOOD. NETWORKS ARE BY their very NATURE robust and RESISTANT TO ATTACK. After all, WHILE NUMEROUS HIGH RANKING QAEDA

LEADERS HAVE BEEN CAPTURED or killed in the years since Sept. 11, THE NETWORK STILL APPEARS to be FUNCTIONING. **"If you shoot the C.E.O., they'll hire another one,"** Duncan WATTS SAYS. **"THE JOB WILL still GET DONE."**

A2: Congress Checks Overload

Congress can't check overload

Shoemaker, 15

Tim Shoemaker, the Director of Legislation at Campaign for Liberty. He graduated Magna Cum Laude with a Bachelor of Arts from Indiana University of Pennsylvania. "Can Congress Effectively Oversee the Vast Surveillance State," Campaign for Liberty, 4/8/15, [// IS](http://www.campaignforliberty.org/can-congress-effectively-oversee-vast-surveillance-state)

ACCORDING TO A NEW REPORT FROM THE ASSOCIATED PRESS, THE SENATE INTELLIGENCE COMMITTEE IS CREATING A SORT OF "SECRET ENCYCLOPEDIA" OF AMERICA'S SURVEILLANCE PROGRAMS.

Surprisingly, this hasn't picked up as much media attention as it should.

What THE REPORT ACTUALLY TELLS US, WITHOUT DIRECTLY SAYING SO, IS CONGRESS ISN'T CAPABLE OF CONDUCTING INFORMED, **effective oversight** OF THE SURVEILLANCE STATE.

Despite calling Snowden's actions "treason" at the time, it's clear that FEINSTEIN AND OTHER MEMBERS OF CONGRESS WERE COMPLETELY UNAWARE OF THE FOREIGN SURVEILLANCE BEING CONDUCTED UNDER EXECUTIVE ORDER 12333 -- AND WOULD NEVER HAVE LEARNED OF THE PROGRAMS BEING CARRIED OUT BY A SMALL NUMBER OF EXECUTIVE BRANCH EMPLOYEES WITHOUT HIS WHISTLEBLOWING ACTIVITIES.

Of course, what ought to upset us all is how THE INTEL COMMITTEE MEMBERS HAD BEEN BRIEFED ON SOME OF THE MOST CONTROVERSIAL INTELLIGENCE PROGRAMS SUCH AS THE SURVEILLANCE OF AMERICAN'S PHONE RECORDS AND THE PRISM PROGRAM AND OTHER THAN RON WYDEN AND MARK UDALL, NONE OF THEM SEEMED TO BE **overly concerned** about how Americans' civil liberties were being routinely violated.

A2: wastes \$

Mass data collection is cost efficient

Cohen, '14 (Drew F. Cohen, former law clerk to the chief justice of the Constitutional Court of South Africa "The Shrinking Price of Mass Surveillance" February 10, 2014

<http://nationalinterest.org/commentary/the-shrinking-price-mass-surveillance-9848?page=2> //GY

By now most Americans agree that the NSA surveillance program, brought to light by leaked documents from former NSA contractor Edward Snowden, went "too far." Just because the spy agency could keep tabs on every American, did not mean it should. THE PRICE OF SURVEILLANCE TECHNOLOGY, HOWEVER, HAD DROPPED SO PRECIPITOUSLY OVER THE LAST TWO DECADES that once the agency overcame any moral objections it had about the program, few practical considerations stood in its way of implementing a system that could monitor 315 million Americans every day. Indeed, ONE ESTIMATE TAGGED THE NSA'S ANNUAL SURVEILLANCE COSTS AT \$574 PER TAXPAYER, AMOUNTING TO A PALTRY SIX-AND-A-HALF CENTS AN HOUR.¶ If privacy law experts Kevin S. Bankston and Ashkan Soltani are correct, costs, once a significant check on government spying and police monitoring efforts, have become an afterthought. In a recent study published in the Yale Law Journal Online, Bankston and Soltani found that most technologies deployed for mass-surveillance efforts by police departments (e.g., GPS devices and domestic drones) exhibit similar cost structures to the NSA spying program: AS THE NUMBER OF SUBJECTS INCREASE, THE COST OF KEEPING TABS EACH TARGET NEARS ZERO. CHEAPER, MORE EFFECTIVE TRACKING DEVICES HAVE BEEN A BOON TO CASH-STRAPPED POLICE DEPARTMENTS NATIONWIDE, largely to the dismay of civil-liberties groups.

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NEWER SURVEILLANCE TECHNOLOGIES, HOWEVER, WERE SIGNIFICANTLY CHEAPER WHEN COSTS WERE TABULATED ON AN HOURLY BASIS. The total price tag of tracking a suspect using a GPS device, similar to the one in Jones for instance, came out to \$10 an hour over one day, \$1.43 per hour over a week and \$0.36 per hour over a month. Another relatively new technique, obtaining a suspect's location through their cell phone signal with the carrier's assistance, yielded similar results. As of August 2009, fees for obtaining cell phone location data from carriers ranged from \$0.04 to \$4.17 per hour for one month of surveillance. (Sprint, for example, charges \$30 per month per target while T-Mobile charges \$100 per day).¶ AFTER TABULATING THEIR RESULTS, BANKSTON AND SOLTANI CONCLUDED THAT THE TOTAL COST OF USING A GPS DEVICE TO TRACK AS SUSPECT OVER TWENTY-EIGHT DAYS (THE METHOD REJECTED IN JONES) WAS ROUGHLY THREE HUNDRED TIMES LESS EXPENSIVE THAN THE SAME TRACKING USING A TRANSMITTER (technology approved by the Supreme Court) AND 775 TIMES LESS EXPENSIVE THAN USING THE FIVE CAR PURSUIT METHOD (also approved). Meanwhile, the cost of using transmitter-surveillance technology was only 2.5 times less expensive than undercover car pursuit.

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A2: Big Data Initiative

BDI isn't enough – it's just a first step

Kirby, 13

Bob Kirby, vice president of sales for CDW·G, a leading technology provider to government and education. "Big Data Can Help the Federal Government Move Mountains. Here's How.," FedTech Magazine, 08/01/13, <http://www.fedtechmagazine.com/article/2013/08/big-data-can-help-federal-government-move-mountains-heres-how> // IS

THE CHALLENGES TO MAXIMIZING THE USE OF BIG DATA ARE GREAT, BUT THE OPPORTUNITIES IT OPENS ARE EVEN GREATER. THE WHITE HOUSE INITIATIVE IS a good first step, BUT agencies must mobilize. SEVERAL FEDERAL PROJECTS HAVE ESTABLISHED A PATH THAT OTHERS CAN FOLLOW TO MAKE THE MOST OF THESE OPPORTUNITIES. When they invest in technologies to help them deal with the massive piles of data they are creating, agencies may find that they can move mountains.

A2: CIA

CIA mass surveillance fails

Fingas, 4/25 (Jon Fingas, Associate Editor Engadget "The CIA couldn't properly use a mass surveillance program for years" April 25th 2015 <http://www.engadget.com/2015/04/25/cia-mass-surveillance-problems/>) //GY

Whatever you think about the morality of using mass surveillance to catch evildoers, THE TECHNOLOGY ONLY WORKS IF PEOPLE CAN USE IT -- JUST ASK THE CIA. THE NEW YORK TIMES HAS OBTAINED A DECLASSIFIED REPORT REVEALING THAT THAT THE AGENCY WAS LARGELY KEPT IN THE DARK about the President's Surveillance Program (aka Stellarwind), WHICH ALLOWS FOR BULK DATA COLLECTION, until at least 2009. Only the highest-ranking officials could use PSP as a general rule, and those few AGENTS THAT DID HAVE ACCESS OFTEN DIDN'T KNOW ENOUGH TO USE IT PROPERLY, FACED "COMPETING PRIORITIES" OR HAD OTHER TOOLS AT THEIR DISPOSAL. TO BOOT, THERE WASN'T DOCUMENTATION SHOWING HOW EFFECTIVE THE PROGRAM WAS IN FIGHTING TERRORISM.¶ It's not certain if the CIA has shaped up in the years since that report, although its shift toward online operations is going to make these kinds of digital initiatives more important. REGARDLESS OF ANY IMPROVEMENTS, IT'S CLEARER THAN EVER THAT THE US GOVERNMENT HAS SOMETIMES HAD PRIVATE DOUBTS about the effectiveness of its large-scale surveillance efforts.

Surveillance can't solve terror

Mass surveillance can't find terrorists – mathematically impossible

Rudmin, '06 (FLOYD RUDMIN Professor of Social & Community Psychology at the University of Tromsø in Norway "Why Does the NSA Engage in Mass Surveillance of Americans When It's Statistically Impossible for Such Spying to Detect Terrorists?" MAY 24, 2006
<http://www.counterpunch.org/2006/05/24/why-does-the-nsa-engage-in-mass-surveillance-of-americans-when-it-s-statistically-impossible-for-such-spying-to-detect-terrorists/>) //GY

The Bush administration and the National Security Agency (NSA) have been secretly monitoring the email messages and phone calls of all Americans. They are doing this, they say, for our own good. To find terrorists. MANY PEOPLE HAVE CRITICIZED NSA'S DOMESTIC SPYING AS UNLAWFUL INVASION OF PRIVACY, AS SEARCH WITHOUT SEARCH WARRANT, AS ABUSE OF POWER, AS MISUSE OF THE NSA'S RESOURCES, AS UNCONSTITUTIONAL, AS SOMETHING THE COMMUNISTS WOULD DO, SOMETHING VERY UNAMERICAN. In addition, however, MASS SURVEILLANCE OF AN ENTIRE POPULATION CANNOT FIND TERRORISTS. IT IS A PROBABILISTIC IMPOSSIBILITY. IT CANNOT WORK. What is the probability that people are terrorists given that NSA's mass surveillance identifies them as terrorists? If the probability is zero ($p=0.00$), then they certainly are not terrorists, and NSA was wasting resources and damaging the lives of innocent citizens. If the probability is one ($p=1.00$), then they definitely are terrorists, and NSA has saved the day. If the probability is fifty-fifty ($p=0.50$), that is the same as guessing the flip of a coin. THE CONDITIONAL PROBABILITY THAT PEOPLE ARE TERRORISTS GIVEN THAT THE NSA SURVEILLANCE SYSTEM SAYS THEY ARE, THAT HAD BETTER BE VERY NEAR TO ONE ($P \approx 1.00$) AND VERY FAR FROM ZERO ($P=0.00$). The mathematics of conditional probability were figured out by the Scottish logician Thomas Bayes. If you Google "Bayes' Theorem", you will get more than a million hits. Bayes' Theorem is taught in all elementary statistics classes. Everyone at NSA certainly knows Bayes' Theorem. To know if mass surveillance will work, Bayes' theorem requires three estimations: 1) The base-rate for terrorists, i.e. what proportion of the population are terrorists; 2) The accuracy rate, i.e., the probability that real terrorists will be identified by NSA; 3) The misidentification rate, i.e., the probability that innocent citizens will be misidentified by NSA as terrorists. NO MATTER HOW SOPHISTICATED AND SUPER-DUPER ARE NSA'S METHODS FOR IDENTIFYING TERRORISTS, NO MATTER HOW BIG AND FAST ARE NSA'S COMPUTERS, NSA'S ACCURACY RATE WILL NEVER BE 100% AND THEIR MISIDENTIFICATION RATE WILL NEVER BE 0%. That fact, plus the extremely low base-rate for terrorists, means IT IS LOGICALLY IMPOSSIBLE FOR MASS SURVEILLANCE TO BE AN EFFECTIVE WAY TO FIND TERRORISTS. I will not put Bayes' computational formula here. It is available in all elementary statistics books and is on the web should any readers be interested. But I will compute some conditional probabilities that people are terrorists given that NSA's system of mass surveillance identifies them to be terrorists. The US Census shows that there are about 300 million people living in the USA. Suppose that there are 1,000 terrorists there as well, which is probably a high estimate. The base-rate would be 1 terrorist per 300,000 people. In percentages, that is .00033% which is way less than 1%. Suppose that NSA surveillance has an accuracy rate of .40, which means that 40% of real terrorists in the USA will be identified by NSA's monitoring of everyone's email and phone calls. This is probably a high estimate, considering that terrorists are doing their best to avoid detection. THERE IS NO EVIDENCE THUS FAR THAT NSA HAS BEEN SO SUCCESSFUL AT FINDING TERRORISTS. AND SUPPOSE NSA'S MISIDENTIFICATION RATE IS .0001, WHICH MEANS THAT .01% OF INNOCENT PEOPLE WILL BE MISIDENTIFIED AS TERRORISTS, AT LEAST UNTIL THEY ARE INVESTIGATED, DETAINED AND INTERROGATED. Note that .01% of the US population is

30,000 people. With these suppositions, then THE PROBABILITY THAT PEOPLE ARE TERRORISTS GIVEN THAT NSA'S SYSTEM OF SURVEILLANCE IDENTIFIES THEM AS TERRORISTS IS ONLY $P=0.0132$, WHICH IS NEAR ZERO, VERY FAR FROM ONE. ERGO, NSA'S SURVEILLANCE SYSTEM IS USELESS FOR FINDING TERRORISTS.¶ Suppose that NSA's system is more accurate than .40, let's say, .70, which means that 70% of terrorists in the USA will be found by mass monitoring of phone calls and email messages. Then, by Bayes' Theorem, the probability that a person is a terrorist if targeted by NSA is still only $p=0.0228$, which is near zero, far from one, and useless.¶ Suppose that NSA's system is really, really, really good, really, really good, with an accuracy rate of .90, and a misidentification rate of .00001, which means that only 3,000 innocent people are misidentified as terrorists. With these suppositions, THEN THE PROBABILITY THAT PEOPLE ARE TERRORISTS GIVEN THAT NSA'S SYSTEM OF SURVEILLANCE IDENTIFIES THEM AS TERRORISTS IS ONLY $P=0.2308$, WHICH IS FAR FROM ONE AND WELL BELOW FLIPPING A COIN. NSA'S DOMESTIC MONITORING OF EVERYONE'S EMAIL AND PHONE CALLS IS USELESS FOR FINDING TERRORISTS.¶ NSA knows this. Bayes' Theorem is elementary common knowledge. So, why does NSA spy on Americans knowing it's not possible to find terrorists that way? MASS SURVEILLANCE OF THE ENTIRE POPULATION IS LOGICALLY SENSIBLE ONLY IF THERE IS A HIGHER BASE-RATE. HIGHER BASE-RATES ARISE FROM TWO LINES OF THOUGHT, NEITHER OF THEM VERY NICE: 1) MCCARTHY-TYPE NATIONAL PARANOIA; 2) POLITICAL ESPIONAGE.¶ The whole NSA domestic spying program will seem to work well, will seem logical and possible, if you are paranoid. Instead of presuming there are 1,000 terrorists in the USA, presume there are 1 million terrorists. Americans have gone paranoid before, for example, during the McCarthyism era of the 1950s. Imagining a million terrorists in America puts the base-rate at .00333, and now the probability that a person is a terrorist given that NSA's system identifies them is $p=.99$, which is near certainty. But only if you are paranoid. If NSA's surveillance requires a presumption of a million terrorists, and if in fact there are only 100 or only 10, then A LOT OF INNOCENT PEOPLE ARE GOING TO BE MISIDENTIFIED AND CONFIDENTLY MISLABELED AS TERRORISTS.¶ The ratio of real terrorists to innocent people in the prison camps of Guantanamo, Abu Ghraib, and Kandahar shows that the US is paranoid and is not bothered by mistaken identifications of innocent people. The ratio of real terrorists to innocent people on Bush's no-fly lists shows that the Bush administration is not bothered by mistaken identifications of innocent Americans.¶ Also, MASS SURVEILLANCE OF THE ENTIRE POPULATION IS LOGICALLY PLAUSIBLE IF NSA'S DOMESTIC SPYING IS NOT LOOKING FOR TERRORISTS, BUT LOOKING FOR SOMETHING ELSE, SOMETHING THAT IS NOT SO RARE AS TERRORISTS. For example, the May 19 Fox News opinion poll of 900 registered voters found that 30% dislike the Bush administration so much they want him impeached. If NSA were monitoring email and phone calls to identify pro-impeachment people, and if the accuracy rate were .90 and the error rate were .01,¶ then the probability that people are pro-impeachment given that NSA surveillance system identified them as such, would be $p=.98$, which is coming close to certainty ($p_1.00$). Mass surveillance by NSA of all Americans' phone calls and emails would be very effective for domestic political intelligence.¶ BUT FINDING A FEW TERRORISTS BY MASS SURVEILLANCE OF THE PHONE CALLS AND EMAIL MESSAGES OF 300 MILLION AMERICANS IS MATHEMATICALLY IMPOSSIBLE, AND NSA CERTAINLY KNOWS THAT.

Effectiveness of mass surveillance is massively overblown – hasn't aided a single case
Bergen et al, PhD, '14 (Bailey Cahall David Sterman Emily Schneider Peter Bergen, member of the Homeland Security Project, a successor to the 9/11 Commission a Professor of Practice at Arizona State University and a fellow at Fordham University's Center on National Security "DO NSA'S BULK SURVEILLANCE PROGRAMS STOP TERRORISTS?" JANUARY 13, 2014

<https://www.newamerica.org/international-security/do-nsas-bulk-surveillance-programs-stop-terrorists/> //GY

However, OUR REVIEW OF THE GOVERNMENT’S CLAIMS ABOUT THE ROLE THAT NSA “BULK” SURVEILLANCE OF PHONE AND EMAIL COMMUNICATIONS RECORDS HAS HAD IN KEEPING THE UNITED STATES SAFE FROM TERRORISM SHOWS THAT THESE CLAIMS ARE OVERBLOWN AND EVEN MISLEADING. An in-depth analysis of 225 individuals recruited by al-Qaeda or a like-minded group or inspired by al-Qaeda’s ideology, and charged in the United States with an act of terrorism since 9/11, demonstrates that TRADITIONAL INVESTIGATIVE METHODS, such as the use of informants, tips from local communities, and targeted intelligence operations, PROVIDED THE INITIAL IMPETUS FOR INVESTIGATIONS IN THE MAJORITY OF CASES, WHILE THE CONTRIBUTION OF NSA’S BULK SURVEILLANCE PROGRAMS TO THESE CASES WAS MINIMAL. Indeed, the controversial bulk collection of American telephone metadata, which includes the telephone numbers that originate and receive calls, as well as the time and date of those calls but not their content, under Section 215 of the USA PATRIOT ACT, APPEARS TO HAVE PLAYED AN IDENTIFIABLE ROLE IN INITIATING, AT MOST, 1.8 PERCENT OF THESE CASES. NSA programs involving the surveillance of non-U.S. persons outside of the United States under Section 702 of the FISA Amendments Act played a role in 4.4 percent of the terrorism cases we examined, and NSA surveillance under an unidentified authority played a role in 1.3 percent of the cases we examined.¶ Regular FISA warrants not issued in connection with Section 215 or Section 702, which are the traditional means for investigating foreign persons, were used in at least 48 (21 percent) of the cases we looked at, although it’s unclear whether these warrants played an initiating role or were used at a later point in the investigation. (Click on the link to go to a database of all 225 individuals, complete with additional details about them and the government’s investigations of these cases: <http://natsec.newamerica.net/nsa/analysis>).¶ Surveillance of American phone metadata has had no discernible impact on preventing acts of terrorism and only the most marginal of impacts on preventing terrorist-related activity, such as fundraising for a terrorist group. Furthermore, our examination of the role of the database of U.S. citizens’ telephone metadata in the single plot the government uses to justify the importance of the program – that of Basaaly Moalin, a San Diego cabdriver who in 2007 and 2008 provided \$8,500 to al-Shabaab, al-Qaeda’s affiliate in Somalia – calls into question the necessity of the Section 215 bulk collection program. According to the government, the database of American phone metadata allows intelligence authorities to quickly circumvent the traditional burden of proof associated with criminal warrants, thus allowing them to “connect the dots” faster and prevent future 9/11-scale attacks. YET IN THE MOALIN CASE, after using the NSA’s phone database to link a number in Somalia to Moalin, THE FBI WAITED TWO MONTHS TO BEGIN AN INVESTIGATION AND WIRETAP HIS PHONE. Although it’s unclear why there was a delay between the NSA tip and the FBI wiretapping, COURT DOCUMENTS SHOW THERE WAS A TWO-MONTH PERIOD IN WHICH THE FBI WAS NOT MONITORING MOALIN’S CALLS, DESPITE OFFICIAL STATEMENTS THAT THE BUREAU HAD MOALIN’S PHONE NUMBER AND HAD IDENTIFIED HIM. , This undercuts the government’s theory that the database of Americans’ telephone metadata is necessary to expedite the investigative process, since IT CLEARLY DIDN’T EXPEDITE THE PROCESS IN THE SINGLE CASE THE GOVERNMENT USES TO EXTOL ITS VIRTUES.¶ Additionally, A CAREFUL REVIEW OF THREE OF THE KEY TERRORISM CASES THE GOVERNMENT HAS CITED TO DEFEND NSA BULK SURVEILLANCE PROGRAMS REVEALS THAT GOVERNMENT OFFICIALS HAVE EXAGGERATED THE ROLE OF THE NSA IN THE CASES against David Coleman Headley and Najibullah Zazi, and the significance of the threat posed by a notional plot to bomb the New York Stock Exchange.¶ IN 28 PERCENT OF THE CASES WE REVIEWED, COURT RECORDS AND PUBLIC REPORTING DO NOT IDENTIFY

WHICH SPECIFIC METHODS INITIATED THE INVESTIGATION. These cases, involving 62 individuals, may have been initiated by an undercover informant, an undercover officer, a family member tip, other traditional law enforcement methods, CIA- or FBI-generated intelligence, NSA surveillance of some kind, or any number of other methods. In 23 of these 62 cases (37 percent), an informant was used. However, we were unable to determine whether the informant initiated the investigation or was used after the investigation was initiated as a result of the use of some other investigative means. Some of these cases may also be too recent to have developed a public record large enough to identify which investigative tools were used.¶ We have also identified three additional plots that the government has not publicly claimed as NSA successes, but in which court records and public reporting suggest the NSA had a role. However, it is not clear whether any of those three cases involved bulk surveillance programs.¶ Finally, THE OVERALL PROBLEM FOR U.S. COUNTERTERRORISM OFFICIALS IS NOT THAT THEY NEED VASTER AMOUNTS OF INFORMATION FROM THE BULK SURVEILLANCE PROGRAMS, BUT THAT THEY DON'T SUFFICIENTLY UNDERSTAND OR WIDELY SHARE THE INFORMATION THEY ALREADY POSSESS THAT WAS DERIVED FROM CONVENTIONAL LAW ENFORCEMENT AND INTELLIGENCE TECHNIQUES. This was true for two of the 9/11 hijackers who were known to be in the United States before the attacks on New York and Washington, as well as with the case of Chicago resident David Coleman Headley, who helped plan the 2008 terrorist attacks in Mumbai, and it is the unfortunate pattern we have also seen in several other significant terrorism cases.

Surveillance can't solve – their authors inflate data

Nicks, '14 (Denver Nicks, TIME, "Report: Usefulness of NSA Mass Surveillance 'Overblown'" Jan. 13, 2014 <http://swampland.time.com/2014/01/13/report-usefulness-of-nsa-mass-surveillance-overblown/>) //GY

Ever since Edward Snowden's leaks began revealing the extent of the National Security Agency's mass surveillance—or "bulk collection"—programs last June, officials have defended the programs with one number: 50.¶ "We know of at least 50 threats that have been averted because of this information not just in the United States, but, in some cases, threats here in Germany. So lives have been saved," President Obama said on a visit to Berlin. NSA Director Gen. Keith Alexander made the same claim testifying before Congress.¶ BUT A NEW STUDY OUT MONDAY FROM THE NEW AMERICA FOUNDATION SAYS THAT CLAIM IS SIMPLY FALSE, CALLING IT "OVERBLOWN, AND EVEN MISLEADING."¶ "SURVEILLANCE OF AMERICAN PHONE METADATA HAS HAD NO DISCERNIBLE IMPACT ON PREVENTING ACTS OF TERRORISM AND ONLY THE MOST MARGINAL OF IMPACTS ON PREVENTING TERRORIST-RELATED ACTIVITY, SUCH AS FUNDRAISING FOR A TERRORIST GROUP," says the nonpartisan think tank's report, titled "Do NSA's Bulk Surveillance Programs Stop Terrorists?"¶ IN AN ANALYSIS OF 225 AL-QAEDA-LINKED INDIVIDUALS CHARGED WITH TERRORISM IN THE U.S. SINCE 9/11, THE REPORT FOUND NSA MASS SURVEILLANCE OF AMERICANS TELEPHONE RECORDS—AUTHORIZED UNDER SECTION 215 OF THE USA PATRIOT ACT—"PLAYED AN IDENTIFIABLE ROLE IN INITIATING, AT MOST, 1.8 PERCENT" OF INVESTIGATIONS.¶ The report acknowledges that in 28 percent of cases it reviewed, researchers couldn't determine what methods initiated the investigation. But in many of those cases an informant played a role in the investigation, says the report.¶ ACLU Legislative Counsel Michelle Richardson told TIME the report "confirms that THE NUMBERS AND EXAMPLES THE GOVERNMENT HAS FLOATED IN SUPPORT OF ITS DOMESTIC SPYING PROGRAMS ARE GROSSLY INFLATED. More broadly though, it underlines how far the government has actually gotten away from the original lessons of 9/11. Instead of working on

connecting the dots collected from traditional investigations, IT HAS BECOME OBSESSED WITH COLLECTING EVER MORE DATA WHETHER IT IS USEFUL OR NOT."

Surveillance can't solve – their authors are lying

Terbush, '13 (Jon Terbush, correspondent The Week, "Is the NSA's data snooping actually effective?" December 19, 2013 <http://theweek.com/articles/453981/nsas-data-snooping-actually-effective>) //GY

The White House on Wednesday released a much-anticipated independent review of the National Security Agency's spy programs, which offered 46 recommendations for reforming the agency's spy ops.¶ The report concluded that the programs, though they had gone too far, should stay in place. But it nevertheless may have undermined the NSA's claim that the collection of all phone metadata is a necessary tool to combat terrorism.¶ "OUR REVIEW SUGGESTS THAT THE INFORMATION CONTRIBUTED TO TERRORIST INVESTIGATIONS BY THE USE OF SECTION 215 TELEPHONY METADATA WAS NOT ESSENTIAL TO PREVENTING ATTACKS AND COULD READILY HAVE BEEN OBTAINED IN A TIMELY MANNER USING CONVENTIONAL SECTION 215 ORDERS," the report said.¶ That finding came just days after a federal judge ruled that the phone data collection program was "likely unconstitutional." Moreover, he wrote in his decision that, for all the government's bluster, THERE WAS NO INDICATION THE PROGRAM HAD ACTUALLY PRODUCED TANGIBLE RESULTS.¶ "THE GOVERNMENT DOES NOT CITE A SINGLE CASE IN WHICH ANALYSIS OF THE NSA'S BULK METADATA COLLECTION ACTUALLY STOPPED AN IMMINENT TERRORIST ATTACK." Judge Richard Leon wrote.¶ Given the limited record before me at this point in the litigation — most notably, the utter lack of evidence that a terrorist attack has ever been prevented because searching the NSA database was faster than other investigative tactics — I HAVE SERIOUS DOUBTS ABOUT THE EFFICACY OF THE METADATA COLLECTION PROGRAM AS A MEANS OF CONDUCTING TIME-SENSITIVE INVESTIGATIONS IN CASES INVOLVING IMMINENT THREATS OF TERRORISM. [PDF]¶ Granted, the collection of phone data is just one of the NSA's many once-secret tools. And unsurprisingly, the White House, hawkish lawmakers, and those who oversee the spy programs have repeatedly claimed that the NSA's programs in their entirety have proven crucial to snuffing out terror plots.¶ Shortly after whistleblower Edward Snowden's leaks turned up in the press, NSA Director Gen. Keith Alexander defended his agency's surveillance practices before the Senate. The surveillance programs, he said, had stopped dozens of attacks at home and abroad, including a 2009 plot to bomb the New York City subway system.¶ Obama, too, said back in June that the programs had thwarted "at least 50" possible attacks. (He and others often cite 54 as an exact number.) He also defended the tradeoff of civil liberties for security as a necessary one — "we have to make choices as a society" — adding that the programs were merely "modest encroachments on privacy."¶ However, two prominent critics of the NSA, Democratic Sens. Ron Wyden (Ore.) and Mark Udall (Colo.), challenged that assessment in a joint statement following Alexander's testimony.¶ "WE HAVE NOT YET SEEN ANY EVIDENCE SHOWING THAT THE NSA'S DRAGNET COLLECTION OF AMERICANS' PHONE RECORDS HAS PRODUCED ANY UNIQUELY VALUABLE INTELLIGENCE," they wrote.¶ Alexander had only specified a couple of the supposed "dozens" of instances in which NSA spying thwarted terror plots. The two senators added in a subsequent statement that it appeared THE GOVERNMENT HAD ACTUALLY UNCOVERED THOSE PLOTS VIA OTHER INVESTIGATIVE TOOLS, AND THAT THE NSA'S DATA SNOOPING HAD "PLAYED LITTLE OR NO ROLE IN MOST OF THESE DISRUPTIONS."¶ A ProPublica investigation earlier this year likewise determined that there was "NO EVIDENCE THAT THE OFT-CITED FIGURE [OF 54 DISRUPTED PLOTS] IS ACCURATE," AND THAT THE NSA WAS OFTEN "INCONSISTENT ON HOW MANY PLOTS IT HAS HELPED PREVENT AND WHAT ROLE THE SURVEILLANCE PROGRAMS PLAYED."¶ It's pretty

much impossible to say who's right with any certainty. A full explanation of the supposedly disrupted plots remains classified, so only some lawmakers and those involved in the programs know exactly how effective they've been.¶ Still, IT'S LIKELY THAT THE NSA HAS AT LEAST OVERSTATED THE EFFECTIVENESS OF ITS TOOLS, PARTICULARLY IN COMPARISON TO THE SHEER SCALE OF THE SPYING. Sen. Patrick Leahy (D-Vt.), after reviewing the full classified list of thwarted plots, concluded the programs had "value," but that THE 54 FIGURE WAS A GROSS EXAGGERATION.¶ "THAT'S PLAINLY WRONG," HE SAID AT A JULY HEARING. "THESE WEREN'T ALL PLOTS AND THEY WEREN'T ALL THWARTED."

Surveillance doesn't work – can't combat terror

Tufnell, Wired, '14 (NICHOLAS TUFNELL, Wired, "NSA bulk surveillance has 'no discernible impact' on the prevention of terrorism" 14 JANUARY 14 <http://www.wired.co.uk/news/archive/2014-01/14/naf-report-on-nsa>) //GY

The New America Foundation (NAF) has released a damning report claiming THE NSA'S MASS SURVEILLANCE PROGRAMME HAS "NO DISCERNIBLE IMPACT" ON THE PREVENTION OF TERRORISM.¶ The report, "Do NSA's Bulk Surveillance Programs Stop Terrorists?", also claims that THE NSA IS GUILTY OF REPEATEDLY EXAGGERATING THE EFFICACY OF ITS BULK SURVEILLANCE TECHNIQUES IN ADDITION TO MISLEADING THE PUBLIC OVER ASPECTS OF 9/11, AND OF FAILING TO PREVENT CRIME EFFICIENTLY DUE TO AN INSUFFICIENT UNDERSTANDING OF ITS OWN INTELLIGENCE ALREADY SOURCED BY TRADITIONAL MEANS.¶ The NAF describes itself as a non-profit, nonpartisan public policy institute and think tank focussing on a wide range of issues, including national security studies. Investigating claims made by the US government concerning the competence and effectiveness of the NSA's bulk surveillance since 9/11, the NAF report compiled a database of 225 people from the US, including US nationals abroad, who have been indicted, convicted, or killed since the 9/11 terror attacks.¶ Key methods used to initiate investigations on these individuals were identified by the report and divided into eight separate categories:¶ "Those cases in which the initiating or key role was played by the bulk collection of American telephone metadata under Section 215; NSA surveillance of non-US persons overseas under Section 702; NSA surveillance under an unknown authority; tips from the extremist's family or local community members; tips regarding suspicious activity from individuals who were not part of an extremist's family or local community; the use of an undercover informant; the routine conduct of law enforcement or intelligence operations in which the NSA did not play a key role; and self-disclosure of extremist activity on the part of the extremist in question."¶ THE REPORT ALSO ACKNOWLEDGES THAT THE PUBLIC RECORDS FROM WHICH IT DREW THE INFORMATION MAY BE INCOMPLETE AND THAT THERE IS REASON TO BELIEVE THE GOVERNMENT HAS ACTIVELY CONCEALED THE ROLE OF NSA PROGRAMMES IN SOME INVESTIGATIONS: "Drug Enforcement Administration (DEA) agents have been trained in some instances, for example, to conceal the role of a DEA unit that analysed metadata to initiate cases."¶ THE BULK COLLECTION OF US CITIZENS' TELEPHONE METADATA -- which includes phone numbers, both incoming and outgoing, as well as the exact time, date and duration of the calls (but not the content) under Section 215 of the US Patriot Act -- ACCOUNTS FOR HAVING AIDED ONLY 1.8 PERCENT OF THE NSA'S TERRORIST CASES.¶ An equally unimpressive 4.4 percent of terrorism cases were aided by the NSA's surveillance of non-US persons outside of the United States under Section 702 of the FISA Amendments Act.¶ COMMENTING ON THESE FIGURES THE REPORT STATES, "SURVEILLANCE OF AMERICAN PHONE METADATA HAS HAD NO DISCERNIBLE IMPACT ON PREVENTING ACTS OF TERRORISM AND ONLY THE MOST MARGINAL OF IMPACTS ON PREVENTING TERRORIST RELATED ACTIVITY, SUCH AS FUNDRAISING FOR A TERRORIST GROUP."¶ Of the terrorist plot regularly

cited by the US government as evidence of the necessity and success of its surveillance techniques -- namely, Basaaly Moalin, a San Diego taxi driver who provided \$8,500 (£5,171) to an al-Qaeda affiliate in Somalia -- the NAF report states that the NSA's actions contradict its claims that the expediency afforded by Section 215 was largely responsible for the success of Moalin's capture.¶"According to the government, the database of American phone metadata allows intelligence authorities to quickly circumvent the traditional burden of proof associated with criminal warrants, thus allowing them to 'connect the dots' faster and prevent future 9/11-scale attacks. Yet in the Moalin case, after using the NSA's phone database to link a number in Somalia to Moalin, the FBI waited two months to begin an investigation and wiretap his phone."¶The reasons behind the two-month delay -- during which time the FBI was not monitoring Moalin's calls, despite being aware of his number and identity -- are still unclear. What is clear, however, is THAT THE BULK SURVEILLANCE PROGRAMME DID NOT EXPEDITE THE INVESTIGATIVE PROCESS, DESPITE THE US GOVERNMENT'S CLAIMS TO THE CONTRARY. ¶ THE REPORT ALSO REVIEWED THREE KEY TERRORISM CASES FREQUENTLY CITED BY THE US GOVERNMENT IN DEFENCE OF THE NSA'S BULK SURVEILLANCE. It concluded that government officials exaggerated the role of the NSA in the cases against David Coleman Headley and Najibullah ZAZI. THE SIGNIFICANCE OF THE THREAT OF ZAZI, who planned to bomb the New York Stock Exchange, WAS ALSO EXAGGERATED, CLAIMS THE REPORT.¶ MORE EMPHASIS, THE REPORT SUGGESTS, SHOULD BE PLACED ON CONVENTIONAL FORMS OF LAW ENFORCEMENT, WHICH ARE DEMONSTRABLY MORE EFFICIENT. "The overall problem for US counterterrorism officials is not that they need vaster amounts of information from the bulk surveillance programs, but that they don't sufficiently understand or widely share the information they already possess that was derived from conventional law enforcement and intelligence techniques."

Can't solve – studies and Snowden

Osterndorf, 3/17 (Chris Osterndorf, writer Daily Dot, "Edward Snowden is right—NSA surveillance won't stop terrorism" Mar 17, 2015 <http://www.dailydot.com/opinion/edward-snowden-mass-surveillance-nsa-america/>) //GY

It appears that Snowden season is approaching once again.¶The controversial whistleblower made a surprise appearance via Google Hangout at SXSW this week, where his remarks proved captivating as always. Essentially a less flashy sequel to his ACLU speech from 2014, Snowden only spoke to a few people this time around, engaging in a conversation with a select group of leaders from America's tech sector. In particular, he urged tech companies to become "champions of privacy," suggesting that they use their power to help shield Americans from an increasingly watchful government.¶In addition to speaking at SXSW in Austin, Snowden also said a few words at FutureFest in London, where HE WARNED THAT MASSIVE SURVEILLANCE WON'T STOP TERRORISM. In this instance, SNOWDEN IS ABSOLUTELY CORRECT, and it's time we start heeding his advice.¶At this point, the only people clinging to this idea is an effective is the NSA themselves. In 2013, NSA Director Gen. Keith Alexander went before the House Intelligence Committee to testify to claim that increased surveillance had helped to stop terrorist threats over 50 times since 9/11, including attacks on U.S. soil such as a plot to blow up the New York Stock Exchange and a defunct scheme to fund an overseas terrorist group. ¶Other witnesses in the same hearing also suggested that the Snowden leaks had harmed America greatly. "We are now faced with a situation that because this information has been made public, we run the risk of losing these collection capabilities," stated Robert S. Litt, general counsel of the Office of the Director of National Intelligence. "We're not going to know for many months whether these leaks in fact have caused us to lose these

capabilities, but if they do have that effect, there is no doubt that they will cause our national security to be affected.”¶ However, the details the NSA provided in this hearing were somewhat hazy, and A CLOSER LOOK AT THE NUMBERS INDICATES THE BENEFITS OF INCREASED SURVEILLANCE MAY NOT BE SO CLEAR-CUT AFTER ALL. Research from International Security found that out of the 269 terrorist suspects apprehended since 9/11, 158 were brought in through the use of traditional investigative measures. That’s almost 60 percent of all who were arrested. Meanwhile, 78 suspects were apprehended through measures which were “unclear” and 15 were implicated in plots but were not apprehended, while the remaining 18 were apprehended by some form of NSA surveillance.¶ Eighteen is no small number when you’re discussing matters of national security; however, THE ABOVE STATISTICS DO NOT NECESSARILY INDICATE THAT MASS SURVEILLANCE WAS RESPONSIBLE FOR THE APPREHENSION OF THESE 18 TERRORISTS OR WHETHER THESE SUSPECTS WERE DETAINED UNDER MORE TRADITIONAL SURVEILLANCE MEASURES. MOREOVER, THE EVIDENCE SUGGESTS THAT TRADITIONAL MEANS OF COMBATTING TERRORISM ARE MORE EFFECTIVE THAN SURVEILLANCE WHEN IT COMES TO OVERALL ARRESTS.¶ Additional analysis from the New America Foundation further supports these findings. Examining 225 post-9/11 terrorism cases in the U.S., their 2014 report found that THE NSA’S BULK SURVEILLANCE PROGRAM “HAS HAD NO DISCERNIBLE IMPACT ON PREVENTING ACTS OF TERRORISM,” CITING TRADITIONAL METHODS OF LAW ENFORCEMENT AND INVESTIGATION AS BEING FAR MORE EFFECTIVE IN THE MAJORITY OF CASES. In as many as 48 of these cases, traditional surveillance warrants were used to collect evidence, while more than half of the cases were the product of other traditional investigative actions, such as informants and reports of suspicious activity. ¶ In fact, New America determined that the NSA has only been responsible for 7.5 percent of all counterterrorism investigations and that ONLY ONE OF THOSE INVESTIGATIONS LED TO SUSPECTS BEING CONVICTED BASED ON METADATA COLLECTION. And that case, which took months to solve, as the NSA went back and forth with the FBI, involved money being sent to a terrorist group in Somalia, rather than an active plan to perpetrate an attack on U.S. soil.¶ According to the report’s principal author Peter Bergen, who is the director of the foundation’s National Security Program and their resident terrorism expert, the issue has less to do with the collection of data and more to do with the comprehension of it. Bergen said, “THE OVERALL PROBLEM FOR U.S. COUNTERTERRORISM OFFICIALS IS NOT THAT THEY NEED VASTER AMOUNTS OF INFORMATION FROM THE BULK SURVEILLANCE PROGRAMS, BUT THAT THEY DON’T SUFFICIENTLY UNDERSTAND OR WIDELY SHARE THE INFORMATION THEY ALREADY POSSESS THAT WAS DERIVED FROM CONVENTIONAL LAW ENFORCEMENT AND INTELLIGENCE TECHNIQUES.”¶ Of course, EVEN WHEN ALL OF THE DATA HAS BEEN COLLECTED, IT STILL ISN’T ENOUGH TO STOP A TERRORIST ATTACK. “It’s worth remembering that the mass surveillance programs initiated by the U.S. government after the 9/11 attacks—the legal ones and the constitutionally dubious ones—were premised on the belief that bin Laden’s hijacker-terrorists were able to pull off the attacks because of a failure to collect enough data,” asserts Reason’s Patrick Eddington. “Yet in their subsequent reports on the attacks, the Congressional Joint Inquiry (2002) and the 9/11 Commission found exactly the opposite. THE DATA TO DETECT (AND THUS FOIL) THE PLOTS WAS IN THE U.S. GOVERNMENT’S HANDS PRIOR TO THE ATTACKS; THE FAILURES WERE ONES OF SHARING, ANALYSIS, AND DISSEMINATION.” SO ONCE AGAIN, WE SEE THAT THE KEY IS NOT COLLECTION, BUT COMPREHENSION.¶ IF ALL OF THIS STILL DOESN’T SEEM LIKE ENOUGH EVIDENCE THAT MASS SURVEILLANCE IS INEFFECTIVE, CONSIDER THAT A WHITE HOUSE REVIEW GROUP HAS ALSO ADMITTED THE NSA’S COUNTERTERRORISM PROGRAM “WAS NOT ESSENTIAL TO PREVENTING ATTACKS” AND THAT A LARGE PORTION OF THE EVIDENCE THAT WAS COLLECTED “COULD READILY HAVE BEEN OBTAINED IN A TIMELY MANNER USING CONVENTIONAL [COURT]

ORDERS.¶ But mass surveillance isn't just the United States' problem. Research has shown that Canada's Levitation project, which also involves collecting large amounts of data in the service of fighting terrorism, may be just as questionable as the NSA's own data collection practices. Meanwhile, in response to the Charlie Hebdo attacks in Paris, British Prime Minister David Cameron has reintroduced the Communications Data Bill, which would force telecom companies to keep track of all Internet, email, and cellphone activity and ban encrypted communication services. ¶ But support for this type of legislation in Europe doesn't appear to be any stronger than in North America. Slate's Ray Corrigan argued, "Even if your magic terrorist-catching machine has a false positive rate of 1 in 1,000—and no security technology comes anywhere near this—every time you asked it for suspects in the U.K., it would flag 60,000 innocent people."¶ Fortunately, the cultural shift against increased data collection has become so evident in the U.S. that even President Obama is trying to get out of the business of mass surveillance; the president announced plans last March to reform the National Security Agency's practice of collecting call records, which have yet to come to fruition.¶ Benjamin Franklin famously said that "those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." While this quote has been notoriously butchered and misinterpreted over the years, it has now become evident that we shouldn't have to give up either of these things in pursuit of the other. The U.S. is still grappling with how to fight terrorism in this technologically advanced age, but just because we have additional technology at our disposal, doesn't mean that technology is always going to be used for the common good. You may believe Edward Snowden to be a traitor or a hero, but on this matter, THERE IS VIRTUALLY NO QUESTION: MASS SURVEILLANCE IS NOT ONLY UNCONSTITUTIONAL, IT IS ALSO THE WRONG WAY TO FIGHT TERRORISM.

NSA good - cyberterror

The NSA is key to check cyber threats

Goldsmith, 13

Jack Goldsmith, Henry L. Shattuck Professor at Harvard Law School, "We Need an Invasive NSA," New Republic, 10/10/13, [//IS](http://www.newrepublic.com/article/115002/invasive-nsa-will-protect-us-cyber-attacks)

Such CYBER-INTRUSIONS THREATEN CORPORATE AMERICA AND THE U.S. GOVERNMENT EVERY DAY. "RELENTLESS ASSAULTS ON AMERICA'S COMPUTER NETWORKS BY CHINA AND OTHER FOREIGN GOVERNMENTS, HACKERS AND CRIMINALS HAVE CREATED AN URGENT NEED FOR SAFEGUARDS TO PROTECT THESE VITAL SYSTEMS," the Times editorial page noted last year while supporting legislation encouraging the private sector to share cybersecurity information with the government. It cited GENERAL KEITH ALEXANDER, THE DIRECTOR OF THE NSA, WHO HAD NOTED A 17-FOLD INCREASE IN CYBER-INTRUSIONS ON CRITICAL INFRASTRUCTURE FROM 2009 TO 2011 AND WHO DESCRIBED THE LOSSES IN THE UNITED STATES FROM CYBER-THEFT AS "THE GREATEST TRANSFER OF WEALTH IN HISTORY." If a "catastrophic cyber-attack occurs," the Times concluded, "Americans will be justified in asking why their lawmakers ... failed to protect them."

When catastrophe strikes, the public will adjust its tolerance for intrusive government measures.

The Times editorial board is quite right about the seriousness of the cyber- threat and the federal government's responsibility to redress it. What it does not appear to realize is the connection between the domestic NSA surveillance it detests and the governmental assistance with cybersecurity it cherishes. TO KEEP OUR COMPUTER AND TELECOMMUNICATION NETWORKS SECURE, THE GOVERNMENT WILL EVENTUALLY NEED TO MONITOR AND COLLECT INTELLIGENCE ON THOSE NETWORKS USING TECHNIQUES SIMILAR TO ONES THE TIMES AND MANY OTHERS FIND REPREHENSIBLE WHEN DONE FOR COUNTERTERRORISM ENDS.

THE FATE OF DOMESTIC SURVEILLANCE IS TODAY BEING FOUGHT AROUND THE TOPIC OF WHETHER IT IS NEEDED TO STOP AL QAEDA FROM BLOWING THINGS UP. BUT THE FIGHT TOMORROW, AND THE MORE IMPORTANT FIGHT, WILL BE ABOUT WHETHER IT IS NECESSARY TO PROTECT OUR WAYS OF LIFE EMBEDDED IN COMPUTER NETWORKS

ANYONE ANYWHERE WITH A CONNECTION TO THE INTERNET CAN ENGAGE IN CYBER-OPERATIONS WITHIN THE UNITED STATES. MOST TRULY HARMFUL CYBER-OPERATIONS, HOWEVER, REQUIRE GROUP EFFORT AND SIGNIFICANT SKILL. THE ATTACKING GROUP OR NATION MUST HAVE CLEVER HACKERS, SIGNIFICANT COMPUTING POWER, AND THE SOPHISTICATED SOFTWARE—known as "malware"—that enables the monitoring, exfiltration, or destruction of information inside a computer. THE SUPPLY OF ALL OF THESE RESOURCES HAS BEEN GROWING FAST FOR MANY YEARS—in governmental labs devoted to developing these tools and on sprawling black markets on the Internet.

The NSA is key to check cyber threats – it outweighs other agencies

Finley, 10

Klint Finley, Writer for ReadWriteWeb. He has a BA from The Evergreen State College, where he studied communications and mass media. He's the editor of the blogs Technocult and Mediapunk, and has

been writing about technology and culture for over 10 years, "Do Private Enterprises Need the NSA to Protect Them From Cyber Attacks?" ReadWrite, 7/8/10, [// IS](http://readwrite.com/2010/07/08/nsa-perfect-citizen)

THE WALL STREET JOURNAL REPORTS, CITING UNNAMED SOURCES, THAT THE NSA IS LAUNCHING A PROGRAM TO HELP PROTECT CRITICAL INFRASTRUCTURE - INCLUDING PRIVATE ENTERPRISES - FROM CYBER ATTACKS. ACCORDING TO THE PAPER, DEFENSE CONTRACTOR RAYTHEON HAS RECEIVED THE CONTRACT FOR THE PROJECT, WHICH WOULD RELY ON A SERIES OF SENSORS TO DETECT "UNUSUAL ACTIVITY SUGGESTING AN IMPENDING CYBER ATTACK." This follows the Lieberman-Collins bill passing committee in the Senate.

The Orwellian nature of the name was allegedly not lost on Raytheon: The Wall Street Journal claims to have seen an internal Raytheon e-mail saying "Perfect Citizen is Big Brother."

ALTHOUGH THE PROJECT WILL BE MOSTLY AIMED AT PUBLIC INFRASTRUCTURE WITH OLDER COMPUTER CONTROL SYSTEMS, SUCH AS SUBWAYS AND AIR-TRAFFIC CONTROL SYSTEMS, THE PAPER NOTES THAT THE PROGRAM COULD BE OF USE TO PRIVATE COMPANIES LIKE GOOGLE AND THE MANY OTHER COMPANIES who sustained cyber attacks late last year.

A power struggle has been brewing over who should be in charge of national cybersecurity: the NSA, the Department of Homeland Security, the military, or the private sector. The Lieberman-Collins bill would put the responsibility squarely on the shoulders of the White House and DHS, establishing new cybersecurity organizations in both and requiring private enterprises to take orders from the federal government in the event of a "national cyber emergency."

However, security expert Bruce Schneier notes that DHS HAS BEEN "GETTING HAMMERED" IN SENATE HOMELAND SECURITY COMMITTEE HEARINGS AND THAT THE NSA HAS BEEN CONSOLIDATING ITS POWER. "Perfect Citizen" would appear to be a major power grab by the agency.

Other countries are threats now – NSA is key to assessment **Tadjeh, 15**

Yasmin Tadjeh, former editor-in-chief of VoxPop, Staff Writer at National Defense Magazine, graduated with a B.A. in history from George Mason University, "NSA Chief: China, Russia Capable of Carrying Out 'Cyber Pearl Harbor' Attack," National Defense Magazine, 2/23/15, [// IS](http://www.nationaldefensemagazine.org/blog/Lists/Posts/Post.aspx?List=7c996cd7-cbb4-4018-baf8-8825eada7aa2&ID=1757)

NATIONS SUCH AS CHINA AND RUSSIA HAVE ENOUGH OFFENSIVE CYBER CAPABILITIES TO ONE DAY CARRY OUT A "cyber Pearl Harbor" ATTACK, SAID THE HEAD OF THE NATIONAL SECURITY AGENCY AND U.S. CYBER COMMAND.

"WE'VE TALKED ABOUT OUR CONCERNS WITH CHINA AND WHAT THEY'RE DOING IN CYBER. CLEARLY THE RUSSIANS AND OTHERS HAVE [THOSE TYPES OF] CAPABILITIES," said Navy Adm. Mike Rogers on Feb. 23. "We're mindful of that."

A CYBER PEARL HARBOR COULD INCLUDE AN ATTACK ON critical infrastructure OR THE financial sector, Rogers said during a cyber security forum sponsored by the New America Foundation, a Washington, D.C.-based think tank.

“YOU’VE SEEN SOME [SMALLER EVENTS ALREADY]. YOU LOOK AT WHAT HAPPENED AT SONY, YOU LOOK AT WHAT WE’VE SEEN NATION STATES ATTEMPTING TO DO AGAINST U.S. FINANCIAL WEBSITES FOR SOME YEARS NOW,” Rogers said. There would be dire implications for the nation if ordinary citizens were unable to access their bank accounts, he added.

In the Defense Department, there is great concern about intellectual property being stolen, he noted.

“Certainly in the Department of Defense, IT’S AN ISSUE THAT HAS BEEN OF GREAT CONCERN TO US AS FOR SOME TIME,” HE SAID. NATION STATES HAVE PENETRATED SOME KEY DEFENSE CONTRACTORS, AND STOLEN THE ENABLING TECHNOLOGY THAT GIVES THE U.S. MILITARY AN OPERATIONAL ADVANTAGE, HE SAID.

PART OF THE NSA’S FUNCTION IS TO KEEP TABS ON potential threats TO THE UNITED STATES. In 2013, the agency came under fire after Edward Snowden, a government contractor at the time, leaked classified information that revealed the agency was collecting enormous amounts of phone metadata from U.S. citizens.

Rogers defended the program and said THE BULK COLLECTION OF DATA ABSOLUTELY HELPS THE NATION PREVENT ATTACKS.

Cyber risks are high now – Iran – no treaties can check

Gady, 15

Franz-Stefan Gady is an Associate Editor with The Diplomat and a Senior Fellow with the EastWest Institute, “Iran and the United States Locked in Cyber Combat,” The Diplomat, 2/27/15, <http://thediplomat.com/2015/02/iran-and-the-united-states-locked-in-cyber-combat/> // IS

This month the news website THE INTERCEPT REVEALED A NEW NATIONAL SECURITY AGENCY DOCUMENT OUTLINING THE ONGOING BATTLE BETWEEN IRAN AND THE UNITED STATES IN CYBERSPACE. The memo, dated from April 2013, was prepared for then N.S.A. director and head of U.S. Cyber Command General Keith B. Alexander and contains a number of talking points for the general’s interaction with the head of Britain’s Government Communications Headquarters (GCHQ) — the British equivalent to the American N.S.A.

Most importantly, THE DOCUMENT OUTLINES A CYCLE OF escalating cyberattacks AND COUNTER-ATTACKS, FIRST INITIATED BY THE ISRAELI-AMERICAN STUXNET attack against Iranian computers:

“IRAN CONTINUES TO CONDUCT DISTRIBUTED DENIAL-OF-SERVICE (DDOS) ATTACKS AGAINST NUMEROUS U.S. FINANCIAL INSTITUTIONS, AND IS CURRENTLY IN THE THIRD PHASE OF A SERIES OF SUCH ATTACKS that began in August 2012. SIGINT [signals intelligence] indicates that these attacks are in retaliation to Western activities against Iran’s nuclear sector and that senior officials in the Iranian government are aware of these attacks.”

THE MEMO ALSO OUTLINES WHAT CAN ONLY BE DESCRIBED AS A **cyber-arms race** BETWEEN THE TWO NATIONS: "NSA EXPECTS IRAN WILL CONTINUE THIS SERIES OF ATTACKS, WHICH IT VIEWS AS SUCCESSFUL, WHILE STRIVING FOR INCREASED EFFECTIVENESS BY ADAPTING ITS TACTICS AND TECHNIQUES TO CIRCUMVENT VICTIM MITIGATION ATTEMPTS."

IRANIAN HACKERS, THE MEMO NOTES, HAVE ADAPTED QUICKLY AND LEARNED FROM THEIR ADVERSARY AS ILLUSTRATED BY ONE SPECTACULAR ATTACK:

"Iran's destructive cyberattack against SAUDI ARAMCO IN AUGUST 2012, DURING WHICH DATA WAS DESTROYED ON TENS OF THOUSANDS OF COMPUTERS, WAS THE FIRST SUCH ATTACK NSA HAS OBSERVED FROM THIS ADVERSARY. IRAN, having been a victim of a similar cyberattack against its own oil industry in April 2012, HAS DEMONSTRATED A CLEAR ABILITY TO LEARN FROM THE CAPABILITIES AND ACTIONS OF OTHERS."

The N.S.A. document further emphasizes that THE CYBER CONFLICT BETWEEN THE TWO COUNTRIES IS FAR FROM OVER AND THAT THE CAPABILITIES OF BOTH SIDES ARE EVER EXPANDING: "WE CONTINUALLY UPDATE CONTINGENCY PLANS TO REFLECT THE CHANGES IN BOTH OUR ACCESS AND IRAN'S CAPABILITIES."

After the publication of this document, The New York Times Editorial Board called for cyber arms control treaties. "The best way forward is to accelerate international efforts to negotiate limits on the cyberarms race, akin to the arms-control treaties of the Cold War. Barring that, there are few viable ways to bring these new weapons and their use under control," the board cautions.

YET GIVEN THE EASY PROLIFERATION OF CYBER WEAPONS — ALTHOUGH SOPHISTICATED CYBERATTACKS SUCH AS STUXNET REQUIRE THE BACKING OF A NATION STATE — A CYBER-ARMS CONTROL TREATY **may be illusory** AT THIS STAGE. Perhaps another idea may be worth considering.

Catastrophic cyberattacks are coming now

Erwin et al., 12

Sandra Erwin, Stew Magnuson, Dan Parsons and Yasmin Tadjeh, *Editor of National Defense Magazine, graduated from Coe College with a B.A. in Political Science, "Top Five Threats to National Security in the Coming Decade: The Future of Cyber Wars," National Defense Magazine, November 2012, <http://www.nationaldefensemagazine.org/archive/2012/november/pages/topfivethreatstonationalsecurityinthecomingdecade.aspx> // IS

Army Gen. KEITH ALEXANDER, COMMANDER OF U.S. CYBER COMMAND, SEES A DAY IN THE NOT TOO DISTANT FUTURE WHEN ATTACKS ON COMPUTER NETWORKS CROSS THE LINE FROM THEFT AND DISRUPTION TO "DESTRUCTION."

AND THIS CHAOS WILL NOT ALL TAKE PLACE IN THE DIGITAL WORLD OF ONES AND ZEROES. HE IS REFERRING TO REMOTE ADVERSARIES TAKING DOWN INFRASTRUCTURE SUCH AS **power grids, dams, transportation systems** AND OTHER SECTORS that use computer-based industrial controls.

THE LAST DECADE HAS SEEN MOSTLY EXPLOITATION BY ADVERSARIES, OR THE THEFT OF MONEY AND INTELLECTUAL PROPERTY. NEXT CAME DISTRIBUTED DENIAL OF SERVICE ATTACKS WHEN HACKERS

OVERWHELM NETWORKS AND DISRUPT OPERATIONS OF BUSINESSES OR OTHER ORGANIZATIONS, Alexander said at a recent Woodrow Wilson Center panel discussion on cybersecurity.

OTHER THAN INTERCONTINENTAL BALLISTIC MISSILES AND ACTS OF TERRORISM, AN ADVERSARY SEEKING TO REACH OUT AND HARM THE UNITED STATES HAS ONLY ONE OTHER OPTION: DESTRUCTIVE CYBER-ATTACKS, Alexander said.

THIS COULD RESULT IN LOSS OF LIFE AND DAMAGE TO THE ECONOMY ON PAR WITH WHAT OCCURRED AFTER 9/11.

“ALL OF THAT IS WITHIN THE REALM OF THE POSSIBLE,” HE SAID. “I BELIEVE **that is coming our way.** We have to be out in front of this,” Alexander said.

How to thwart such attacks is the problem the nation is facing.

Most of the Internet’s infrastructure through which malware is delivered is in the private sector’s hands. So too are the banking, energy, transportation and other institutions that are vulnerable to the attacks.

During the past year, THERE HAVE BEEN 200 ATTACKS ON CORE CRITICAL INFRASTRUCTURES IN THE TRANSPORTATION, ENERGY, AND COMMUNICATION INDUSTRIES REPORTED TO THE DEPARTMENT OF HOMELAND SECURITY, said Sen. Susan Collins, R-Maine, and ranking member of the Senate Homeland Security and Governmental Affairs Committee.

“And that is only the tip of the iceberg. Undoubtedly there are more that have not been reported,” she said during the panel.

“In this case, THE DOTS HAVE ALREADY BEEN CONNECTED. THE ALARM HAS ALREADY BEEN SOUNDED, AND WE KNOW IT IS ONLY A MATTER OF WHEN, NOT WHETHER WE HAVE A **catastrophic attack,**” she said.

Alexander, Collins and others are advocating for a more coordinated national effort to share information on cyberthreats. Cyber Command and the National Security Agency have loads of expertise, but can’t always share classified information, or cross lines when it comes to the privacy of U.S. citizens. The rest of the federal government has bits and pieces of information, and different responsibilities. Private sector companies are sometimes reluctant to disclose attacks for fear of upsetting shareholders or opening themselves up to lawsuits. Legislation co-sponsored by Collins to help pave the way for better information sharing died in Congress last summer.

Despite having poured countless amounts of money into cybersecurity on both the federal and private levels, there is still a lot to be learned about the threat, said one analyst.

“Why do we have a cyberwar community? Because we haven’t mastered cyber,” said Martin Libicki, senior management scientist at Rand Corp. The main problem is that computers were originally seen as something to be “tinkered” with, Libicki said.

“We’ve built the most important infrastructure on things that were made to be toys,” said Libicki. Being toys, computer systems from the start have gaps and vulnerabilities needing to be patched.

“Every cyber-attack is a reflection of some vulnerability in the system,” said Libicki.

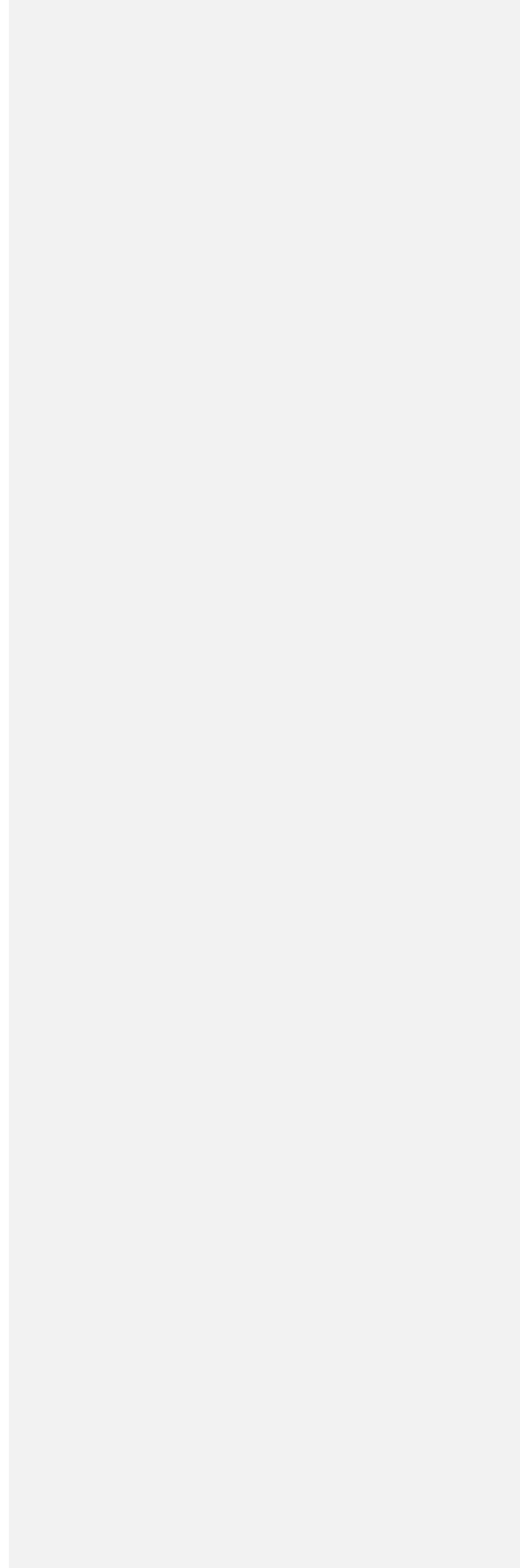
Greg Giaquinto, an analyst at Forecast International, said it's not enough to defend the nation from attacks, offensive capabilities are required.

Increasingly, the United States is taking more proactive measures against adversaries and initiating activity, Giaquinto said.

"We are actually taking proactive action against other adversaries, so it's not only protecting ourselves, but the U.S. taking more proactive stances and actually initiating some activity against U.S. adversaries," he said.

OVER THE NEXT FEW YEARS, THE HACKERS WILL BECOME MORE SOPHISTICATED, SAID CHARLES CROOM, VICE PRESIDENT OF CYBER SECURITY SOLUTIONS AT LOCKHEED MARTIN INFORMATION SYSTEMS & GLOBAL SOLUTIONS. THIS DOESN'T NECESSARILY MEAN THAT THE TECHNOLOGIES ARE BECOMING MORE ADVANCED — EVEN THE MOST SOPHISTICATED THREATS OFTEN USE KNOWN VULNERABILITIES AND MALWARE, CROOM SAID — BUT THE ADVERSARIES HAVE BECOME MORE EFFECTIVE.

AT: SIGINT CP



perm

Perm do both – reducing data collection is key to free up resources for solutions Tufekci, 15

Zeynep Tufekci, an assistant professor at the University of North Carolina, “Terror and the limits of mass surveillance,” Financial Times: The Exchange, 2/3/15, <http://blogs.ft.com/the-exchange/2015/02/03/zeynep-tufekci-terror-and-the-limits-of-mass-surveillance/> // IS

Europe’s top human rights body, THE COUNCIL OF EUROPE, PUT OUT A REPORT LAST WEEK BLASTING GOVERNMENTAL MASS SURVEILLANCE, joining a long list of organisations and individuals who have voiced strong moral and political objections to National Security Agency-type blanket surveillance. THIS LATEST REPORT, LIKE MOST SUCH CRITICISMS, MISSES A KEY POINT: DESPITE THE COMMON NOTION THAT WE ARE TRADING SAFETY FOR LIBERTY BY LETTING GOVERNMENTS SCOOP UP SO MUCH OF OUR DATA, THE TRUTH IS THAT MASS SURVEILLANCE AND BIG DATA ANALYTICS ARE **not the right tool** FOR EXTREMELY RARE EVENTS LIKE ACTS OF TERRORISM in western societies.

THE MOST COMMON JUSTIFICATION GIVEN BY GOVERNMENTS FOR MASS SURVEILLANCE IS THAT THESE TOOLS ARE INDISPENSABLE FOR FIGHTING TERRORISM. The NSA’s ex-director Keith Alexander says big data is “what it’s all about”. Intelligence agencies routinely claim that they need massive amounts of data on all of us to catch the bad guys, like the French brothers who assassinated the cartoonists of Charlie Hebdo, or the murderers of Lee Rigby, the British soldier killed by two men who claimed the act was revenge for the UK’s involvement in the wars in Iraq and Afghanistan.

But THE ASSERTION THAT BIG DATA IS “WHAT IT’S ALL ABOUT” WHEN IT COMES TO PREDICTING RARE EVENTS IS NOT SUPPORTED BY WHAT WE KNOW ABOUT HOW THESE METHODS WORK, AND MORE IMPORTANTLY, **don’t work**. ANALYTICS ON MASSIVE DATASETS CAN BE POWERFUL IN ANALYSING AND IDENTIFYING BROAD PATTERNS, OR EVENTS THAT OCCUR REGULARLY AND FREQUENTLY, BUT ARE SINGULARLY **unsuited** TO FINDING UNPREDICTABLE, ERRATIC, AND RARE NEEDLES IN HUGE HAYSTACKS. In fact, THE BIGGER THE HAYSTACK — THE MORE MASSIVE THE SCALE AND THE WIDER THE SCOPE OF THE SURVEILLANCE — THE LESS SUITED THESE METHODS ARE TO FINDING SUCH EXCEPTIONAL events, and THE MORE THEY MAY SERVE TO DIRECT RESOURCES AND ATTENTION AWAY FROM APPROPRIATE TOOLS AND METHODS.

squo solves

Current programs check analysts SIDtoday, 6

Signals Intelligence Directorate Today, "Dealing with a 'Tsunami' of Intercept," 8/29/06,
<https://s3.amazonaws.com/s3.documentcloud.org/documents/2088984/tsunami-of-intercept.pdf> // IS

(S//SI) Everyone knows that ANALYSTS HAVE BEEN DROWNING IN A TSUNAMI OF INTERCEPT WHOSE VOLUME, VELOCITY AND VARIETY CAN BE OVERWHELMING. But the Human Language Technology Program Management Office (HLT PMO) can predict that in the very near future the speed and volume of SIGINT will increase even more, almost beyond imagination. And WE ARE WORKING ON WAYS TO HELP ANALYSTS DEAL WITH IT ALL.

(S//SI) OF THE HLT PMO'S FIVE STRATEGIC THRUSTS, THE ONE THAT ADDRESSES THIS PROBLEM IS HIGH SPEED/ HIGH VOLUME. It must deal with today's collection and must plan for tomorrow's. The current collection environment is characterized by huge amounts of data, coupled with severely limited capability to send material forward, and extremely limited number of queries that exactly describe messages of value. That means we are capable of finding huge amounts of data, much of which is not what we really want, and that we cannot send it all back for analyst processing.

(TS//SI) To plan for tomorrow, HIGH SPEED/ HIGH VOLUME IS IN LINE WITH CHANGES IN THE OVERALL NSA/CSS SYSTEMS, PARTICULARLY TURBULENCE AND TURMOIL BECAUSE WHEN THEY BECOME A REALITY IN THE NEAR FUTURE, WE CAN EXPECT COLLECTION CAPABILITIES TO INCREASE SIGNIFICANTLY. TURBULENCE IS AN UMBRELLA COVER TERM DESCRIBING THE NEXT GENERATION MISSION ENVIRONMENT THAT WILL CREATE A UNIFIED SYSTEM. TURMOIL IS A PASSIVE FILTERING AND COLLECTION EFFORT ON HIGH-SPEED NETWORKS. THIS IS DESIGNED TO BE FLEXIBLE AND CAN BE MODIFIED QUICKLY TO DELIVER DATA IN ANALYST- READY FORM.

(S//SI) ONE OF HIGH SPEED/ HIGH VOLUME'S FIRST EFFORTS IS IN DEVELOPING AND IMPLEMENTING WAYS TO PUSH HLT CAPABILITIES VERY DOSE TO THE COLLECTION POINTS OF THE SIGINT SYSTEM. IN PARTICULAR, HLT IS ABOUT TO DEMONSTRATE AN OPERATIONAL PROTOTYPE OF LANGUAGE IDENTIFICATION FOR SPECIAL SOURCE OPERATIONS (SSO) COUNTERTERRORISM TEXT TARGETS RUNNING AT LINE SPEEDS (STM-16) at the packet- level. Resources permitting, HLT analytic processors will automatically generate content-based events for TURMOIL based on language.

CP links to PTX

NSA action links to politics Poitras and Risen, 13

Laura Poitras and James Risen, *Academy Award-winning American documentary film director and producer who produced Citizenfour, a documentary on Snowden, **reporter for the New York Times, "N.S.A. Report Outlined Goals for More Power," The New York Times, 11/23/13, <http://www.nytimes.com/2013/11/23/us/politics/nsa-report-outlined-goals-for-more-power.html> // IS

PROMPTED BY A PUBLIC OUTCRY OVER THE N.S.A.'S DOMESTIC OPERATIONS, THE AGENCY'S CRITICS IN CONGRESS HAVE BEEN PUSHING TO LIMIT, RATHER THAN EXPAND, ITS ABILITY TO ROUTINELY COLLECT THE PHONE AND EMAIL RECORDS OF MILLIONS OF AMERICANS, while foreign leaders have protested reports of virtually unlimited N.S.A. surveillance overseas, even in allied nations. Several inquiries are underway in Washington; Gen. Keith B. Alexander, the N.S.A.'s longest-serving director, has announced plans to retire; and the White House has offered proposals to disclose more information about the agency's domestic surveillance activities.

THE N.S.A. DOCUMENT, TITLED "SIGINT STRATEGY 2012-2016," DOES NOT MAKE CLEAR WHAT LEGAL OR POLICY CHANGES THE AGENCY MIGHT SEEK. THE N.S.A.'S POWERS ARE DETERMINED VARIOUSLY BY Congress, EXECUTIVE ORDERS AND THE NATION'S SECRET INTELLIGENCE COURT, and its operations are governed by layers of regulations. While asserting that the agency's "culture of compliance" would not be compromised, N.S.A. officials argued that they needed more flexibility, according to the paper.

NSA reform unpopular – Freedom act *magnifies* the link Gross, 6/6

Grant Gross, Washington, D.C., correspondent for IDG News Service "Don't expect major changes to NSA surveillance from Congress," CIO, 6/6/15, <http://www.cio.com.au/article/576813/don-t-expect-major-changes-nsa-surveillance-from-congress/> // IS

THE SENATE THIS WEEK PASSED THE USA FREEDOM ACT, which aims to end the NSA's mass collection of domestic phone records, and President Barack Obama signed the bill hours later.

AFTER THAT ACTION, EXPECT REPUBLICAN LEADERS IN BOTH THE SENATE AND THE HOUSE OF REPRESENTATIVES TO RESIST FURTHER CALLS FOR SURVEILLANCE REFORM. THAT RESISTANCE IS AT ODDS WITH MANY RANK-AND-FILE LAWMAKERS, including many House Republicans, who want to further limit NSA programs brought to light by former agency contractor Edward Snowden.

CIVIL LIBERTIES GROUPS AND PRIVACY ADVOCATES ALSO PROMISE TO PUSH FOR MORE CHANGES. It may be difficult to get "broad, sweeping reform" through Congress, but many lawmakers seem ready to push for more changes, said Adam Eisgrau, managing director of the office of government relations for the American Library Association. The ALA has charged the NSA surveillance programs violate the Fourth Amendment of the U.S. Constitution, which prohibits unreasonable searches and seizures.

"Congress is not allowed to be tired of surveillance reform unless it's prepared to say it's tired of the Fourth Amendment," Eisgrau said. "The American public will not accept that."

OTHER ACTIVISTS ARE LESS OPTIMISTIC ABOUT MORE CONGRESSIONAL ACTION. "IT WILL A long slog GETTING MORE RESTRAINTS." J. Kirk Wiebe, a former NSA analyst and whistleblower said by email. "The length of that journey will depend on public outcry -- that is the one thing that is hard to gauge."

NSA reform is incredibly unpopular

Ferestein, 14

Gregory Ferenstein, Editor at Ferenstein Wire, graduate of UC-Irvine, "Congress will probably fail to pass NSA reform, in pursuit of perfection — and Presidential politics," 11/16/14, <http://venturebeat.com/2014/11/16/congress-will-fail-to-pass-nsa-reform-in-pursuit-of-perfection-and-presidential-politics/> // IS

CONGRESS HAS YET TO ENACT ANY SURVEILLANCE REFORM — MORE THAN A YEAR AFTER EDWARD SNOWDEN REVEALED THE NATIONAL SECURITY AGENCY'S MASS SPYING PROGRAM. As the new Congress convenes for 2015, it appears that the familiar **squabbles** WILL PREVENT MEANINGFUL REFORM YET AGAIN. The biggest hope for reform at the moment is the USA Freedom Act, which would severely limit the bulk collection of Internet and phone data. It would also appoint a special civilian defense attorney to the court that approves spying requests (among many other reforms). However, INFLUENTIAL SENATORS ARE ALREADY TAKING SIDES against the USA Freedom Act. HAWKISH MEMBERS SERVING ON THE SENATE INTELLIGENCE COMMITTEE HAVE THREATENED TO BLOCK ANY BILL that significantly curtails the NSA's spying powers. SEN. SAXBY CHAMBLISS (R.-GEORGIA) CALLED THE UPCOMING USA FREEDOM ACT "TERRIBLE" AND SAID HE WOULD FILIBUSTER ANY ATTEMPT TO PASS THE BILL. "IT DESTROYS OUR ABILITY TO FIGHT DOMESTIC TERRORISM IN PARTICULAR, AND WE'RE GOING TO HOPEFULLY BE ABLE TO AVOID HAVING THAT BILL COME TO THE FLOOR," CHAMBLISS SAID. ON THE FLIP SIDE, EARLY PRESIDENTIAL FRONT-RUNNER SENATOR RAND PAUL (R.-KENTUCKY) WILL REPORTEDLY OPPOSE THE USA FREEDOM ACT BECAUSE IT DOESN'T GO FAR ENOUGH IN RESTRICTING THE NSA. Speaking about the bill, an aid for Paul told CNN that "Due to significant problems with the bill, at this point he will oppose the Leahy bill." (Sen. Patrick Leahy, D.-Vermont, is a sponsor of the USA Freedom bill.) ONE OF THE UNIQUE AND ULTIMATELY SELF-DEFEATING ASPECTS OF NSA REFORM IS THAT IT ISN'T SPLIT ALONG TRADITIONAL PARTY LINES. THERE'S INTERNAL DISSENT WITHIN BOTH THE REPUBLICAN AND DEMOCRATIC PARTIES. EVEN THOUGH REPUBLICANS WILL CONTROL BOTH THE HOUSE AND SENATE AS OF 2015, THERE'S NO AGREEMENT WITHIN THE LEADERSHIP OF THE PARTY ON SURVEILLANCE REFORM.

Anti-surveillance advocates are emboldened now

Alexis, 15

Alexei Alexis, Bloomberg reporter, "Pressure for Surveillance Overhaul To Continue, Despite New Curbs on NSA, Bloomberg," 6/8/15 <http://www.bna.com/pressure-surveillance-overhaul-n17179927445/> // IS

June 3 — EMBOLDENED BY PASSAGE OF THE USA FREEDOM ACT (H.R. 2048), TECHNOLOGY GROUPS AND PRIVACY ADVOCATES PLAN TO CONTINUE PUSHING FOR SURVEILLANCE CHANGES THAT WERE EXCLUDED FROM THE NEW LAW.

The USA FREEDOM Act, cleared by Congress June 2 and signed by President Barack Obama the same day, overhauls National Security Agency surveillance activities exposed by Edward Snowden.

"THIS IS THE MOST SIGNIFICANT SURVEILLANCE REFORM MEASURE IN THE LAST GENERATION," HARLEY GEIGER, DEPUTY DIRECTOR ON SURVEILLANCE AND SECURITY FOR THE CENTER FOR DEMOCRACY & TECHNOLOGY, TOLD BLOOMBERG BNA JUNE 3. "IT'S DEFINITELY A GREAT FIRST STEP, BUT IT STILL **doesn't solve many problems.**"

solvency deficits

Private companies fail – translation

Mercado, 7

Stephen Mercado, an analyst in the CIA Directorate of Science and Technology “Reexamining the Distinction Between Open Information and Secrets,” CIA, 4/15/07, https://www.cia.gov/library/center-for-the-study-of-intelligence/csi-publications/csi-studies/studies/Vol49no2/reexamining_the_distinction_3.htm // IS

POLICYMAKERS AND INTELLIGENCE EXECUTIVES WOULD ALSO DO WELL TO RESIST THE SIREN CALL OF THOSE WHO ARGUE THAT WE SHOULD SIMPLY PRIVATIZE OSINT. PRIVATE CORPORATIONS ARE AN EXCELLENT SOURCE OF DICTIONARIES, SOFTWARE, AND CONTRACTORS FOR OUR GOVERNMENT. BUT PRIVATE COMPANIES ALONE ARE NO SUBSTITUTE FOR ACCOUNTABLE, DEDICATED OSINT PROFESSIONALS IN GOVERNMENT OFFICES. [12] LET US TAKE THE VITAL ISSUE OF TRANSLATION AS AN EXAMPLE. CONTRACTORS— WHETHER INDIVIDUALS, TRANSLATION AGENCIES, OR RESEARCH COMPANIES (the latter generally subcontracting with translation agencies or independent translators for the talent they lack in house)—TODAY TRANSLATE MOST OF THE FOREIGN NEWSPAPERS, SCIENTIFIC JOURNALS, AND OTHER OPEN INFORMATION FOR THE INTELLIGENCE COMMUNITY. THEY DO SO UNDER THE LEAD OF CLEARED OSINT OFFICERS WHO, knowing both the requirements of the Intelligence Community and the mysteries of the foreign media, MANAGE THE TRANSLATION FLOWS TO PROVIDE ANSWERS TO INTELLIGENCE QUESTIONS. Staff officers are also available to translate priority items themselves on a crash basis when contractors are unavailable. Staff officers serve one master. CONTRACTORS, BUSY WITH A MIX OF ASSIGNMENTS FROM CORPORATE AND GOVERNMENT CUSTOMERS, OFTEN ARE UNAVAILABLE WHEN MOST NEEDED.

Ideally, in my view, the government should develop its own sizeable cadre of translators. Yet, that would be much more expensive than the present system. Some would argue for the opposite path of privatizing OSINT, which would mean intelligence analysts, case officers, and others buying their translations directly from the private sector without OSINT officers to apply their general requests against the appropriate media for the right information or to edit, often heavily, CONTRACTOR TRANSLATIONS THAT ARE FREQUENTLY OF POOR QUALITY.

SIGINT privatization empirically fails and gets leaked

Shorrock, 13

Tim Shorrock, has appeared in many publications, including Salon, Mother Jones, The Progressive, The Daily Beast and the New York Times, “Obama’s Crackdown on Whistleblowers,” The Nation, 3/26/13, <http://www.thenation.com/article/173521/obamas-crackdown-whistleblowers?page=full> // IS

The hypocrisy is best illustrated in the case of FOUR WHISTLEBLOWERS FROM THE NATIONAL SECURITY AGENCY: THOMAS DRAKE, WILLIAM BINNEY, J. KIRK WIEBE AND EDWARD LOOMIS. Falsely accused of leaking in 2007, they HAVE ENDURED YEARS OF LEGAL HARASSMENT FOR EXPOSING THE WASTE AND FRAUD BEHIND A MULTIBILLION-DOLLAR CONTRACT FOR A SYSTEM CALLED TRAILBLAZER, WHICH WAS SUPPOSED TO “REVOLUTIONIZE” THE WAY THE NSA PRODUCED SIGNALS INTELLIGENCE (SIGINT) IN THE DIGITAL AGE. Instead, IT WAS CANCELED IN 2006 AND REMAINS ONE OF THE WORST FAILURES IN US

INTELLIGENCE HISTORY. BUT THE MONEY SPENT ON THIS PRIVATIZATION SCHEME, LIKE SO MUCH AT THE NSA, REMAINS A STATE SECRET.

AT: Yahoo CP

Yahoo doesn't matter

Yahoo is irrelevant and declining O'Brien, 15

Mike O'Brien, Master's degree in journalism from the University of Oregon. "Yahoo's Search Share on the Decline," Search Engine Watch, 3/19/15,
[// IS](http://searchenginewatch.com/sew/news/2400580/yahoos-search-share-on-the-decline)

YAHOO'S RECENT INCREASE IN THE U.S. DESKTOP SEARCH SHARE HAS started to falter, ACCORDING TO COMSCORE'S MONTHLY QSEARCH ANALYSIS. IN DECEMBER, YAHOO REPLACED GOOGLE AS THE DEFAULT SEARCH ENGINE ON MOZILLA FIREFOX. THAT MONTH, THE FIRST IN THE FIVE-YEAR PARTNERSHIP, YAHOO SAW ITS HIGHEST SHARE - 11.8 PERCENT - OF THE DESKTOP SEARCH MARKET SINCE 2009. THE NUMBER INCREASED TO 13 PERCENT IN JANUARY, BEFORE STARTING TO DECLINE. IN FEBRUARY, YAHOO'S SHARE WENT DOWN TO 12.8 PERCENT, WITH THOSE 0.2 PERCENTAGE POINTS DIVIDING BETWEEN GOOGLE AND MICROSOFT. Google continues to have the lion's share of the search market; even with Yahoo's comeback, Google never dipped below 64 percent.

Yahoo doesn't matter Lynch, 14

Jim Lynch, former community manager for ZiffNet, ZDNet, PCMag, ExtremeTech, The FamilyEducation Network, and MSN Games. "The decline and fall of the Yahoo empire," 12/23/14
[// IS](http://jimlynch.com/internet/the-decline-and-fall-of-the-yahoo-empire)

THE ARRIVAL OF MARISSA MAYER FROM GOOGLE WAS SUPPOSED TO RESURRECT YAHOO, BUT IT SEEMS THAT HER EFFORTS HAVE MOSTLY FAILED. The New York Times magazine has a deep and detailed portrait of what went wrong at Yahoo with Mayer as CEO of Yahoo via an excerpt of an upcoming book by Nicholas Carlson called ":

In many ways, YAHOO'S DECLINE FROM A \$128 BILLION COMPANY TO ONE WORTH VIRTUALLY NOTHING IS ENTIRELY NATURAL. YAHOO GREW INTO A COLOSSUS BY SOLVING A PROBLEM THAT NO LONGER EXISTS. AND WHILE YAHOO'S PRODUCTS HAVE UNDENIABLY IMPROVED, AND ITS CULTURE HAS BECOME MORE INNOVATIVE, IT'S UNLIKELY THAT MAYER CAN REVERSE AN INEVITABILITY unless she creates the next iPod. ALL BREAKTHROUGH COMPANIES, AFTER ALL, WILL EVENTUALLY PLATEAU AND THEN DECLINE. U.S. Steel was the first billion-dollar company in 1901, but it was worth about the same in 1991. Kodak, which once employed nearly 80,000 people, now has a market value below \$1 billion. Packard and Hudson ruled the roads for more than 40 years before disappearing. THESE COMPANIES MATURED AND RECEDED OVER THE COURSE OF GENERATIONS, IN SOME CASES EVEN A CENTURY. YAHOO WENT THROUGH THE PROCESS IN 20 YEARS. IN THE TECHNOLOGY INDUSTRY, THINGS MOVE FAST.

Yahoo is merging and might even shut down Lynch, 14

Jim Lynch, former community manager for ZiffNet, ZDNet, PCMag, ExtremeTech, The FamilyEducation Network, and MSN Games. "The decline and fall of the Yahoo empire," 12/23/14
<http://jimlynch.com/internet/the-decline-and-fall-of-the-yahoo-empire/> // IS

SO WHAT NOW FOR YAHOO? ACCORDING TO THE NY TIMES ARTICLE IT SEEMS THAT **Yahoo's days are numbered** AS AN INDEPENDENT COMPANY. A MERGER WITH AOL SEEMS TO BE IN THE WORKS, AND IT THAT HAPPENS THERE WILL NO DOUBT BE A LOT OF LAYOFFS AT YAHOO AS THE COMBINED COMPANY SEEKS TO CUT COSTS BY RESTRUCTURING. AT THIS POINT I DOUBT THERE'S MUCH THAT MARISSA MAYER OR ANYONE ELSE CAN DO TO STOP THIS FROM HAPPENING IF AOL DECIDES TO PURSUE THE MERGER.

IT MAKES ME WONDER IF, IN A FEW YEARS DOWN THE ROAD, WE'LL SEE A STORY ABOUT HOW AOL HAS DECIDED TO PULL THE PLUG ON YAHOO ALTOGETHER AND **shut it down**. What a very sad fate that would be for a former giant of the Internet like Yahoo.

AT: Snowball CP

solvency deficit

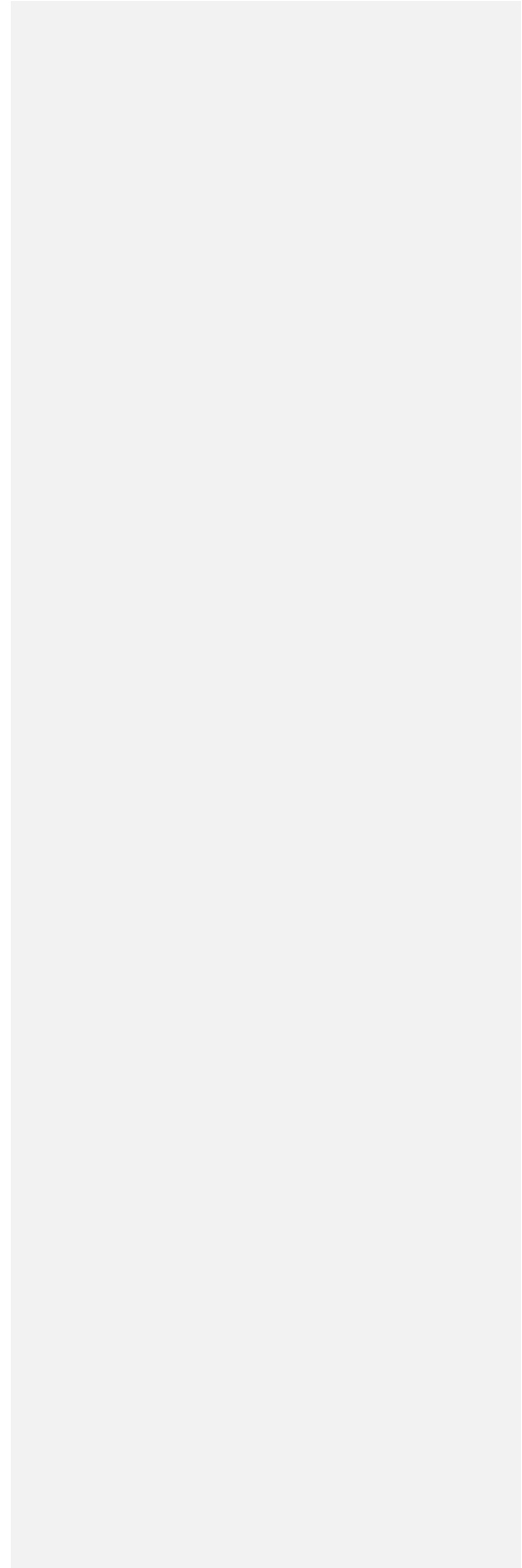
CP is not enough to solve snowball

Carley and Tsvetovat, 6

Kathleen Carley and Maksim Tsvetovat, *professor in the School of Computer Science in the department - Institute for Software Research - at Carnegie Mellon University, **Ph.D. from Carnegie Mellon University's School of Computer Science, with concentration on computational modeling of organizations, "On effectiveness of wiretap programs in mapping social networks," 8/30/06, Springer Science + Business Media, LLC, Proquest // is amp

OUR EXPERIMENTS SHOW THAT IT IS POSSIBLE TO OBTAIN HIGH-QUALITY DATA ON COVERT NETWORKS WITHOUT USING RANDOM TRAFFIC SAMPLING (E.G. ECHELON) OR snowball sampling, BOTH OF WHICH CAPTURE TOO MUCH UNNECESSARY DATA, AND DO NOT MAKE GOOD USE OF THE DATA THAT HAS BEEN ALREADY CAPTURED. AS AN ALTERNATIVE, USE OF OPTIMIZATION-BASED AND SOCIALLY INTELLIGENT SAMPLING TECHNIQUES ALLOWS FOR A TIGHTLY TARGETED AND RESOURCE-THRIFTY SIGINT gathering PROGRAM. Not only THESE TECHNIQUES ARE SIGNIFICANTLY LESS COSTLY, THEY ALSO PRODUCE BETTER OVERALL INTELLIGENCE DATA WITH A CLOSER MATCH TO THE COVERT NETWORK BEING STUDIED. The annealing-based information capture is not limited to sampling communications within covert networks, but rather is a flexible methodology for surveying networks of hidden populations. AS THE OPTIMIZATION-BASED SAMPLING TECHNIQUES DO NOT REQUIRE AS MUCH INFORMATION CAPTURE AS SNOWBALL SAMPLING, THEY WILL PRESENT LESS OF A RESOURCE STRAIN ON DATA COLLECTORS AND ARE a MORE COST-EFFICIENT way to sample communication for analysis of social networks.

A2: Splunk CP



Squo solves

The government already uses Splunk Splunk, 15

Splunk, "Defense and Intelligence Agencies," Spunk's Website, 2015,
http://www.splunk.com/en_us/solutions/industries/public-sector/defense-and-intelligence-agencies.html // IS

GOVERNMENT DEFENSE AND INTELLIGENCE AGENCIES ARE TASKED WITH COLLECTING, ANALYZING AND STORING MASSIVE AMOUNTS OF DATA TO DETECT AND CORRELATE PATTERNS OF ACTIVITY RELATED TO SECURITY THREATS. They also need systems that can handle extremely granular role-based access controls (RBAC) so that only those that 'need-to-know' have access to the right data at the right time. **Splunk® Enterprise, THE INDUSTRY STANDARD PRODUCT FOR BIG DATA ANALYSIS IS widely deployed ACROSS hundreds of government agencies TO HELP PASS THEIR FISMA ASSESSMENTS AND:** Detect patterns and anomalies across terabytes of raw data in real time without specialized skills, up front data normalizations or fixed schemas Can use Hunk®: Splunk Analytics for Hadoop and NoSQL data stores to provide a unified view or your data Automatically monitor for NIST 800-53 controls supporting the 800-37 risk management framework Support continuous monitoring and the acquisition of context data from any event from any layer of the IT structure

A2: UQ CP

Links to ptx

Congress keeps a close watch

Best, 1

(Richard Jr, Specialist in National Defense, Foreign Affairs, Defense, and Trade Division, CRS Report for Congress, "The National Security Agency: Issues for Congress", <http://fas.org/irp/crs/RL30740.pdf>, amp)

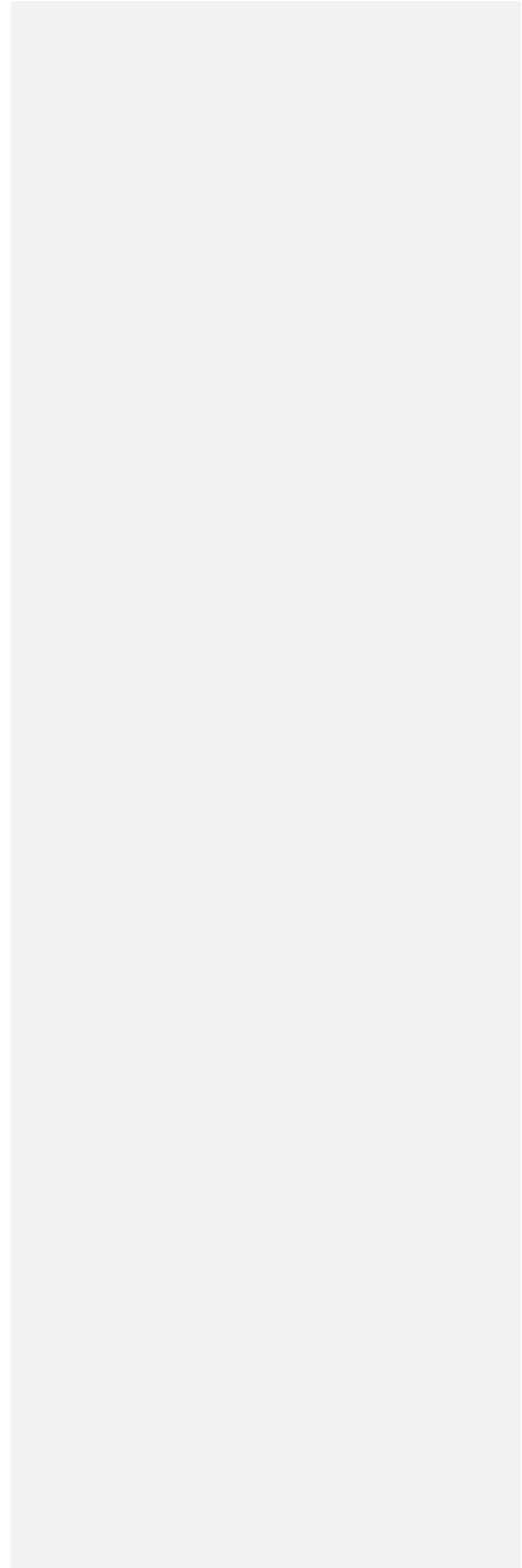
NSA'S EFFORTS TO ADJUST TO THE CHANGING geopolitical and technological ENVIRONMENT have been strongly encouraged by Congress and REFLECT A MAJOR SHIFT IN CONGRESSIONAL OVERSIGHT OF THE AGENCY. ALTHOUGH CONGRESS has ALWAYS APPROVED FUNDING for NSA, FOR DECADES ROUTINE OVERSIGHT WAS LIMITED to a few Members and staff. IN THE 1970S, CONGRESSIONAL INVESTIGATIONS OF INTELLIGENCE AGENCIES RESULTED IN GREATER PUBLIC ATTENTION to NSA AND CRITICISM OF ACTIVITIES THAT INFRINGED ON the CIVIL LIBERTIES of U.S. persons. SUBSEQUENTLY, BOTH THE SENATE AND the HOUSE of Representatives ESTABLISHED INTELLIGENCE OVERSIGHT committees THAT have CLOSELY MONITORED NSA'S OPERATIONS. The Foreign Intelligence Surveillance Act (FISA) WAS ENACTED in 1978 to regulate collection by foreign intelligence agencies of the communications of U.S. persons. The end of the Cold War, the expansion of lowcost encryption and the explosion of communications systems led CONGRESS to TAKE A MORE PUBLIC PROFILE in OVERSEEING THE large and SECRETIVE AGENCY.

A2: K



note

All the regular answers to policy overload are responsive



2ac NSA failure bad

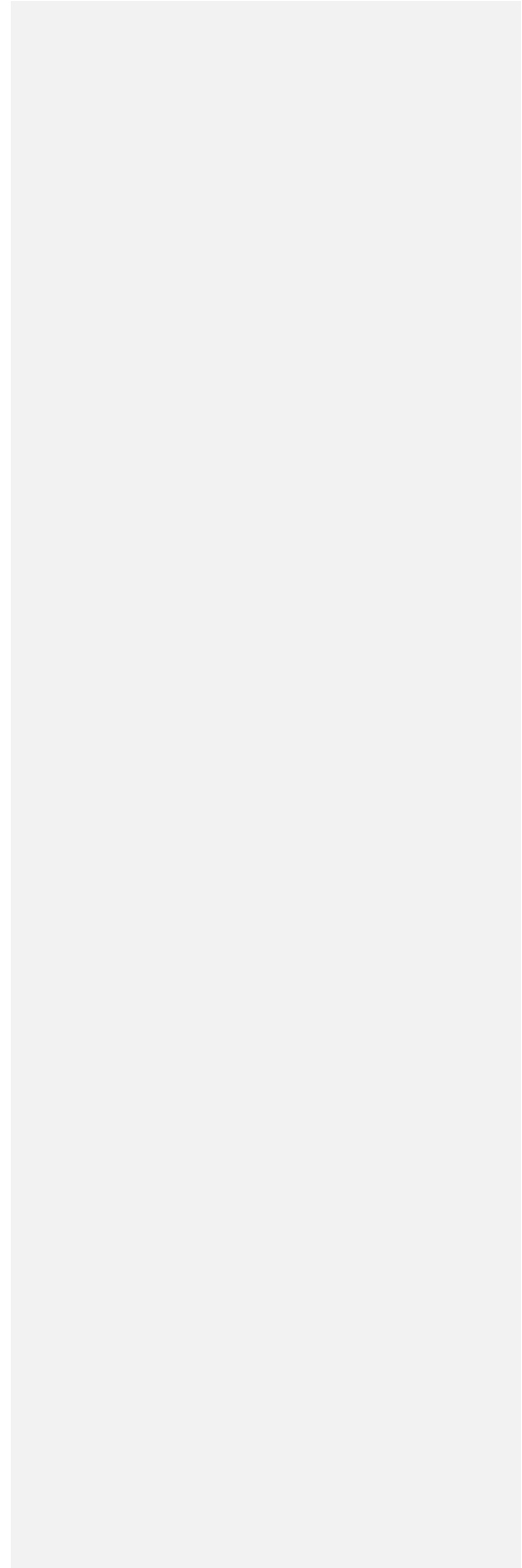
The counter-advocacy causes the NSA to fail – that’s what makes the public want to fund it even more – every time a terrorist attack gets through it becomes a justification for defense spending – this results in endless expansion of the surveillance state as more information causes an overload that guarantees even more failure

Engelhardt 14 – co-founder of the American Empire Project, Teaching Fellow at the Graduate School of Journalism at the University of California, Berkeley (Tom, “Failure Is Success: How US Intelligence Works in the 21st Century,” Truthout, 9/30/2014, <http://www.truth-out.org/opinion/item/26529-failure-is-success-how-us-intelligence-works-in-the-21st-century>) //RGP

Whatever the case, WHILE TAXPAYER DOLLARS FLOWED INTO YOUR COFFERS, NO ONE CONSIDERED IT A PROBLEM THAT THE COUNTRY LACKED 17 OVERLAPPING OUTFITS BENT ON PREVENTING APPROXIMATELY 400,000 DEATHS BY FIREARMS IN THE SAME YEARS; NOR 17 INTERLOCKED AGENCIES DEDICATED TO SAFETY ON OUR ROADS, WHERE MORE THAN 450,000 AMERICANS HAVE DIED SINCE 9/11. (An American, it has been calculated, is 1,904 times more likely to die in a car accident than in a terrorist attack.) Almost all the money and effort have instead been focused on the microscopic number of terrorist plots -- some spurred on by FBI plants -- that have occurred on American soil in that period. On the conviction that Americans must be shielded from them above all else and on the fear that 9/11 bred in this country, YOU’VE BUILT AN INTELLIGENCE STRUCTURE UNLIKE ANY OTHER ON THE PLANET WHEN IT COMES TO SIZE, REACH, AND LABYRINTHINE COMPLEXITY. It’s quite an achievement, especially when you consider its one downside: it has a terrible record of getting anything right in a timely way. Never have so many had access to so much information about our world and yet been so unprepared for whatever happens in it. When it comes to getting ahead of the latest developments on the planet, the ones that might really mean something to the government it theoretically serves, the IC is -- as best we can tell from the record it largely prefers to hide -- almost always behind the 8-ball. It seems to have been caught off guard regularly enough to defy any imaginable odds. Think about it, and think hard. SINCE 9/11 (which might be considered the intelligence equivalent of original sin when it comes to missing the mark), what exactly are the triumphs of a system the likes of which the world has never seen before? ONE AND ONLY ONE EVENT IS SURE TO COME IMMEDIATELY TO MIND: THE TRACKING DOWN AND KILLING OF OSAMA BIN LADEN. (Hey, Hollywood promptly made a movie out of it!) Though he was by then essentially a toothless figurehead, an icon of jihadism and little else, the raid that killed him is the single obvious triumph of these years. Otherwise, globally from the Egyptian spring and the Syrian disaster to the crisis in Ukraine, American intelligence has, as far as we can tell, regularly been one step late and one assessment short, when not simply blindsided by events. As a result, the Obama administration often seems in a state of eternal surprise at developments across the globe. Leaving aside the issue of intelligence failures in the death of an American ambassador in Benghazi, for instance, is there any indication that the IC offered President Obama a warning on Libya before he decided to intervene and topple that country’s autocrat, Muammar Gaddafi, in 2011? What we know is that he was told, incorrectly it seems, that there would be a “bloodbath,” possibly amounting to a genocidal act, if Gaddafi’s troops reached the city of Benghazi. Might an agency briefer have suggested what any reading of the results of America’s twenty-first century military actions across the Greater Middle East would have taught an observant analyst with no access to inside information: that the fragmentation of Libyan society, the growth of Islamic militancy (as elsewhere in the region), and chaos would likely follow? We have to assume not, though today the catastrophe of Libya and the destabilization of a far wider region of Africa is obvious. Let’s focus for a moment, however, on a case where more is known. I’m thinking of the development that only recently riveted the Obama administration and sent it tumbling into America’s third Iraq war, causing literal hysteria in Washington. Since June, the most successful terror group in history has emerged full blown in Syria and Iraq, amid a surge in jihadi recruitment across the Greater Middle East and Africa. The Islamic State (IS), an offshoot of al-Qaeda in Iraq, which sprang to life during the U.S. occupation of that country, has set up a mini-state, a “caliphate,” in the heart of the Middle East. Part of the territory it captured was, of course, in the very country the U.S. garrisoned and occupied for eight years, in which it had assumedly developed countless sources of information and recruited agents of all sorts. And yet, by all accounts, when IS’s militants suddenly swept across northern Iraq, the CIA in particular found itself high and dry. The IC seems not to have predicted the group’s rapid growth or spread; nor, though there was at least some prior knowledge of the decline of the Iraqi army, did anyone imagine that such an American created, trained, and armed force would so summarily collapse. Unforeseen was the way its officers would desert their troops who would, in turn, shed their uniforms and flee Iraq’s major northern cities, abandoning all their American equipment to Islamic State militants. Nor could the intelligence community even settle on a basic figure for how many of those militants there were. In fact, in part because IS assiduously uses couriers for its messaging instead of cell phones and emails, until a chance arrest of a key militant in June, the CIA and the rest of the IC evidently knew next to nothing about the group or its leadership, had no serious assessment of its strength and goals, nor any expectation that it would sweep through and take most of

Sunni Iraq. And that should be passing strange. After all, it now turns out that much of the future leadership of IS had spent time together in the U.S. military's Camp Bucca prison just years earlier. All you have to do is follow the surprised comments of various top administration officials, including the president, as ISIS made its mark and declared its caliphate, to grasp just how ill-prepared 17 agencies and \$68 billion can leave you when your world turns upside down. Producing Subprime Intelligence as a Way of Life In some way, THE REMARKABLE NSA REVELATIONS OF EDWARD SNOWDEN MAY HAVE SKEWED OUR VIEW OF AMERICAN INTELLIGENCE. The question, after all, isn't simply: Who did they listen in on or surveil or gather communications from? It's also: WHAT DID THEY FIND OUT? WHAT DID THEY DRAW FROM THE MOUNTAINS OF INFORMATION, THE BILLIONS OF BITS OF INTELLIGENCE DATA THAT THEY WERE COLLECTING FROM INDIVIDUAL COUNTRIES MONTHLY (Iran, 14 billion; Pakistan, 13.5 billion; Jordan, 12.7 billion, etc.)? What was their "intelligence"? And the answer seems to be that, THANKS TO THE MIND-BOGLING NUMBER OF OUTFITS DOING AMERICA'S INTELLIGENCE WORK AND THE YOTTABYTES OF DATA THEY SWEEP UP, THE IC IS A MORASS OF information overload, data flooding, and collective blindness AS TO HOW OUR WORLD WORKS. You might say that THE AMERICAN INTELLIGENCE SERVICES ENCOURAGE THE IDEA THAT THE WORLD IS ONLY KNOWABLE IN AN ATMOSPHERE OF BIG DATA and a penumbra of secrecy. As it happens, an open and open-minded assessment of the planet and its dangers would undoubtedly tell any government so much more. In that sense, THE SYSTEM BOLSTERED AND ELABORATED SINCE 9/11 SEEMS as close to WORTHLESS in terms of bang for the buck as any you could imagine. Which means, in turn, that we outsiders should view with a jaundiced eye the latest fear-filled estimates and overblown "predictions" from the IC that, as now with the tiny (possibly fictional) terror group Khorasan, regularly fill our media with nightmarish images of American destruction. IF THE IC'S POST-9/11 EFFECTIVENESS WERE BEING ASSESSED ON A CORPORATE MODEL, IT'S HARD NOT TO BELIEVE THAT AT LEAST 15 OF THE AGENCIES and outfits in its "community" WOULD SIMPLY BE AXED and the other two downsized. (If the Republicans in Congress came across this kind of institutional tangle and record of failure in domestic civilian agencies, they would go after it with a meat cleaver.) I suspect that the government could learn far more about this planet by anteing up some modest sum to hire a group of savvy observers using only open-source information. For an absolute pittance, THEY WOULD UNDOUBTEDLY GET A DISTINCTLY MORE ACTIONABLE VISION OF HOW OUR WORLD FUNCTIONS AND ITS POSSIBLE DANGERS TO AMERICANS. But of course we'll never know. Instead, whatever clever analysts, spooks, and operatives exist in the maze of America's spy and surveillance networks will surely remain buried there, while THE OVERALL SYSTEM PRODUCES vast reams of subprime intelligence. Clearly, HAVING A LABYRINTH OF 17 OVERLAPPING, PARAMILITARIZED, DEEPLY SECRETIVE AGENCIES DOING VERSIONS OF THE SAME THING IS THE DEFINITION OF COUNTERPRODUCTIVE MADNESS. Not surprisingly, THE ONE THING THE U.S. INTELLIGENCE COMMUNITY HAS RESEMBLED IN THESE YEARS IS THE U.S. MILITARY, WHICH SINCE 9/11 HAS FAILED TO WIN A WAR or accomplish more or less anything it set out to do. On the other hand, all of the above assumes that the purpose of the IC is primarily to produce successful "intelligence" that leaves the White House a step ahead of the rest of the world. WHAT IF, however, IT'S ACTUALLY A SYSTEM ORGANIZED ON THE BASIS OF FAILURE? WHAT IF ANY WORK-PRODUCT DISASTER IS FOR THE IC ANOTHER KIND OF WIN. Perhaps it's worth thinking of those overlapping agencies as A FIENDISHLY CLEVER RUBE GOLDBERG-STYLE MACHINE ORGANIZED AROUND THE PRINCIPLE THAT FAILURE IS THE GREATEST SUCCESS OF ALL. After all, in the system as it presently exists, EVERY FAILURE OF INTELLIGENCE IS JUST ANOTHER INDICATION THAT MORE SECURITY, MORE SECRECY, MORE SURVEILLANCE, MORE SPIES, MORE DRONES ARE NEEDED; only when you fail, that is, DO YOU GET MORE MONEY FOR FURTHER EXPANSION. Keep in mind that THE TWENTY-FIRST-CENTURY VERSION OF INTELLIGENCE BEGAN AMID A CATASTROPHIC FAILURE: much crucial information about the 9/11 hijackers and hijackings was ignored or simply lost in the labyrinth. That FAILURE, of course, LED TO ONE OF THE GREAT INTELLIGENCE EXPANSIONS, or even explosions, in history. (And mind you, no figure in authority in the national security world was axed, demoted, or penalized in any way for 9/11 and a number of them were later given awards and promoted.) HOWEVER THEY MAY FAIL, WHEN IT COMES TO THEIR BUDGETS, THEIR POWER, THEIR REACH, THEIR SECRECY, THEIR CAREERS, AND THEIR STAYING POWER, THEY HAVE SUCCEEDED IMPRESSIVELY.

Aff Misc



Serial Policy Failure

Banking on tech advances to solve overload causes serial policy failure Woods, et al, 2

(D.D. Woods, Emily Patterson, Emilie Roth, Professors, Cognitive Systems Engineering Laboratory, Institute for Ergonomics, Cognition, Technology and Work, April 2002, Volume 4, Issue 1, pp 22-36, "Can We Ever Escape From Data Overload? A Cognitive Systems Diagnosis", <http://link.springer.com/article/10.1007/s101110200002>, amp)

EACH ROUND OF TECHNICAL ADVANCEs, whether IN artificial INTELLIGENCE, COMPUTER graphics or electronic CONNECTIVITY, PROMISES TO HELP PEOPLE better understand and MANAGE a whole host of ACTIVITIES, FROM financial ANALYSIS TO MONITORING data from space missions to controlling the national air space. Certainly, THIS ubiquitous COMPUTERISATION OF THE MODERN WORLD HAS TREMENDOUSLY ADVANCED OUR ABILITY TO COLLECT, transmit and transform DATA, PRODUCING UNPRECEDENTED LEVELS OF ACCESS to data.

HOWEVER, OUR ABILITY TO INTERPRET THIS AVALANCHE OF DATA, I.E., TO EXTRACT MEANING FROM ARTIFICIAL FIELDS OF DATA, HAS EXPANDED MUCH MORE SLOWLY, if at all. In studies across multiple settings, we find that PRACTITIONERS ARE BOMBARDED WITH COMPUTER-PROCESSED DATA, especially when anomalies occur. WE FIND USERS LOST IN MASSIVE NETWORKS OF COMPUTERBASED displays, options and MODES. For example, ONE CAN FIND A VERSION OF THE FOLLOWING STATEMENT IN MOST accident INVESTIGATION REPORTS: ALTHOUGH ALL OF THE NECESSARY DATA WAS PHYSICALLY AVAILABLE, IT WAS NOT OPERATIONALLY EFFECTIVE. NO ONE COULD ASSEMBLE THE SEPARATE BITS OF DATA TO SEE WHAT WAS GOING ON. (Joyce and Lapinski 1983) The challenge has become finding what is informative given our interests and needs in a very large field of available data.

The paper is organised as follows. To set the stage, we characterise how TECHNOLOGY CHANGE HAS CREATED A PARADOXICAL SITUATION and, we introduce people as a model of competence THROUGH A HISTORICAL EXAMPLE. From this base we summarise the three different major characterisations of the data overload problem. We then provide a 'diagnosis' of what makes data overload a difficult problem based on a synthesis of results from past studies that examine how new computerised devices can help overcome or can exacerbate data overload-related problems in control centres such as mission control for space shuttle operations, highly automated aviation flight decks, computerised emergency operations control centres in nuclear power plants and surgical anaesthetic management systems in operating rooms. Given this background, we can see how the typical solutions to the data overload problem avoid confronting the heart of the matter directly, remaining content to nibble away at the edges through indirect means. Finally, we outline a direction for progress towards more effective solutions to data overload relying on people as a competence model.

1.1. The Data Availability Paradox

OUR SITUATION SEEMS PARADOXICAL: MORE AND MORE DATA IS AVAILABLE in principle, BUT OUR ABILITY TO INTERPRET WHAT IS AVAILABLE HAS NOT INCREASED. On one hand, all participants in a field of activity recognise that having greater access to data is a benefit in principle. On the other hand, these same participants recognise how THE FLOOD OF AVAILABLE DATA CHALLENGES THEIR ABILITY TO FIND WHAT IS informative or MEANINGFUL for their goals and tasks (Miller 1960). We will refer to this as the data availability paradox. Data availability is paradoxical because of the simultaneous juxtaposition of our success and our vulnerability. TECHNOLOGICAL CHANGE GROWS OUR ABILITY TO MAKE DATA READILY and more directly ACCESSIBLE – the success, and, at the same time and for the same reasons, THE CHANGE increasingly and dramatically CHALLENGES OUR ABILITY TO MAKE SENSE OF THE DATA AVAILABLE – the vulnerability.

1.2. 'A Little More Technology Will Be Enough'

Criando dificuldades para vender facilidades [creating difficulties to sell solutions]. (Common Brazilian saying)

AS the POWERS OF TECHNOLOGY EXPLODE around us, DEVELOPERS IMAGINE potential BENEFITS AND CHARGE AHEAD IN PURSUIT OF THE NEXT technological ADVANCE. THE CLAIM IS THAT DATA OVERLOAD and other problems WILL BE SOLVED BY significant ADVANCES IN MACHINE 'INFORMATION' PROCESSING, i.e., the technology for creating sophisticated graphics, for connecting distant people together and for creating intelligent software agents.

However, AFTER EACH ROUND OF DEVELOPMENT, field RESEARCHERS CONTINUE TO OBSERVE BELEAGUERED PRACTITIONERS actively TRYING TO COPE WITH DATA OVERLOAD in one form or another. This is a fundamental finding, repeatedly noted in many fields of practice and with many kinds of technology (e.g., Woods 1995a; Woods and Patterson 2000). When viewed in context, SYSTEMS, developed putatively TO AID USERS, often turn out to CREATE new WORKLOAD BURDENS WHEN PRACTITIONERS ARE BUSIEST, new ATTENTIONAL DEMANDS WHEN PRACTITIONERS ARE PLAGUED BY multiple channels/VOICES COMPETING FOR THEIR ATTENTION, AND NEW SOURCES OF DATA WHEN PRACTITIONERS ARE OVERWHELMED BY TOO MANY CHANNELS SPEWING OUT TOO MUCH 'RAW' DATA (Woods et al 1994, Ch. 5).

In practice, NEW ROUNDS OF TECH technology development BECOME YET ANOTHER VOICE IN THE DATA CACOPHONY AROUND US. Ironically, THE major IMPACT HAS BEEN TO EXPAND THE PROBLEM BEYOND SPECIALISED TECHNICAL FIELDS of activity (an aircraft cockpit or power plant control room) TO BROADER areas of ACTIVITY (web-based activities we engage in everyday).

Academic studies prove excessive information hurts decisionmaking

Metzger, 5

(Michael, Chair in Business Ethics, Kelley School of Business, Indiana University, December 2005, University of Florida Journal of Law & Public Policy, 16 U. Fla. J.L. & Pub. Pol'y 435, "ARTICLE: BRIDGING THE GAPS: COGNITIVE CONSTRAINTS ON CORPORATE CONTROL & ETHICS EDUCATION", lexis, amp)

FROM A THINKING quality PERSPECTIVE, error can be introduced in every phase of the human thought process. Much of the critical action in decisionmaking of all sorts occurs in the problem identification and classification stages. n89 Do we even admit that we have a problem, n90 and if [*456] we do, how do we classify it and the people involved? n91 Individual desires n92 and bias n93 can play a pivotal role in both problem identification and problem framing. n94 Even things such as the language we use to describe the problem can have a powerful impact on our final decision. n95 [*457] IF OUR ATTENTION IS SELECTIVE, n96 then WE MAY NOT REGISTER ALL OF THE RELEVANT DATA AVAILABLE IN OUR EXTERNAL ENVIRONMENT. n97 If our memories are also selective and frequently inaccurate, n98 this can be expected to have a consequent negative effect on our ability to bring our past experience to bear in solving current problems. n99 Further, our desire to maintain our self- esteem n100 may lead us to accept dubious arguments and data, n101 to reject compelling arguments and data, n102 and to persist in behaviors and strategies long after an objective observer would have concluded that they were ineffective. n103

Even in circumstances where our memories are accurate, our initial perceptions are complete, and our egos are in check, other threats to gooddecisionmaking exist. In the heuristic phase of our reasoning process, [*458] preconscious mental programs called heuristics n104 retrieve relevant information from memory and identify which bits of externally available information are relevant, and therefore subject to further processing. n105 Heuristics are necessary parts of human cognition for at least two reasons. First, they are essential elements in maintaining some semblance of cognitive economy. WE EACH HAVE LIMITED PROCESSING POWER, and thinking shortcuts n106 that require no conscious thought can be a very efficient way to process information. n107 Second, WITHOUT SOME DEVICE TO SCREEN INFORMATION, WE WOULD QUICKLY SUFFER COGNITIVE OVERLOAD FROM THE MILLIONS OF BITS OF INFORMATION EMBEDDED in our consciousness and IN OUR ENVIRONMENT. n108

[*459]

But while heuristics are essential and may work well most of the time, they can sometimes result in bias n109 in our reasoning. n110 So, the INFORMATION THAT SEEMS "RELEVANT" TO US PSYCHOLOGICALLY MAY NOT NECESSARILY BE WHAT IS RELEVANT LOGICALLY. n111 IF THIS HAPPENS, NO AMOUNT OF GOOD REASONING IN THE CONSCIOUS, ANALYTICAL PHASE OF OUR DECISIONMAKING IS LIKELY TO LEAD TO A CORRECT SOLUTION. Why? GOOD REASONING BASED ON BAD INFORMATION IS UNLIKELY TO LEAD TO GOOD CONCLUSIONS. n112 INFORMATION CAN BE "BAD" IF IT IS [*460] inaccurate or incomplete, but it can also be "bad" if it is COMPLETE AND COMPLETELY ACCURATE, BUT NOT REALLY GERMANE TO THE THINKING TASK AT HAND.

EVEN IF OUR INFORMATION IS ACCURATE and complete, AND OUR SELECTION OF IT IS FREE OF BIAS, WE MAY NONETHELESS MAKE THINKING MISTAKES DURING THE CONSCIOUS, ANALYTICAL PHASE OF THE THOUGHT PROCESS IF OUR GRASP OF LOGIC, basic probability principles, OR STATISTICS IS POOR, OR IF CERTAIN ASPECTS OF THE PROBLEM PREVENT US FROM BRINGING OUR FULL REASONING POWERS TO BEAR ON IT. n113 Because it is conscious, and because everyone can learn to improve her logical reasoning ability and improve her understanding of basic statistical principles, n114 the analytical phase of the reasoning process should be the phase that is most amenable to improvement.

The heuristic phase is, by definition, more problematic because it is unconscious. n115 As a leading authority on bias puts it, "the representational [*461] heuristics responsible for many biases constitute preconscious processes. Subjects are aware of that to which they are attending but not of the selective process directing their attention." n116

InfoGlut

We are in an era of information overload – a period characterized by an intractable paradox – while we have access to seemingly infinite amounts of information, we are simultaneously unable to process it – the attempt to become omniscient is counterproductive in that it makes it harder to understand and trust information sources

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AFTER A TWO-YEAR INVESTIGATION INTO THE POST-9/11 INTELLIGENCE INDUSTRY, THE WASHINGTON POST REVEALED THAT A SPRAWLING ARRAY OF PUBLIC AND PRIVATE AGENCIES WAS COLLECTING MORE INFORMATION THAN ANYONE COULD POSSIBLY COMPREHEND. As the newspaper’s report put it, “EVERY DAY, COLLECTION SYSTEMS AT THE NATIONAL SECURITY AGENCY INTERCEPT AND STORE 1.7 BILLION E-MAILS, PHONE CALLS AND OTHER TYPES OF COMMUNICATIONS. The NSA sorts a fraction of those into 70 separate databases.”¹ THE NSA IS MERELY ONE AMONGST HUNDREDS OF AGENCIES AND CONTRACTORS VACUUMING UP DATA to be sifted, sorted, and stored. THE RESULTING FLOOD OF INFORMATION IS, IN PART, A FUNCTION OF THE TECHNOLOGICAL DEVELOPMENTS that have made it possible to automatically collect, store, and share fantastic amounts of data. HOWEVER, MAKING SENSE OF THIS INFORMATION TROVE AT THE ALL-TOO-HUMAN RECEIVING END CAN POSE A PROBLEM: “Analysts who make sense of documents and conversations obtained by foreign and domestic spying share their judgment by publishing 50,000 intelligence reports each year – a volume so large that many are routinely ignored.”² THE SO-CALLED “SUPER USERS” WHO ARE SUPPOSED TO HAVE ACCESS TO THE WHOLE RANGE OF INFORMATION GENERATED BY THE INTELLIGENCE APPARATUS REPORTEDLY TOLD THE POST THAT “THERE IS SIMPLY NO WAY THEY CAN KEEP UP WITH THE NATION’S MOST SENSITIVE WORK.”³ As one of them put it, “I’m not going to live long enough to be briefed on everything.”⁴ THE LAMENT IS A FAMILIAR ONE IN AN ERA OF information overload – and not just for intelligence agencies, marketers, and other collectors of databases. The same challenge is faced by any citizen attempting to read all of the news stories (or Tweets, or status updates, or blogs posts) that are published on a given day, or a financial analyst researching all of the available information pertaining to the performance of a particular company. When I was a journalist in the early 1990s, just as computers entered the newsroom, we had available to us several electronic newswires that updated themselves automatically with stories on topics ranging from international news to US politics to sports and entertainment. I remember thinking at the time that it was impossible to keep up with the news as it unfolded on my screen. By the time I had read one wire story, dozens of new ones had been filed from around the world. That was just a tiny taste of the coming information cornucopia. Now an unimaginably unmanageable flow of mediated information is available to anyone with Internet access. THE PARADOX OF AN ERA OF INFORMATION GLUT EMERGES AGAINST THE BACKGROUND OF THIS NEW INFORMATION LANDSCAPE: AT THE VERY MOMENT WHEN WE HAVE THE TECHNOLOGY AVAILABLE TO INFORM OURSELVES AS NEVER BEFORE, WE ARE SIMULTANEOUSLY AND COMPELLINGLY CONFRONTED WITH THE IMPOSSIBILITY OF EVER BEING FULLY INFORMED. Even more disturbingly, WE ARE CONFRONTED WITH THIS IMPOSSIBILITY AT THE VERY MOMENT WHEN WE ARE TOLD THAT BEING INFORMED IS MORE IMPORTANT THAN EVER before to our livelihood, our security, and our social lives. This is not to suggest that it might, once upon a time, have been possible to be “fully informed” – in the sense of knowing all the details of the daily events, their various causes, explanations, and interpretations relating to our social, cultural, political, and economic lives. As Jorge Luis Borges’s (insomnia-inspired) allegory of the mnemonic phenomenon Funes suggests, EVERY DAY WE ARE BOMBARDED WITH MORE INFORMATION THAN WE CAN POSSIBLY ABSORB OR RECALL. THE ABILITY TO CAPTURE AND RECOUNT ALL OF THIS INFORMATION IN DETAIL IS PRECISELY WHAT MADE FUNES A FREAK – OR A GOD: “We, at one glance, can perceive three glasses on a table; Funes, all the leaves and tendrils and fruit that make up a grape vine. He knew by heart the forms of the southern clouds at dawn on the 30th of April, 1882, and could compare them in his memory with the mottled streaks on a book in Spanish binding he had only seen once and with the outlines of the form raised by an oar in

the Rio Negro the night before the Quebracho uprising.”⁵ There are, of course, some drawbacks to total information awareness, Funes-style: it took him a full day to remember a day (and presumably even longer to recall the day spent remembering it). Moreover, Funes was only recording his direct experiences – as yet un-augmented by the Internet and its bottomless reserves of mediated information. IF IT HAS ALWAYS BEEN IMPOSSIBLE TO FULLY ABSORB THE INFORMATION BY WHICH WE ARE SURROUNDED – STILL MORE SO TO BE “FULLY INFORMED” – HE PALPABLE INFORMATION OVERLOAD ASSOCIATED WITH THE DIGITAL, MULTI-CHANNEL ERA HAS MADE US AWARE AS NEVER BEFORE OF THIS IMPOSSIBILITY. In his book *Data Smog*, David Shenk observed that “IT IS ESTIMATED THAT ONE WEEKDAY EDITION OF TODAY’S NEW YORK TIMES CONTAINS MORE INFORMATION THAN THE AVERAGE PERSON IN SEVENTEENTH-CENTURY ENGLAND WAS LIKELY TO COME ACROSS IN A LIFETIME.”⁶ He does not say who did the estimating – and it is a formulation whose credibility, such as it is, depends on a particular definition of information: “in mass mediated form.” Surely during the 17th century people were absorbing all kinds of information directly from the world around them, as we do today through the course of our daily lives. There is little indication that our sensory apparatus has become more finely tuned or capacious. However, the amount of mediated information – that which we self-consciously reflect upon as information presented to us in constructed and contrived formats (TV shows, movies, newspapers, Tweets, status updates, blogs, text messages, and so on) via various devices including televisions, radios, computers, and so on – has surely increased dramatically, thanks in no small part to the proliferation of portable, networked, interactive devices. EVEN BEFORE THE ADVENT OF THESE DEVICES, ALL WE HAD TO DO WAS GO TO THE LIBRARY TO FEEL OVERWHELMED BY MORE THAN WE COULD POSSIBLY ABSORB. NOW THIS EXCESS CONFRONTS US AT EVERY TURN: IN THE DEVICES WE USE TO WORK, TO COMMUNICATE WITH ONE ANOTHER, TO ENTERTAIN OURSELVES. Gult is no longer a “pull” phenomenon but a “push” one. We don’t go to it, it comes to us. It is the mediated atmosphere in which we are immersed. When all we had to do to keep up with the news, for example, was to read a daily newspaper and watch the network evening news, it was easier to imagine the possibility that someone like Walter Cronkite could tell us “the way it is” during the half-hour interlude of an evening newscast. BY THE FIRST DECADE OF THE 21ST CENTURY, THE ERA OF THE MOST-TRUSTED MAN IN AMERICA WAS LONG GONE, AS EVIDENCED, FOR EXAMPLE, BY A POLL REVEALING THAT DESPITE (OR PERHAPS BECAUSE OF) THE PROLIFERATION OF HOURS DEVOTED TO TELEVISION NEWS, NOT ONE MAJOR NEWS OUTLET WAS TRUSTED BY THE MAJORITY OF THE AMERICAN PEOPLE. Poll upon poll have revealed declining levels of public trust in news outlets and a heightened sense of perceived bias on the part of journalists. The researcher responsible for a 2008 poll noted that “an astonishing percentage of Americans see biases and partisanship in their mainstream news sources” presumably because, “The availability of alternative viewpoints and news sources through the Internet ... contributes to the increased skepticism about the objectivity of profit-driven news outlets owned by large conglomerates.”⁷ IT IS NOT JUST THAT THERE IS MORE INFORMATION AVAILABLE, BUT THAT THIS VERY SURFEIT HAS HIGHLIGHTED THE INCOMPLETENESS OF ANY INDIVIDUAL ACCOUNT. AN ERA OF INFORMATION OVERLOAD COINCIDES, IN OTHER WORDS, WITH THE REFLEXIVE RECOGNITION OF THE CONSTRUCTED AND PARTIAL NATURE OF REPRESENTATION.

Surveillance is no exception – the normalization of intrusive surveillance programs is justified under the pre-emptive logic of deterrence – we are convinced that once we know everything, we can prevent all crime

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THESE FORMULATIONS BRING US A BIT CLOSER TO THE NOTION OF DETERRENCE: A KIND OF PRE-EMPTION OF THE CORE EXPERIENCE OF DESIRE ITSELF – WHAT GETS AVERTED IS THE MOMENT OF LACK WITH WHICH THIS EXPERIENCE COINCIDES. TAKEN TO ITS LIMIT, THE GOAL IS TO RELEGATE DESIRE TO THE PRE-EMPTED STATUS OF CRIME in “The Minority Report”: “pure metaphysics.” IF YOU’RE JAILED BEFORE YOU

COMMITTED THE CRIME, ARE YOU REALLY GUILTY? If the database knows what you want before you do, did you really want it? THE LACK IS FILLED BEFORE IT IS SUBJECTIVELY PERCEIVED. WOULD THE CRIME REALLY HAVE HAPPENED? Was the desire really there? Is that purchase/ search term really what the subject wanted prior to the precipitation of the moment of consumption or search? The mutants and the statisticians say yes, and who is to prove them wrong? IN HIS DESCRIPTION OF WHAT HE DESCRIBES AS THE SIMULATION OF SURVEILLANCE, BOGARD ARGUES THAT PREDICTIVE ANALYTICS IS NOT SIMPLY ABOUT PREDICTING OUTCOMES, BUT ABOUT DEVISING WAYS OF ALTERING THEM. In policing terms, THE GOAL OF PREDICTING THE LIKELIHOOD OF CRIMINAL BEHAVIOR IS TO DETER IT. In marketing or campaigning terms it is to anticipate desire before it happens – to precipitate an accelerating range of latent desires that were allegedly “already there.” Transposed into business jargon, as one digital marketing executive put it, “In the early days of digital marketing, analytics emerged to tell us what happened and, as analytics got better, why it happened. Then solutions emerged to make it easier to act on data and optimize results.”³³ The more data that can be processed faster, the better for turning “big data into a big opportunity.”³⁴ THE PROMISE OF PREDICTIVE ANALYTICS IS TO INCORPORATE THE FUTURE AS A SET OF ANTICIPATED DATA POINTS INTO THE DECISION-MAKING PROCESS: “Historically all Web analytics have reflected data from the past which has been to a certain extent like driving a car using only the rear view mirror ... for the first time we can be marketers using data in a manner that allows us to drive while facing the road ahead.”³⁵ It is a vision of a future in which the structure outlined by predictions is subject to modification along certain pivot points. If, for example, a credit card company can predict a scenario that might lead to losses, it can intervene in advance to attempt to minimize these, as in one example described by the New York Times: “credit-card companies keep an eye on whether you are making purchases of that kind [indicating marital problems], because divorce is expensive and they are paranoid that you might stop paying your credit-card bill. For example, if you use your card to pay for a marriage counselor, they might decrease your credit line.”³⁶ Similarly, in the book *Super Crunchers*, Ian Ayres describes how the credit card company CapOne uses data mining to predict the smallest possible reduction in interest rates that can be used to retain customers. When someone calls in with a complaint about a card’s high interest rates, a computer uses detailed information about the consumer combined with information about how similar customers have behaved in the past to rapidly generate a range of rates likely to pre-empt the consumer’s cancellation request: “Because of Super Crunching, CapOne knows that a lot of people will be satisfied with this reduction (even when they say they’ve been offered a lower rate from another card).”³⁷ THE FACT THAT MARKETING ANALOGIES ARE SO FREQUENTLY USED TO INTRODUCE THE TOPIC OF PREDICTIVE ANALYTICS REFLECTS BOTH THE PIONEERING ROLE PLAYED BY THE COMMERCIAL SECTOR AND WHAT MIGHT BE DESCRIBED AS ITS ORDINARINESS: the way in which the use of data mining has incorporated itself into our understanding of how the world works in the digital era. Customized recommendations on Amazon.com and targeted advertising on the Internet, not to mention targeted mailings and customized coupons in the supermarket, have become the commonplaces of everyday life in contemporary, information-rich societies. WHAT ONCE MIGHT HAVE SEEMED SLIGHTLY CREEPY – GOOGLE SCANNING OUR EMAIL, FOR EXAMPLE, TO FIGURE OUT HOW BEST TO MARKET TO US – HAS BECOME A NORMAL AND LARGELY OVERLOOKED PART OF DAILY LIFE FOR MILLIONS OF EMAIL USERS. THIS LEVEL OF NORMALCY HELPS TO PAVE THE WAY FOR FORMS OF POPULATION-LEVEL POLICE SURVEILLANCE THAT MIGHT PREVIOUSLY HAVE SEEMED INTRUSIVE OR OTHERWISE INAPPROPRIATE. As a report for the National Institute of Justice put it, “Walmart, for example, learned through analysis that when a major weather event is in the forecast, demand for three items rises: duct tape, bottled water and strawberry Pop-Tarts ... Police can use a similar data analysis to help make their work more efficient ... some in the field believe it has the potential to transform law enforcement by enabling police to anticipate and prevent crime instead of simply responding to it.”³⁸ IF WE ARE SUBMITTING TO DETAILED MONITORING TO HELP ENHANCE POP-TART SALES, SURELY WE CAN DO IT FOR PUBLIC SAFETY AND NATIONAL SECURITY. VIEWED FROM A SLIGHTLY DIFFERENT PERSPECTIVE, IT IS HARD TO AVOID THE NOTION THAT WE ARE LIVING IN AN ERA OF RAMPANT SURVEILLANCE CREEP. Whereas once upon a time it might have seemed strange to allow police to scan and store license plate numbers of everyone who drives by a particular location, this now takes place as a matter of course. Predictive policing, in this regard, is just piggybacking on the “new normal” of digital, interactive monitoring. REINFORCING THIS NORMALITY ARE THE CLAIMS MADE ON BEHALF OF PREDICTIVE POLICING. In Boston, officials reported that serious crime in the Cambridge area in 2011 dropped to its lowest level in 50 years after police adopted a data-driven predictive policing program (tellingly, the claim does not distinguish between correlation and causation). The murder rate actually increased – but police said this was a result of domestic disputes that they could not (yet?) predict.³⁹ In Santa Cruz, police reported a significant drop in burglaries after adopting a predictive policing program developed by mathematicians, an anthropologist, and a criminologist based on models for predicting earthquake aftershocks.⁴⁰ In Memphis, officials reported a 15 percent drop in serious crime over four years after adopting a database-driven predictive policing program.⁴¹ Police are experimenting with a growing range of variables to predict crime, ranging from weather patterns to building code violations. In Arlington, Texas, police reported that every unit increase in physical decay of the neighborhood (measured by code violations) resulted in six more residential burglaries in the city.⁴² For the moment, however, the most common indicator seems to be past patterns of behavior. In Santa Cruz,

for example, two women were taken into custody for peering into cars in a parking garage that the computer indicated would be at risk for burglaries that day: "One woman was found to have outstanding warrants; the other was carrying illegal drugs."⁴³ IF, FOR THE MOMENT, THE METHODOLOGIES SEEM RELATIVELY CRUDE (but potentially effective – at least on occasion), it is worth keeping in mind that current systems rely on only a tiny current of the swelling information flood. However, RECENT REGULATORY SHIFTS PROPOSE TO MAKE MUCH MORE DATA AVAILABLE. As of this writing, LEGISLATORS IN THE UK HAVE PROPOSED GIVING INTELLIGENCE AGENCIES ACCESS TO THE PHONE RECORDS, BROWSING DETAILS, EMAILS, AND TEXT MESSAGES OF ALL BRITONS WITHOUT A WARRANT.⁴⁴ IN THE US, UPDATED "GUIDELINES" FOR THE NATIONAL COUNTER TERRORISM CENTER ALLOW THE ORGANIZATION TO COLLECT DATA ABOUT ANY AMERICAN WITHOUT A WARRANT AND KEEP IT FOR UP TO FIVE YEARS. It also permits the center to data mine this information for the purposes of investigating terrorism.⁴⁵ **Total Information Awareness as a named program may have disappeared, but as an unnamed initiative it continues to develop apace.**

With increasing floods of information comes a widening power gap – those with access to bulk data gain advantage over those without it

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The question recalls the post-9/11 data-driven plans of Admiral John Poindexter for a Total Information Awareness program that would sift through a giant database of databases in search of threat indicators. Indeed, THE WALL STREET JOURNAL OPENS ITS OP-ED PIECE ABOUT THE COLORADO SHOOTING WITH THE QUESTION, "WOULD TOTAL INFORMATION AWARENESS HAVE STOPPED JAMES EAGAN HOLMES [the suspect in the Colorado shooting]?"² Put that way, THE QUESTION SOUNDS ALMOST RHETORICAL: "TOTAL INFORMATION AWARENESS" IMPLIES A HIGH DEGREE OF PREDICTIVE POWER: if you could keep an electronic eye on everyone's actions all the time, surely you could unearth the symptoms of eventual wrongdoing. Set aside for a moment that THE VERSION OF SECURITY ON OFFER REQUIRES WILLING SUBMISSION TO "TOTAL" SURVEILLANCE AND SIMPLY CONSIDER THE FANTASY OF PRE-EMPTION OPENED UP BY THE TECHNOLOGY: "A FUTURE LANDSCAPE OF SURVEILLANCE WITHOUT LIMITS – EVERYTHING VISIBLE IN ADVANCE, EVERYTHING TRANSPARENT, STERILIZED, AND RISK-FREE, NOTHING SECRET, ABSOLUTE FOREKNOWLEDGE OF EVENTS."³ IF THIS SOUNDS FUTURISTIC AND VAGUELY ABSURD, CONSIDER THE CLAIMS THAT ARE CURRENTLY BEING MADE ON BEHALF OF SO-CALLED PREDICTIVE POLICING, which uses past crime patterns and related data to guide the deployment of police patrols: "It is now possible to predict the future when it comes to crime, such as identifying crime trends, anticipating hotspots in the community, refining resource deployment decisions, and ensuring the greatest protection for citizens in the most efficient manner."⁴ IT IS PERHAPS A TELLING SIGN OF THE POWER OF THE PROMISE OF NEW INFORMATION AND COMMUNICATION TECHNOLOGIES, BASED ON THEIR ABILITY TO COLLECT, STORE, AND PROCESS HUGE AMOUNTS OF DATA, THAT ONE OF OUR FIRST REACTIONS TO THE UNEXPECTED HAS BECOME: "COULD THE DATABASE HAVE PREDICTED IT?" – and the automatic corollary: "could the database have prevented it?" LURKING IN THESE TWO QUESTIONS IS AN ASSUMPTION ABOUT THE CHARACTER OF KNOWLEDGE IN THE DIGITAL ERA: THE NOTION THAT THE ONLY LIMIT ON OUR PREDICTIVE POWER IS THE ABILITY TO EFFECTIVELY ORGANIZE ALL THE AVAILABLE INFORMATION. If this were indeed the case, then the development of technological information storage and processing technology might compensate for the shortcomings of the human brain by ushering in new forms of aggregate "knowledge" and predictive power. SUCH FORMS OF "KNOWING" WOULD, IN A SENSE, EXCEED THE LIMITS OF HUMAN COMPREHENSION. It would no longer be a question of comprehending the data or using it to understand, in referential fashion, the world to which it refers, but rather of

putting the data to use. The promise of automated data processing is to unearth the patterns that are far too complex for any human analyst to detect and to run the simulations that generate emergent patterns that would otherwise defy our predictive power. THE FORM OF “KNOWLEDGE” ON OFFER IS LIMITED TO THOSE WITH ACCESS TO THE DATABASE AND THE PROCESSING POWER, AND IT REPLICATES THE LOGIC OF “KNOWING WITHOUT KNOWING” INsofar AS IT CAN SERVE AS THE BASIS FOR DECISIONS WHILE EXCEEDING THE PROCESSING POWER OF ANY INDIVIDUAL HUMAN BRAIN. IN KEEPING WITH THE LOGIC OF DIGITAL CONVERGENCE, THIS FORM OF KNOWLEDGE IS PORTRAYED BY ITS PROPONENTS AS UNIVERSAL INsofar AS IT IS GENERALIZABLE ACROSS THE POLITICAL, ECONOMIC, AND SOCIAL DOMAINS. It can be used to predict consumer behavior as well as the spread of disease, or the likelihood that someone will need to be hospitalized within the coming year. Keeping this convergent background in mind, this chapter will focus on the somewhat narrower example of policing and security in order to explore the knowledge practices associated with data mining and predictive analytics in the era of “big data.” In particular, the focus will be upon the version of distributed, predictive “knowledge” that emerges from the database. As McCue puts it in her discussion of the use of predictive analytics for security purposes, “With data mining we can perform exhaustive searches of very large databases using automated methods, searching well beyond the capacity of human analysts or even a team of analysts.”⁵ In the wake of the development of database technology, there is an emerging tendency to devalue individual comprehension in comparison with the alleged predictive power derived from “super-crunching” tremendous amounts of data. This DEVELOPMENT HAS SIGNIFICANT IMPLICATIONS FOR THE PROMISE THAT BECAUSE NEW INFORMATION AND COMMUNICATION TECHNOLOGIES ARE LESS OR NON-HIERARCHICAL, THEY ARE THEREFORE FORCES FOR DEMOCRATIZATION AND USER EMPOWERMENT. IF THE (ALLEGEDLY) MORE POWERFUL AND PRODUCTIVE FORMS OF KNOWLEDGE ASSOCIATED WITH “BIG DATA” ARE LIMITED TO THOSE WITH ACCESS TO THE DATABASE AND PROCESSING POWER, DIGITAL-ERA KNOWLEDGE PRACTICES COULD PROVE TO BE EVEN MORE EXCLUSIVE AND ASYMMETRICAL THAN THOSE THEY PROMISE TO DISPLACE. WIDESPREAD ACCESS TO DIGITAL MEDIA WOULD GO HAND-IN-HAND WITH WHAT MIGHT BE DESCRIBED AS THE EMERGENCE OF A “BIG DATA” DIVIDE – ONE THAT COULD NOT BE AMELIORATED BY ANY RELATIVELY SIMPLE TECHNOLOGICAL FIX (such as more widespread broadband access) or by enhanced forms of education and training. In this respect, THE KNOWLEDGE PRACTICES ASSOCIATED WITH BIG DATA REPRESENT A PROFOUNDLY UN-DEMOCRATIC SHIFT INsofar AS THEY ARE RELIANT UPON ACCESS TO HUGE AND COSTLY DATABASES AS WELL AS TO THE PROCESSING POWER AND TECHNOLOGICAL KNOW-HOW TO MAKE USE OF THE DATA.

Something about Baudrillard

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The French cultural theorist Jean BAUDRILLARD famously DEFINED SIMULATION AS A FORM OF DETERRENCE, taking as his model the Cold War logic of “mutually assured destruction” (MAD). THE DETERRENT EFFECT OF SIMULATION HAS BEEN A RECURRING THEME IN POPULAR SCIENCE FICTION that received perhaps its most iconic pop-culture treatment in the movie War Games, which portrays a computer game that goes awry, accessing the United States missile defense system and transforming a game of simulated nuclear war into the real thing. DISASTER IS AVERTED WHEN THE PROGRAM CONSIDERS ALL POSSIBLE OUTCOMES OF THE “GAME” OF GLOBAL THERMONUCLEAR WAR AND DISCOVERS THAT, AS IN TIC-TAC-TOE, IF BOTH SIDES PLAY RATIONALLY, ATTEMPTING TO WIN, THERE CAN BE NO WINNER. The computer, which is programmed to learn, describes its assessment of “global thermonuclear war” in the movie’s finale: “A strange game! THE ONLY WINNING MOVE IS NOT TO PLAY.” OR, MORE ACCURATELY, THE ONLY RIGHT WAY TO PLAY IS BY NOT PLAYING: THE GAME IS ALREADY BEING PLAYED, AS IT WERE, PRIOR TO ANY MISSILE ATTACK. The logic of mutual assured destruction relies on the ability to avoid a possible future by modeling it. SIMULATION STANDS IN FOR A KIND OF KNOWLEDGE ABOUT THE FUTURE THAT EXERTS CONTROL IN THE PRESENT: “What stirs in the shadow of this posture under the pretext of a maximal ‘objective’ menace, and thanks to that nuclear sword of Damocles, is the perfection of the best system of control which has never existed.”⁶ SIMULATION AS DETERRENCE, then, OPERATES IN A PARADOXICALLY

COUNTERFACTUAL REALM: THAT OF THE PROVEN NEGATIVE. ON THE ONE HAND IS THE PROMISE OF INFORMATION AS CONTROL THAT STIPULATES A KIND OF MECHANISTIC CAUSALITY, ON THE OTHER IS THE CLAIM TO INTERVENE IN THE MECHANISM OF CAUSALITY ITSELF. This is why, TAKEN TO THEIR LIMITS, STRATEGIES OF SIMULATION INVOKE BOTH TOTAL CONTROL AND ITS ECLIPSE: A KIND OF SMOTHERING STASIS IN WHICH ALL POSSIBILITIES ARE FULLY SATURATED – EVERYTHING HAS BEEN MODELED IN ADVANCE, INCLUDING THE MODELING PROCESS ITSELF. As Baudrillard puts it in his discussion of the virtualization of reality via simulation, “What is the idea of the Virtual? It seems that it would be the radical effectuation, the unconditional realization of the world, the transformation of all our acts, of all historical events, of all material substance and energy into pure information. THE IDEAL WOULD BE THE RESOLUTION OF THE WORLD BY THE ACTUALIZATION OF ALL FACTS AND DATA.”⁷ THE APPARENT OBSTACLE TO SUCH A RESOLUTION IS THE LIMIT OF HUMAN PERCEPTIONS, ANALYTIC ABILITY, AND TIME. The ability to overcome such limits is relegated to the realm of the superhuman. As Laplace, the pioneer of mathematical probability, put it, “Given for one instant an intelligence which could comprehend all the forces by which nature is animated and the respective situation of the beings who compose it – an intelligence sufficiently vast to submit these data to analysis ... for it, NOTHING WOULD BE UNCERTAIN AND THE FUTURE, AS THE PAST, WOULD BE PRESENT TO ITS EYES.”⁸ THE NAME FOR THAT INTELLIGENCE, VIEWED THROUGH ONE HISTORICAL LENS, WOULD BE GOD. IN THE DIGITAL ERA, IT IS THE COMPUTER AND THE DATABASE. In the era of predictive analytics, popular fiction continues to experiment with the paradoxes of simulation. Consider, for example, the television show *Person of Interest*, in which a renegade computer programmer taps into the government’s data-mining apparatus (which he created) in order to predict when and where life-threatening crimes will occur. The show’s premise is that automated surveillance has become both ubiquitous and multifaceted – all spaces and practices are monitored via technologies ranging from smart cameras equipped with facial recognition technology to telephones with embedded voice-stress analyzers. The seemingly distributed network of commercial, public, and personal sensors and communication devices (closed-circuit surveillance cameras, Webcams, smart phones, and so on) has been covertly colonized by a centralized monitoring apparatus. This apparatus – which becomes increasingly “subjectivized” over the course of the series – can watch, listen, and communicate with the main cast members through the full range of networked devices. It is as if all of our various smart devices have teamed up to create an emergent machine intelligence. The show’s opening sequence represents the monitoring process at work by portraying the view from the perspective of the all-seeing surveillance apparatus. We see quick intercut shots of people viewed in grainy surveillance video overlaid with terms meant to suggest the various forms of monitoring at work: “voice capture stress percentage”; “GPS (global positioning system): active, tracking location”; “searching: all known databases”; etc. In this world, THE ENVIRONMENT ITSELF HAS BEEN REDOUBLED AS BOTH SETTING AND SPECTATOR. NO ONE IN PARTICULAR IS WATCHING, BUT EVERYONE IS WATCHED ALL THE TIME. The result is what Bogard describes as “the impersonal domination of the hypersurveillance assemblage.”⁹ On the show, this assemblage comes to serve as a technologized version of the mutant, prescient “pre-cogs” in Steven Spielberg’s 2002 movie MINORITY REPORT, BASED ON THE PHILIP K. DICK STORY that envisions a world in which crime is prevented before it takes place. Dick’s story STAGES THE PARADOX OF SIMULATED DETERRENCE IN A DISCUSSION BETWEEN TWO OFFICIALS ENGAGED IN FIGHTING “PRE-CRIME”: “You’ve probably grasped the basic legalistic drawback to precrime methodology. We’re taking in individuals who have broken no law ... So the commission of the crime itself is absolute metaphysics. We claim they’re culpable. They, on the other hand, eternally claim they’re innocent. And, in a sense, they are innocent.”¹⁰ THE DIFFERENCE BETWEEN THE MODELING OF POSSIBLE FUTURES PROPOSED BY MINORITY REPORT AND THE STRATEGIES OF SIMULATED DETERRENCE CURRENTLY UNDER DEVELOPMENT IN THE UNITED STATES AND ELSEWHERE IS THAT BETWEEN DETERMINISM AND PROBABILITY. THE FICTIONAL PORTRAYALS ENVISION A CONTRADICTIONARY WORLD IN WHICH INDIVIDUAL ACTIONS CAN BE PREDICTED WITH CERTAINTY AND EFFECTIVELY THWARTED. They weave oracular fantasies about perfect foresight. PREDICTIVE ANALYTICS, by contrast, POSITS A WORLD IN WHICH PROBABILITIES CAN BE MEASURED AND RESOURCES ALLOCATED ACCORDINGLY. Because forecasts are probabilistic, they never attain the type of certitude that would, for example, justify arresting someone for a crime he or she has not yet committed. Rather, they distribute probabilities across populations and scenarios. THE MOBILIZATION OF SUCH FORMS OF DATA MINING ARE ANTICIPATED IN MICHEL FOUCAULT’S DESCRIPTION OF THE RISE OF APPARATUSES OF SECURITY, governed by questions such as “How can we predict statistically the number of thefts at a given moment, in a given society, in a given town, in the town or in the country, in a given social stratum, and so on? Second, are there times regions, and penal systems that will increase or reduce this average rate? Will crises, famines, or wars, severe or mild punishment, modify something in these proportions? ... What is the cost of suppressing these thefts ... What therefore is the comparative cost of theft and of its repression ...?”¹¹ WHAT EMERGES IS

A KIND OF ACTUARIAL MODEL OF CRIME: ONE THAT LENDS ITSELF TO AGGREGATE CONSIDERATIONS REGARDING HOW BEST TO ALLOCATE RESOURCES UNDER CONDITIONS OF SCARCITY – A SET OF CONCERNS THAT FITS NEATLY WITH THE CONJUNCTION OF GENERALIZED THREAT and the constriction of public-sector funding. The algorithm promises not simply to capitalize on new information technology and the data it generates, but simultaneously to address reductions in public resources. THE CHALLENGES POSED BY REDUCED MANPOWER CAN BE COUNTERED (ALLEGEDLY) BY MORE INFORMATION. As in other realms, ENHANCED INFORMATION PROCESSING PROMISES TO MAKE THE BUSINESS OF POLICING AND SECURITY MORE EFFICIENT AND EFFECTIVE. However, IT DOES SO ACCORDING TO NEW SURVEILLANCE IMPERATIVES, INCLUDING THE GUIDANCE OF TARGETED SURVEILLANCE BY COMPREHENSIVE MONITORING, the privileging of prediction over explanation (or causality), and new forms of informational asymmetry. THE DATA-DRIVEN PROMISE OF PREDICTION, IN OTHER WORDS, RELIES UPON SIGNIFICANT SHIFTS IN CULTURES AND PRACTICES OF INFORMATION COLLECTION.

Authenticity

The glut of information that is fed to us by the surveillance state makes authenticity impossible – instead we wait to be told what to desire

Horning 14 (Rob, Executive Editor of The New Inquiry and author of Marginal Utility, citing Mark Andrejevic, author of Infoglut, 7/10, “No Life Stories,” <http://thenewinquiry.com/essays/no-life-stories//Tang>)

Purveyors of targeted marketing often try to pass off these sorts of intrusion and filtering as a kind of manufactured serendipity. Andrejevic cites a series of examples of MARKETING HYPE INVITING US TO IMAGINE A WORLD IN WHICH RETAILERS KNOW WHAT CONSUMERS WANT BEFORE THE CONSUMERS DO, as though this were a long-yearned-for miracle of convenience rather than a creepy effort to circumvent even the limited autonomy of shopping sovereignty. “IN THE WORLD OF DATABASE-DRIVEN TARGETING,” Andrejevic argues, “THE GOAL IS, IN A SENSE, TO PRE-EMPT CONSUMER DESIRE.” THIS IS A STRANGE GOAL, GIVEN THAT DESIRE IS THE MEANS BY WHICH WE KNOW OURSELVES, IN HOPING TO ANTICIPATE OUR DESIRES, ADVERTISERS AND THE PLATFORMS THAT SERVE ADS WORK TO DISMANTLE OUR SENSE OF SELF AS SOMETHING WE MUST ACTIVELY CONSTRUCT AND MAKE DESIRE SOMETHING WE EXPERIENCE PASSIVELY, as a fait accompli rather than a potentially unmanageable spur to action. INSTEAD OF CONSTRUCTING A SELF THROUGH DESIRE, WE EXPERIENCE AN OVERLOAD OF INFORMATION ABOUT OURSELVES AND OUR WORLD, WHICH MAKES FASHIONING A COHERENT SELF SEEM IMPOSSIBLE WITHOUT HELP. IF BIG DATA’S DISMANTLING THE INTRINSIC-SELF MYTH HELPED PEOPLE CONCLUDE THAT AUTHENTICITY WAS ALWAYS AN IMPOSSIBILITY, A CHIMERA INVENTED TO SUSTAIN THE FANTASY THAT WE COULD CONSUME OUR WAY TO AN ERSATZ UNIQUENESS, THAT WOULD BE ONE THING. But INSTEAD, BIG DATA AND SOCIAL MEDIA FOREGROUND THE MEDIATED, INCOMPLETE SELF NOT TO DESTROY THE NOTION OF THE TRUE SELF altogether BUT TO OPEN US TO MORE DESPERATE ATTEMPTS TO FIND OUR AUTHENTIC SELVES. WE ARE ENTICED INTO EXPERIENCING OUR “SELF ” AS A PRODUCT WE CAN CONSUME, ONE THAT SURVEILLANCE CAN SUPPLY US WITH. THE MORE THAT IS KNOWN ABOUT US, THE MORE OUR ATTENTION CAN BE COMPELLED AND OVERWHELMED, WHICH IN TURN LEADS TO A DEEPER RELIANCE ON THE AUTOMATIC FILTERS AND ALGORITHMS, A FURTHER WILLINGNESS TO LET MORE INFORMATION BE PASSIVELY COLLECTED ABOUT US TO HELP US COPE with it all. But instead of leading to resolution, a final discovery of the “authentic” self, THIS MERELY ACCELERATES THE CYCLE OF FURTHER TARGETED STIMULATION. The ostensible goal of anticipating consumer desire and sating it in real time only serves the purpose of allowing consumers to want something else faster. SO AS SURVEILLANCE BECOMES MORE AND MORE TOTAL, Andrejevic argues, WE EXPERIENCE OUR INCREASINGLY SPECIFIED AND INFORMATION-RICH PLACE IN THIS MATRIX AS CONFUSION, A LOSS OF CLARITY OR TRUTH ABOUT THE WORLD AND OURSELVES. Because EXCESS INFORMATION IS “PUSHED” AT US RATHER THAN SOMETHING WE HAVE TO SEEK OUT, WE ARE ALWAYS BEING REMINDED THAT THERE IS MORE TO KNOW THAN WE CAN ASSIMILATE, AND THAT WHAT WE KNOW IS A PARTIAL REPRESENTATION, A CONSTRUCT. Like a despairing dissertation writer, we cannot help but know that we can’t assimilate all the knowledge it’s possible to collect. EACH NEW PIECE OF INFORMATION RAISES FURTHER QUESTIONS, OR INVITES MORE RESEARCH TO PROPERLY CONTEXTUALIZE IT. UBIQUITOUS SURVEILLANCE THUS MAKES INFORMATION OVERLOAD EVERYONE’S PROBLEM. TO SOLVE IT, MORE SURVEILLANCE AND INCREASINGLY AUTOMATED TECHNIQUES FOR ORGANIZING THE DATA IT COLLECTS ARE AUTHORIZED. In a series of chapters on predictive analytics, prediction markets, and body-language analysis and neuromarketing, Andrejevic examines the variety of emerging technology-driven methods meant to allow data to “speak for itself.” BY FILTERING DATA THROUGH ALGORITHMS, BRAIN SCANS, OR MARKETS, AN ALLEGEDLY UNMEDIATED TRUTH CONTAINED WITHIN IT CAN BE UNVEILED, AND WE CAN BYPASS THE SLIPPERINESS OF

DISCURSIVE REPRESENTATION AND SLIDE DIRECTLY INTO THE REAL Understanding why outcomes occur becomes unnecessary, as long as the probabilities of the correlations hold to make accurate predictions.



Deliberation/identity

Big Data kills democratic deliberation and social identity

Horning 14 (Rob, Executive Editor of The New Inquiry and author of Marginal Utility, citing Mark Andrejevic, author of Infoglut, 7/10, "No Life Stories," <http://thenewinquiry.com/essays/no-life-stories//Tang>)

FAR FROM BEING NEUTRAL OR OBJECTIVE, DATA CAN BE STOCKPILED AS A POLITICAL WEAPON THAT CAN BE SELECTIVELY DEPLOYED TO ERADICATE CITIZENS' ABILITY TO PARTICIPATE IN DELIBERATIVE POLITICS. Many researchers have pointed out that "RAW DATA" IS AN OXYMORON, if not A MYSTIFICATION OF THE POWER INVESTED IN THOSE WHO COLLECT IT. SUBJECTIVE CHOICES MUST CONTINUALLY BE MADE ABOUT WHAT DATA IS COLLECTED AND HOW, AND ABOUT ANY INTERPRETIVE FRAMEWORK TO DEPLOY TO TRACE CONNECTIONS AMID THE INFORMATION. As sociologists Kate Crawford and danah boyd point out, BIG DATA "is the kind of data that ENCOURAGES the practice of APOPHENIA: SEEING PATTERNS WHERE NONE ACTUALLY EXIST, SIMPLY BECAUSE MASSIVE QUANTITIES OF DATA CAN OFFER CONNECTIONS THAT RADIATE IN ALL DIRECTIONS." THE KINDS OF "TRUTHS" BIG DATA CAN UNVEIL DEPENDS GREATLY ON WHAT THOSE WITH DATABASE ACCESS CHOOSE TO LOOK FOR. As Andrejevic notes, THIS ACCESS IS DEEPLY ASYMMETRICAL, UNDOING ANY DEMOCRATIZING TENDENCY INHERENT IN THE BROADER ACCESS TO INFORMATION IN GENERAL. In his 2007 book *iSpy: Surveillance and Power in the Interactive Era*, he argues that "ASYMMETRICAL MONITORING ALLOWS FOR A MANAGERIAL RATHER THAN DEMOCRATIC RELATIONSHIP TO CONSTITUENTS." SURVEILLANCE MAKES THE PRACTICE OF "MAKING ONE'S VOICE HEARD" BASICALLY REDUNDANT AND DESTROYS ITS LINK TO ANY INTENTION TO ENGAGE IN DELIBERATIVE POLITICS. INSTEAD POLITICS OPERATES AT THE AGGREGATE LEVEL, CONDUCTED BY INSTITUTIONS WITH THE BEST ACCESS TO THE DATABASES. These data sets will be opened to elite researchers and the big universities that can afford to pay for access, Crawford and boyd point out, but EVERYONE ELSE WILL BE MOSTLY LEFT ON THE SIDELINES, unable to produce "real" knowledge. AS A RESULT, INSTITUTIONS WITH PRIVILEGED ACCESS TO DATABASES WILL HAVE ABILITY TO DETERMINE WHAT IS TRUE. This plays out not only with events but also with respect to the self. Just as POLITICS NECESSARILY REQUIRES INTERMINABLE INTERCOURSE WITH OTHER PEOPLE WHO DON'T AUTOMATICALLY SEE THINGS OUR WAY AND WHO LEAST ACKNOWLEDGE ALTERNATE POINTS OF VIEW only after protracted and often painful efforts to spell them out, SO DOES THE SOCIAL SELF. It is not something we declare for ourselves by fiat. I NEED TO NEGOTIATE WHO I AM WITH OTHERS FOR THE IDEA TO EVEN MATTER. ALONE, I AM NO ONE, NO MATTER HOW MUCH INFORMATION I MAY CONSUME. IN RESPONSE TO THIS POTENTIALLY UNCOMFORTABLE TRUTH, WE MAY TURN TO THE SAME BIG DATA TOOLS IN SEARCH OF A SIMPLER AND MORE DIRECTLY ACCESSIBLE "TRUE SELF," just as politicians and companies have done. IDENTITY THEN BECOMES A PROBABILITY, EVEN TO OURSELVES. IT CEASES TO BE SOMETHING WE LEARN TO INSTANTIATE THROUGH INTERPERSONAL INTERACTIONS BUT BECOMES SOMETHING SIMPLY REVEALED WHEN SUFFICIENT DATA EXISTS TO SIMULATE OUR FUTURE PERSONALITY ALGORITHMICALLY. One is left to act without any particular conviction while awaiting report from various recommendation engines on who we really are. In this sense, BIG DATA INCITES WHAT Andrejevic, following ŽIŽEK, CALLS "INTERPASSIVITY," IN WHICH OUR BELIEF IN THE IDEOLOGY THAT GOVERNS US IS AUTOMATED, DISPLACED ONTO A "BIG OTHER" THAT DOES THE BELIEVING FOR US AND ALLEVIATES US OF RESPONSIBILITY FOR OUR COMPLICITY. SURRENDERING THE SELF TO DATA PROCESSORS AND ONLINE SERVICES MAKE IT A PRODUCT TO BE ENJOYED RATHER THAN A CONSCIOUSNESS TO BE INHABITED. THE WORK OF SELFHOOD IS DIFFICULT, DIALECTICAL, REQUIRING not only CONTINUAL SELF-CRITICISM but also an AWARE-NESS OF THE DEGREE TO WHICH THOSE AROUND US SHAPE US IN WAYS WE CAN'T CONTROL. We must engage them, wrestle with one another for our identities, be willing to make the painful surrender of our favorite ideas about ourselves and be vulnerable enough to becoming some of what others see more clearly about us. THE DANGER IS

THAT WE WILL SETTLE FOR THE CONVENIENCE OF TECHNOLOGICAL WORK-AROUNDS AND ABNEGATE THE DUTY TO DEBATE THE NATURE OF THE WORLD WE WANT TO LIVE IN TOGETHER. INSTEAD OF THE COLLECTIVE WORK OF BUILDING THE SOCIAL, WE CAN SETTLE FOR AN AUTOMATICALLY GENERATED TIMELINE AND ALGORITHMICALLY GENERATED PROMPTS FOR WHAT TO ADD TO IT. Data analysts can detect a correlation between two seemingly random points—intelligence and eating curly fries, say, as in a 2012 PNAS research paper by Michal Kosinski, David Stillwell, and Thore Graepel that made the rounds on Tumblr and Twitter in January—and potentially kick off a wave of otherwise inexplicable behavior. “I don’t know why I am eating curly fries all of a sudden, but that shows how smart I am!” ADVERTISERS WON’T NEED A PLAUSIBLE LOGIC TO PERSUADE US TO BE INSECURE; THEY CAN LET SPURIOUS DATA CORRELATIONS SPEAK FOR THEM WITH THE AUTHORITY OF SCIENCE. Unlike the Facebook mood-manipulation paper, the curly-fries paper enjoyed a miniviral moment in which it was eagerly reblogged for its novelty value, with only a mild skepticism, if any, attached. This suggests the seductive entertainment appeal these inexplicable correlations can provide—they tap the emotional climate of boredom to spread an otherwise inane finding that can then reshape behavior at the popular level. We’re much more likely to laugh about the curly fries paper and pass it on than to absorb any health organization’s didactic nutrition information. Our eagerness to share the news about curly fries corresponds with our willingness to accept it as true without being able to understand why. It’s WTF incomprehensibility enhances its reach and thus its eventual predictive power. Likewise, THE WHIMSICAL REBLOGGING OF THE RESULTS FROM PATENTLY RIDICULOUS ONLINE TESTS HINTS AT HOW WE MAY OPT IN TO MORE “ENTERTAINING” SOLUTIONS TO THE PROBLEM OF SELF. If coherent self-presentation that considers the need of others takes work and a willingness to face our own shortcomings, COLLABORATING WITH SOCIAL SURVEILLANCE AND DUMPING PERSONAL EXPERIENCE INTO ANY AND ALL OF THE AVAILABLE COMMERCIAL CONTAINERS IS COMPARATIVELY EASY AND FUN. IT RETURNS TO US AN “OBJECTIVE” SELF THAT IS EMPIRICALLY DEFENSIBLE, AS WELL AS AN EXCITING AND NOVEL OBJECT FOR US TO CONSUME AS ENTERTAINMENT. WE ARE HAPPILY THE AUDIENCE AND NOT THE AUTHOR OF OUR LIFE STORY. THUS THE ALGORITHM BECOMES RESPONSIBLE FOR OUR POLITICAL IMPOTENCE, AN ALIBI FOR IT THAT LETS US ENJOY ITS DUBIOUS FRUITS. BY TRADING NARRATIVES FOR BIG DATA, EMOTIONS ARE LEFT WITH NO BASIS IN ANY BELIEF SYSTEM. You won’t need a reason to feel anything, and feeling can’t serve as a reliable guide to action. Instead we will experience the fluctuation of feeling passively, a spectator to the spectacle of our own emotional life, which is now contained in an elaborate spreadsheet and updated as the data changes. YOU CAN’T KNOW YOURSELF THROUGH INTROSPECTION OR SOCIAL ENGAGEMENT, BUT ONLY BY FINDING TECHNOLOGICAL MIRRORS, WHOSE REFLECTION IS SYSTEMATICALLY DISTORTED IN REAL TIME BY THEIR ADMINISTRATORS. LET’S HOPE WE DON’T LIKE WHAT WE SEE.

Truth testing

Information overload makes testing truth claims impossible – its used as a tool to protect power

McVey 13 (Alex, University of North Carolina at Chapel Hill, Communication Studies and Cultural Studies, Graduate Student, Book Review: Infoglut, http://library.queensu.ca/ojs/index.php/surveillance-and-society/article/viewFile/andrejevic/infoglut_review//Tang)

Mark Andrejevic's Infoglut offers a theoretically rich account of the modern information landscape, examining how the MASSIVE PROLIFERATION OF INFORMATION TRANSFER AND STORAGE THROUGH MODERN TECHNOLOGY IMPACTS OUR UNDERSTANDING OF BOTH COMMUNICATION AND CRITIQUE. The HYPERPROLIFERATION OF INFORMATION in the era of the internet and computer data STORAGE HAS CONTRIBUTED TO A FORM OF INFORMATION OVERLOAD CALLED 'INFOGLUT.' This state of INFORMATION OVERLOAD MARKS WHAT SLAVOJ ZIZEK CALLS THE 'DECLINE OF SYMBOLIC EFFICIENCY,' IN WHICH THE PROLIFERATION AND ACCUMULATION OF COMPETING NARRATIVES AND TRUTH CLAIMS ULTIMATELY CALLS ALL CLAIMS TO TRUTH INTO QUESTION, WHEREAS POWER ONCE OPERATED THROUGH THE ESTABLISHMENT OF A DOMINANT NARRATIVE AND THE SUPPRESSION OF ALTERNATIVE NARRATIVES, THE PERPETUAL AVAILABILITY OF COMPETING CLAIMS TO TRUTH NOW MAKES OLD STRATEGIES OF CONTROLLING INFORMATION IRRELEVANT. Where the task of the powerful was once to prevent new information from circulating that could hurt their interests, THE TASK OF THE POWERFUL IS NOW TO CIRCULATE SO MUCH INFORMATION THAT ANY CLAIM TO TRUTH CAN ULTIMATELY BE CALLED INTO QUESTION BY MOBILIZING ENOUGH DATA. Controlling information no longer requires preventing new information from circulating but rather controlling access to databases and infrastructure capable of storing, monitoring, and analyzing massive quantities of data. CRITICAL PRACTICES OF THE PRE-INFOGLUT ERA, rooted in theories of representation, ARE NOW REDUCED TO CONSPIRACY THEORIES THAT DISPEL ALL CLAIMS TO EXPERTISE AS A FORM OF HIDDEN IDEOLOGY, ALL WHILE POSITING A NEW IDEOLOGICAL CLAIM UNDER THE POSTIDEOLOGICAL GUISE OF PREDICTION OR AFFECTIVE CERTAINTY. Andrejevic sets out to examine how OUR MODERN CONDITION OF INFOGLUT, both changes the relationship between power and knowledge AND CALLS FOR A RE-EXAMINATION OF THE ROLE OF CRITIQUE IN A TIME OF POSTNARRATIVE UNCERTAINTY. A variety of case studies demonstrate that, IN RESPONSE TO THE DECLINE OF SYMBOLIC EFFICIENCY, PRACTICES OF ANALYZING DATA EMERGE THAT DISPLACE COMMUNICATION AND DELIBERATION BY APPEALING EITHER TO THE SUPPOSEDLY VALUE-FREE CALCULATIONS OF AN ALGORITHM OR THE MARKET PLACE OR TO PRE-COGNITIVE AFFECT IN BODY LANGUAGE AND NEUROSCIENCE. Andrejevic looks at the way information is gathered, stored, analyzed, automated and deployed to shine light on the varied landscapes of modern information processing, including the way inequalities manifest in the architectures of data storage and analysis. Andrejevic offers a critique of the democratizing spirit of the internet as a means for the mass distribution of information, arguing that CONSUMERS NOW TAKE PART IN UBIQUITOUS ACTS OF DATA SHARING IN WHICH THEIR BEHAVIORS ARE MONITORED, ANALYZED AND USED BOTH TO PREDICT FUTURE BEHAVIOR AND TO HELP SHAPE FUTURE BEHAVIOR. Looking at the phenomenon of 'digital convergence,' the process by which formerly distinct bodies of digital information converge, Andrejevic points out how ubiquitous information storage is becoming across the social field. By looking at the convergence of data analysis in marketing, politics, surveillance, security, policing and popular culture, Andrejevic mounts a convincing argument for information management as an all-encompassing and quotidian element of modern power. However, Andrejevic is quick to warn readers against reading the decline of symbolic efficiency as a totalizing or all-encompassing fact of modern existence. Far from the perfect crime predicting capacities foretold by the movie Minority Report, Andrejevic reminds readers that there are imperfections and probabilities distributed across these systems. NOT ALL NARRATIVES CAN BE DISTURBED THROUGH THE PROLIFERATION OF COUNTER-INFORMATION, AND THE DECLINE OF SYMBOLIC EFFICIENCY IS FAR FROM COMPLETE. Yet despite this caveat, IT IS POSSIBLE TO DETECT SOME TOTALIZING TENDENCIES IN ANDREJEVIC'S ACCOUNT OF INFORMATION OVERLOAD. For example, in his discussion of data mining, Andrejevic argues THAT MODERN FORMS OF INFORMATION GATHERING HAVE DISPLACED OLD FORMS OF TARGETING AND SURVEILLANCE BECAUSE WHEREAS IN OLD REGIMES THE TARGET HAD TO FIRST BE IDENTIFIED IN ORDER TO BE SURVEYED, IN THE MODERN ERA OF INFOGLUT,

DATA GATHERING AND ANALYSIS OF EVERY POSSIBLE VARIABLE ALLOWS DATA EXPERTS TO PREDICT WHO POTENTIAL SUSPECTS MAY BE. AS A RESULT, Andrejevic argues, 'EMERGING SURVEILLANCE STRATEGIES WILL CONTINUE TO PUSH FOR DATA ACCESS AT THE LEVEL OF ENTIRE POPULATIONS as opposed to, say, that of suspicious (or, from a marketing perspective, desirable) groups or individuals' (36). While Andrejevic is right to argue that surveillance practices have taken on new forms in an era of modern infoglut, it would be a mistake to overemphasize these new forms as a break from previous surveillance strategies. Doing so would miss the way in which SURVEILLANCE STILL WORKS TO DISPROPORTIONATELY TARGET DIFFERENTLY RACIALIZED, GENDERED AND ABLED BODIES. While it is true that more and more members of the population increasingly participate in data transfers that are stored, monitored and analyzed by data experts, racial, gender, class and other values can nevertheless be inscribed into the information processing systems Andrejevic describes. Future scholars should build on Andrejevic's work by pointing to how these axes of difference influence modern conditions of infoglut. Andrejevic's book should likewise be required reading for those attempting to engage in leftist politics in a digital age. Andrejevic argues that THE 'POSTMODERN RIGHT' HAS COOPTED THE PROCESS OF CRITIQUE IN THE NAME OF CONSPIRACY THEORY AND ENCOURAGED THE PROLIFERATION OF MULTIPLE TRUTHS IN ORDER TO SWAMP ANY ATTEMPT TO MAKE A CLAIM TO A TRUTH AGAINST THE RIGHT. EXAMINING, for example, the STRATEGIES OF THE BUSH ADMINISTRATION IN IRAQ. Andrejevic argues that THE POSTMODERN RIGHT RELIES ON WHAT ŽIŽEK CALLS THE 'BORROWED KETTLE' STRATEGY IN ORDER TO DISPEL CRITICISM. In the face of critiques of the Bush's handling of the war in Iraq, THE ADMINISTRATION OFFERS MULTIPLE CONTRADICTORY ACCOUNTS IN ORDER TO PRECLUDE THE POSSIBILITY OF LOCATING ONE AS TRUE AND THUS BEING ABLE TO PIN DOWN THE ADMINISTRATION'S FAILURES. Additionally, Andrejevic looks at Glen Beck's mobilization of conspiracy theories rooted in affective claims to understanding reality that dispel the knowledge of so-called 'experts.' Far from challenging the logic of the postmodern right, STRATEGIES THAT FOCUS ON CRITIQUING THEIR NARRATIVES AND OFFERING COUNTERACTING TRUTH CLAIMS MERELY FEED INTO THE INFORMATION ECONOMY THAT SUSTAINS THE POSTMODERN RIGHT'S EXISTENCE. Additionally, ANDREJEVIC SHOWS HOW THE CONVERGENCE OF DATA WORKS AS A CONDUIT OF BOTH CAPITALISM AND THE STATE, AS A METHOD OF STUDYING POPULATIONS TO PREDICT AND INTERVENE ON HUMAN BEHAVIOR. DATA MINING GATHERS AND STORES MASSIVE AMOUNTS OF CONSUMER DATA, WHICH IN TURN GETS STORED IN DATABASES THAT CAN BE USED FOR POLICE AND SECURITY MEASURES. PREDICTION MARKETS ARE USED TO BYPASS DELIBERATIVE PROCESSES BY DEPICTING THE MARKET AS A NEUTRAL ARBITER CAPABLE OF RISING ABOVE THE CLUTTER OF INFORMATION OVERLOAD, CEMENTING ANTIDEMOCRATIC, CAPITALIST PRACTICES WHILE LABORING UNDER THE BANNER OF A MARKET BASED POPULISM. THESE INTERLOCKING INEQUITIES AND POWER DYNAMICS ARE ALL AT PLAY IN INFOGLUT. Andrejevic similarly offers a fruitful interrogation of the role affect plays in negotiating the decline of symbolic efficiency. IF THE PROLIFERATION OF COMPETING CLAIMS TO TRUTH IN AN AGE OF INFOGLUT MAKES REPRESENTATION UNRELIABLE, AFFECT OFFERS A WAY OF CUTTING THROUGH THE FOG OF DATA BY READING AND ANALYZING THE BODY'S PRE-COGNITIVE PROCESSES OF DECISION MAKING. Andrejevic examines how new social media technologies prompt new ways of attempting to analyze and interpret emotion. Here, AFFECTIVE ECONOMIES ENCOURAGE THE MONITORING OF SOCIAL MEDIA BOTH IN ORDER TO PREDICT AND INTERVENE TO HELP SHAPE POPULAR SENTIMENTS. Chapter four studies how THE LOGIC OF THE MARKET COMES TO FUNCTION AS A SORT OF 'AFFECTIVE FACT' THAT CONTINUES TO FUNCTION EVEN IN THE FACE OF THE FAILURE OF THE MARKETS WHICH DISPEL ITS MAIN NARRATIVE. Andrejevic similarly locates the study of affect in popular culture representations of the reading of body language, such as the TV shows Lie to Me or the World Series of Poker. In all of these case studies, AFFECT OFFERS A MEANS OF BYPASSING THE UNRELIABLE PLANE OF DISCOURSE AND REPRESENTATIONS TO GIVE WAY TO A PREDISCURSIVE UNDERSTANDING OF THE SUBJECT'S DESIRES, FEELINGS, AND BEHAVIORS. While much of Andrejevic's work on affect describes how affect works in a historical context of infoglut, ANDREJEVIC ALSO OFFERS A BOLD THEORETICAL MOVE BY CRITIQUING AFFECT THEORY, WITH ITS FOCUS ON PRE-COGNITIVE INTENSITIES RATHER THAN RATIONALITY AND REASON, AS IMPLICATED IN THE STRATEGIES OF NEUROSCIENCE AND NEUROMARKETING USED BY THE POWERFUL IN RESPONSE TO THE DECLINE OF SYMBOLIC EFFICIENCY. While this theoretical claim is perhaps one of the more interesting in the book, Andrejevic seems rushed to lump the entire theoretical trajectory of affect theory

together with the practices of neuromarketing. While both affect theory and neuroscience share an interest in the precognitive elements of human behavior, it remains to be seen how the particularities of affect theory either permit or challenge the practices of neuromarketing. While Andrejevic ultimately points toward a more nuanced role for affect theory by arguing for a mode of affect that is neither incompatible nor identical with reason, more scholarly work should be devoted to studying the links between affect theory and forms of capitalist advertising and marketing practices that work at the level of affect. Infoglut is an important read for scholars interested in big data, affect theory, psychoanalysis, Surveillance Studies, and the relationship between data and communication studies. This book is a must read for communication scholars because it interrogates the ways that strategies of managing information overload attempt to bypass discourse, representation and deliberation. In the face of an infoglut which thwarts traditional modes of criticism, Andrejevic calls on scholars to 'gain control over the forms of postcomprehension knowledge that promise to populate the databases and contest their displacement of comprehension, models, theories, and narratives' (164). Infoglut begins this project and marks an outstanding move in that direction.

AT: Politics Cuba HSS

*****UNIQUENESS**

Won't Pass---2AC

Cuba package won't pass – assumes PC – McConnell statements, congressional opposition, election fears with Cuban Americans, and public fear of human rights violations/communism

Cowan 7/12 {Richard, syndicated politics columnist, "Mitch McConnell Thinks Congress Will Block Obama's Efforts to Engage with Cuba," Reuters via the Huffington Post – Politics, 2015, http://www.huffingtonpost.com/2015/07/12/obama-cuba-relations_n_7780432.html#THUR}

THE top U.S. SENATE REPUBLICAN SAID on Sunday that CONGRESS IS likely to block ANY NOMINEE that President Barack OBAMA NAMES AS AMBASSADOR TO CUBA AND RETAIN broad ECONOMIC SANCTIONS, even as **Obama moves to establish diplomatic and economic ties WITH THE COMMUNIST-RUN ISLAND.** Senate Majority Leader Mitch MCCONNELL, interviewed on the "Fox News Sunday" television program, SAID THE SENATE IS unlikely to confirm ANY U.S. AMBASSADOR to Havana NOMINATED BY OBAMA. MCCONNELL ADDED, "THERE ARE SANCTIONS that were imposed BY CONGRESS. I think THE ADMINISTRATION WILL HAVE A hard time GETTING THOSE REMOVED. THIS IS A POLICY THAT THERE IS substantial opposition to IN CONGRESS." Last December, Obama announced he would use his executive powers to move toward more normal relations with Cuba after a five-decade standoff. Those steps have included establishing diplomatic relations, an expansion of some travel from the United States to Cuba, increasing the limit on remittances to Cuban nationals from those living in the United States and expanding some trade in goods and services. But IT WOULD BE up to Congress TO ALLOW NORMAL TRAVEL AND FULL TRADE. REPUBLICANS CONTROL BOTH THE SENATE AND HOUSE of Representatives. Many Republican oppose Obama's moves TOWARD BETTER RELATIONS WITH CUBA, CLAIMING THEY ONLY BOLSTER CUBA'S COMMUNIST LEADERS. REPUBLICANS also fear alienating Cuban Americans in Florida WHO have fled the island nation and ARE SUPPORTERS OF THE REPUBLICAN PARTY. Obama charted a new U.S. path toward Cuba with the support of some Republicans, including freshman Senator Jeff Flake of Arizona. Obama said in March his moves were already paying dividends, saying that since December the Cuban government had begun discussing ways to reorganize its economy. MCCONNELL HAS BEEN A consistent critic OF OBAMA on a range of foreign policy fronts, including Cuba and U.S. participation in multilateral nuclear talks with Iran. "This president has been involved in ... talking to a lot of countries: talk, talk, talk. And Cuba is a good example. He thinks that simply by engaging with them we get a positive result," McConnell said, adding, "I don't see any indication that Cubans are going to change their behavior." HUMAN RIGHTS ADVOCATES HAVE ADMONISHED CUBA FOR ABUSES, including arbitrary imprisonment of political opponents, AND CUBA'S TIGHT CONTROL OF ITS ECONOMY ALSO HAS BEEN a lightning rod for criticism.

Won't Pass---1AR

Won't pass – Congressional controversy and opposition statements

Zampa 7/13 {Peter, syndicated Washington correspondent, B.S. in broadcast journalism (Boston University), "Senators react to re-established relations with Cuba," ABC – WBKO, 2015, <http://www.wbko.com/news/headlines/Senators-react-to-re-established-relations-with-Cuba--314798981.html#THUR>}

The United States is moving towards NORMALIZING RELATIONS IN CUBA and the topic **remains controversial**. President OBAMA'S ANNOUNCEMENT RE-ESTABLISHING DIPLOMATIC TIES in Havana **HAS inspired questions** on Capitol Hill. SOME LAWMAKERS are saying it's about time, others THINK THERE IS STILL MORE WORK TO BE DONE. THE ANNOUNCEMENT CAME DURING An historic yet **polarizing week FOR** President OBAMA, WHAT'S RAISING THE MOST doubts ABOUT RENEWED RELATIONS? THE CASTRO REGIME. Montana Senator Jon Tester (D-MT) thinks the mutual benefits will outweigh the oppressive government. "The people are very good people from my snapshot of when I was in the country," said Tester. "And I think that how you get an oppressive regime in this particular case, and now this is different in different areas of the world, but in this particular case, to be less oppressive, is to show them success." Georgia Senator Johnny ISAKSON (R-GA), A MEMBER ON THE SENATE FOREIGN RELATIONS SUBCOMMITTEE, WOULD'VE LIKED TO SEE IMPROVEMENTS BEFORE THE TWO INTERTWINE once again. "THE PEOPLE WHO HAVE A VESTED INTEREST IN CUBA, the Cuban Americans in South Florida, THOSE who have relatives who are imprisoned in Cuba still to this day, WHOSE CIVIL RIGHTS HAVE BEEN VIOLATED - THEY NEED those ANSWERS FIRST BEFORE WE ESTABLISH THE RELATIONSHIP," SAID ISAKSON. The White House acknowledges the U.S. is still dealing with a Castro regime as it was in 1961, but that it doesn't serve U.S. or Cuban interests pushing the island nation towards collapse. Senate Majority Leader Mitch MCCONNELL SAID in an interview with "Fox News Sunday" that THE PRESIDENT IS going to have a tough time LIFTING ECONOMIC SANCTIONS IN CUBA AS Congress is likely to reject the effort.

Won't pass – it's an "uphill climb" – we have conclusive evidence

Wright 7/12 {Austin, defense reporter for Politico, graduate of the College of William and Mary, "McConnell sees Congress balking at new relations with Cuba," 2015, <http://www.politico.com/story/2015/07/mcconnell-sees-congress-balking-at-new-relations-with-cuba-119994.html#ixzz3fsZ7kMKC#THUR>}

Senate Majority Leader Mitch MCCONNELL SAYS President Barack OBAMA FACES an uphill climb IN GETTING CONGRESS TO GO ALONG WITH HIS PLANS TO NORMALIZE RELATIONS WITH CUBA. Appearing on "Fox News Sunday," the KENTUCKY REPUBLICAN SAID THERE WAS little chance THE SENATE WOULD CONFIRM, a A NEW U.S. AMBASSADOR to Cuba, OR LIFT THE LONG-STANDING ECONOMIC SANCTIONS imposed on the Communist island nation. "HE THINKS THAT SIMPLY BY ENGAGING with them WE GET A POSITIVE RESULT," MCCONNELL SAID of the president. "I DON'T SEE ANY EVIDENCE Cuba's going to change its behavior."

Won't pass until 2018 – GOP backlash and fear of Castro – public sentiment isn't strong enough to counter it

Beatty 7/1 {Andrew, politics correspondent for AFP/Reuters/Economist, B.A. in philosophy (Queen's University Belfast), "U.S., Cuba Agree to Restore Ties, Embassies to Reopen," Digital Journal, 2015,

<http://www.digitaljournal.com/news/world/us-proposes-us-cuba-reopen-embassies-as-of-july-20-havana/article/437226#THUR>

POLLS SHOW A MAJORITY of Americans SUPPORT OBAMA'S EFFORTS to improve ties. **But OPPONENTS COULD YET pose problems FOR FURTHER RAPPROCHEMENT. REPUBLICAN PRESIDENTIAL CANDIDATES** who have ties to Cuba, **INCLUDING** Marco RUBIO AND Ted CRUZ, **have been outspoken in their opposition TO THE THAW.** RUBIO, a senator from Florida, **ACCUSED OBAMA OF GIVING CONCESSIONS** as Cuba continued to stifle democracy. "It is time for our unilateral concessions to this odious regime to end," he said. "**I intend to oppose the confirmation of an ambassador** to Cuba **UNTIL THESE ISSUES ARE ADDRESSED.**" CRUZ, from Texas, SAID HE WOULD "**WORK TO DISAPPROVE ANY NEW FUNDS** for embassy construction in Havana." "**UNLESS AND UNTIL,**" he added, "**THE PRESIDENT CAN DEMONSTRATE** that HE HAS MADE SOME PROGRESS IN ALLEVIATING THE MISERY OF OUR FRIENDS, the people of Cuba." **IF THESE PROCEDURAL HURDLES WILL BE DIFFICULT, LIFTING THE EMBARGO WILL BE AN uphill battle.** ACCORDING TO analyst Diego MOYA-OCAMPOS of IHS Country Risk. "**KEY SANCTIONS ARE unlikely to be fully removed UNTIL THE US CONGRESS LIFTS THE US EMBARGO** on Cuba, **SOMETHING unlikely to take place before 2018 WHEN** incumbent president Raul CASTRO IS EXPECTED TO STEP DOWN," he said.

Won't Pass---1AR---A2: Vote Count

Cuba bills won't pass because of bipartisan opposition and empirics – reject their assertion of a vote count – White House representatives concede it hasn't happened yet

Hanly 7/5 {Ken, politics columnist, former professor, "Obama Faces Opposition to Opening Embassy in Cuba," Digital Journal, 2015, <http://www.digitaljournal.com/news/politics/obama-faces-opposition-to-opening-embassy-in-cuba/article/437566#THUR>}

WHILE CUBA AND THE United States REACHED A DEAL at the end of June TO REOPEN EMBASSIES, OBAMA IS facing opposition TO THE MOVE both from his own party and Republicans. Sen. Robert MENENDEZ, a Democrat from New Jersey CLAIMED THE MOVE IS NOT IN THE U.S. NATIONAL INTEREST. On the Republican side, Sen. Tom COTTON of Arizona CLAIMED THE MOVE TO NORMALIZE relations with Cuba WAS "appeasement of dictators". The speaker of the House of Representatives, Republican John BOEHNER ARGUES that U.S.-Cuba RELATIONS SHOULD NOT BE REVISED AT ALL, let alone normalized. Republican presidential candidate Sen. Lindsey GRAHAM SAID HE WOULD MAKE CLOSING THE EMBASSY HIS top priority IF ELECTED PRESIDENT. In order to normalize relations with Cuba, THE WHITE HOUSE NEEDS CONGRESS TO AGREE TO THE MOVE, APPROVE AN AMBASSADOR, LIFT THE EMBARGO ON CUBA, AND FUND THE EMBASSY. Senator COTTON IS PLANNING, along with supporters in Senate, TO TRY TO block funding for the embassy, and also BLOCK APPROVAL OF anyone NOMINATED AS AMBASSADOR. COTTON SAID HE WOULD CONTINUE TO DO SO "until there is a real, fundamental change THAT GIVES HOPE TO THE OPPRESSED PEOPLE OF CUBA." HIS DEMOCRATIC ALLY Sen. MENENDEZ SAID: "AN ALREADY ONE-SIDED DEAL THAT BENEFITS the CUBAn regime IS BECOMING ALL THE MORE LOPSIDED, THE MESSAGE IS DEMOCRACY AND HUMAN RIGHTS TAKE A BACK SEAT TO A LEGACY INITIATIVE." Opposition to normalization IS NOT NEW as THE HOUSE ALREADY PASSED A MOTION TO KEEP CURRENT TRAVEL RESTRICTIONS on travel by Americans to Cuba, blocking Obama's attempt TO EASE THE RESTRICTIONS. THE MOTION PASSED by a 247-176 vote. IN ANOTHER BILL passed through the House, A BILL FUNDING THE STATE DEPARTMENT at the same time PROHIBITS THE DEPARTMENT FROM USING THE FUNDS TO BUILD A NEW EMBASSY IN CUBA. The Obama administration wants \$6 million to upgrade a current building in Havana in order to turn it into a functioning embassy. A summary of the House bill said: "The bill includes a prohibition on funds for an embassy or other diplomatic facility in Cuba, beyond what was in existence prior to the President's December announcement proposing changes to the U.S.-Cuba policy." A senior State Dept. official criticized the opposition as being counterproductive: "It would be a shame if Congress impeded implementation of some of the very things that we think they – we all agree we want to do, such as better outreach to the Cuban people all over the island or additional. These are the kinds of things that we can do as we move forward in this relationship with a more robust embassy. And I would assume that most on the Hill agree those are a good thing to do." White House press secretary, Josh EARNEST, TOLD REPORTERS THAT HE THOUGHT THAT THERE WAS STRONG SUPPORT FOR LIFTING THE EMBARGO on Cuba although he had not done a "whip count."

*****THUMPER**

Iran---2AC

Iran thumps the DA – Obama pushing hard, it costs mad capital, and it's top of the docket

Kevin **Liptak**, **7/14/15**, Kevin Liptak is the CNN White House Producer, "Now that he has a deal with Iran, Obama must face Congress," <http://www.cnn.com/2015/07/14/politics/iran-nuclear-deal-congress-obama-block/>

Washington (CNN)With a historic deal meant to curb Iran's nuclear ambitions in place, President Barack **OBAMA HAS TICKED OFF ANOTHER LEGACY-MAKING ITEM ON HIS CHECKLIST -- as long as Congress doesn't get in his way.**¶ Early Tuesday, **OBAMA launched a sales pitch TO LAWMAKERS who remain deeply skeptical OF THE NUCLEAR DEAL.** But while Congress retains the ability to nullify Obama's accord with Tehran, the high bar for action on Capitol Hill -- including building veto-proof majorities in just over two months -- will make it difficult for opponents to block the President.¶ In its most simplistic form, the deal means that in exchange for limits on its nuclear activities, Iran would get relief from sanctions while being allowed to continue its atomic program for peaceful purposes. **MANY OF THE MORE TECHNICAL POINTS OF THE DEAL WEREN'T AVAILABLE TUESDAY MORNING, AND specifics could prove to be red flags for skeptical members OF CONGRESS,** many of whom said they were still reviewing the specifics of the plan.¶ **CONGRESS HAS 60 DAYS TO REVIEW THE DEAL, AND IF IT OPPOSES IT CAN PASS A RESOLUTION OF DISAPPROVAL TO BLOCK ITS IMPLEMENTATION. THE ADMINISTRATION NOW HAS FIVE DAYS TO CERTIFY THE AGREEMENT AND FORMALLY PRESENT THE DEAL TO CAPITOL HILL.** The clock on that 60 day period will not start until the official document is delivered to Capitol Hill.¶ **THE REPUBLICAN CONTROLLED HOUSE HAS THE VOTES TO PASS A RESOLUTION, BUT IN THE SENATE REPUBLICANS WOULD NEED TO ATTRACT SUPPORT FROM A HALF A DOZEN DEMOCRATS.¶ BECAUSE PRESIDENT Obama has already pledged to veto any bill to block the deal GOP LEADERS WOULD NEED TO CONVINCE ENOUGH DEMOCRATS TO JOIN WITH THEM TO OVERRIDE HIS VETO -- A HEAVY LIFT.** How the public views the deal will be critical, as Members of Congress will be back home for several weeks this summer before any vote.¶ **WHILE OBAMA ON TUESDAY SAID HE WELCOMED A "robust" debate OVER THE DEAL'S MERITS, HE ISSUED A WARNING TO LAWMAKERS CONSIDERING BLOCKING THE AGREEMENT, BLUNTLY THreatening to veto any measure that would prevent the deal FROM GOING INTO EFFECT.**¶ "Precisely because the stakes are so high, this is not the time for politics," he said in an address from the White House. **"TOUGH TALK FROM WASHINGTON DOES NOT SOLVE PROBLEMS. HARD NOSED DIPLOMACY, LEADERSHIP THAT HAS UNITED THE WORLD'S MAJOR POWERS, OFFERS A MORE EFFECTIVE WAY OF VERIFYING IRAN IS NOT PURSUING A NUCLEAR WEAPON."**¶ Like the completion earlier this month of a diplomatic renewal with Cuba, the deal with Iran provides Obama a tentative foreign policy achievement in the final year-and-a-half of his presidency. Both are built on the premise of engaging traditional U.S. foes, a vow Obama made at the very beginning of his presidency when he declared to hostile nations the United States would "extend a hand if you are willing to unclench your fist."¶ The deal -- which was finalized after almost two years of talks -- provides vindication for an administration that's sought to emphasize diplomacy over military force.¶ Burns: "If we get a deal, we'll have to contain Iranian power" 02:44¶ **PLAY VIDEO**¶ "This deal demonstrates that American diplomacy can bring about real and meaningful change," Obama said Tuesday, adding later that the deal "offers an opportunity to move in a new direction."¶ But even Obama himself has admitted there are risks inherent in striking an accord with a sworn U.S. enemy. Lawmakers, many deeply wary of those risks, now have 60 days to digest the provisions included in the deal with Iran, a two-month review period Congress insisted upon as the negotiations unfolded.¶ Obama was initially resistant to any congressional review of the Iran pact. But **FACED WITH OVERWHELMING SUPPORT AMONG LAWMAKERS FOR SOME KIND OF EVALUATION PERIOD, THE WHITE HOUSE ultimately conceded THAT CONGRESS COULD BE ABLE TO REVIEW THE FINAL DEAL BEFORE IT TAKES FULL EFFECT.**¶ It won't be easy for Congress to inflict damage on the agreement. **THEY MUST ACT QUICKLY -- AND THE TWO-MONTH PERIOD IN WHICH THEY CAN SCUTTLE THE PLAN INCLUDES A MONTH-LONG AUGUST RECESS, AND ONLY A HANDFUL OF WORKING DAYS.**¶ Foreign Relations Committee Chairman Bob **CORKER TOLD**

REPORTERS MONDAY HE EXPECTS TO START HEARINGS **sometime shortly** AFTER THE 60-DAY CLOCK BEGINS -- **which will come sometime in the next five days**, AFTER THE DIRECTOR OF NATIONAL INTELLIGENCE COMPLETES A NUMBER OF CERTIFICATIONS TO CONGRESS ABOUT THE DEAL, INCLUDING THAT IT MEETS U.S. NON-PROLIFERATION OBJECTIVES AND DOES NOT JEOPARDIZE U.S. NATIONAL SECURITY.¶ CORKER SAID HE WANTS FIRST TO ENSURE SENATORS HAVE AMPLE TIME TO READ THE AGREEMENT AND ITS CLASSIFIED ANNEXES SO THEY ARE "WELL VERSED" BEFORE HEARING FROM THE ADMINISTRATION AND ANY OUTSIDE EXPERTS HE PLANS TO CALL TO TESTIFY.¶ CORKER SAID HE WOULD LIKE TO COMPLETE HEARINGS **before the August recess -- WHICH BEGINS AUG. 7 --** SO LAWMAKERS HAVE THE RECESS TO CONSIDER THEIR POSITIONS. Under this scenario, up or down votes on the deal itself would not happen until mid-September, he said.¶ In the House, a similar process and timeframe is also expected.¶ WITHIN THE 60-DAY SPAN, OPPOSITIONS of the measure **MUST RALLY VOTES TO EITHER ENACT NEW SANCTIONS** against Iran, **OR TO DISALLOW OBAMA FROM EASING SANCTIONS** as part of the deal, **measures the President would veto**.¶ OVERRIDING the veto in Congress **WOULD REQUIRE A TWO-THIRDS MAJORITY** -- meaning **IN THE SENATE, Obama must only secure a minimum of 34** votes in order **FOR HIS DEAL TO TAKE EFFECT**. Additional time beyond the 60-day review period is included for Obama to veto any legislation, and for Congress to muster support for an override.¶ If lawmakers fail to pass any new restrictions during the review period -- which ends in mid-September -- the deal will go into place, and sanctions will be lifted in Iran.¶ Obama: Iran's path to nuclear weapons will be cut off¶ Obama: Iran's path to nuclear weapons will be cut off 04:21¶ [PLAY VIDEO](#)¶ But among deeply skeptical senators, who worry about Iran's support for terror groups and incarceration of Americans, even 34 Democratic votes in support of Obama aren't necessarily assured.¶ "

Iran---1AR---A2: No Controversy

Iran causes massive fights – creams PC

Kevin **Liptak**, **7/14/15**, Kevin Liptak is the CNN White House Producer, "Now that he has a deal with Iran, Obama must face Congress," <http://www.cnn.com/2015/07/14/politics/iran-nuclear-deal-congress-obama-block/>

OVER THIS AUGUST RECESS THERE'S GOING TO BE **fast-and-furious lobbying**, and we don't know whether there will be 34 votes," said former Democratic Rep. Jane Harman, who now heads the Woodrow Wilson International Center for Scholars.¶ 'A flawed perspective'¶ In the hours and days before the deal was announced, REPUBLICANS AND DEMOCRATS ALIKE **expressed doubt the plan would be received warmly ON CAPITOL HILL, WHERE LAWMAKERS HAVE BEEN voicing concern** ABOUT OBAMA'S DESIRE TO LIFT SANCTIONS ON IRAN FOR THE ENTIRETY OF THE NEARLY TWO-YEAR NEGOTIATIONS.¶ ON MONDAY, THE OBAMA ADMINISTRATION CLAIMED IT WAS REPUBLICANS WHO WOULD FIND THEMSELVES AT A POLITICAL DISADVANTAGE IF THEY ATTEMPT A TAKEDOWN OF A DEAL THAT COULD END IRAN'S NUCLEAR PROGRAM.¶ "When it comes to a tough sell, I think the tough sell is going to be on the part of Republicans if they try to tank the deal," White House Press Secretary Josh Earnest said Monday.¶ But IN THE AFTERMATH OF THE DEAL'S ANNOUNCEMENT, REPUBLICANS VOWED A **tough examination** OF THE AGREEMENT.¶ "THE COMPREHENSIVE NUCLEAR AGREEMENT ANNOUNCED TODAY **appears to further the flawed elements of April's interim agreement** BECAUSE THE OBAMA ADMINISTRATION APPROACHED THESE TALKS FROM A **flawed perspective**: REACHING THE BEST DEAL ACCEPTABLE TO IRAN, RATHER THAN actually **ADVANCING OUR NATIONAL GOAL OF ENDING IRAN'S NUCLEAR PROGRAM.**" Senate Majority Leader Mitch MCCONNELL SAID in a statement.¶ Arkansas Sen. TOM COTTON, WHO, along with 46 Republican senators, AUTHORED A **controversial** open LETTER TO IRANIAN LEADERS in March that warned them that a nuclear deal could be modified or abandoned by a future President, SAID THE AGREEMENT WAS A "**grievous, dangerous mistake.**"¶ "IT WILL GIVE IRAN TENS OF BILLIONS of dollars **TO FINANCE** (Iran's) sponsorship of **TERRORISM** against the United States and our allies," COTTON SAID in a statement. "IT WILL LIFT EMBARGOES ON CONVENTIONAL WEAPONS AND BALLISTIC-MISSILE SALES to Iran. AND, ULTIMATELY, IT WILL PAVE THE WAY FOR IRAN TO OBTAIN A NUCLEAR WEAPON. IF THIS DEAL IS APPROVED, IT WILL REPRESENT A **historic defeat for the United States.**"¶ CORKER, the Senate Foreign Relations Committee chairman, SAID in a statement that HE BEGINS "FROM A PLACE OF **deep skepticism**" as he prepares to read the agreement, ADDING THAT HIS COMMITTEE "WILL CONDUCT A **rigorous review.**"¶ New Jersey Sen. Robert MENENDEZ, a senior member of the Senate Foreign Relations Committee, HAS LED **Democratic opposition to the administration's Iran plans for months.** On Tuesday, HE TOLD CNN's Joe JOHNS THAT he was **disappointed** in what he said was the deal's lack of "anytime, anywhere inspections," which he "thought was something that was one of our red lines." He added that the agreement still preserves Iran's nuclear infrastructure but held out hope that "there can be an effort to get a better deal."¶ "THE BOTTOM LINE IS: THE DEAL DOESN'T END IRAN'S NUCLEAR PROGRAM -- IT PRESERVES IT," HE SAID later in a statement.¶ Obama admits risk¶ But the potential for Iran to renege on its agreements isn't a concern only of the plan's opponents; Obama himself admitted there were risks to any deal in an interview earlier this year.¶ Israeli anger at Iran nuclear deal¶ Israeli anger at Iran nuclear deal 01:36¶ PLAY VIDEO¶ "Look, 20 years from now, I'm still going to be around, God willing. If Iran has a nuclear weapon, it's my name on this," he told The Atlantic's Jeffrey Goldberg. "I think it's fair to say that in addition to our profound national-security interests, I have a personal interest in locking this down."¶ Obama's stake in the Iran deal may only become more apparent after he leaves office; as in his diplomatic thaw with Cuba, the effects on ordinary citizens in those countries won't be seen for several years.¶ He addressed the long-term prospects of success on Tuesday, saying the person who succeeds him in office -- and even the president after that -- will continue to enjoy the benefits of the deal.¶ "The same options available to me today will be available to any U.S. president in the future," Obama said. "I have no doubt that 10 or 15 years from now, the person who holds this office will be in a far stronger position with Iran further away from a weapon."

Deal causes a swell of backlash – litany of warrants

David E. Sanger and Michael R. Gordon, 7/14/15, David E. Sanger is chief Washington correspondent of The New York Times and Michael R. Gordon writes for the New York Times, “Iran Nuclear Deal ‘Built on Verification,’ Obama Says,” <http://www.nytimes.com/2015/07/15/world/middleeast/iran-nuclear-deal-is-reached-after-long-negotiations.html>

ALMOST AS SOON AS THE AGREEMENT WAS ANNOUNCED, to cheers in Vienna and on the streets of Tehran, ITS harshest critics SAID IT WOULD ULTIMATELY EMPOWER IRAN, rather than limit its capability. Israel’s Prime Minister, Benjamin NETANYAHU, CALLED IT A “historic mistake” THAT WOULD CREATE A “TERRORIST NUCLEAR SUPERPOWER.”¶ A review of the 109-page text of the agreement, which includes five annexes, showed that the United States preserved – and in some cases extended – the nuclear restrictions it sketched out with Iran in early April in Lausanne, Switzerland.¶ Yet, IT LEFT OPEN AREAS THAT ARE SURE TO RAISE fierce objections IN CONGRESS. IT PRESERVES IRAN’S ABILITY TO PRODUCE AS MUCH NUCLEAR FUEL AS IT WISHES AFTER YEAR 15 of the agreement, AND ALLOWS it to conduct RESEARCH ON ADVANCED CENTRIFUGES AFTER THE EIGHTH year. MOREOVER, THE IRANIANS WON THE EVENTUAL LIFTING OF AN EMBARGO ON the import and export of CONVENTIONAL ARMS and ballistic missiles – A STEP the departing chairman of the Joint Chiefs of staff, Gen. Martin E. DEMPSEY, warned about JUST LAST WEEK.¶ American officials said the core of the agreement, secured in 18 consecutive days of talks here, lies in the restrictions on the amount of nuclear fuel that Iran can keep for the next 15 years. The current stockpile of low enriched uranium will be reduced by 98 percent, most likely by shipping much of it to Russia. That limit, combined with a two-thirds reduction in the number of its centrifuges, would extend to a year the amount of time it would take Iran to make enough material for a single bomb should it abandon the accord and race for a weapon — what officials call “breakout time.” By comparison, analysts say Iran now has a breakout time of two to three months.

Iran---1AR---A2: No Obama Push

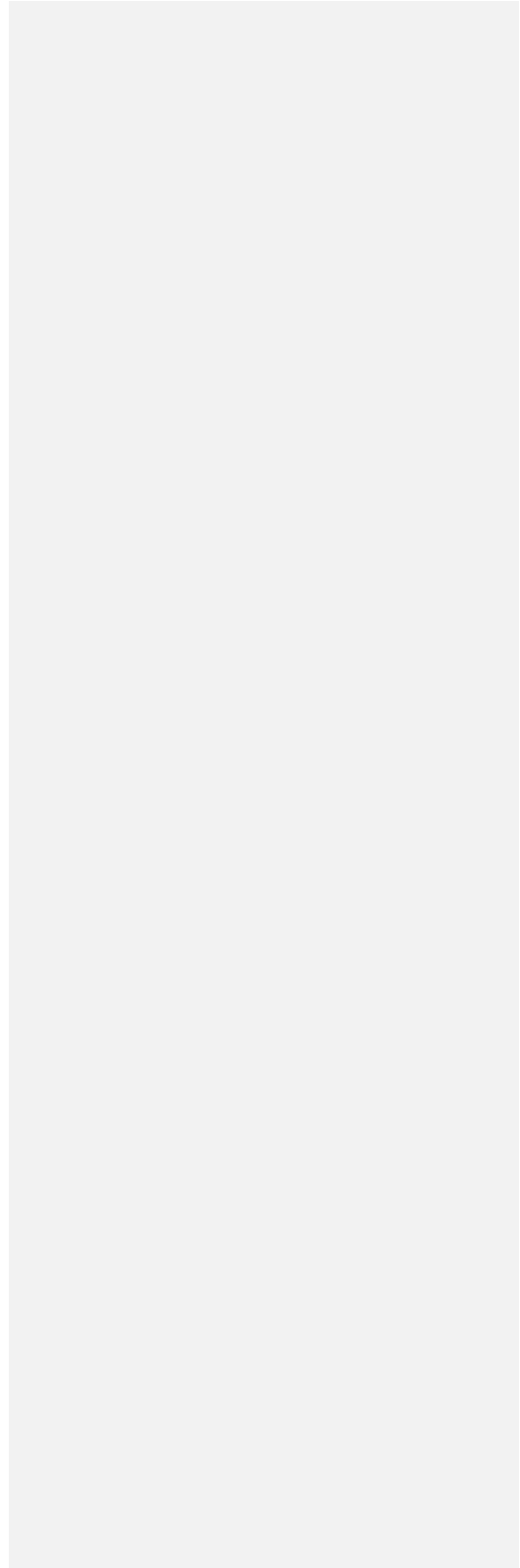
Yes Obama push – statements and veto threat prove

David E. **Sanger** and Michael R. **Gordon**, **7/14/15**, David E. Sanger is chief Washington correspondent of The New York Times and Michael R. Gordon writes for the New York Times, “Iran Nuclear Deal ‘Built on Verification,’ Obama Says,”

<http://www.nytimes.com/2015/07/15/world/middleeast/iran-nuclear-deal-is-reached-after-long-negotiations.html>

VIENNA — Iran and a group of six nations led by the United States said they had reached a historic accord on Tuesday to significantly limit Tehran’s nuclear ability for more than a decade in return for lifting international oil and financial sanctions.¶ THE DEAL CULMINATES 20 MONTHS OF NEGOTIATIONS ON AN AGREEMENT THAT PRESIDENT Obama had long sought AS THE BIGGEST DIPLOMATIC ACHIEVEMENT OF HIS PRESIDENCY. Whether it portends a new relationship between the United States and Iran — after decades of coups, hostage-taking, terrorism and sanctions — remains a bigger question.¶ Mr. OBAMA, IN AN EARLY MORNING APPEARANCE AT THE WHITE HOUSE THAT WAS BROADCAST LIVE IN IRAN, BEGAN WHAT PROMISED TO BE AN arduous effort to sell the deal to Congress and the American public, SAYING THE AGREEMENT IS “NOT BUILT ON TRUST — IT IS BUILT ON VERIFICATION.”¶ President OBAMA SAID he would veto any legislation that would block the nuclear agreement WITH IRAN.¶ Congress to Start Review of Iran Nuclear DealJULY 14, 2015¶ Prime Minister Benjamin NETANYAHU of Israel SAID on Tuesday that THE ACCORD with Iran WOULD ALLOW TEHRAN TO CONTINUE Netanyahu Denounces Iran Nuclear Deal as a ‘Historic Mistake’JULY 14, 2015¶ An oil refinery in Tehran. Iran has the world’s fourth-largest proven reserves of oil, behind Saudi Arabia, Venezuela and Canada.To Tap Iran’s Oil, Companies Face Many Hurdles but an Eventual BoonJULY 14, 2015¶ video I.A.E.A. Head Confirms Iran Nuclear PlanJULY 14, 2015¶ Mr. OBAMA MADE IT ABUNDANTLY CLEAR THAT he would fight TO PRESERVE THE DEAL FROM CRITICS IN CONGRESS WHO ARE BEGINNING A 60-DAY REVIEW, DECLARING, “I will veto any legislation THAT PREVENTS THE SUCCESSFUL IMPLEMENTATION OF THIS DEAL.”¶

*****IMPACT**



Impact Defense---AIDS

No disease impact—intervening actors, empirics, this ain't 1918 yo

Zakaria 9 (Editor of Newsweek, BA from Yale, PhD in pol sci, Harvard. He serves on the board of Yale University, The Council on Foreign Relations, The Trilateral Commission, and Shakespeare and Company. Named "one of the 21 most important people of the 21st Century", Fareed, "The Capitalist Manifesto: Greed Is Good," 13 June 2009, <http://www.newsweek.com/id/201935>)

Note: Laurie Garrett is a science and health writer, winner of the Pulitzer, Polk, and Peabody Prize

It certainly looks like another example of crying wolf. After bracing ourselves for a global pandemic, we've suffered something more like the usual seasonal influenza. Three weeks ago the World Health Organization declared a health emergency, warning countries to "prepare for a pandemic" and said that the only question was the extent of worldwide damage. Senior officials prophesied that millions could be infected by the disease. But as of last week, the WHO had confirmed only 4,800 cases of swine flu, with 61 people having died of it. Obviously, these low numbers are a pleasant surprise, but it does make one wonder, what did we get wrong? Why did the predictions of a pandemic turn out to be so exaggerated? Some people blame an overheated media, but it would have been difficult to ignore major international health organizations and governments when they were warning of catastrophe. I think there is a broader mistake in the way we look at the world. Once we see a problem, we can describe it in great detail, extrapolating all its possible consequences. But we can rarely anticipate the human response to that crisis. Take swine flu. The virus had crucial characteristics that led researchers to worry that it could spread far and fast. They described—and the media reported—what would happen if it went unchecked. But it did not go unchecked. In fact, swine flu was met by an extremely vigorous response at its epicenter, Mexico. The Mexican government reacted quickly and massively, quarantining the infected population, testing others, providing medication to those who needed it. The noted expert on this subject, Laurie Garrett, says, "We should all stand up and scream, 'Gracias, Mexico!' because the Mexican people and the Mexican government have sacrificed on a level that I'm not sure as Americans we would be prepared to do in the exact same circumstances. They shut down their schools. They shut down businesses, restaurants, churches, sporting events. They basically paralyzed their own economy. They've suffered billions of dollars in financial losses still being tallied up, and thereby really brought transmission to a halt." Every time one of these viruses is detected, writers and officials bring up the Spanish influenza epidemic of 1918 in which millions of people died. Indeed, during the last pandemic scare, in 2005, President George W. Bush claimed that he had been reading a history of the Spanish flu to help him understand how to respond. But the world we live in today looks nothing like 1918. Public health-care systems are far better and more widespread than anything that existed during the First World War. Even Mexico, a developing country, has a first-rate public-health system—far better than anything Britain or France had in the early 20th century.

AIDS won't cause extinction

Posner 5 (Senior Lecturer, U Chicago Law. Judge on the US Court of Appeals 7th Circuit. AB from Yale and LLB from Harvard. (Richard, Catastrophe, http://goliath.ecnext.com/coms2/gi_0199-4150331/Catastrophe-the-dozen-most-significant.html)

Yet the fact that Homo sapiens has managed to survive every disease to assail it in the 200,000 years or so of its existence is a source of genuine comfort, at least if the focus is on extinction events. There have been enormously destructive plagues, such as the Black Death, smallpox, and now AIDS, but none has come close to destroying the entire human race.

There is a biological reason. Natural selection favors germs of limited lethality; they are fitter in an evolutionary sense because their genes are more likely to be spread if the germs do not kill their hosts too quickly. THE AIDS VIRUS IS AN EXAMPLE OF A LETHAL VIRUS, WHOLLY NATURAL, THAT BY

LYING DORMANT YET INFECTIOUS IN ITS HOST FOR YEARS MAXIMIZES ITS SPREAD. Yet there is no danger that AIDS will destroy the entire human race. The likelihood of a natural pandemic that would cause the extinction of the human race is probably even less today than in the past (except in prehistoric times, when people lived in small, scattered bands, which would have limited the spread of disease), despite wider human contacts that make it more difficult to localize an infectious disease.

Alt causes to AIDS spread

Brower 3 (Jennifer, science/technology policy analyst, and Peter Chalk, political scientist, Summer Rand Review, Vol. 27, No. 2, "Vectors Without Borders," <http://www.rand.org/publications/randreview/issues/summer2003/vectors.html>)

This year's outbreak of severe acute respiratory syndrome (SARS) in Beijing, Hong Kong, Taipei, and Toronto is only one of the more recent examples of the challenge posed by infectious diseases. Highly resilient varieties of age-old ailments— as well as virulent emerging pathogens—are now prevalent throughout the world. THESE ILLNESSES INCLUDE cholera, pneumonia, malaria, and dysentery in the former case and Legionnaires' disease, ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS), Ebola, and SARS in the latter. In the United States, West Nile virus entered New York in 2000 and then spread to 44 states by 2002, and monkey pox struck the Midwest this June. In the latter half of the 20th century, almost 30 new human diseases were identified. The spread of several of them has been expedited by the growth of antibiotic and drug resistance. Globalization, modern medical practices, urbanization, climate change, sexual promiscuity, intravenous drug use, and acts of bioterrorism further increase the likelihood that people will come into contact with potentially fatal diseases.

Impact Defense---AIDS---Ext---No Extinction

AIDS won't kill everyone

Caldwell, 03 (Joseph George, PhD, "The End of the World, and the New World Order", 3-6, <http://www.foundationwebsite.org/TheEndOfTheWorld.htm>)

Disease could wipe out mankind. It is clear that HIV/AIDS will not accomplish this – it is not even having a significant impact on slowing the population explosion in Africa, where prevalence rates reach over thirty percent in some countries. But a real killer plague could certainly wipe out mankind. The interesting thing about plagues, however, is that they never seem to kill everyone – historically, the mortality rate is never 100 per cent (from disease alone). Based on historical evidence, it would appear that, while plagues may certainly reduce human population, they are not likely to wipe it out entirely. This notwithstanding, the gross intermingling of human beings and other species that accompanies globalization nevertheless increases the likelihood of global diseases to high levels.

AIDS will evolve reduced virulence over time

Levin, 96 (Bruce R., Emory University, "The Evolution and Maintenance of Virulence in Microparasites" Emerging Infectious Diseases v. 2 <http://www.cdc.gov/ncidod/eid/vol2no2/levin.htm>)

The predictions that can be made on the basis of the current view of the evolution of virulence differ from predictions that might follow conventional wisdom because the new view allows for natural selection in the parasite population to favor the evolution and maintenance of some level of virulence. Moreover, even when there is a positive association between a parasite's virulence and its transmissibility, under the conditions described in the following paragraph, the predictions of new methods can still converge with those of conventional wisdom. If the density of the sensitive host population is regulated by the parasite, an extension of the enlightened theory predicts that natural selection in the micro parasite population can lead to continuous declines in the level of virulence, possibly to immeasurable values. Although not stated in this general way, the same conclusion about declining virulence can be drawn from models of the epidemiology of HIV/AIDS. During the epidemic phase of a micro parasitic infection, when the host population is composed primarily of susceptible hosts, selection favors parasites with high transmission rates and thus high virulence. As the epidemic spreads, the proportion of infected and immune hosts increases and the density of susceptible hosts declines. As a result, the capacity for infectious transmission becomes progressively less important to the parasite's Darwinian fitness and persistence in the host population. Selection now favors less virulent parasites that take longer to kill their host and, for that reason, are maintained in the host population for more extensive periods. Analogous arguments have been made for the latent period of a bacteriophage infection, the evolution of lysogeny, the tradeoff between vertical and horizontal transmission, and the advantages of micro parasite latency in general.

AIDS won't cause extinction

TNR, 95 (The New Republic, 95 (Malcolm Gladwell, "Plague Year, July, L/N)

Some of the blame for this transformation clearly belongs with aids, the epidemic that has more or less shattered the public's confidence in the power of science. But aids has never been seen as a threat to the entire species. In fact, aids is exactly the opposite of the kind of random, uncontrollable epidemic that seems to have now seized the popular imagination. The truth is that it is very hard to find an adequate explanation for the current American obsession. Joshua Lederberg's comment that we are worse off today than a century ago is proof only that he is a better student of microbiology than of history.

Impact Defense---Nuc Terror

No nuclear terrorism – Theoretical possibilities are irrelevant – too many steps, which make it functionally impossible

Chapman 12 (Stephen, editorial writer for Chicago Tribune, “CHAPMAN: Nuclear terrorism unlikely,” May 22, <http://www.oaoa.com/articles/chapman-87719-nuclear-terrorism.html>)

A layperson may figure it's only a matter of time before the unimaginable comes to pass. Harvard's Graham Allison, in his book “Nuclear Terrorism,” concludes, “On the current course, nuclear terrorism is inevitable.” But remember: Afxter Sept. 11, 2001, we all thought more attacks were a certainty. Yet al-Qaida and its ideological kin have proved unable to mount a second strike. Given their inability to do something simple — say, shoot up a shopping mall or set off a truck bomb — it's reasonable to ask whether they have a chance at something much more ambitious. Far from being plausible, argued Ohio State University professor John Mueller in a presentation at the University of Chicago, “the likelihood that a terrorist group will come up with an atomic bomb seems to be vanishingly small.” The events required to make that happen comprise a multitude of Herculean tasks. First, a terrorist group has to get a bomb or fissile material, perhaps from Russia's inventory of decommissioned warheads. If that were easy, one would have already gone missing. Besides, those devices are probably no longer a danger, since weapons that are not maintained quickly become what one expert calls “radioactive scrap metal.” If terrorists were able to steal a Pakistani bomb, they would still have to defeat the arming codes and other safeguards designed to prevent unauthorized use. As for Iran, no nuclear state has ever given a bomb to an ally — for reasons even the Iranians can grasp. Stealing some 100 pounds of bomb fuel would require help from rogue individuals inside some government who are prepared to jeopardize their own lives. Then comes the task of building a bomb. It's not something you can gin up with spare parts and power tools in your garage. It requires millions of dollars, a safe haven and advanced equipment — plus people with specialized skills, lots of time and a willingness to die for the cause. Assuming the jihadists vault over those Himalayas, they would have to deliver the weapon onto American soil. Sure, drug smugglers bring in contraband all the time — but seeking their help would confront the plotters with possible exposure or extortion. This, like every other step in the entire process, means expanding the circle of people who know what's going on, multiplying the chance someone will blab, back out or screw up. That has heartening implications. If al-Qaida embarks on the project, it has only a minuscule chance of seeing it bear fruit. Given the formidable odds, it probably won't bother. None of this means we should stop trying to minimize the risk by securing nuclear stockpiles, monitoring terrorist communications and improving port screening. But it offers good reason to think that in this war, it appears, the worst eventuality is one that will never happen.

No nuclear retaliation – Obama is different

Babbin 9 (Jed, Editor of Human Events, “How Will Obama Handle Military Challenges?” Human Events, Feb. 2.

http://findarticles.com/p/articles/mi_qa3827/is_20090202/ai_n31362464/pg_7/?tag=content;col1)

If another major terrorist attack causes mass casualties in America, what will Obama do? If al Qaeda, which limits itself to big attacks, manages another, Obama will find himself in the same quandary that Bush did. We have put enormous resources into interrupting terrorist financing and in trying to capture or kill bin Laden and Zawahri, his second in command. Obama will not be able to do more. Obama, like John Kerry before him, does not understand how Presidents have to act on the basis of information that's reliable and not wait for conclusive evidence. Obama wants to focus on domestic issues and let his advisors keep the world at bay. If the source of the attack is disputed, Obama will have to rely on his own judgment and his Clinton-era advisors as well as Defense Secretary Gates and National Security Advisor Jones. But Obama's judgment lacking any context of experience— is a lawyer's judgment, just like Bill Clinton's. It's unimaginable that he would decide to act on evidence that wouldn't hold up in court. If we suffer another major terrorist attack and the source of the attack is unclear, Barack Obama will likely give impassioned speeches, and rely on the UN and other nations to

deal with the perpetrators. The media and Obama himself are trying to paint him as the second coming of Abraham Lincoln. Lincoln chose to do everything and anything to preserve the Union. That commitment and decisiveness are not part of the character of our 44th President.

Impact Defense---Nuc Terror---Ext---No Terror

Risk is overstated – terrorists can't get nukes and don't want them

Hashmi 12 (Muhammad, author of "Nuclear Terrorism in Pakistan: Myth of Reality," and expert in defense and strategic studies, "Difficulties for Terrorists to Fabricate Nuclear RDD/IND Weapons – Analysis," Jan 30, <http://www.eurasiareview.com/30012012-difficulties-for-terrorists-to-fabricate-nuclear-rddind-weapons-analysis/>)

Many believe that these threats of nuclear terrorism are inflated and have been overstated because technical hurdles still prevent terrorists from acquiring or building a nuclear device. Brian McNair argues that the threats of nuclear terrorism have been exaggerated by the world. As the matter stands today, the possibility of nuclear terrorism remains more a fantasy than fact. Furthermore, Shireen Mazari argues that Nuclear weapons would not be a weapon of choice for terrorists. Instead, she claims that "terrorists already have access to enough destructive capabilities with in conventional means, so their need for nuclear weapons is simply not there." Analysts have endorsed the assessment that the threat of nuclear action by terrorists appears to be exaggerated. Similarly, religious cults and left-wing terrorists with their beliefs of certain prohibitions against mass murder are less likely by many estimates to use WMDs in a terrorist activity, even though there is not any guarantee that terrorists will use WMDs. It has also been witnessed that no terrorist group is known to have developed or deployed a nuclear explosive device, and the severity of the threat of nuclear terrorism remains disputed amongst international scholars. So it becomes too early to conclude that how grave the threats of nuclear terrorism are. James Kitfield concludes in an interview from security expert that: Seven years after the September 11, 2001, terrorist attacks, experts and presidential candidates continue to put nuclear terrorism atop their lists of the gravest threats to the United States. Yet Brian Michael Jenkins, a longtime terrorism expert with the Rand Corp., says that the threat lies more in the realms of Hollywood dramas and terrorist dreams than in reality. There has never been an act of nuclear terrorism, he notes, yet the threat is so potentially catastrophic that it incites fear — and that fear fulfills a terrorist's primary goal. In nutshell, we can say that it takes much more than knowledge of the workings of nuclear weapons and access to fissile material to successfully manufacture a usable weapon. Current safety and security systems help ensure that the successful use of a stolen weapon would be very unlikely. Meaning, it remains, thankfully, an incredibly challenging task for terrorists to practice their idea in a successful way to meet their objectives.

Nuclear weapons would run counter to the goals of most terrorist organizations

Kapur 8 (associate professor in the Department of National Security Affairs at the Naval Postgraduate School, 2008, S. Paul. The Long Shadow: Nuclear Weapons and Security in 21st Century Asia. pg. 32)

Before a terrorist group can attempt to use nuclear weapons, it must meet two basic requirements. First, the group must decide that it wishes to engage in nuclear terrorism. Analysts and policy makers often assume that terrorist groups necessarily want to do so (Carter 2004; U.S. Government 2002). However, it is not clear that terrorist organizations would necessarily covet nuclear devices. Although analysts often characterize terrorism as an irrational activity (Laqueur 1999: 4-5), extensive empirical evidence indicates that terrorist groups in fact behave rationally, adopting strategies designed to achieve particular ends (Crenshaw 1995: 4; Pape 2003: 344). Thus whether terrorists would use nuclear weapons is contingent on whether doing so is likely to further their goals. Under what circumstances could nuclear weapons fail to promote terrorists' goals? For certain types of terrorist objectives, nuclear weapons could be too destructive. Large-scale devastation could negatively influence audiences important to the terrorist groups. Terrorists often rely on populations sympathetic to their cause for political, financial, and military support. The horrific destruction of a nuclear explosion could alienate segments of this audience. People who otherwise would sympathize with the terrorists may conclude that in using a nuclear device terrorists had gone too far and were no longer deserving of support. The catastrophic effects of nuclear weapons could also

damage or destroy the very thing that the terrorist group most values. For example, if a terrorist organization were struggling with another group for control of their common homeland, the use of nuclear weapons against the enemy group would devastate the terrorists' own home territory. Using nuclear weapons would be extremely counterproductive for the terrorists in this scenario.

Terrorist can't attain nuclear weapons

Schwartz 3 (US office director of the International Policy Institute for Counter-Terrorism, and Ophir Falk, Vice President of Advanced Security Integration Ltd., 2003 (Yaron and Ophir, "Chemical Biological Radiological Nuclear Terrorism" 5-13-2003 <http://www.ict.org.il/articles/articledet.cfm?articleid=487>)

For a terrorist group to obtain a nuclear weapon, two principal channels exist: build a device from scratch or somehow procure or steal a ready-made one or its key components. *Neither of these is likely.* Of all the possibilities, constructing a bomb from scratch, without state assistance, is the most unlikely. "So remote," in the words of a senior nuclear scientist at the Los Alamos National Laboratory, "that it can be essentially ruled out." The chief obstacle lies not only in producing the nuclear fuel—either bomb-grade uranium or plutonium—but also the requirements for testing and securing safe havens for the terrorists.[16] Unlike uranium, a much smaller quantity of plutonium is required to form a critical mass. Yet to make enough of it for a workable bomb, a *reactor* is needed. Could terrorists buy one? Where would they build it? Could such a structure go undetected by satellites and other intelligence tools? That is all very implausible indeed. If making nuclear-bomb fuel is out of the question, why not just steal it, or buy it on the black market? Consider plutonium: if terrorists did manage to procure some weapon-grade plutonium, would their problems be over? Far from it: plutonium works only in an "implosion"-type bomb, which is about ten times more difficult to build than the more simple uranium bomb used at Hiroshima. Among a litany of specialized requirements is an experienced designer, a number of other specialists and a testing program. Hence, the terrorist's chances of getting an implosion bomb to work are very low. An alternative to stealing plutonium is bomb-grade uranium. The problem with buying bomb-grade uranium is that one would need a great deal of it—around 50kg for a gun-type bomb—and nothing near that amount has turned up in the black market.[17] Even when considering a country like Pakistan, the only possibility for terrorists to lay their hands on that country's uranium would be if its government fell under the control of sympathizers. Given that Pakistan's army is by far the most effective and stable organization in the country, there is not much chance of that happening. Russia, again, is the terrorists' best bet and therefore a potential target. It has tons of bomb-grade uranium left over from the cold war and, in addition to bombs, has used this material to fuel nuclear submarines and research reactors. With a reported history of smuggling attempts, there are definite prospects in Russia. If terrorists could strike the main deposit and get enough uranium for a bomb, they would be on their way. But it would still be a long journey: designing and building the bomb is anything but a trivial undertaking, as is recruiting the suitably skilled technician/s for the task. The main risk for terrorists is getting caught. Finding an isolated location for minimal risk of detection also would not be easy. Stealing or buying a complete bomb would circumvent the aforementioned obstacles. But this option presents other pitfalls which are even greater: all countries, including Russia and Pakistan (with US assistance), make ever greater efforts to safeguard their warheads and materials, and even rogue states—if they should get the bomb (as North Korea appears to staunchly pursue)—would be highly likely to do the same. Countries employ security measures specifically designed to prevent theft. Warheads are typically stored in highly restricted bunkers. Terrorists would have a very hard time trying to take over one of these and even if successful, it would be much harder to leave with the contents in hand.[18]

Nuclear terrorism wrong – tech barriers

Mueller, 10 (John Mueller is Professor of Political Science at Ohio State University and the author of "The Remnants of War. Foreign Policy –JANUARY/FEBRUARY 2010 – http://www.foreignpolicy.com/articles/2010/01/04/think_again_nuclear_weapons?page=0,2)

"Fabricating a Bomb Is 'Child's Play.'" Hardly. An editorialist in Nature, the esteemed scientific journal, did apply that characterization to the manufacture of uranium bombs, as opposed to plutonium bombs, last January, but even that seems an absurd exaggeration. Younger, the former Los Alamos research director, has expressed his amazement at how "self-declared 'nuclear weapons experts,' many of whom have never seen a real nuclear weapon," continue to "hold forth on how easy it is to make a functioning nuclear explosive." Uranium is "exceptionally difficult to machine," he points out, and "plutonium is one of the most complex metals ever discovered, a material whose basic properties are sensitive to exactly how it is processed." Special technology is required, and even the simplest weapons require precise tolerances. Information on the general idea for building a bomb is available online, but none of it, Younger says, is detailed enough to "enable the confident assembly of a real nuclear explosive." A failure to appreciate the costs and difficulties of a nuclear program has led to massive overestimations of the ability to fabricate nuclear weapons. As the 2005 Silberman-Robb commission, set up to investigate the intelligence failures that led to the Iraq war, pointed out, it is "a fundamental analytical error" to equate "procurement activity with weapons system capability." That is, "simply because a state can buy the parts does not mean it can put them together and make them work." For example, after three decades of labor and well over \$100 million in expenditures, Libya was unable to make any progress whatsoever toward an atomic bomb. Indeed, much of the country's nuclear material, surrendered after it abandoned its program, was still in the original boxes.

Impact Defense---Nuc Terror---Ext---No Retaliation

Obama won't use nukes

AP 7 ("Obama says no nuclear weapons to fight terror")

Democratic presidential hopeful Barack Obama said Thursday he would not use nuclear weapons "in any circumstance" to fight terrorism in Afghanistan and Pakistan. "I think it would be a profound mistake for us to use nuclear weapons in any circumstance," Obama said, with a pause, "involving civilians." Then he quickly added, "Let me scratch that. There's been no discussion of nuclear weapons. That's not on the table."

The US would be unlikely to retaliate against a nuclear attack from a non-state actor

Rosen 6 (Stephen Peter, Beton Michael Kaneb Professor of National Security and Military Affairs and Director of the John M. Olin Institute for Strategic Studies at Harvard University, "After Proliferation: What to Do If More States Go Nuclear" Sept/Oct, Foreign Affairs)

During the Cold War, the small number of nuclear states meant that the identity of any nuclear attacker would be obvious. Preparations could thus be made for retaliation, and this helped deter first strikes. In a multipolar nuclear Middle East, however, such logic might not hold. For deterrence to work in such an environment, there would have to be detection systems that could unambiguously determine whether a nuclear-armed ballistic missile was launched from, say, Iran, Turkey, or Saudi Arabia. In earlier decades, the United States spent an enormous amount of resources on over-the-horizon radars and satellites that could detect the origin of missile launches in the Soviet Union. But those systems were optimized to monitor the Soviet Union and may not be as effective at identifying launches conducted from other countries. It may be technically simple for the United States (or Israel or Saudi Arabia) to deploy such systems, but until they exist and their effectiveness is demonstrated, deterrence might well be weak; it would be difficult to retaliate against a bomb that has no clear return address.

The public won't demand retaliation – studies prove

Jenks-Smith and Herron 5 (Hank and Kerry, professor and adjunct professor at George Bush School of Government and Public Service at Texas A&M University, "United States Public Response to Terrorism: Fault Lines or Bedrock?" Review of Policy Research. September. Lexis)

Our final contrasting set of expectations relates to the degree to which the public will support or demand retribution against terrorists and supporting states. Here our data show that support for using conventional United States military force to retaliate against terrorists initially averaged above midscale, but did not reach a high level of demand for military action. Initial support declined significantly across all demographic and belief categories by the time of our survey in 2002. Furthermore, panelists both in 2001 and 2002 preferred that high levels of certainty about culpability (above 8.5 on a scale from zero to ten) be established before taking military action. Again, we find the weight of evidence supporting revisionist expectations of public opinion. Overall, these results are inconsistent with the contention that highly charged events will result in volatile and unstructured responses among mass publics that prove problematic for policy processes. The initial response to the terrorist strikes demonstrated a broad and consistent shift in public assessments toward a greater perceived threat from terrorism, and greater willingness to support policies to reduce that threat. But even in the highly charged context of such a serious attack on the American homeland, the overall public response was quite measured. On average, the public showed very little

propensity to undermine speech protections, and initial willingness to engage in military retaliation moderated significantly over the following year.

Impact Defense---Hotspots

No impact – we’ve survived periods of low readiness

NSN, 8 (National Security Network 8 (May 13, <http://www.nsnetwork.org/node/850>))

Our military is second to none, but eight years of negligence, lack of accountability, and a reckless war in Iraq have left our ground forces facing shortfalls in both recruitment and readiness. Every service is out of balance and ill-prepared. We need a new strategy to give the military the tools it needs for the challenges we face today. And we need leadership that meets our obligations to the men and women who put their lives on the line. Overview The U.S. military is a fighting force second to none. It didn't get that way by accident – it took decades of careful stewardship by civilian as well as military leaders in the Pentagon, the White House, and on Capitol Hill. But eight years of Administration recklessness, and a lack of oversight from conservatives on Capitol Hill, have put the military under enormous strain. Active-duty generals at the highest levels have said that “the current demand for our forces is not sustainable... We can't sustain the all-volunteer force at the pace that we are going on right now” (Army Chief of Staff George Casey, April 2008); that in terms of readiness, many brigades being sent back to Afghanistan and Iraq were “not where they need to be” (Army Vice-Chief of Staff Richard Cody, SASC subcommittee hearing, April 14, 2008); and that “we cannot now meet extra force requirements in places like Afghanistan” (Chairman of the Joint Chiefs of Staff Mullen on National Public Radio, April 2008). Readiness and Response: Two-thirds of the Army – virtually all of the brigades not currently deployed to Afghanistan or Iraq – are rated “not combat ready.” The dramatic equipment shortages of a few years ago have been improved but not completely remedied. Recruitment and Retention: These conditions of service, and the strains they place on military family members, have hindered Army efforts (and to a lesser extent those of the Marine Corps) to recruit and retain the requisite number and quantity of service members. The Army has been forced to lower its educational and moral standards and allow an increasing number of felons into its ranks. It is also struggling to keep junior officers, the brains of the force, who represent the height of the military's investment in its people – and whose willingness to stay on represents a crucial judgment on Administration policies. The Marine Corps, America's emergency 911 force, is under similar strain. The Commandant of the Marine Corps said in February 2008 that the Marines will not be able to maintain a long term presence in both Afghanistan and Iraq. The National Guard and Reserve are already suffering from severe shortages of equipment and available combat personnel. In many states, the Army National Guard would struggle to respond to a natural or man-made disaster – just as the Kansas National Guard struggled to respond to the severe tornados last year. How, and whether, we rebuild our military in the wake of the fiasco in Iraq will likely shape it for the next generation. Too much of our military posture is left over from the Cold War. Our forces are being ground down by low-tech insurgencies in Iraq and Afghanistan, and the most immediate threat confronting the U.S. is a terrorist network that possesses no tanks or aircraft. We must learn the lessons of Iraq and dramatically transform our military into a 21st century fighting force ready to confront the threats of today and tomorrow.

Impact Defense---Hotspots---A2: Africa

African war doesn't escalate

Barrett 5 (Robert, Ph.D. Student in the Centre for Military and Strategic Studies – University of Calgary, “Understanding the Challenges of African Democratization through Conflict Analysis”, 6-1, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=726162)

Westerners eager to promote democracy must be wary of African politicians who promise democratic reform without sincere commitment to the process. Offering money to corrupt leaders in exchange for their taking small steps away from autocracy may in fact be a way of pushing countries into anocracy. As such, world financial lenders and interventionists who wield leverage and influence must take responsibility in considering the ramifications of African nations who adopt democracy in order to maintain elite political privileges. The obvious reason for this, aside from the potential costs in human life should conflict arise from hastily constructed democratic reforms, is the fact that Western donors, in the face of intrastate war would then be faced with channeling funds and resources away from democratization efforts and toward conflict intervention based on issues of human security. This is a problem, as Western nations may be increasingly wary of intervening in Africa hotspots after experiencing firsthand the unpredictable and unforgiving nature of societal warfare in both Somalia and Rwanda. On a cost/benefit

basis, **the West continues to be** somewhat **reluctant to get to get involved in Africa's** dirty **wars**, evidenced by **its** political **hesitation when discussing** ongoing sanguinary grassroots **conflicts in Africa**. Even as the world apologizes for bearing witness to the Rwandan genocide without having intervened, **the U**nited **S**tates, recently using the label 'genocide' in the context of the Sudanese conflict (in September of 2004), has **only proclaimed sanctions against Sudan, while dismissing** any **suggestions at** actual **intervention** (Giry, 2005). Part of **the problem is** that **traditional military** and diplomatic **approaches** at separating combatants and enforcing ceasefires **have yielded little in Africa**. **No powerful nations want to get embroiled** in conflicts they cannot win – especially those conflicts **in which the intervening nation has very little interest**.

Their nuclear escalation claim is empirically denied by dozens of African conflicts

Docking, 7 (Tim Docking, African Affairs Specialist with the United States Institute of Peace, 2007, Taking Sides Clashing Views on African Issues, p. 372)

Nowhere was the scope and intensity of violence during the 1990s as great as in Africa. While the general trend of armed conflict in Europe, Asia, the Americas, and the Middle East fell during the 1989-99 period, the 1990s witnessed an increase in the number of conflicts on the African continent. During this period, 16 UN peacekeeping missions were sent to Africa. (Three countries-Somalia, Sierra Leone, and Angola-were visited by multiple missions during this time.) Furthermore, this period saw internal and interstate violence in a total of 30 sub-Saharan states. **In 1999 alone, the continent was plagued by 16 armed conflicts**, seven of which were wars with more than 1,000 battle-related deaths (Journal of Peace Research, 37:5, 2000, p. 638). In 2000, the situation continued to deteriorate: renewed heavy fighting between Eritrea and Ethiopia claimed tens of thousands of lives in the lead-up to a June ceasefire and ultimately the signing of a peace accord in December; continued violence in the Democratic Republic of Congo (DRC), Sierra Leone, Burundi, Angola, Sudan, Uganda, and Nigeria as well as the outbreak of new violence between Guinea and Liberia, in Zimbabwe, and in the Ivory Coast have brought new hardship and bloodshed to the continent.

Outside powers won't intervene in African conflicts

Docking, 7 (Tim Docking, African Affairs Specialist with the United States Institute of Peace, 2007, Taking Sides Clashing Views on African Issues, p. 376)

SINCE the tragedy in **SOMALIA**, **THE TREND HAS BEEN FOR WESTERN NATIONS TO REFUSE TO SEND TROOPS INTO AFRICA'S HOT SPOTS**. Jordan recently underscored this point when it expressed frustration with the West's

failure to commit soldiers to the UNAMSIL mission as a reason for the withdrawal of its troops from Sierra Leone. America's aversion to peacekeeping in Africa also reflects broader U.S. foreign policy on the continent. AFRICA OCCUPIES A MARGINAL ROLE IN AMERICAN FOREIGN POLICY IN GENERAL (a point highlighted by conference participants).

Impact Defense---Hotspots---A2: Central Asia

No Central Asia impact

Collins and Wohlforth, 4 (Kathleen A. Collins and William C. Wohlforth 03-04, Assistant Professor of Political Science at the University of Notre Dame and Associate Professor of Government at Dartmouth College, ""Central Asia: Defying 'Great Game' Expectations"" Strategic Asia)

The popular great game lens for analyzing Central Asia fails to capture the declared interests of the great powers as well as the best reading of their objective interests in security and economic growth. Perhaps more importantly, it fails to explain their actual behavior on the ground, as well the specific reactions of the Central Asian states themselves. Naturally, there are competitive elements in great power relations. Each country's policymaking community has slightly different preferences for tackling the challenges presented in the region, and the more influence they have the more able they are to shape events in concordance with those preferences. But these clashing preferences concern the means to serve ends that all the great powers share. To be sure, policy-makers in each capital would prefer that their own national firms or their own government's budget be the beneficiaries of any economic rents that emerge from the exploitation and transshipment of the region's natural resources. But the scale of these rents is marginal even for Russia's oil-fueled budget. And for taxable profits to be created, the projects must make sense economically—something that is determined more by markets and firms than governments. Does it matter? The great game is an arresting metaphor that serves to draw people's attention to an oft-neglected region. The problem is that the great-game lens can distort realities on the ground, and therefore bias analysis and policy. For when great powers are locked in a competitive fight, the issues at hand matter less than their implication for the relative power of contending states. Power itself becomes the issue—one that tends to be nonnegotiable. Viewing an essential positive-sum relationship through zero sum conceptual lenses will result in missed opportunities for cooperation that leaves all players—not least the people who live in the region—poorer and more insecure. While cautious realism must remain the watchword concerning an impoverished and potentially unstable region comprised of fragile and authoritarian states, our analysis yields at least conditional and relative optimism. Given the confluence of their chief strategic interests, the major powers are in a better position to serve as a stabilizing force than analogies to the Great Game or the Cold War would suggest. It is important to stress that the region's response to the profoundly destabilizing shock of coordinated terror attacks was increased cooperation between local governments and China and Russia, and—multipolar rhetoric notwithstanding—between both of them and the United States. If this trend is nurtured and if the initial signals about potential SCO-CSTO-NATO cooperation are pursued, another destabilizing shock might generate more rather than less cooperation among the major powers. Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan are clearly on a trajectory that portends longer-term cooperation with each of the great powers. As military and economic security interests become more entwined, there are sound reasons to conclude that "great game" politics will not shape Central Asia's future in the same competitive and destabilizing way as they have controlled its past. To the contrary, mutual interests in Central Asia may reinforce the broader positive developments in the great powers' relations that have taken place since September 11, as well as reinforce regional and domestic stability in Central Asia.

No great powers would get drawn into a conflict

Weitz 6 (Richard, Senior Fellow and Director of the Center for Future Security Strategies at Hudson Institute, Washington Quarterly 29.3, Muse)

Central Asian security affairs have become much more complex than during the original nineteenth-century great game between czarist Russia and the United Kingdom. At that time, these two governments could largely dominate local affairs, but today a variety of influential actors are involved in the region. The early 1990s witnessed a vigorous competition between Turkey and Iran for influence in Central Asia. More recently, India and Pakistan have pursued a mixture of cooperative and competitive policies in the region that have influenced and been affected by their broader relationship. The now independent Central Asian countries also invariably affect the region's

international relations as they seek to maneuver among the major powers without compromising their newfound autonomy. Although Russia, [End Page 155] China, and the United States substantially affect regional security issues, they cannot dictate outcomes the way imperial governments frequently did a century ago. Concerns about a renewed great game are thus exaggerated. The contest for influence in the region does not directly challenge the vital national interests of China, Russia, or the United States, the most important extraregional countries in Central Asian security affairs. Unless restrained, however, competitive pressures risk impeding opportunities for beneficial cooperation among these countries. The three external great powers have incentives to compete for local allies, energy resources, and military advantage, but they also share substantial interests, especially in reducing terrorism and drug trafficking. If properly aligned, the major multilateral security organizations active in Central Asia could provide opportunities for cooperative diplomacy in a region where bilateral ties traditionally have predominated.

Impact Defense---Hotspots---A2: East Asia

No war

Shuo 12 (Wang Shuo, managing editor of Caixin Media: the top English-language magazine covering business and finance in China, 9/12, "Closer Look: Why War Is Not an Option", english.caixin.com/2012-09-12/100436770.html)

It is highly unlikely that China will fight a hot war with any of its neighbors over territorial disputes, but it should still reexamine who its friends really are. There won't be a war in East Asia. The United States has five military alliances in the western Pacific: with South Korea, Japan, Thailand, the Philippines and Singapore, and American battleships are busy patrolling the seas. Without a go-ahead from Washington, there is no possibility of a hot war between battleships of sovereign countries here. As to conflicts between fishing boats and patrol boats, that's not really a big deal. The Chinese have to ponder several questions: If the country has battleship wars with Japan, can it win without using ground-based missiles? Will the war escalate if missiles are deployed? What will happen if the war continues with no victory in sight? In the last few days, one country bought islands, and the other announced the base points and the baselines of its territorial waters. But look closely, China and Japan have at least two things in common in this hostile exchange: At home they fan up nationalism, and in the international arena no activities have exceeded the scope of previous, respective claims on sovereignty. This means there is no possibility of a war in East Asia, not even remotely. From the East Sea to the South Sea, China has reached a new low in relations with Asian neighbors. It's hard to remove the flashpoints in territorial disputes, but the country can surely reduce their impacts. And the key is relations with the United States.

Impact Defense---Hotspots---Ext---No Impact

No terminal impact to low readiness – empirics prove

Huffington Post 8 (Mar 8, http://www.huffingtonpost.com/2008/04/01/senior-army-officials-us_n_94571.html)

Senior Army and Marine Corps leaders said yesterday that the increase of more than 30,000 troops in Iraq and Afghanistan has put unsustainable levels of stress on U.S. ground forces and has put their readiness to fight other conflicts at the lowest level in years. In a stark assessment a week before Gen. David H. Petraeus, the top U.S. commander in Iraq, is to testify on the war's progress, Gen. Richard A. Cody, the Army's vice chief of staff, said that the heavy deployments are inflicting "incredible stress" on soldiers and families and that they pose "a significant risk" to the nation's all-volunteer military.

Impact empirically denied by three years of readiness shortfalls

AP 9 (Feb 20, http://www.lubbockonline.com/stories/022009/nat_395947018.shtml)

For the third consecutive year, a classified Pentagon assessment has concluded there's a significant risk that the U.S. military could not respond quickly and fully to any new crisis. Associated Press has learned. The latest risk assessment, drawn up by Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, comes despite recent security gains in Iraq and plans for troop cuts there. The assessment finds that the U.S. continues to face persistent terrorist threats and the military is still stretched and strained from long and repeated tours to the war front. Senior military officials spoke about the report on condition of anonymity because it is a classified document. Prepared every year and routinely delivered to Congress with the budget, the risk assessment paints a broad picture of security threats and hot spots around the world and the U.S. military's ability to deal with them. Adm. Mullen has delivered it to Defense Secretary Robert M. Gates. Because the threat is rated as significant, Mr. Gates will send an accompanying report to Congress outlining what the military is doing to address the risks. That report has not yet been finished. This year's assessment finds many of the same global security issues as in previous years - ranging from terrorist organizations and unstable governments to the potential for high-tech cyberattacks. It also reflects the Pentagon's ongoing struggle to maintain a military that can respond to threats from other countries while honing newer counterinsurgency techniques to battle more unconventional dangers such as suicide bombers and lethal roadside bombs. Daniel Gouré, vice president of the Lexington Institute, a military-policy research group in Arlington, said the assessment would take into account the strains on the force, the wear and tear on aircraft and other military equipment, and a host of global flashpoints. "This is a chairman who looks around the world and sees - right now, today - immediate, near-term problems like North Korea; the larger questions of Pakistan and its future; Iran and what is going on there; Russia and Georgia; Venezuela, which has a close relationship with Russia and is buying arms all over the place; and Cuba," Mr. Gouré said. While officials are preparing to reduce troop levels in Iraq, they are increasing forces in Afghanistan - giving troops little break from their battlefield tours. The Pentagon has repeatedly stressed ongoing efforts to increase the size of the Army and Marine Corps, but that growth is only now starting to have an impact.

Status Quo Solves

Status quo solves – Embassies already approved, ambassador not key and future Senates can approve DeLaurentis

Crabtree 7/2 {Susan, syndicated politics correspondent for The Hill/Congressional Quarterly/Roll Call, B.S. in broadcast journalism (University of Southern California), "Obama ready to fight over U.S. ambassador to Cuba," The Washington Examiner, 2015, <http://www.washingtonexaminer.com/obama-ready-to-fight-over-u.s.-ambassador-to-cuba/article/2567500#THUR>}

Juan Carlos HIDALGO, A POLICY ANALYST on the Western Hemisphere AT THE CATO INSTITUTE, SAID THE BUDGET for the U.S. mission in Havana, known as the U.S. Interests Section, has already been approved through 2017 so OPENING AN OFFICIAL EMBASSY THERE IS AS simple as changing the signage ON THE BUILDING. LIKEWISE, HE SAID, the current head of the mission, Jeffrey DELAURENTIS, a 24-year veteran of the Foreign Service, HAS BEEN IN HAVANA SINCE AUGUST 2014 and could simply remain IN AN ACTING POSITION with no impact on his role THERE. "I DON'T THINK WE WILL HAVE AN OFFICIAL AMBASSADOR TO CUBA ANYTIME SOON," HE SAID, BUT that doesn't really hurt the embassy's ability to function. DELAURENTIS WILL HAVE all THE CAPABILITIES OF AN ACTING AMBASSADOR EVEN IF HE HAS TO WAIT FOR THE TITLE until Republicans lose the majority IN THE SENATE, HIDALGO SAID.

AT: Politics Highways UTNIF

Highways - AFF

N/U – No Long-Term

No long-term extension which their impact assumes

Politico 7-6-15 [Congress returns for pre-recess highway sprint,
<http://www.politico.com/story/2015/07/congress-returns-highway-sprint-119787.html>]

JUST COMING UP WITH THE \$11 BILLION NEEDED TO KEEP THE FEDERAL HIGHWAY PROGRAM RUNNING
until the end of the year — let alone fully addressing a national infrastructure riddled with crumbling roads and bridges — WILL BE
CHALLENGING, given the need to offset any spending increase with a corresponding cut or revenue increase. BUT FINDING THE
\$90 BILLION LAWMAKERS NEED FOR THE SIX-YEAR HIGHWAY AND TRANSIT BILL THAT CONGRESS
WANTS WILL BE **nearly impossible** FOR A GOP THAT'S STRONGLY AVERSE TO RAISING MONEY WITH
NEW TAXES BUT HAS LITTLE ROOM FOR FURTHER BUDGET CUTS.

N/U – Bipart Fails

Wont' pass - Highway bipartisanship won't be enough – assumes their warrants

Sargent 7-8-15 [Greg, Breaking: Congress starts thinking about maybe funding our infrastructure, <http://www.washingtonpost.com/blogs/plum-line/wp/2015/07/08/breaking-congress-starts-thinking-about-maybe-funding-our-infrastructure/>]

THE NEW PROPOSAL builds on previous ones released by both Congressional Republicans and the White House that would overhaul tax rules for international corporations and bring in a one-time burst in revenues that could be used to temporarily replenish the HTF. The idea picked up some encouraging words today from the White House and from Paul Ryan, the chairman of the House Ways and Means Committee. The proposal COULD “POTENTIALLY UNLOCK A SOLUTION TO OUR HIGHWAY TRUST FUND SHORTFALL,” Ryan said. Obviously there are reasons for extreme pessimism that Congress could finish something like this in four short weeks, particularly since a whole lot of lobbyists are likely to get very worked up about it. But still: right now, it's unclear whether there is any other idea out there to replenish the fund that has the support of both Republicans and Democrats, Obama and Paul Ryan included. MEANWHILE, ANOTHER GLIMMER OF OPTIMISM FROM THE SENATE FINANCE COMMITTEE COULD BE SPOTTED IN THE SERIES OF BIPARTISAN REPORTS from the committee's working groups on how the tax system might be overhauled. One particularly interesting nugget: In the report from the Finance Committee's infrastructure working group, lawmakers concede that corporate repatriation — of the sort that we would get from tax reform — just isn't a long term solution. Instead, the report suggests a Vehicle Miles Traveled tax, which generally taxes users based on how many miles they travel, might be a long term solution to the infrastructure spending problem. “A VMT has the potential to improve the efficiency of highway financing because the tax can be calibrated closely to the costs that vehicles impose in terms of road damage and congestion,” the report says. Michael O'Brien, a spokesman for the Association of Equipment Manufacturers, which is lobbying for more infrastructure spending, tells me he's “particularly encouraged” by the inclusion of a VMT, because it suggests growing “bipartisan and bicameral interest” in funding infrastructure. “It's time for our elected leaders to step up and finally develop a long-term solution to our infrastructure needs, not another stopgap measure that saps our economy of certainty and further delays our ability to build a 21st Century infrastructure,” O'Brien says. WHAT'S PARTICULARLY STRIKING ABOUT ALL OF THIS IS THAT FOR MONTHS, WE WERE TOLD THAT FUNDING OUR INFRASTRUCTURE WAS ONE OF THE VERY FEW AREAS WHERE COMPROMISE BETWEEN THE WHITE HOUSE AND THE NEW GOP CONGRESS WOULD BE POSSIBLE. After all, infrastructure funding should constitute some of the lowest-hanging fruit, politically and ideologically speaking, that one can imagine. MANY LAWMAKERS IN BOTH PARTIES, AND A LARGE RANGE OF OUTSIDE GROUPS ON BOTH SIDES, WANT IT TO HAPPEN FOR THE LONG TERM GOOD OF THE COUNTRY. YET THE IDEA THAT THIS COULD ACTUALLY HAPPEN SEEMS **borderline hallucinatory.**

N/U – Funding

Won't pass – every single funding proposal is too controversial

Fiscal Times 7-8-15 [Why Congress Can't Make a Deal on Highway Spending,

<http://www.thefiscaltimes.com/2015/07/08/Why-Congress-Can-t-Make-Deal-Highway-Spending>]

THE LATEST WORD FROM CAPITOL HILL ON THE FATE OF THE LONG-SUFFERING DRIVE FOR NEW FEDERAL HIGHWAY AND INFRASTRUCTURE LEGISLATION IS NOT ENCOURAGING: REPUBLICAN AND DEMOCRATIC LAWMAKERS ARE VERY LIKELY TO KICK THE CAN DOWN THE ROAD YET AGAIN THIS

SUMMER. Key Republican and Democratic senators -- including Senate Environment and Public Works Chair James Inhofe (R-OK) and ranking Democrat Barbara Boxer of California -- reached a tentative agreement late last month on the broad outlines of a new six-year, roughly \$575 billion transportation bill aimed at addressing the country's crumbling infrastructure and need for more construction jobs. After extending the existing legislation nearly three dozen times before, the Senate and House appeared to be gearing up for finally breaking a nearly two-year impasse by a working deadline of July 31. But Sen. Ron Wyden of Oregon, the ranking Democrat on the Senate Finance Committee, and Sen.

John Hoeven (R-ND) signaled Wednesday during a joint appearance at the Bipartisan Policy Center that **CONGRESS MOST LIKELY** this month **WILL PASS ANOTHER SHORT-TERM EXTENSION** of existing highway legislation through the remainder of the year. That

will keep federal aid flowing for state and local highway, bridge and other infrastructure projects, but **it won't solve the states'**

overarching problem of uncertainty and confusion over future policy. Wyden said the big problem is finding consensus on tax legislation to underwrite a new long-term federal transportation program and prop up the near-bankrupt Highway Trust Fund, which has been largely financed over the years with revenues from the 18.4-cent per gallon federal gasoline tax. He noted that House

Speaker John Boehner (R-OH) and other **GOP leaders have ruled out an increase in the gasoline tax, while an alternative approach to raise money for highways through corporate tax reform is complex and highly**

controversial. Hoeven, a former North Dakota governor and major player on highway issues, agreed that "it will be very difficult to muster the votes to raise the gas tax," especially from lawmakers from the Midwest, where constituents do a lot of driving and would perceive a gas tax hike as directly targeting them. With so many unresolved tax and spending issues, Hoeven and Wyden seemed prepared for further delays in rewriting the nation's transportation laws. "I think the likelihood is that we will probably see an extension to the end of the year, passed before [Congress goes out] this month," Hoeven said. "That can be viewed in one of two ways. That's bad because we would like to get a six year bill right now ... But we're at one of those critical points both in terms of infrastructure and tax policy where I think the pressures are coming together." Inhofe and Boxer last month unveiled comprehensive legislation known as the DRIVE Act that would give state and local governments "the certainty and stability" they need to improve and develop the nation's infrastructure, according to a summary of the bill. There are still many details and spending formulas to work out for the new long-term highway program, but the biggest problem will be

reaching an accord on how to finance the legislation. **BUSINESS AND TRANSPORTATION ADVOCATES, ALONG WITH**

SOME LAWMAKERS AND CONSERVATIVE THINK TANKS, HAVE PROPOSED RAISING THE FEDERAL

GASOLINE tax as a solution for the looming \$10 billion shortfall in the current fiscal year, often noting that the tax hasn't been increased

once during the past two decades. However, House Ways and Means Committee Chair Paul **RYAN** (R-WI), among others, **IS STRONGLY**

OPPOSED TO RAISING THE GAS TAX – AS IS PRESIDENT OBAMA. RYAN AND OBAMA HAVE PREVIOUSLY

FLOATED PROPOSALS FOR FUNDING A NEW, MULTI-YEAR HIGHWAY PROGRAM BY TAXING OVERSEAS

CORPORATE REVENUES – SO-CALLED "REPATRIATION" -- AS PART OF A COMPREHENSIVE REFORM OF

THE FEDERAL TAX CODE. BUT the two have very different approaches in how to raise that additional tax revenue. And

OVERHAULING THE TAX CODE BEFORE THE 2016 PRESIDENTIAL ELECTION WOULD BE A HEAVY LIFT AT

BEST.

GOP and business will reject the new funding proposal

WSJ 7-8-15 [Kristina, Pearson, Senators Pitch Tax Changes on Overseas Profits to Fund Highways, <http://www.wsj.com/articles/senators-pitch-tax-changes-on-overseas-profits-to-fund-highways-1436365801>]

UNDER THE PROPOSAL from Messrs. Schumer and Portman, COMPANIES COULD PAY THE TAX OVER A PERIOD OF YEARS AND WOULD RECEIVE CREDIT FOR TAXES ALREADY PAID TO OTHER JURISDICTIONS on their overseas profits, in line with similar concepts from the president and Mr. Camp. **The idea could face resistance with other Republicans, who are concerned that a tax overhaul benefiting big U.S. multinational corporations might open some of their vulnerable incumbents to populist attack by Democratic opponents next year,** according to aides and others familiar with their thinking. **AND SOME BUSINESSES HAVE WORRIED THAT REWRITING A PIECE OF THE INTERNATIONAL TAX CODE TO FUND THE HIGHWAY BILL COULD JEOPARDIZE THE ABILITY TO DO A LARGER REWRITE OF THE CORPORATE TAX SYSTEM.**

Proposal is too incomplete – causes opposition

The Hill 7-8-15 [Senators roll out international tax plan, <http://thehill.com/policy/finance/247190-senators-roll-out-international-tax-plan>]

But THERE ARE STILL PLENTY OF ROADBLOCKS TO GETTING A DEAL THIS YEAR, AND SCHUMER AND PORTMAN STILL HAVE PLENTY OF GAPS TO FILL IN THEIR PROPOSAL. In their framework, the senators said they were working with congressional scorekeepers on the specifics of a plan. BUSINESS GROUPS AND CORPORATE TAX REFORM COALITIONS HAVE ALREADY OBJECTED TO THE IDEA OF TAXING CORPORATE PROFITS ALREADY OFFSHORE AND USING THE REVENUE FOR ROADS — an idea embraced by Portman and Schumer in their framework. OTHER REPUBLICANS, LIKE SENATE FINANCE CHAIRMAN ORRIN HATCH (UTAH), HAVE ALSO NOT SOUNDED ENTHUSED ABOUT THAT IDEA. And while the corporate community has long pushed for a territorial system, BIG BUSINESS COULD ALSO BE PUT OFF BY SOME OF THE OTHER PROPOSALS FLOATED BY PORTMAN AND SCHUMER.

McConnell opposes and its too infeasible

NYT 7-8-15 [End to U.S. Taxation of Overseas Profit Finds Bipartisan Support, <http://www.nytimes.com/2015/07/09/business/end-to-us-taxation-of-overseas-profit-finds-bipartisan-support.html>]

But **IT FACES stiff opposition from** Senator Mitch **McConnell** of Kentucky, the majority leader, **WHO WANTS ANY CHANGES TO THE INTERNATIONAL TAX SYSTEM TO BE PART OF A COMPREHENSIVE TAX OVERHAUL THAT ALSO HELPS DOMESTIC SMALL BUSINESSES.** The last stopgap law to keep the federal highway trust fund afloat expires at the end of July, and Mr. McConnell is scrambling to find ways to pay for a two-year highway bill, aides say. **AN AMBITIOUS REWRITE OF THE TAX CODE, THEY SAY, IS SIMPLY UNREALISTIC IN SUCH A SHORT PERIOD OF TIME. “THERE HAS BEEN NO DISCUSSION ABOUT USING A DRAFT INTERNATIONAL TAX PLAN THAT NO ONE HAS SEEN AS A MEANS OF PAYING FOR A HIGHWAY BILL IN JULY.”** a Republican leadership aide said.

UQ Overwhelms

Uniqueness overwhelms – its must-pass

The Hill 7-7-15 [Ex-Im vote holds peril for No. 2 House Republican McCarthy,
<http://thehill.com/homenews/house/247013-ex-im-vote-holds-peril-for-mccarthy>]

THE SENATE THIS MONTH IS EXPECTED TO APPROVE A CRITICAL BIPARTISAN HIGHWAY and infrastructure bill that would include an extension of the Ex-Im charter. **Because federal highway funding is set to expire at the end of the month, the measure is considered a must-pass bill.**

No Impact – Highways Fine

No impact – data proves the highways are fine – politicians have incentive to exaggerate

Krol 7-7-15 [Robert, professor of economics at California State University, Northridge, "America's crumbling infrastructure? Read between the lines", <http://tbo.com/list/news-opinion-commentary/americas-crumbling-infrastructure-read-between-the-lines-20150707/>]

So it's no surprise that **MANY PEOPLE THINK** most **ROADS** in the United States **ARE OF POOR QUALITY**. However, **government statistics tell a different story. U.S. roads and bridges are not falling apart.** Each year, state transportation agencies provide the federal government with comprehensive data on highway and bridge conditions. Highway quality is measured by a surface roughness index. The lower the index score, the better the quality of the road. Roads with index scores below 95 are considered to be in good condition, while higher index scores below 170 are acceptable. The most recent data on highway quality is for the year 2012. The percentage of urban highways classified as either good or acceptable was about 80 percent in 2012, down about 5 percentage points from 10 years earlier. **SOME OF THE DECLINE MAY REFLECT A POSTPONEMENT OF MAINTENANCE DURING THE GREAT RECESSION. ALMOST 97 PERCENT OF RURAL HIGHWAYS WERE CLASSIFIED AS EITHER GOOD OR ACCEPTABLE IN 2012. THIS IS ABOUT THE SAME AS 10 YEARS EARLIER. EVEN WITH THE RECENT QUALITY DROP FOR URBAN HIGHWAYS, A HIGH PERCENTAGE OF OUR HIGHWAYS IS IN GOOD OR ACCEPTABLE CONDITION. THESE FIGURES MASK THE VARIATION IN ROAD QUALITY ACROSS STATES.** For example, in 2012, almost 80 percent of Georgia's urban highways were in good condition — the highest in the country — while about 15 percent of California's urban highways were in good condition — the lowest in the country. Obviously, highway usage, weather conditions, and the quality of transportation agencies influence these figures. **USING STATE-LEVEL QUALITY FIGURES, THERE IS NO STATISTICAL CHANGE IN AVERAGE URBAN AND RURAL ROAD QUALITY OVER THE 10-YEAR PERIOD.** Taking a longer-term perspective, **ECONOMISTS AT THE FEDERAL RESERVE BANK OF CHICAGO EXAMINED THE QUALITY OF THE INTERSTATE HIGHWAY SYSTEM** for the period from 1980 to 2006. Using surface roughness index data provided by the government, **THEY FIND THE SYSTEM'S ROAD SURFACE HAS BECOME SMOOTHER AND LESS DETERIORATED SINCE THE MID-1990S.** Transportation agencies report bridges as either structurally deficient or functionally obsolete. A structurally deficient bridge is not considered unsafe, but it does imply a potential reduction in its load-carrying capacity and requires maintenance. A functionally obsolete bridge does not mean it fails to meet current standards. It may simply mean that traffic flows over the bridge are more than expected. **THE QUALITY OF BRIDGES IN THE UNITED STATES HAS IMPROVED. USING THE MOST RECENT DATA, IN 2014, 4.2 PERCENT OF BRIDGES WERE CLASSIFIED AS STRUCTURALLY DEFICIENT, DOWN FROM 5.7 PERCENT 10 YEARS EARLIER.** There has been little change in the percentage of functionally obsolete bridges over this time span. Once again, there is variation across states. In 2014, for example, less than 1 percent of bridges in Texas were structurally deficient — the lowest in the country — while in Rhode Island, almost 24 percent were labelled structurally deficient. Conditions and management vary across states, but our bridges do not appear to be crumbling. If you Google "crumbling highways and bridges" you get quite a few hits. Yet government statistics suggest that our transportation infrastructure is not in bad shape. **PEOPLE'S PERSONAL EXPERIENCE PARTLY EXPLAINS THE DIVERGENCE BETWEEN HYPE AND REALITY. ANOTHER REASON IS THAT OUR elected officials in Washington can capture votes by sending gasoline tax dollars home. They have much to gain by pushing the idea that our highways and bridges are falling apart.**

No Impact – Highway Trust Fund Fails

The highway trust fund support is only an act by congress to gain voters support; the project would end up being poorly run

Siefring, 5-19-15, (Neil, president of the hilltop advocacy, Bailing Out The Highway Trust Fund Won't Fix America's Crumbling Infrastructure Read more: <http://dailycaller.com/2015/05/19/bailing-out-the-highway-trust-fund-wont-fix-americas-crumbling-infrastructure/#ixzz3fKR7Xm9x>, Daily Caller, dailycaller.com/2015/05/19/bailing-out-the-highway-trust-fund-wont-fix-americas-crumbling-infrastructure/, google, 7-8-15)

Federal transportation funding is set to expire at the end of this month when the Highway Trust Fund is slated to end. The House has just voted to extend the fund for two more months, and the Senate is expected to quickly follow suit. Most politicians, staffers, transportation lobbyists and pundits are bemoaning the poor state of our nation's infrastructure. Many of them claim that pouring more money into federal transportation will help the problem. More **FEDERAL FUNDING OF TRANSPORTATION PROJECTS ON THE BACKS OF THE TAXPAYERS WILL ONLY PERPETUATE POOR HIGHWAY INFRASTRUCTURE AND PREVENT STATE, LOCAL, AND FREE MARKET SOLUTIONS TO OUR ROADWAY WOES. THE RESPONSIBILITY FOR TRANSPORTATION NEEDS TO BE RETURNED TO THE STATES.** The Highway Trust Fund was set up in 1956 to build interstate highways. It was part of the plan to make President Eisenhower's dream for a national highway system a reality. It was supposed to be temporary and expire in 1972. **THE FUND'S COFFERS ARE FILLED BY THE GAS TAX AND TAXES ON "OTHER MOTOR FUELS." IN OTHER WORDS, IT IS AN OLD FASHIONED WEALTH TRANSFER. TAXES ARE SPREAD THROUGHOUT THE COUNTRY IN THE FORM OF GRANTS THAT FUND ABOUT A QUARTER OF THE TRANSPORTATION PROJECTS BEING CARRIED OUT NATIONWIDE.** Chris Edwards of the Cato Institute explained that of the transportation projects funded through the fund, a quarter of them aren't even highway related. The fund has proven impossible to sunset, as the legislation setting it up commanded, and continues to be extended by Congress. It just keeps getting extended. Part of the reason for the program's persistence is that politicians like to bring home transportation pork projects, appear at ribbon-cutting ceremonies for them, and issue press releases stating how they got the money for a local transportation project. If the fund is allowed to expire, the federal government loses the ability to influence state and local infrastructure initiatives, and members of the House and Senate lose opportunities to promote their own reelection. That is one of the primary drivers for its continued extension. Rep. Paul Ryan (R-WI), chairman of the House Budget Committee, stated at a committee hearing he chaired in April, 2013, that over the next ten years, "[i]f we continue to do what we have done until last year, we will bail out the Highway [sic] trust fund with more borrowed money, and it would not be the first time. We bailed out the trust fund multiple times over the years to the tune of \$41 billion since 2008, in addition to the \$27.5 billion in the stimulus." So, the fund can operate at a deficit **SINCE CONGRESS WILL ALWAYS BAIL IT OUT. THERE IS NO INCENTIVE FOR THE PROGRAM TO BE RUN WELL SINCE POLITICIANS WHO BENEFIT FROM IT BY BRINGING HOME TRANSPORTATION PROJECTS TO PROVE THEIR WORTH TO VOTERS, WON'T LET IT FAIL. OR BE MEANINGFULLY REFORMED. THE UNREFORMED FEDERAL PROGRAM YOU KNOW IS BETTER THAN THE CONSTITUTIONALLY REFORMED ONE YOU DON'T.** Who knows if reforms would benefit incumbent members of Congress, so why try?

AT: Ex-Im – Won't Be Attached

Attaching Ex-Im to the highway bill will cause Republican backlash – they won't let it pass

Quinn 7/8 [MELISSA, A NEWS REPORTER FOR THE DAILY SIGNAL, "HOW DEMOCRATS HOPE TO REVIVE THE EX-IM," DAILY SIGNAL, [HTTP://DAILYSIGNAL.COM/2015/07/08/HOW-DEMOCRATS-HOPE-TO-REVIVE-THE-EXPORT-IMPORT-BANK/](http://dailysignal.com/2015/07/08/how-democrats-hope-to-revive-the-export-import-bank/), 7-8-2015]

A TRANSPORTATION BILL SHOULD FOCUS ON TRANSPORTATION, NOT REVIVE A CORRUPT FEDERAL PROGRAM that put hardworking taxpayers' money at risk to benefit some of the world's richest corporations," he said in a statement. "ADDING EX-IM WOULD ONLY MAKE IT MORE DIFFICULT TO FIND A WAY FORWARD ON TRANSPORTATION BECAUSE MORE REPUBLICANS OPPOSE THIS BLATANT FORM OF CORPORATE WELFARE." Though legislation extending the Highway Trust Fund with Ex-Im reauthorization attached would likely pass the Senate—if McConnell allows for the amendment—it would face more of a challenge in the House, where conservatives led the charge against reauthorizing Ex-Im. In the lower chamber, more than 90 Republicans oppose the bank, and both House Majority Leader Kevin McCarthy of California and Majority Whip Steve Scalise of Louisiana have come out against reauthorization. The Export-Import Bank's charter expired June 30, and members of Congress—who are home for a week-long recess—have run out of time to reauthorize the bank. IN A CALL WITH REPORTERS THIS AFTERNOON, REP. RAÚL LABRADOR, R-Idaho, WARNED THAT ATTACHING EX-IM'S REAUTHORIZATION TO THE HIGHWAY BILL WOULD "MAKE IT MORE DIFFICULT" FOR THE MORE THAN 40 MEMBERS OF THE CONSERVATIVE HOUSE FREEDOM CAUCUS TO VOTE FOR THE LEGISLATION. "WE'RE GOING TO USE EVERY PROCEDURAL WAY OF TRYING TO SEPARATE BOTH ISSUES," LABRADOR SAID. "THEY SHOULDN'T BE IN THE SAME BILL ANYWAY. THE HIGHWAY BILL HAS NOTHING TO DO WITH EX-IM." "MANY OF THE LEADERSHIP MEMBERS HAVE ALREADY TAKEN A POSITION AGAINST [EX-IM]," HE CONTINUED, "SO THEY NEED TO CONTINUE TO HOLD TRUE TO THAT PROMISE THEY MADE THEIR CONSTITUENTS."

Republicans oppose attaching the bills

Cirilli 7/9 [Kevin, a POLITICO reporter based in Washington D.C. Currently, he covers the nexus of Washington, Wall Street and Main Street, "Rubio: Don't attach Ex-Im to highway bill," <http://thehill.com/policy/finance/247388-rubio-dont-attach-ex-im-to-highway-bill>, 7-9-2015]

Sen. Marco Rubio (R-Fla.) on Thursday said he opposes attaching an amendment that would reauthorize the Export-Import Bank to a transportation funding bill. The Republican presidential candidate has emerged as a top critic of the bank in the Senate, along with Sen. Ted Cruz (R-Texas), another presidential candidate who also opposes attaching Ex-Im to the bill. "I strongly oppose any effort to attach a reauthorization of the Export-Import Bank to a highway bill," Rubio said in a statement. "The bank's charter has expired, and it should stay closed for business. Congress should reject any effort to resuscitate it by attaching a reauthorization to a highway bill or any other 'must pass' bill being considered." The bank's charter expired June 30. Supporters are hoping the bank will be reauthorized as part of a bill that would extend federal highway funding, which will expire at the end of July. The

business community argues that the bank's financing of overseas projects helps sustain jobs.
Conservatives, backed by the Tea Party, say it is a form of "corporate welfare" for big businesses such as Boeing.

AT: Ex-Im – No Impact – No Confidence

No impact – the damage is done – Ex-Im is worthless even if it survives

Smith 7-7-15 [Noah, assistant professor of finance at Stony Brook University, Reinvent the Export-Import Bank, <http://www.bloombergview.com/articles/2015-07-07/u-s-export-import-bank-should-imitate-venture-capitalists>]

THE EXPORT-IMPORT BANK IS PROBABLY DEAD. YES, TECHNICALLY, IT'S ONLY TEMPORARILY OUT OF ACTION because a handful of Republicans are preventing a floor vote on its reauthorization. BUT THE REPUBLICAN CRUSADE AGAINST THE GOVERNMENT-RUN TRADE CREDIT PROVIDER HAS DEMONSTRATED TO U.S. EXPORTERS THAT THEY WON'T BE ABLE TO RELY ON EX-IM FUNDING IN THE FUTURE. THAT MEANS THEY WON'T BUDGET EX-IM FUNDING INTO THEIR PLANS, making the agency somewhat superfluous even if it does manage to survive. Once again, conservatives have managed to smash a U.S. government institution.

AT: Ex-Im – No Impact – Economy

No Impact – Ex-im doesn't matter for exports

Smith 7-7-15 [Noah, assistant professor of finance at Stony Brook University, Reinvent the Export-Import Bank, <http://www.bloombergvew.com/articles/2015-07-07/u-s-export-import-bank-should-imitate-venture-capitalists>]

I'm sad that this has happened, because it shows the power of conservative activists -- and the willingness of some politicians -- to wreck institutions they don't fully understand. But unlike the examples where this destruction really matters -- infrastructure and research funding -- **the Ex-Im bank is small potatoes. FIRST, THE AMOUNT OF TRADE CREDIT THAT EX-IM EXTENDS TO CUSTOMERS OF U.S. EXPORTERS IS MICROSCOPIC COMPARED WITH THE AMOUNT PROVIDED BY, SAY, CHINA.** Even if you believe that Ex-Im cancels out the market distortions created by the Chinese government, **THE U.S.'S \$27 BILLION A YEAR ISN'T GOING TO DO MUCH AGAINST CHINA'S \$400 BILLION. SECOND, THE BANK DOESN'T SUBSIDIZE SERVICE EXPORTS, WHICH ARE AN INCREASINGLY IMPORTANT PART OF THE U.S. TRADE PICTURE. AND THIRD, THE LARGE COMPANIES EX-IM SUBSIDIZES HAVE DEEP-ENOUGH POCKETS THAT THEY CAN PROBABLY MUDDLE THROUGH IN MOST OF THEIR MARKETS WITHOUT EX-IM ASSISTANCE.**

Some of their suppliers will suffer, but many of them are located in other countries.

AT: Competitiveness

No risk of economy or heg decline - competitiveness theory is false Fallows '10

[James, correspondent for *The Atlantic Monthly*, studied economics at Oxford University as a Rhodes Scholar. He has been an editor of *The Washington Monthly* and of *Texas Monthly*, and from 1977 to 1979 he served as President Jimmy Carter's chief speechwriter. His first book, *National Defense*, won the American Book Award in 1981; he has written seven others. "How America Can Rise Again", Jan/Feb edition, <http://www.theatlantic.com/doc/201001/american-decline>]

THE QUESTION that matters IS NOT WHETHER AMERICA IS "FALLING BEHIND" BUT instead something like John Winthrop's original question of WHETHER IT IS FALLING SHORT—or even falling apart. This is not the mainstream American position now, so let me explain. First is the simple reality that one kind of "decline" is inevitable AND THEREFORE NOT WORTH WORRYING ABOUT. CHINA HAS ABOUT four times AS MANY PEOPLE AS AMERICA DOES. SOMEDAY ITS ECONOMY WILL BE LARGER THAN OURS. FINE! A generation ago, its people produced, on average, about one-sixteenth as much as Americans did; now they produce about one-sixth. That change is a huge achievement for China—and a plus rather than a minus for everyone else, because a business-minded China is more benign than a miserable or rebellious one. When the Chinese produce one-quarter as much as Americans per capita, as will happen barring catastrophe, their economy will become the world's largest. This will be good for them but will not mean "falling behind" for us. WE KNOW THAT FOR MORE THAN A CENTURY, THE CONSCIOUSNESS OF DECLINE HAS BEEN A BLIGHT ON BRITISH POLITICS, THOUGH IT HAS INSPIRED SOME MEMORABLE, MELANCHOLY LITERATURE. THERE IS NO REASON FOR AMERICA TO FEEL DEPRESSED ABOUT THE NATURAL EMERGENCE OF CHINA, INDIA, AND OTHERS AS WORLD POWERS. BUT SECOND, AND MORE IMPORTANT, AMERICA MAY HAVE REASONS TO FEEL ACTIVELY OPTIMISTIC ABOUT ITS PROSPECTS IN PURELY RELATIVE TERMS. The Crucial American Advantage Let's start with the more modest claim, that China has ample reason to worry about its own future. Will the long-dreaded day of reckoning for Chinese development finally arrive because of environmental disaster? Or via the demographic legacy of the one-child policy, which will leave so many parents and grandparents dependent on so relatively few young workers? Minxin Pei, who grew up in Shanghai and now works at Claremont McKenna College, in California, has predicted in *China's Trapped Transition* that within the next few years, tension between an open economy and a closed political system will become unendurable, and an unreformed Communist bureaucracy will finally drag down economic performance. AMERICA WILL BE BETTER OFF IF CHINA DOES WELL THAN IF IT FLOUNDERS. A prospering China will mean a bigger world economy with more opportunities and probably less turmoil—and a China likely to be more cooperative on environmental matters. But whatever happens to China, prospects could soon brighten for America. The AMERICAN CULTURE'S PARTICULAR STRENGTHS COULD conceivably be about to ASSUME NEW IMPORTANCE AND GIVE OUR ECONOMY NEW PEP. INTERNATIONAL NETWORKS WILL MATTER MORE with each passing year. As the one truly universal nation, THE UNITED STATES CONTINUALLY REFRESHES ITS CONNECTIONS WITH THE REST OF THE WORLD—through languages, family, education, business—IN A WAY no other nation does, OR WILL. The countries that are comparably open—Canada, Australia—aren't nearly as large; THOSE WHOSE ECONOMIES ARE COMPARABLY LARGE—Japan, unified Europe, eventually China or India—AREN'T NEARLY AS OPEN. The simplest measure of whether a culture is dominant is whether outsiders want to be part of it. At the height of the British Empire, colonial subjects from the Raj to Malaya to the Caribbean modeled themselves in part on Englishmen: Nehru and Lee Kuan Yew went to Cambridge, Gandhi, to University College, London. Ho Chi Minh wrote in French for magazines in Paris. These DAYS THE WORLD IS FULL OF BUSINESSPEOPLE, BUREAUCRATS, AND SCIENTISTS WHO HAVE TRAINED IN THE UNITED STATES.

AT: Nuclear Leadership

Nuclear Leadership Fails – U.S. won't exercise it, agency competition constrains it, and it doesn't cause other states to change behavior

Richard **Cleary 12**, Research Assistant at the American Enterprise Institute, 8/13/12, "Persuading Countries to Forgo Nuclear Fuel-Making: What History Suggests," <http://npolicy.org/article.php?aid=1192&tid=30>

In recent years, THERE HAS BEEN A RESURGENCE OF PROPOSALS DESIGNED TO LIMIT THE SPREAD OF NUCLEAR FUEL-MAKING FACILITIES, with the understanding that ostensibly peaceful technology can allow for the production of the fissile material required for a nuclear weapon. With U.S. proposals ranging from the Global Nuclear Energy Partnership (GNEP) to a revamped, "Gold Standard" bilateral nuclear cooperation agreement, A WIDER ARRAY OF TOOLS HAS BEEN PUT AT THE DISPOSAL OF AMERICAN POLICY MAKERS. PROMINENT MEMBERS OF THE INTERNATIONAL COMMUNITY HAVE BECOME AGITATED ABOUT THE PROSPECT OF THE PROLIFERATION OF FUEL-MAKING TECHNOLOGY as well, with numerous proposals of fuel assurances put forward by such disparate figures as Vladimir Putin and Mohamed ElBaradei. But RENEWED ENTHUSIASM FOR NONPROLIFERATION BEGS QUESTIONS ABOUT HOW NOVEL THE INSTRUMENTS PROPOSED ARE, AND, MOREOVER, HOW EFFECTIVE THEY ARE LIKELY TO BE, PARTICULARLY FOR THE COUNTRY HISTORICALLY AT THE HEAD OF NONPROLIFERATION EFFORTS, THE UNITED STATES. A REVIEW OF THIS HISTORICAL RECORD SUGGESTS THAT OPTIMISM ABOUT THE U.S. ABILITY TO DISSUADE COUNTRIES FROM THIS PATH IS MISPLACED.

THIS ESSAY CONSIDERS SUPPLY SIDE PROPOSALS OF FUEL ASSURANCE, MULTILATERAL FUEL-MAKING, AS WELL AS SPECIFIC INTERVENTIONS ON BOTH THE SUPPLY AND DEMAND SIDES, CONSULTING PARTICULAR CASES in Iran (1974-1978), West Germany-Brazil (1975-1977), South Korea (1974-1976) and Pakistan (1972-1980) TO DRAW LESSONS ABOUT THE EFFECTIVENESS OF U.S. PRACTICES UNDER DIFFERING CIRCUMSTANCES. THE RECORD THESE CASES GIVE IS MIXED, DUE TO TWO PRINCIPAL CAUSES. THE FIRST IS THE FAILURE OF THE U.S. TO CONSISTENTLY PRIORITIZE NONPROLIFERATION EFFORTS GIVEN WASHINGTON'S GLOBAL AND COMPETING INTERESTS, INTERESTS THAT TEND TO BE EMBRACED BY DIFFERENT FACTIONS IN THE FEDERAL GOVERNMENT APPARATUS BUT WHOSE ULTIMATE ARBITER IS THE PRESIDENT (along with his close advisors). THE SECOND IS THE TENDENCY OF DECISIONS ABOUT NUCLEAR FUEL-MAKING BY THE STATE IN QUESTION TO BE INFLUENCED MORE BY FUNDAMENTAL TRENDS OR FACTORS THAN DIPLOMATIC MANEUVERING FROM WASHINGTON; DIPLOMACY IS MOST EFFECTIVE WHEN IT HAS THE POLITICAL, ECONOMIC AND MILITARY BACKING TO IMPLICATE THESE ISSUES. THE MOST IMPORTANT FACTOR IN U.S. EFFORTS HAS TENDED TO BE THE BILATERAL RELATIONSHIP BETWEEN WASHINGTON AND THE COUNTRY AT HAND. DECISION-MAKERS WHO CONSIDER THEIR COUNTRY'S RELATIONSHIP WITH THE U.S. TO BE STRATEGICALLY VITAL—AND BELIEVE THAT FUEL-MAKING WOULD THREATEN THIS RELATIONSHIP—ARE MOST LIKELY TO FORGO ENRICHMENT AND REPROCESSING (ENR) TECHNOLOGY. THIS CALCULUS CAN BE INFORMED BY A RANGE OF DYNAMICS, SOME BEYOND U.S. CONTROL, SUCH AS SECURITY CONCERNS, ISSUES OF PRESTIGE, AND COMMERCIAL AND INDUSTRIAL INTERESTS. DOMESTIC POLITICS AND PUBLIC OPINION, BOTH IN THE UNITED STATES AND IN THE COUNTRY CONSIDERING FUEL-MAKING, CAN BE INFLUENTIAL.

AT: Naval Power

Naval power resilient – no challengers to overwhelming U.S. power

Posen 3 (Barry R., Professor of Political Science – Massachusetts Institute of Technology, “Command of the Commons: The Military Foundation of U.S. Hegemony”, *International Security*, 28(1), Ebsco)

Command of the commons is the military foundation of U.S. political preeminence. It is the key enabler of the hegemonic foreign policy that the United States has pursued since the end of the Cold War. THE MILITARY CAPABILITIES REQUIRED TO SECURE COMMAND OF THE COMMONS ARE THE U.S. STRONG SUIT. THEY LEVERAGE SCIENCE, TECHNOLOGY, AND ECONOMIC RESOURCES. They rely on highly trained, highly skilled, and increasingly highly paid military personnel. ON THE WHOLE, THE U.S. MILITARY ADVANTAGE AT SEA, IN THE AIR, AND IN SPACE WILL BE VERY DIFFICULT TO CHALLENGE—LET ALONE OVERCOME. COMMAND IS FURTHER SECURED BY THE WORLDWIDE U.S. BASE STRUCTURE AND THE ABILITY OF U.S. DIPLOMACY TO LEVERAGE OTHER SOURCES OF U.S. POWER TO SECURE ADDITIONAL BASES AND OVERFLIGHT RIGHTS as needed.

No impact to naval decline

McGrath 2010, Director of Consulting, Studies and Analysis at Delex Systems, Inc, citing Robert Gates, Bryan, “Debate: Do We Need 11 Carrier Groups: Yes”, Atlantic Council, http://www.acus.org/new_atlanticist/debate-do-we-need-11-carrier-groups-yes, KHaze

Next there’s this—and it is a longish clip from the speech: “It is important to remember that, AS MUCH AS THE U.S. BATTLE FLEET HAS SHRUNK SINCE THE END OF THE COLD WAR, THE REST OF THE WORLD’S NAVIES HAVE SHRUNK EVEN MORE. SO, IN RELATIVE TERMS, THE U.S. NAVY IS AS STRONG AS IT HAS EVER been. In assessing risks and requirements even in light of an expanding array of global missions and responsibilities – everything from shows of presence to humanitarian relief – some context is useful:

- THE U.S. OPERATES 11 LARGE CARRIERS, ALL NUCLEAR POWERED. IN TERMS OF SIZE AND STRIKING POWER, NO OTHER COUNTRY HAS EVEN ONE COMPARABLE SHIP.
- THE U.S. NAVY HAS 10 LARGE-DECK AMPHIBIOUS SHIPS THAT CAN OPERATE AS SEA BASES FOR HELICOPTERS AND VERTICAL-TAKEOFF JETS. NO OTHER NAVY HAS MORE THAN THREE, AND ALL OF THOSE NAVIES BELONG TO OUR ALLIES OR FRIENDS. OUR NAVY CAN CARRY TWICE AS MANY AIRCRAFT AT SEA AS ALL THE REST OF THE WORLD COMBINED.
- THE U.S. HAS 57 NUCLEAR-POWERED ATTACK AND CRUISE MISSILE SUBMARINES – AGAIN, MORE THAN THE REST OF THE WORLD COMBINED.
- SEVENTY-NINE AEGIS-EQUIPPED COMBATANTS CARRY ROUGHLY 8,000 VERTICAL-LAUNCH MISSILE CELLS. IN TERMS OF TOTAL MISSILE FIREPOWER, THE U.S. ARGUABLY OUTMATCHES THE NEXT 20 LARGEST NAVIES.
- ALL TOLD, THE DISPLACEMENT OF THE U.S. BATTLE FLEET – A PROXY FOR OVERALL FLEET CAPABILITIES – EXCEEDS, BY ONE RECENT ESTIMATE, AT LEAST THE NEXT 13 NAVIES COMBINED, OF WHICH 11 ARE OUR ALLIES OR PARTNERS.
- AND, AT 202,000 STRONG, THE MARINE CORPS IS THE LARGEST MILITARY FORCE OF ITS KIND IN THE WORLD AND EXCEEDS THE SIZE OF MOST WORLD ARMIES.”

AT: TPP Politics HSS

U Overwhelms/PC not key

Zero chance congress rejects TPP post fast track approval – structural factors
Stoltzfoos, 6/23 -- Rachel, Reporter @ Daily Caller, Daily Caller, 6/23/15,
<http://dailycaller.com/2015/06/23/congress-secures-trade-promotion-authority-for-obama/>

TPA would give Congress more power to shape the trade agreement by defining specific objectives the president must work toward in a deal, and by setting new transparency rules. But ONCE THE PRESIDENT SUBMITS A DEAL TO CONGRESS, TPA GREATLY RESTRICTS THE SENATE'S ABILITY TO BLOCK OR COMPLICATE the deal. Any deal the president submits to Congress in the next six years is almost guaranteed to pass, BECAUSE THE SENATE MUST PROMPTLY APPROVE OR REJECT THE DEAL WITH NO CHANCE TO AMEND IT AND LITTLE TIME FOR DEBATE. AND JUST 51 VOTES WOULD BE REQUIRED FOR PASSAGE — A FAR CRY FROM THE 61 VOTES REQUIRED FOR MAJOR LEGISLATION. (RELATED: Why Are Senate Republicans So Eager To Cede Their Trade Authority To Obama?)What do you think? Obama says HE NEEDS TPA TO CONCLUDE a massive trade deal, the TRANS-PACIFIC PARTNERSHIP, which he is currently negotiating with 11 other countries. And the Republicans who fought for the deal say TPA is key to future free trade agreements that will benefit the U.S. economy.What do you think? CRITICS CONTEND ITS A DANGEROUS CONCESSION OF SENATE POWER to a president that can't be trusted.

Its Guaranteed – even opponents are conceding
Werner, 6/24 – Erica, Reporter @ Associated Press, Boston Herald, 6/24/15,
http://www.bostonherald.com/news_opinion/national/2015/06/senate_vote_moves_obamas_trade_agenda_to_brink_of_enactment

Some ANTI-FREE-TRADE GROUPS, HOWEVER, essentially conceded defeat. "FAST TRACK MAKES IT virtually certain THAT THE Trans-Pacific Partnership (TPP), Trade in Services Agreement (TISA), AND OTHER SECRET TRADE DEALS WILL BECOME LAW," SAID the "Internet-freedom" group FIGHT FOR THE FUTURE. Tuesday's SENATE VOTE WAS AS PAINFUL FOR THE AFL-CIO AND OTHER UNIONS AS IT WAS WELCOMED BY THE WHITE HOUSE. Many corporate, agricultural and manufacturing groups cheered.

Fast Track authority ensures TPP will pass WITH EASE – structural factors, last realistic barrier, and passage was a white flag for deal opponents in congress
Lopez, 6/24 – Laura Barron-Lopez, covers Congress for The Huffington Post. Previously, she reported for The Hill and E&E Publishing's Greenwire, Huffington Post, 6/24/15,
http://www.huffingtonpost.com/2015/06/24/pelosi-backs-taa_n_7654954.html

PELOSI STANDS DOWN On TAA, CLEARING WAY FOR OBAMA'S TRADE AGENDA House Minority Leader Nancy PELOSI (D-Calif.) waved the white flag on Wednesday, TELLING HER CAUCUS SHE WOULD SUPPORT PASSAGE OF A KEY MEASURE tethered to President Barack Obama's broader trade agenda. HER SUPPORT all but guarantees THAT THE MEASURE WILL SUCCEED, THEREBY HANDING OBAMA A MAJOR VICTORY ON TRADE. PELOSI AND HOUSE DEMOCRATS WERE THE last obstacle AGAINST REPUBLICAN AND PRO-TRADE DEMOCRATS'

EFFORTS TO GRANT OBAMA so-called "FAST-TRACK" AUTHORITY TO clear major trade deals, such as the Trans-Pacific Partnership, through Congress with ease. House Democrats succeeded in blocking fast-track nearly two weeks ago when they defeated Trade Adjustment Assistance, which was tied to the fast-track legislation. TAA provides aid to workers who have lost their jobs as a result of trade deals. In response to the defeat of TAA, Obama and Republican leaders crafted a new plan to pass fast-track, also known as Trade Promotion Authority, as a standalone bill without TAA. The clean fast-track bill, already passed by the House, is expected to sail through the Senate later Wednesday and then on to Obama's desk. Next, the Senate will immediately move to pass TAA for workers, which is now attached to an African trade preferences bill, after which it will be sent back to the House. And with Pelosi's support, TAA should have the votes for passage. "I'm disappointed that the TAA bill isn't nearly as robust as it should be in light of a trade agreement that encompasses 40 percent of the global economy," Pelosi wrote in a Dear Colleague letter to House Democrats. "While we may not all vote in the same manner on TAA, I will support its passage because it can open the door to a full debate on TPP." Obama is currently negotiating the **TPP** with 11 Pacific nations. The TPP and two other large trade deals that the administration is working on, together encompass over half of the world's economy. The **PASSAGE** of the agreements **depends on CONGRESS GRANTING HIM FAST-TRACK POWERS**. Pelosi and a majority of House Democrats oppose fast-track, as well as the massive trade deals that the administration is pushing. They argue that such deals fail to protect workers at home, lack sufficiently robust environmental standards and financial regulations, and do nothing to stop unfair currency manipulation. "My standard for any trade agreement is that it must create good-paying 21st century jobs, increase the paychecks of American workers, and it must do so recognizing the relationship between commerce and climate," Pelosi wrote. **WITH FAST-TRACK LEGISLATION** expected to reach Obama's desk Wednesday evening and be **SIGNED INTO LAW, THE PUBLIC WILL HAVE ONLY TWO MONTHS TO READ AND UNDERSTAND** deals such as the **TPP AFTER THEY ARE NEGOTIATED AND BEFORE THE PRESIDENT SIGNS THEM. Congress will have to approve the deals as quickly AS ONE MONTH AFTER THAT, WITH no changes allowed.**

TPP Guaranteed - no filibuster, Dems don't want the fight, TPA passage make political downsides a sunk cost – fights on other issues don't spillover to trade anyway
Weisman, 6/23 – Jonathan, Economic Policy Reporter @ NYT, 6/23/15,
<http://www.nytimes.com/2015/06/24/us/politics/senate-vote-on-trade-bill.html>

President Obama's ambitious trade push is back on track, after several near-death moments, in large measure because top Republicans stood by him. **THE SENATE** on Tuesday narrowly **VOTED TO END DEBATE ON LEGISLATION GRANTING Mr. OBAMA ENHANCED NEGOTIATING POWERS TO COMPLETE A MAJOR PACIFIC TRADE ACCORD, virtually assuring FINAL PASSAGE** Wednesday **OF Mr. OBAMA'S TOP LEGISLATIVE PRIORITY** in his final years in office. The procedural vote of 60 to 37 just reached the minimum needed, but final Senate passage will require only 51 votes. The House approved trade promotion authority last week. Representative Nancy Pelosi, the Democratic leader in the House, criticized the Republicans' approach, saying it would hinder the ability to address climate change and its connection to commerce through the broader trade bill. House Sends Trade Bill Back to Senate in Bid to Outflank Foes **JUNE 18, 2015** People harvesting lychee in Vietnam, which is the only Communist member of the prospective Trans-Pacific Partnership. Failure of Obama's Trans-Pacific Trade Deal Could Hurt U.S. Influence in Asia **JUNE 16, 2015** House Republicans and White House Try to Revive Trade Bill Stalled by Democrats **JUNE 15, 2015** **WITH CONGRESSIONAL SUPPORT FOR "FAST TRACK" AUTHORITY, THE PRESIDENT CAN PRESS FOR FINAL AGREEMENT ON THE TRANS-PACIFIC PARTNERSHIP,** a legacy-defining accord linking 40 percent of the world's economy — from Canada and Chile to Japan and Australia — in a web of rules governing Pacific commerce. His administration can also bear down on a second agreement with Europe — known as the Transatlantic Trade and Investment Partnership — **KNOWING THAT LAWMAKERS WILL BE ABLE TO VOTE FOR OR AGAINST THOSE AGREEMENTS BUT WILL NOT BE ABLE TO AMEND OR FILIBUSTER THEM.** The Atlantic agreement is not expected to be completed until the next administration is in office, but the trade negotiating powers would stretch for six years — well into the next presidency. Together those two accords would put much of the globe under the same trade rules, not only lowering tariffs and other import barriers but also creating new standards for Internet access, intellectual property and investor protections. "This is a very important day for our country," said Senator Mitch McConnell, Republican of Kentucky and the majority leader, whose procedural maneuvering was largely responsible for the outcome. "America is back in the trade business." Most Democrats — along with labor unions, environmental groups and liberal activists — disagreed, saying that such trade agreements had resulted in lost manufacturing jobs and lower wages for American workers. "It is a great day for the big money interests, not a great day for working families," said Senator Bernie Sanders, independent of Vermont, who is seeking the Democratic presidential nomination. But 13 Democrats sided with Republicans to end the debate and get to a final vote on trade promotion authority. Tuesday's vote was the second time the Senate had blocked a filibuster of fast-track authority, but this time the bill was shorn of a separate measure to offer enhanced retraining and educational assistance to workers displaced by international trade accords. That measure also faces a crucial vote on Wednesday. Passage of a stand-alone trade promotion bill will put pressure on House Democrats, who just over a week ago brought down the worker aid provision, known as trade adjustment assistance, when it was linked to the fast-track legislation, in a strategic move they hoped would defeat the entire trade package. But Republican leaders — with support from the White House — found a parliamentary way to corner the Democratic opponents, by separating the two pieces of the bill. By Wednesday evening, **LEGISLATION WILL MOST LIKELY BE ON THE PRESIDENT'S DESK, GIVING HIM THE POWER TO COMPLETE THE TRANS-PACIFIC PARTNERSHIP.** He can sign it whether or not the House passes worker dislocation assistance when it is scheduled to come to a vote late Thursday. Josh Earnest, the White House press secretary, said House Democrats should get on board. "The previous explanation

that we heard from some Democrats who voted against trade adjustment assistance — something that Democrats have steadfastly supported for decades — is that they were doing that in an effort to slow down the advancement of trade promotion authority legislation,” he said. “That will no longer be a factor to consider.”

THE TORTUOUS PATH OF THE TRADE LEGISLATION over the last six months **CREATED THE UNUSUAL ALLIANCE BETWEEN** Mr. **OBAMA AND REPUBLICAN LEADERS, WHO otherwise have worked to thwart him ON**

DOMESTIC AND FOREIGN POLICIES. “Occasionally, even the leader of the Democratic Party, the president of the United States, gets things right,”

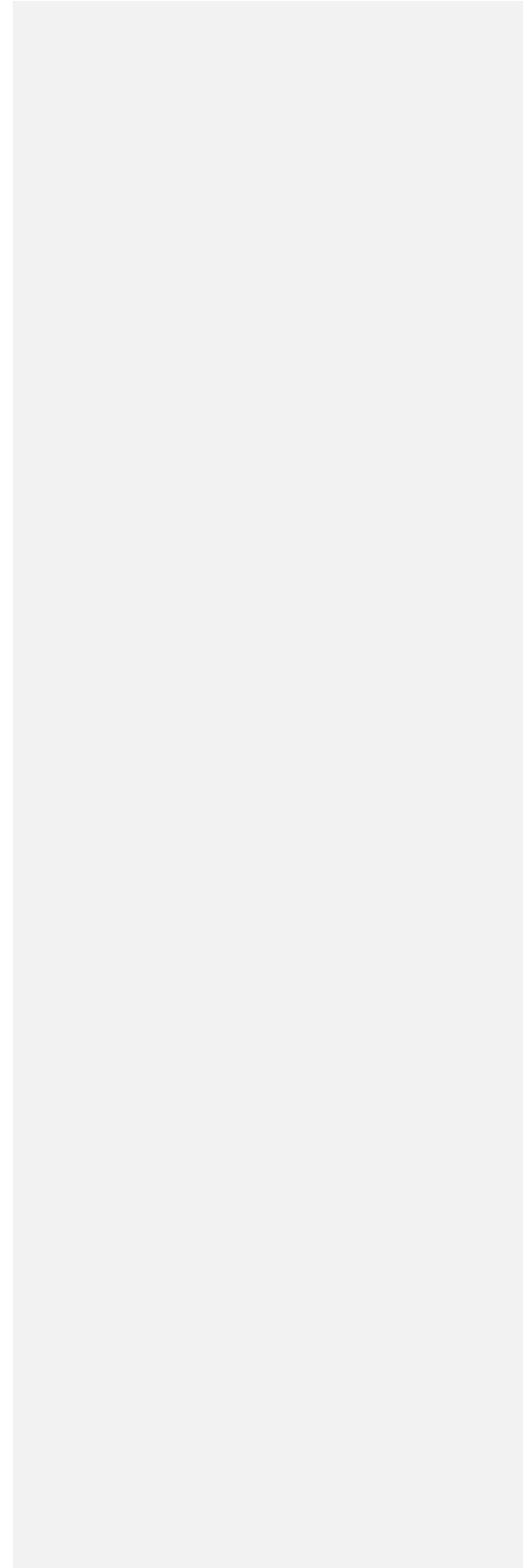
said Senator John Cornyn of Texas, the No. 2 Republican. In the end, Mr. **MCCONNELL all but secured THE TOP REMAINING**

LEGISLATIVE PRIORITY OF A PRESIDENT he once vowed to turn out after one term. The Senate is set on Wednesday to give final approval to trade promotion authority, then vote to end debate on a separate bill that attaches worker dislocation assistance to a broadly popular bill extending a trade agreement with several African countries. To attract more votes, Senate leaders added another provision speeding up action against foreign competitors who are found to be “dumping” — selling steel and other products in the United States at artificially low prices in an effort to put domestic manufacturers out of business. Senators would vote on that package on Thursday, and if it is approved, as expected, it would go to the House the same day. This time, if Democrats vote down trade adjustment assistance, they will be effectively killing a worker education and retraining program created during the Kennedy administration and that party members have nurtured ever since, but will still most likely watch Mr. Obama sign the fast-track bill into law. “I don’t think any Democrats voted against T.A.A. last time because they opposed T.A.A.,” said Representative Steny Hoyer of Maryland, the House’s No. 2 Democrat. “I will concede there will be a different context” around the next vote. At the same time, House and Senate negotiators will begin hashing out differences over a separate bill enhancing measures to police trade agreements. Opponents had hoped that trade promotion authority without worker assistance would run into trouble in the Senate. And some Democrats tried to stoke fears that Congress could give the president the power to complete major trade deals without assistance to affected workers. “How shameful is that?” said Senator Sherrod Brown, Democrat of Ohio, who led the opposition to trade promotion authority. “We’re making this decision knowing people will lose their jobs because of our actions. Yet we are not going to pass this assistance.” In the end, though, **DEMOCRATIC SENATORS WHO HAD ALREADY**

VOTED ONCE FOR TRADE PROMOTION AUTHORITY understood they were not going to escape the criticism, ESPECIALLY FROM THE UNIONS. THEY wanted to be done with it. Senate **DEMOCRATS HAD**

already taken a lot of hits IN GETTING TO THIS POINT.” said Senator Ron Wyden of Oregon, the ranking Democrat on the Finance Committee and a co-author of the trade promotion bill.

--- Pivot Impact Answers ---



Asia Pivot Thumper – Sequestration/ISIS

Sequestration plus ISIS jack asia pivot.

Whyte and Weitz 1-29. [Leon, MA candidate @ Fletcher School of Law and Diplomacy @ Tufts, Richard, Senior Fellow and Director of the Center for Political-Military Analysis at the Hudson Institute, non-resident Adjunct Senior Fellow @ Center for a New American Security, "Enough to go around? Money matters complicate US strategic rebalance to Asia-Pacific" Fletcher Security Review Vol 2 No 1 -- www.hudson.org/content/researchattachments/attachment/1455/2015_01_29_weitz_whyte.pdf]

However, U.S. **ECONOMIC WEAKNESSES AND THE BUDGET CONTROL ACT OF 2011** – which mandates cuts in U.S. government spending (KNOWN AS “SEQUESTRATION”) – **HAVE CONSTRAINED THE U.S.’s GOVERNMENT’S ABILITY TO RESOURCE THE REBALANCE ADEQUATELY AND MEET ITS regional SECURITY’s COMMITMENTS.**⁷ The sequestration process was deliberately devised to present the Congress with an unacceptable outcome if the members failed to balance the budget through a combination of tax hikes and targeted spending cuts. But the congressional compromise has failed to occur, and now **SEQUESTRATION IS THREATENING TO WRECK HAVOC THROUGHOUT THE GOVERNMENT’s WITH ARBITRARY PERCENTAGE-DRIVEN SPENDING CUTS, COMPLICATING MATTERS FURTHER IN THE DEFENSE’s DOMAIN ARE THE TALIBAN’S RESILIENCE IN AFGHANISTAN AND THE STUNNING EMERGENCE OF THE ISLAMIC STATE IN IRAQ AND SYRIA, DURING THE INITIAL PLANNING AND UNVEILING OF THE REBALANCE, THE UNITED STATES ASSUMED IT WOULD BE POSSIBLE TO SHIFT MORE RESOURCES TO ASIA AS IT CURTAILED ITS COMMITMENTS IN THE MIDDLE EAST AND SOUTH ASIA, 8 YET U.S. ENGAGEMENT IN THESE AREAS IS STEADYING OR GROWING. NEW CHALLENGES HAVE ALSO EMERGED IN EUROPE DUE TO RUSSIAN AGGRESSION’s AGAINST UKRAINE.**

Sequestration and troop reductions jack Asia Pivot.

Whyte and Weitz 1-29. [Leon, MA candidate @ Fletcher School of Law and Diplomacy @ Tufts, Richard, Senior Fellow and Director of the Center for Political-Military Analysis at the Hudson Institute, non-resident Adjunct Senior Fellow @ Center for a New American Security, "Enough to go around? Money matters complicate US strategic rebalance to Asia-Pacific" Fletcher Security Review Vol 2 No 1 -- www.hudson.org/content/researchattachments/attachment/1455/2015_01_29_weitz_whyte.pdf]

In 2014, Katrina McFarland, the U.S. Assistant Secretary of Defense for Acquisition, declared that **DUE TO BUDGET CONSTRAINTS “THE PIVOT IS BEING LOOKED AT AGAIN, BECAUSE CANDIDLY IT can’t happen.”**²¹ The next day, MacFarland withdrew her statement, but **THERE ARE GENUINE CONCERNS’s ABOUT U.S. ABILITY TO CONTINUE STRENGTHEN COMMITMENTS TO ASIA WHILE MANAGING OTHER’s WORLDWIDE CRISES AS DEFENSE RESOURCES SHRINK.** For example, despite his many assurances to Asian allies about the rebalance policy, **HAGEL WARNED IN 2014 THAT, IF THE SEQUESTRATION CUTS’s CONTINUED AS PLANNED, THE MILITARY WOULD BECOME A “HOLLOW FORCE. . . NOT CAPABLE OF FULFILLING’s ASSIGNED MISSIONS.”**²² Under current plans, the United States will reduce its military budget by \$487 billion in planned cuts over the next ten years on top of a potential additional \$500 billion in cuts mandated by sequestration.²³ **A FURTHER CONCERN IS THAT THE U.S. MILITARY’s WILL HAVE TO REALLOCATE RESOURCES TO CARRY OUT NEW MISSIONS IN IRAQ, SYRIA, EUROPE, AND OTHER’s LOCATIONS.**²⁴ **ANOTHER IMPORTANT ASPECT OF THE DEFENSE CUT IS THE PLAN TO REDUCE THE OVERALL SIZE OF THE ACTIVE’s DUTY U.S. ARMY TO FEWER THAN 450,000 SOLDIERS, WHICH WOULD BE ITS SMALLEST SIZE SINCE BEFORE’s WWII.**²⁵ **FOR SEOUL, THESE REDUCTIONS ARE OF PARTICULAR CONCERN BECAUSE ANY MAJOR KOREAN CONTINGENCY IN THE EVENT OF A NORTH KOREAN INVASION OR COLLAPSE WOULD REQUIRE**

A MASSIVE GROUND FORCE TO STABILIZE THE PENINSULA, FOR JAPAN AND SOUTH EAST ASIAN COUNTRIES, THE U.S. NAVY PRESENCE IS A MAJOR CONCERN SINCE MUCH OF THE DISPUTED TERRITORY IN THE REGION IS MARITIME. Even if the Navy moves 60 percent of their fleet to the Pacific by 2020, continuing current cuts may result in a smaller force. For example, the 2015 Department of Defense budget reduced funding for U.S. Navy shipbuilding from \$17.9 billion to \$14.4 billion.²⁷ THE U.S. AIR FORCE, WHICH WOULD BE IMPORTANT IN ANY CONFLICT IN THE ASIA-PACIFIC, HAS SUFFERED CRITICAL BUDGET CUTS RELATING TO ITS READINESS, FORCE STRUCTURE, AND MODERNIZATION ACCOUNTS.²⁸ THESE defense CUTBACKS has LED THE HEAD OF U.S. PACIFIC COMMAND, Adm. Locklear, TO STATE THAT "THE ABILITY FOR THE SERVICES TO PROVIDE THE TYPE OF MARITIME COVERAGE, the air coverage of some of the key elements THAT WE'VE HISTORICALLY NEEDED IN THIS PART OF THE WORLD FOR CRISIS RESPONSE, HAVE NOT BEEN AVAILABLE TO THE LEVEL THAT I WOULD CONSIDER ACCEPTABLE RISK [DUE TO RECENT BUDGET CUTBACKS]," a response bound to leave U.S. allies uneasy as tensions remain high in East Asia.²⁹ U.S. efforts to revitalize the U.S. nuclear weapons establishment or develop new non-nuclear technologies, such as through the Pentagon's new Offset Strategy,^a are also constrained by limited funding.

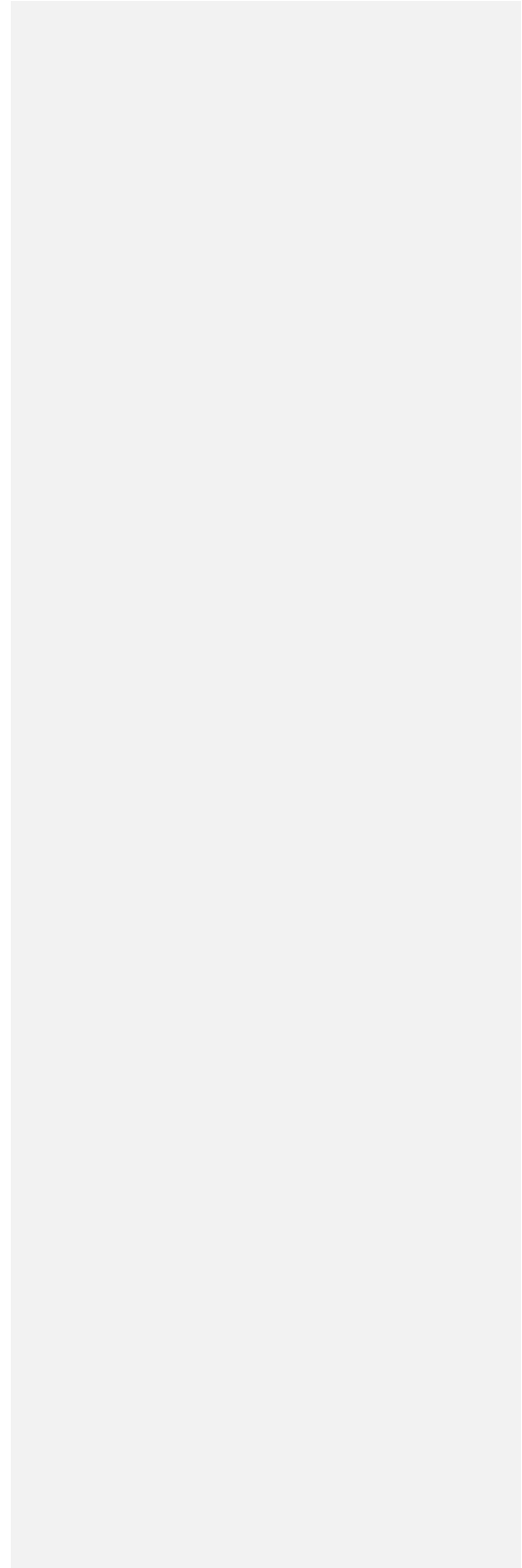
Asia Pivot Thumper - AIIB

Zero influence in Asia now – AIIB proves.

Auslin 3-17. [Michael, resident scholar and the director of Japan Studies at the American Enterprise Institute, "Obama's Asia Policy Flounders" Commentary Magazine -- <https://www.commentarymagazine.com/2015/03/17/obamas-asia-policy-flounders/>]

THE second piece of **EVIDENCE ON THE MISSTEPS OF OBAMA'S ASIA POLICY** is the little-known issue of **THE ASIAN INFRASTRUCTURE INVESTMENT BANK** (AIIB). This is arguably **A** far more serious failure to understand and react to a major foreign initiative than the Burmese example. **IN 2014, THE CHINESE GOVERNMENT PROPOSED A** \$50 billion **LENDING INSTITUTION** for the region. The AIIB is inescapably **AN ALTERNATIVE TO THE WORLD BANK** and the Asian Development Bank, both of which are guided by Western financial principles and ensure the influence of Washington or allied nations, like Japan. As the biggest shareholder, founder, and guiding spirit, **CHINA MOST LIKELY WILL DOMINATE THE AIIB, AND THEREBY INCREASE ITS ECONOMIC AND POLITICAL INFLUENCE EVEN MORE IN ASIA.**^a **THE** founding of the **AIIB MIGHT NOT HAVE BEEN SUCH A BIG DEAL, BUT FOR THE OBAMA ADMINISTRATION'S HAM-FISTED RESPONSE. IN TRYING TO PRESSURE NATIONS NOT TO SIGN ON AS SHAREHOLDERS, OBAMA HAS REVEALED JUST HOW LITTLE GLOBAL INFLUENCE HE HAS. NOT ONLY HAVE MOST ASIAN NATIONS SIGNED ON, BUT AMERICA'S MAIN ALLIES, INCLUDING GREAT BRITAIN, FRANCE, GERMANY, AND ITALY HAVE JOINED, AS WELL, IGNORING U.S. PLEAS TO STAY OUT.** The Financial Times charitably called Washington's abandonment by its allies a "blow" to US foreign policy. But with **THE NEWS THAT STALWART U.S. ALLY AUSTRALIA** has also **JOINED**, veteran and respected Australian commentator Greg Sheridan scathingly **DESTROYS THE FICTION OF AMERICAN STANDING IN ASIA**, writing that **CANBERRA'S DECISION represents a "colossal defeat" for Obama** (the article is behind a pay wall, but excerpts are here).^a **WHY HAS WASHINGTON FALLEN ON HARD TIMES IN ASIA?** In Sheridan's view, **OBAMA IS REAPING THE RESULTS OF YEARS OF "INCOMPETENT, DISTRACTED" DIPLOMACY THAT HAS LEFT HIS ADMINISTRATION WITH "NEITHER THE CONTINUOUS PRESENCE, NOR THE TACTICAL WHEREWITHAL, NOR THE STORE OF GOODWILL OR PERSONAL RELATIONSHIPS" TO CARRY ANYONE ALONG WITH IT.** As if to underscore Sheridan's analysis of Obama's diplomatic crudeness, which includes a reminder that Obama personally insulted Australian Prime Minister Tony Abbott with a "rogue" climate change speech at the G-20 in Brisbane last year, Washington accused London, its closest global ally, of "constant accommodation" of China, after its decision to join the AIIB. Such is the petulant, panicked response of an administration that has failed to understand, anticipate, analyze, and respond to changes that will reshape Asia's financial landscape.^a Now **WITH SOUTH KOREA CONSIDERING JOINING THE AIIB, WASHINGTON WILL BE LEFT ISOLATED** only with its ally Japan as new regional financial relationships are created. Ultimately, either Obama or his successor will likely bow to reality, and find a face-saving way to join the AIIB. Yet it will be clear to everyone in Asia, as well as Europe, that **THE UNITED STATES WAS OUTPLAYED BY CHINA AND FORCED INTO AN IMPOTENT, REACTIVE ROLE.**

---Trade Impact Answers---



trade resilient

Zero risk of protectionism

Ahearn 9 [Raymond, CRS Specialist in International Trade and Finance, “The Global Economic Downturn and Protectionism,” March 23, 2009, <http://www.policyarchive.org/handle/10207/bitstreams/19395.pdf>]

There are a number of reasons why THE THREAT OF A RETURN TO PROTECTIONIST, beggar-thy-neighbor POLICIES COULD BE VASTLY OVERSTATED. UNLIKE THE 1930S, TODAY’S GLOBAL ECONOMY HAS several STRONG FIREWALLS TO PREVENT GOVERNMENTS FROM RAISING TRADE BARRIERS that result in a cycle of retaliation and counter-retaliation. THESE FIREWALLS INCLUDE more institutionalized obstacles to protectionism built into THE WTO SYSTEM, more POLICY INSTRUMENTS TO ADDRESS THE ECONOMIC SLOWDOWN, AND A MORE INTERDEPENDENT and open world ECONOMY THAN EXISTED IN THE 1930S. In addition, some in toDAY’S MEDIA MAY TEND TO OVERSTATE THE THREAT OF PROTECTIONISM BY NOT always DISTINGUISHING BETWEEN PROTECTIONIST ACTIONS AND PROTECTIONIST PRESSURES and/or by equating legitimate forms of protection with protectionism. The fact that there is ample room for increases in trade measures and barriers that are consistent with the rules and obligations of the WTO often may go unappreciated in some press coverage. These trade measures and barriers include increases in applied tariffs to bound rates, and imposition of countervailing and antidumping duties, so-called ‘defensive’ trade measures.⁴ PROTECTION FOR LIMITED PERIODS OF TIME AND UNDER PRESCRIBED CONDITIONS IS BUILT INTO THE RULES OF THE WTO AS A POLITICAL SAFETY VALVE and as a recognition of the human and social costs that are associated with the often wrenching adjustments that accompany increased trade competition. Firewalls Against Protectionism WTO RULES TODAY SERVE TO KEEP A LID ON TRADE BARRIERS of its 153 members through an elaborate set of mutual obligations and dispute settlement procedures. Unlike the 1930s when countries could impose higher trade barriers unilaterally without violating any international agreements or anticipating a foreign reaction, under today’s rules members can take their disputes to the WTO for settlement rather than engaging in reciprocal retaliatory actions. The fact that countries violating WTO obligations can face WTO-sanctioned retaliation helps constrain outbreaks of unilateral actions that could be mutually harmful.⁵ Pressures for protection are also dampened by a world economy that is much more interdependent and integrated than in the 1930s.⁶ LEADING PRODUCERS HAVE BECOME SO INTERNATIONAL IN THEIR PRODUCTION OPERATIONS AND SUPPLY CHAINS THAT THEY HAVE DEVELOPED A VESTED INTEREST IN RESISTING PROTECTIONISM.⁷ Many industries that have faced import competition in the past – such as televisions and semiconductors—have found that international diversification or joint ventures with foreign partners are a more profitable way of coping with global competition than blocking goods at the border. In addition, many domestic industries have less incentive to ask for import restrictions because FOREIGN RIVALS NOW PRODUCE IN THE DOMESTIC MARKET, ELIMINATING THE BENEFITS OF TRADE BARRIERS FOR DOMESTIC FIRMS.⁸ Unlike the early 1930s, when governments took little responsibility for propping up financial institutions and were unable to pursue expansionary monetary policies due to fixed exchange rates under the gold standard, policymakers around the world today are adopting expansionary fiscal and monetary policies. These expansionary policies, in turn, have the capability of dampening protectionist pressures and demands that stem from job losses and related economic hardship with lower interest rates and increased expenditures on unemployment benefits and health

care benefits.⁹ A related consideration is that today's world economy is much more open than the world economy of the 1930s. Average tariffs on world trade have come down from the 50% range in the 1930s, to the 25% range in the 1980s, and to less than 10% today.¹⁰ Under these circumstances, **IT WOULD REQUIRE TREMENDOUS INCREASES IN PROTECTION TO GET THE WORLD BACK TO ANYWHERE NEAR THE CONDITIONS OF THE 1930S**, although a major increase in tariffs (e.g. a doubling) would be disruptive even if it left tariffs well below the 1930s levels. Scorecard of Protective Measures To Date **EMPIRICAL SUPPORT EXISTS FOR THE VIEW THAT EXISTING LEGAL, ECONOMIC, AND POLITICAL FIREWALLS ARE RESTRAINING TODAY'S PROTECTIONIST PRESSURES**. Most importantly, Pascal Lamy, the WTO's Director General, reported in January 2009 that most WTO members have successfully kept domestic protectionist pressures under control "with only limited evidence of increases in trade restricting or trade distorting measures" taken during the last six months of 2008. This assessment was based on the first report of the WTO secretariat on the trade effects of the global economic crisis. The report found only "limited evidence" of an increase in tariffs, non-tariff barriers or trade-remedy actions by member countries, but noted that the most significant actions taken in response to the global crisis have involved "financial support of one kind or another to banks and other financial institutions and to certain industries, notably the automobile industry."¹¹ The WTO report notes tariff increases on selected products being implemented by India, Russia, Ecuador, and Ukraine. Countries adopting non-tariff measures include Indonesia (port of entry barriers) and Argentina (import licensing requirements). Argentina was cited for measures that attempt to boost exports of selected products. But the report indicates that there has been "no dramatic increase" in antidumping investigations in the second half of 2008 compared to first half of 2008, but raised the possibility of increased trade remedy actions in 2009.¹² The World Bank, which has also been monitoring trade restrictions proposed and adopted since the beginning of the financial crisis, reached a conclusion similar to that of the WTO. Its initial report determined that there have been 47 trade restrictive measures imposed since the financial crisis began last summer, including 17 from G-20 countries, but that "these measures have probably had only marginal effects on trade flows to date." In addition to the measures cited by the WTO, the World Bank report cited China's import ban on various food products from the EU, and export subsidies provided by the EU, China, and India. Contrary to the WTO report, the World Bank report determined that "the number of antidumping cases (both investigations initiated and imposition of duties) surged in 2008."¹³

It will never collapse trade

Ikenson 9 (Daniel, associate director for the Center for Trade Policy Studies at the Cato Institute, "A Protectionism Fling: Why Tariff Hikes and Other Trade Barriers Will Be Short-Lived," 3/12, <http://www.freetrade.org/pubs/FTBs/FTB-037.html>)

A Little Perspective, Please **ALTHOUGH SOME GOVERNMENTS WILL DABBLE IN SOME DEGREE OF PROTECTIONISM, THE COMBINATION OF A STURDY RULES-BASED SYSTEM OF TRADE AND THE ECONOMIC SELF INTEREST IN BEING OPEN TO PARTICIPATION IN THE GLOBAL ECONOMY WILL LIMIT THE RISK OF A PROTECTIONIST PANDEMIC**. According to recent estimates from the International Food Policy Research Institute, **IF ALL WTO MEMBERS WERE TO RAISE ALL OF THEIR APPLIED TARIFFS TO THE MAXIMUM BOUND RATES, THE AVERAGE GLOBAL RATE OF DUTY WOULD DOUBLE AND THE VALUE OF GLOBAL TRADE WOULD DECLINE BY 7.7 PERCENT OVER FIVE YEARS**.⁸ That would be a substantial decline relative to the 5.5 percent annual rate of trade growth experienced this decade.⁹ **BUT, TO PUT THAT 7.7 PERCENT DECLINE IN HISTORICAL PERSPECTIVE, THE VALUE OF GLOBAL TRADE DECLINED BY 66 PERCENT BETWEEN 1929 AND 1934, A PERIOD MOSTLY IN THE WAKE OF SMOOT HAWLEY'S PASSAGE IN 1930**.¹⁰ so **THE POTENTIAL DOWNSIDE**

TODAY FROM what Bergsten calls "LEGAL PROTECTIONISM" IS ACTUALLY NOT THAT "MASSIVE," EVEN IF ALL WTO MEMBERS RAISED ALL OF THEIR TARIFFS TO THE HIGHEST PERMISSIBLE RATES. If most developing countries raised their tariffs to their bound rates, there would be an adverse impact on the countries that raise barriers and on their most important trade partners. But most developing countries that have room to backslide (i.e., not China) are not major importers, and thus the impact on global trade flows would not be that significant. OECD countries and China account for the top two-thirds of global import value.¹¹ Backsliding from India, Indonesia, and Argentina (who collectively account for 2.4 percent of global imports) is not going to be the spark that ignites a global trade war. Nevertheless, governments are keenly aware of the events that transpired in the 1930s, and have made various pledges to avoid protectionist measures in combating the current economic situation. In the United States, after President Obama publicly registered his concern that the "Buy American" provision in the American Recovery and Reinvestment Act might be perceived as protectionist or could incite a trade war, Congress agreed to revise the legislation to stipulate that the Buy American provision "be applied in a manner consistent with United States obligations under international agreements." In early February, China's vice commerce minister, Jiang Zengwei, announced that China would not include "Buy China" provisions in its own \$586 billion stimulus bill.¹² But even more promising than pledges to avoid trade provocations are actions taken to reduce existing trade barriers. In an effort to "reduce business operating costs, attract and retain foreign investment, raise business productivity, and provide consumers a greater variety and better quality of goods and services at competitive prices," the Mexican government initiated a plan in January to unilaterally reduce tariffs on about 70 percent of the items on its tariff schedule. Those 8,000 items, comprising 20 different industrial sectors, accounted for about half of all Mexican import value in 2007. When the final phase of the plan is implemented on January 1, 2013, the average industrial tariff rate in Mexico will have fallen from 10.4 percent to 4.3 percent.¹³ And Mexico is not alone. In February, the Brazilian government suspended tariffs entirely on some capital goods imports and reduced to 2 percent duties on a wide variety of machinery and other capital equipment, and on communications and information technology products.¹⁴ That decision came on the heels of late-January decision in Brazil to scrap plans for an import licensing program that would have affected 60 percent of the country's imports.¹⁵ Meanwhile, on February 27, a new free trade agreement was signed between Australia, New Zealand, and the 10 member countries of the Association of Southeast Asian Nations to reduce and ultimately eliminate tariffs on 96 percent of all goods by 2020. WHILE THE MEDIA AND MEMBERS OF THE TRADE POLICY COMMUNITY FIXATE ON HOW VARIOUS PROTECTIONIST MEASURES AROUND THE WORLD MIGHT FORESHADOW A PLUNGE INTO THE ABYSS, THERE IS PLENTY OF EVIDENCE THAT GOVERNMENTS REMAIN INTERESTED IN REMOVING BARRIERS TO TRADE. DESPITE THE OCCASIONAL TEMPTATION TO INDULGE DISCREDITED POLICIES, THERE IS A GROWING BODY OF INSTITUTIONAL KNOWLEDGE THAT WHEN PEOPLE ARE FREE TO ENGAGE IN COMMERCE WITH ONE ANOTHER AS THEY CHOOSE, regardless of the nationality or location of the other parties, THEY CAN LEVERAGE THAT FREEDOM TO ACCOMPLISH ECONOMIC OUTCOMES FAR MORE IMPRESSIVE THAN WHEN GOVERNMENTS ATTEMPT TO LIMIT CHOICES through policy constraints.

Timeframe is decades

IINS 10, India Infoline News Service, "Large-scale trade protectionism unlikely", June 30, <http://www.indiaonline.com/Markets/News/Large-scale-trade-protectionism-unlikely/4872197176>

THE WORLD ECONOMY HAS CHANGED STRUCTURALLY IN THE PAST FEW DECADES, MAKING ANY SERIOUS IMPLEMENTATION OF PROTECTIONIST MEASURES ALMOST IMPOSSIBLE. DEVELOPED COUNTRIES ARE MORE DEPENDENT ON IMPORTS of manufactured goods and services THAN THEY HAVE EVER BEEN. Most DEVELOPED COUNTRIES HAVE ORIENTED THEIR DOMESTIC PRODUCTION CAPACITIES TOWARDS HIGH-END PRODUCTS. Their domestic capacities for manufacturing low-end products are modest at best, SO IT WILL NOT BE EASY FOR THEM TO LAUNCH A FULL-SCALE PROTECTIONIST WAR. SETTING UP LARGE PRODUCTION CAPACITIES TO REPLACE IMPORTS WOULD TAKE years if not DECADES. Besides, RAISING import TARIFFS across-the-board WILL certainly RAISE PRICES FOR DOMESTIC CONSUMERS manifold.

Leaders won't cave to pressure

Ng Baoying 9, Channel NewsAsia, "Mounting pressure on governments to support local economy, but protectionism unlikely", <http://www.channelnewsasia.com/stories/singaporebusinessnews/view/421521/1/.html>

As the world deals with a global recession, there are concerns that some countries will turn to protectionist measures to shield their domestic economies. But observers have said that so far, most **GOVERNMENTS REMAIN COMMITTED TO FREE TRADE** and that global trade flows are not likely to suffer for now. China exports cheap toys to many parts of the world. And **SHOULD COUNTRIES RESTRICT IMPORTS** on its toys, experts said **CHINA CAN EASILY RETALIATE**. For example, it can block hard disk drives from Thailand, which are sent to China for assembly into computers. And this could lead to **A DOWNWARD SPIRAL**. But analysts said this **IS UNLIKELY, AS SUPPLY CHAINS ARE EXTREMELY INTERLINKED** on a global scale. David Cohen, Director of Asian Economic Forecasting, Action Economics, said: "The fact that at these international gatherings they still feel obliged to include **A STATEMENT OPPOSING BROAD PROTECTIONISM** in their communique from their summits, that **SHOULD HELP ALLOW THEM TO RESIST ANY DOMESTIC PRESSURE** for further protectionism. "In the current environment, I think the **LEADERS ARE AWARE THAT THEY WOULD ONLY MAKE THINGS WORSE IF THEY WERE TO START ADOPTING INCREASES IN TARIFFS**; that would choke off world trade more than it has fallen off in the global downturn. "I think they do realise that when **PEOPLE LOOK BACK (TO) THE 1930S**, they identify the protectionist tariffs as having aggravated the downturn, and I think the **LEADERS ARE INTENT THAT THEY ARE NOT GOING TO GO DOWN THAT ROUTE AGAIN**."

No constituency for protectionism

Rodrik 9 [Dani, Rafiq Hariri Professor of International Political Economy at the John F. Kennedy School of Government, Harvard University. "The Myth of Rising Protectionism," http://relooney.fatcow.com/0_New_5973.pdf]

The reality is that **THE INTERNATIONAL TRADE REGIME HAS PASSED ITS GREATEST TEST SINCE THE GREAT DEPRESSION WITH FLYING COLORS**. Trade economists who complain about minor instances of protectionism sound like a child whining about a damaged toy in the wake of an earthquake that killed thousands. **THREE THINGS EXPLAIN THIS REMARKABLE RESILIENCE : IDEAS, POLITICS , AND INSTITUTIONS . ECONOMISTS HAVE BEEN EXTRAORDINARILY SUCCESSFUL IN CONVEYING THEIR MESSAGE TO POLICYMAKERS** – even if ordinary people still regard imports with considerable suspicion. Nothing reflects this better than how **"PROTECTION" AND "PROTECTIONISTS" HAVE BECOME TERMS OF DERISION**. After all, governments are generally expected to provide protection to its citizens. But if you say that you favor protection from imports , you are painted into a corner with Reed Smoot and Willis C. Hawley, authors of the infamous 1930 US tariff bill. But economists' ideas would not have gone very far without significant changes in the underlying configuration of political interests in favor of open trade. **FOR EVERY WORKER AND FIRM AFFECTED ADVERSELY BY IMPORT COMPETITION, THERE IS ONE OR MORE** worker and firm **EXPECTING TO REAP THE BENEFITS OF ACCESS TO MARKETS ABROAD. THE LATTER HAVE BECOME INCREASINGLY VOCAL AND POWERFUL, often REPRESENTED BY LARGE MULTINATIONAL CORPORATIONS**. In his latest book, Paul Blustein recounts how a former Indian trade minister once asked his American counterpart to bring him a picture of an American farmer: "I have never actually seen one," the minister quipped. "I have only seen US conglomerates masquerading as farmers." But the relative docility of rank-and-file workers on trade issues must ultimately be attributed to something else altogether: the safety nets erected by the welfare state. **MODERN INDUSTRIAL SOCIETIES NOW HAVE A WIDE ARRAY OF SOCIAL PROTECTIONS** – unemployment compensation,

adjustment assistance, and other labor-market tools, as well as health insurance and family support – THAT MITIGATE DEMAND FOR CRUDER FORMS OF PROTECTION. The welfare state is the flip side of the open economy. If the world has not fallen off the protectionist precipice during the crisis, as it did during the 1930's, much of the credit must go to the social programs that conservatives and market fundamentalists would like to see scrapped. THE BATTLE AGAINST TRADE PROTECTION HAS BEEN WON – so far. But, before we relax, let's remember that we still have not addressed the central challenge the world economy will face as the crisis eases: the inevitable clash between China's need to produce an ever-growing quantity of manufactured goods and America's need to maintain a smaller current-account deficit. Unfortunately, there is little to suggest that policymakers are yet ready to confront this genuine threat.

no impact - trade

War destroys trade

Reuven **Glick and Taylor 5**, Economic Research Department at Federal Reserve Bank of San Francisco, Alan M. Taylor 5, econ at Cal-Davis, "collateral damage: trade disruption and the economic impact of war", July, <http://www.econ.ucdavis.edu/faculty/amtaylor/papers/w11565.pdf>

In this paper we examine some major indirect costs of war over the period 1870–1997 that have never previously been examined, namely the effect of belligerent conflict on the volume of international trade and consequently on per capita incomes and economic welfare. **USING ECONOMETRIC METHODS WE FIND A VERY STRONG IMPACT OF WAR ON TRADE VOLUMES.** Moreover these effects have two important characteristics. First, they are persistent: **EVEN AFTER CONFLICTS END, TRADE DOES NOT RESUME ITS PRE-WAR LEVEL FOR MANY YEARS, EXACERBATING TOTAL COSTS.** Second, they have a multilateral dimension: unlike the direct costs of war, which largely affect only the belligerents, commercial losses affect neutral parties as well, meaning that **WARS GENERATE A LARGE NEGATIVE EXTERNALITY VIA TRADE DESTRUCTION.** We use these results to make general equilibrium comparative statics estimates of the impact of World Wars I and II on global trade and income. Our paper is part of the renaissance of research activity on the applied economics of international trade. A growing theoretical and empirical literature relates bilateral trade flows to measures of joint economic activity and costs of trade. These so-called gravity models have been utilized as benchmarks from which to assess the trade impact of economic disturbances and policy regimes, such as exchange rate variability (e.g., Thursby and Thursby 1987), preferential trade arrangements (e.g., Frankel, Stein, and Wei 1996), and currency unions (e.g., Rose 2000).¹ On theoretical grounds, wars and other forms of militarized conflict should affect trade among adversaries. **MILITARY CONFLICT between countries IS OFTEN ACCOMPANIED BY THE IMPOSITION OF partial or TOTAL TRADE EMBARGOES** on the exchange of goods. **CONFLICT MAY also REDUCE TRADE FLOWS BY RAISING THE COSTS TO PRIVATE AGENTS OF ENGAGING IN INTERNATIONAL BUSINESS.** However, the relation of aggregate trade to political disturbances and conflict has not received much attention among economists. Among the few extant studies, Blomberg and Hess (2004) analyze the impact on trade of various forms of violence, including war and terrorism, while Martin, Mayer, and Thoenig (forthcoming) estimate the effects of military conflicts on trade. But these analyses focus only on the latter half of the twentieth century; our data span a much longer period including the two great wars of the twentieth century.²

Self-interest means security always trumps trade

Layne 98, Christopher, associate professor at Naval Postgraduate School, Summer, World Policy Journal, p. 8-28

These arguments notwithstanding, **INTERNATIONAL ECONOMIC INTERDEPENDENCE DOES NOT CAUSE PEACE.** In fact, **IT HAS VERY SERIOUS ADVERSE SECURITY CONSEQUENCES** that its proponents either do not understand or will not acknowledge. Economic relations (whether domestic or international) never take place in a vacuum; on the contrary, they occur within a politically defined framework. International

economic interdependence requires certain conditions in order to flourish, including a maximum degree of political order and stability. Just as the market cannot function within a state unless the state creates a stable "security" environment in which economic exchange can occur (by protecting property rights and enforcing contracts), the same is true in international relations. Because there is no world government, it falls to the dominant state to create the conditions under which economic interdependence can take hold (by providing security, rules of the game, and a reserve currency, and by acting as the global economy's banker and lender of last resort). Without a dominant power to perform these tasks, economic interdependence does not happen. Indeed, free trade and interdependence have occurred in the modern international system only during the hegemonies of Victorian Britain and postwar America. INTERNATIONAL ECONOMIC INTERDEPENDENCE GENERALLY OCCURS WHEN STATES FEEL SECURE, WHEN THEY DO NOT HAVE TO WORRY THAT OTHERS WILL TRANSFORM THEIR ECONOMIC GAINS FROM TRADE INTO MILITARY ADVANTAGES. CONVERSELY, WHEN STATES ARE CONCERNED ABOUT THEIR SECURITY, THEY ARE LESS LIKELY TO ENGAGE IN FREE TRADE. When security is at issue, states are always measuring themselves in comparison with their actual, or potential, rivals. WHEN STATES FEEL SECURE, THEY FOCUS ON THE OVERALL GAINS TO GLOBAL WEALTH THAT FLOW FROM TRADE. Under peaceful international conditions, the distribution of this increased wealth is not a matter of high politics: SO LONG AS ALL STATES ARE GETTING WEALTHIER, TRADE IS LOOKED UPON AS A GOOD THING. When security is an issue, however, states become intensely concerned about how the gains from trade are being distributed. When security concerns are paramount, the key question no longer is whether everyone is gaining something but rather who is gaining the most. Because economic power is the cornerstone of military strength, when security is an issue states want their economies to be more vigorous and to grow faster than those of their rivals. Also, WHEN WAR IS REGARDED AS A REAL POSSIBILITY, STATES DELIBERATELY ATTEMPT TO REDUCE THEIR DEPENDENCE ON IMPORTED PRODUCTS AND RAW MATERIALS IN ORDER TO MINIMIZE THEIR VULNERABILITY TO ECONOMIC COERCION BY OTHERS. THIS ALSO IMPAIRS ECONOMIC INTERDEPENDENCE. The bottom line here is this: WHEN SECURITY IN THE INTERNATIONAL SYSTEM IS PLENTIFUL, TRADE FLOURISHES AND, so long as they are getting richer themselves, states are untroubled by the fact that others also are getting wealthier. WHEN SECURITY IN THE INTERNATIONAL SYSTEM IS SCARCE, HOWEVER, TRADE DIMINISHES; states seek to maximize their power (economic and military) over their rivals, and hence attempt to ensure they become richer than their rivals.

Only a small percentage of wealth

John **Mearsheimer 1**, American professor of Political Science at the University of Chicago, Tragedy of Great Power Politics, 370-371

There are problems with this perspective, too." In particular, THERE IS ALWAYS THE POSSIBILITY THAT A SERIOUS ECONOMIC CRISIS IN SOME IMPORTANT REGION, OR IN THE WORLD AT LARGE, WILL UNDERMINE THE PROSPERITY THAT THIS THEORY NEEDS TO WORK. For example, IT IS WIDELY BELIEVED THAT ASIA'S "ECONOMIC MIRACLE" WORKED TO DAMPEN SECURITY COMPETITION IN THAT REGION BEFORE 1997, BUT THAT THE 1997-98 FINANCIAL CRISIS IN ASIA HELPED FOSTER A "NEW GEOPOLITICS."²⁴ It is also worth noting that ALTHOUGH THE UNITED STATES LED A SUCCESSFUL EFFORT TO CONTAIN THAT FINANCIAL CRISIS, IT WAS A CLOSE CALL, AND THERE IS NO GUARANTEE THAT THE

NEXT CRISIS WILL NOT SPREAD ACROSS THE GLOBE. But EVEN IN THE ABSENCE OF A MAJOR ECONOMIC CRISIS, ONE OR MORE STATES MIGHT NOT PROSPER; SUCH A STATE WOULD HAVE LITTLE TO LOSE ECONOMICALLY, AND MAYBE EVEN SOMETHING TO GAIN, BY STARTING A WAR. A KEY REASON THAT IRAQI DICTATOR SADDAM HUSSEIN INVADED KUWAIT in August 1990 WAS THAT KUWAIT WAS EXCEEDING ITS OIL PRODUCTION QUOTAS (set by the Organization of Petroleum Exporting Countries, or OPEC) AND DRIVING DOWN IRAQ'S OIL PROFITS, which the Iraqi economy could ill-afford.²⁵ There are two other reasons to doubt the claim that economic interdependence makes great-power war unlikely. STATES USUALLY GO TO WAR AGAINST A SINGLE RIVAL, AND THEY AIM TO WIN A QUICK AND DECISIVE VICTORY. ALSO, THEY INVARIABLY SEEK TO DISCOURAGE OTHER STATES FROM JOINING WITH THE OTHER SIDE IN THE FIGHT, BUT A WAR AGAINST ONE OR EVEN TWO OPPONENTS IS UNLIKELY TO DO MUCH DAMAGE TO A STATE'S ECONOMY, BECAUSE TYPICALLY ONLY A TINY PERCENTAGE OF A STATE'S WEALTH IS TIED UP IN ECONOMIC INTERCOURSE WITH ANY OTHER STATE. IT IS EVEN POSSIBLE, as discussed in Chapter 5, THAT CONQUEST WILL PRODUCE SIGNIFICANT ECONOMIC BENEFITS. Finally, AN IMPORTANT HISTORICAL CASE CONTRADICTS THIS PERSPECTIVE. As noted above, THERE WAS PROBABLY ABOUT AS MUCH ECONOMIC INTERDEPENDENCE IN EUROPE BETWEEN 1900 AND 1914 AS THERE IS TODAY. THOSE WERE ALSO PROSPEROUS YEARS FOR THE EUROPEAN GREAT POWERS. YET WORLD WAR I BROKE OUT IN 1914. THUS A HIGHLY INTERDEPENDENT WORLD ECONOMY DOES NOT MAKE GREAT-POWER WAR MORE OR LESS LIKELY. GREAT POWERS must be forever vigilant and NEVER SUBORDINATE SURVIVAL TO ANY OTHER GOAL, INCLUDING PROSPERITY.

Trade doesn't solve war

Martin et. al. 8 (Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPPI, and Centre for Economic Policy Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75)

DOES GLOBALIZATION PACIFY INTERNATIONAL RELATIONS? The “liberal” view in political science argues that increasing trade flows and the spread of free markets and democracy should limit the incentive to use military force in interstate relations. This vision, which can partly be traced back to Kant's Essay on Perpetual Peace (1795), has been very influential: The main objective of the European trade integration process was to prevent the killing and destruction of the two World Wars from ever happening again.¹ Figure 1 suggests² HOWEVER, that DURING THE 1870–2001 PERIOD, THE CORRELATION BETWEEN TRADE OPENNESS AND MILITARY CONFLICTS IS NOT a CLEAR cut one: THE FIRST ERA OF GLOBALIZATION, at the end of the 19th century, WAS A PERIOD OF RISING TRADE OPENNESS AND MULTIPLE MILITARY CONFLICTS, CULMINATING WITH WORLD WAR I. Then, THE INTERWAR PERIOD WAS CHARACTERIZED BY A SIMULTANEOUS COLLAPSE OF WORLD TRADE AND CONFLICTS. AFTER WORLD WAR II, WORLD TRADE INCREASED RAPIDLY, while the number of conflicts decreased (ALTHOUGH THE RISK OF A GLOBAL CONFLICT WAS OBVIOUSLY HIGH). THERE IS NO CLEAR EVIDENCE THAT THE 1990S, DURING WHICH TRADE FLOWS INCREASED DRAMATICALLY, WAS A PERIOD OF LOWER prevalence of MILITARY CONFLICTS, even taking into account the increase in the number of sovereign states.

AT: Rights Malthus D.A/K

Aff – AT Auth. Inevitable/Global Demo Resilient

Global democracy is resilient – the US isn't key – our evidence assumes current trends

Larry **Diamond**, January 2014, [prof. at Stanford], Journal of Current History, vol. 99, "The Next Democratic Century," http://cddrl.fsi.stanford.edu/sites/default/files/LD_Current_History_Jan_14.pdf, mm

This is an odd moment to predict a bright future for democracy. Despite the unprecedented expansion of political freedom during the three decades from 1974, democratic regimes are in trouble worldwide today. The past decade has witnessed democratic breakdowns at a growing pace, and levels of freedom have receded in many places. Autocrats are cooperating and innovating to preempt movements for democratic change. The world's oldest and most esteemed democracies, beginning with the United States, have lost their luster and (it seems) their capacity to function effectively to address their most important public policy challenges. Still, no other broadly legitimate form of government exists today, and authoritarian regimes face profound challenges and contradictions that they cannot resolve without ultimately moving toward democracy. During the past century, democracy went from being a unique feature of the West (and a few Western-leaning Latin American countries) to a system incorporated by a growing number of non-Western countries, most of them former British colonies that reached independence during the first two decades after World War II. But the rise of communism and fascism and the shock of the Great Depression during the interwar period had occasioned what the political scientist Samuel Huntington called a "reverse wave" of democratic breakdowns. From the late 1950s to the mid-1970s, the world wrestled with a second reverse wave, during which military coups swallowed fragile and often deeply polarized democracies in Latin America, Greece, Turkey, and parts of Asia, while elsewhere in Asia and Africa one-party or personal authoritarian regimes came to dominate. A number of factors fed the authoritarian zeitgeist: the spectacular failures of some democracies to govern effectively or maintain order, the successes of East Asian developmental dictatorships, the popularity in poor countries of authoritarian socialist models and ideologies, and the US-Soviet Cold War rivalry that saw each superpower back any dictator who would offer geopolitical support. By the mid-1970s, democracy seemed to many a quaint relic of a liberal past—a model of where the world had been, not where it was headed. Then came Portugal's Revolution of the Carnations in April 1974, overturning nearly half a century of quasi-fascist dictatorship, and a new wave of democratization began. Even with the rise of democracy in Portugal, Spain, and Greece in the subsequent few years, and then the transitions from military to democratic rule in Latin America in the late 1970s and early 1980s, few imagined that a truly global process of transformation was under way. Even the popular protests that toppled Ferdinand Marcos in the Philippines, or the student demonstrations that compelled the military to hand over power in South Korea, did not suggest a global trend. The fall of the Berlin Wall, however, changed everything. Not only did it spark democratic transitions in Central and Eastern Europe; the end of the Cold War unfroze the African landscape and encouraged democratic openings throughout the continent. By the mid-1990s, democracy had become a global phenomenon, accounting for about three of every five states in the world.

Global democratization is consolidating now – the US isn't key

Larry **Diamond**, January 2014, [prof. at Stanford], Journal of Current History, vol. 99, "The Next Democratic Century," http://cddrl.fsi.stanford.edu/sites/default/files/LD_Current_History_Jan_14.pdf, mm

Even so, a surprising number of other emerging democracies have met a litmus test of reasonably "liberal" democracy (garnering one of the two best scores on the seven-point Freedom House scales of both political rights and civil liberties). Forty percent of the world's states and about two-thirds of the world's democracies (or 79 nations in all) now meet this test. And while the number and proportions of liberal democracies have hardly changed in the last seven years, at least they have not declined. Moreover, a number of other emerging market countries have

consolidated a decent level of democracy—in the sense that it is very difficult to imagine another reversal of democracy in these countries. To the extent that they find democratic “consolidation” a useful concept, most scholars of Brazil would put it in this category. The same is true for Mexico, where democracy has survived in the face of widespread violence related to drug trafficking. For all its disturbing levels of corruption, clientelism, paralysis, and dysfunction, it is similarly difficult to imagine democracy being replaced by another type of regime in India. If, after a disappointing second term for President Susilo Bambang Yudhoyono, Indonesia elects a reformist president in 2014 (such as the energetic, progressive governor of Jakarta, Joko Widodo, who is now leading in the polls), Indonesian democracy might also turn in a more liberal and stable direction. South Korea, Brazil, Mexico, India, and Indonesia are among the emerging market members of the Group of 20 industrialized nations. Three other members of that club—Turkey, Argentina, and South Africa—fall into the category of more troubled or embattled democracies, with ruling executives and parties that appear to harbor hegemonic ambitions. Each of the three will hold national elections in 2014 or 2015, during which each could move either in the direction of further democratic decay or toward a more liberal and rooted democracy. Having decimated the old power establishment in suspiciously wide-ranging trials of alleged coup plotters, while also continuing to intimidate and constrain the press, Prime Minister Recep Tayyip Erdogan and his Justice and Development Party (AKP) remain the dominant political force in Turkey. After serving more than a decade as prime minister, Erdogan (whose party’s rules bar him from seeking another term in that post) is trying to change the constitution to create a muscular, French-style semi-presidential system, which would enable him to remain in power for a long time. Turkey will hold its first direct presidential election in August 2014, but it is not at all clear that Erdogan will succeed in amending the constitution to give that post the strong executive powers he seeks. Widespread youth protests in recent months signal the beginning of a societal pushback against the AKP’s autocratic governing style. In Argentina, President Cristina Fernández de Kirchner’s bid to aggrandize her power has already failed. In midterm elections in late October 2013, her party fell far short of the two-thirds majority it would need to amend the constitution to allow her a third term. Political momentum is now shifting from her party due to corruption and economic mismanagement, and Argentines are beginning to look beyond what will be a dozen years of rule by Fernández de Kirchner and her late husband, Néstor Kirchner. In South Africa, while there is little doubt that President Jacob Zuma’s African National Congress will win the 2014 national elections, a viable multiracial opposition is slowly beginning to rise in the form of the Democratic Alliance, the country’s only party to have steadily and significantly increased its share of the vote in each of the four post-apartheid national elections. Led by a savvy and effective institution builder, Western Cape Premier Helen Zille, the Democratic Alliance is gradually expanding from its roots in South Africa’s racial minorities to appeal to black voters dissatisfied with corruption, high unemployment, and poor service delivery—long-standing problems that have only grown worse under Zuma. The fate of democracy outside the West will be shaped disproportionately by what happens in these weighty G-20 countries that could move in either direction—Indonesia, Argentina, Turkey, and South Africa—and by whether Brazil and India can demonstrate the ability of large democracies to generate vigorous, sustainable, and reasonably equitable economic growth. If these countries move even incrementally to entrench democracy and deliver development, the G-20 will have become a strong “club of democracies,” with only Russia, China, and Saudi Arabia holding out.

Global democracy is increasing – liberal values and civil society are trending upwards

Larry Diamond, January 2014, [prof. at Stanford], Journal of Current History, vol. 99, “The Next Democratic Century,” http://cdrrl.fsi.stanford.edu/sites/default/files/LD_Current_History_Jan_14.pdf, mm

There are other reasons for optimism about the future of democracy. Particularly in Asia, economic development in a number of countries is having the predictable effects it had in South Korea and Taiwan, and before that in Spain and Portugal. With rising levels of education and incomes and growing access to information, values are changing. People are becoming more tolerant of diversity, more politically demanding and assertive, and more willing to protest. As Ronald Inglehart of the University of Michigan and Christian Welzel of Leuphana University put it, people’s value priorities are shifting from material gain to “emancipation from authority.” Closely intertwined with this psychological shift is the rise of civil society—of independent organizations and flows of information, opinion, and ideas. These psychological and social changes undermine the legitimacy of authoritarian rule and generate favorable conditions for democratization in Asia—not only in Malaysia and Singapore, where it will probably happen within a decade, but in China itself, where both the decay of communist rule and the rise of a middle-class society are much more advanced than has generally been appreciated. Without major political reforms, it is unlikely that communist rule can survive in China beyond Xi Jinping’s expected two five-year terms as president. And in terms of the pressure for political change, Vietnam is not all that far behind China (particularly given South Vietnam’s earlier experience with more pluralistic politics and more capitalist economics). Factor in as well the incremental progress toward reviving democracy in Thailand, the efforts of reformist President Benigno Aquino to rein in corruption in the Philippines, and a political opening in Myanmar (though it is still far from democracy), and it becomes possible to imagine that one of the most powerful emerging-market trading blocs could be predominantly democratic within a decade.

Aff – AT Growth Unsustainable

Growth is sustainable – innovation constantly increases our carrying capacity

Tsvi Bisk, 2012, World Future Society, “No Limits to Growth,”

https://www.wfs.org/Upload/PDFWFR/WFR_Spring2012_Bisk.pdf, mm

When one factors in the growth of the proportion of GDP of services, the picture becomes even less foreboding. Services have become the major drivers of global economic growth. They constitute over 63% of global GDP and well over 70% of GDP in the developed world, and the proportion is increasing. While services such as translation, consulting, planning, accounting, massage therapy, legal advice, etc., also consume some natural resources, the quantity is infinitesimal in relation to the economic value produced. If I manufacture a car for \$10,000 I have consumed a huge amount of natural resources and energy. But if I translate a 100,000-word book for \$10,000 I have consumed merely the electricity necessary to run my computer, and the electricity used to send the translation as an email attachment, and little else that is even measurable. **Consumers and the consumer society are not the problem. The problem lies in the production methods presently used by manufacturing, mining, and agriculture. And the solution lies in the revolutions that are also presently taking place in material science, water engineering, energy harvesting, and food production.** We might speculate that **the world economy can continue to grow indefinitely at 4%-5% a year, while our negative footprint on the planet simultaneously declines. By the end of this century the planet will be able to carry a population of 12 billion people with an American standard of living, and one-tenth the present negative environmental impact.**

Growth is sustainable – innovation will usher in a “no limit to growth” era by 2020

Tsvi Bisk, 2012, World Future Society, “No Limits to Growth,”

https://www.wfs.org/Upload/PDFWFR/WFR_Spring2012_Bisk.pdf, mm

But it is **superlight materials** that **have the greatest potential to transform civilization and**, in conjunction with the above, to **usher in the “no limits to growth” era**. I refer, in particular, to carbon nanotubes—alternatively referred to as Buckyballs or Buckypaper (in honor of Buckminster Fuller). Carbon nanotubes are between 1/10,000th and 1/50,000th the width of a human hair, more flexible than rubber and 100-500 times stronger than steel per unit of weight. Imagine the energy savings if planes, cars, trucks, trains, elevators—everything that needs energy to move—were made of this material and weighed 1/100th what they weigh now. Imagine the types of alternative energy that would become practical. Imagine the positive impact on the environment: replacing many industrial processes and mining, and thus lessening air and groundwater pollution. Present costs and production methods make this impractical but that infinite resource—**the human mind—has confronted and solved many problems like this before**. Let us take the example of aluminum. A hundred fifty years ago, aluminum was more expensive than gold or platinum.³⁷ When Napoleon III held a banquet, he provided his most honored guests with aluminum plates. Less-distinguished guests had to make do with gold. When the Washington Monument was completed in 1884, it was fitted with an aluminum cap—the most expensive metal in the world at the time—as a sign of respect to George Washington. It weighed 2.85 kilograms, or 2,850 grams. Aluminum at the time cost \$1 a gram (or \$1,000 a kilogram). A typical day laborer working on the monument was paid \$1 a day for 10-12 hours a day. In other words, today's common soft-drink can, which weighs 14 grams, could have bought 14 ten-hour days of labor in 1884.³⁸ Today's U.S. minimum wage is \$7.50 an hour. Using labor as the measure of value, a soft drink can would cost \$1,125 today (or \$80,000 a kilogram), were it not for a new method of processing aluminum ore. The Hall-Héroult process turned aluminum into one of the cheapest commodities on earth only two years after the Washington Monument was capped with aluminum. Today aluminum costs \$3 a kilogram, or \$3000 a metric ton. The soft drink can that would have cost \$1,125 today without the process now costs \$0.04. Today the average cost of industrial grade carbon nanotubes is about \$50-\$60 a kilogram. This is already far cheaper in real cost than aluminum was in 1884. Yet **revolutionary methods of production are now being developed that will drive costs down even more radically**. At Cambridge University they are working on a new electrochemical production method that could produce 600 kilograms of carbon nanotubes per day at a projected cost of around \$10 a kilogram, or \$10,000 a metric ton.³⁹ This will do for carbon nanotubes what the Hall-Héroult process did for aluminum. **Nanotubes will become the universal raw material of choice**, displacing steel, aluminum, copper and other metals and materials. Steel presently costs about \$750 per metric ton. Nanotubes of equivalent strength to a metric ton of steel would cost \$100 if this Cambridge process (or others being pursued in research labs around the world) proves successful. Ben Wang, director of Florida State's

HighPerformance Materials Institute claims that: "If you take just one gram of nanotubes, and you unfold every tube into a graphite sheet, you can cover about two-thirds of a football field".⁴⁰ Since other research has indicated that carbon nanotubes would be more suitable than silicon for producing photovoltaic energy, consider the implications. Several grams of this material could be the energy-producing skin for new generations of superlight dirigibles—making these airships energy autonomous. They could replace airplanes as the primary means to transport air freight. Modern American history has shown that anything human beings decide they want done can be done in 20 years if it does not violate the laws of nature. The atom bomb was developed in four years; putting a man on the moon took eight years. It is a reasonable conjecture that by 2020 or earlier, an industrial process for the inexpensive production of carbon nanotubes will be developed, and that this would be the key to solving our energy, raw materials, and environmental problems all at once.

Innovation proves there are no limits to growth – advancements are being made now that will quickly reduce our impact on the environment

Tsvi Bisk, 2012, World Future Society, "No Limits to Growth,"
https://www.wfs.org/Upload/PDFWFR/WFR_Spring2012_Bisk.pdf, mm

The embryonic revolution in material science, now taking place is the key to "no limits to growth." I refer to "smart" and superlight materials. Smart materials "are materials that have one or more properties that can be significantly changed in a controlled fashion by external stimuli."³² They can produce energy by exploiting differences in temperature (thermoelectric materials) or by being stressed (piezoelectric materials). Other smart materials save energy in the manufacturing process by changing shape or repairing themselves as a consequence of various external stimuli. These materials have all passed the "proof of concept" phase (i.e., are scientifically sound) and many are in the prototype phase. Some are already commercialized and penetrating the market. For example, the Israeli company Innowattech has underlain a one-kilometer stretch of local highway with piezoelectric material to "harvest" the wasted stress energy of vehicles passing over and convert it to electricity.³³ They reckon that Israel has stretches of road that can efficiently produce 250 megawatts. If this is verified, consider the tremendous electricity potential of the New Jersey Turnpike or the thruways of Los Angeles and elsewhere. Consider the potential of railway and subway tracks. We are talking about tens of thousands of potential megawatts produced without any fossil fuels. Additional energy is derivable from thermoelectric materials, which can transform wasted heat into electricity. As Christopher Steiner notes, capturing waste heat from manufacturing alone in the United States would provide an additional 65,000 megawatts: "enough for 50 million homes."³⁴ Smart glass is already commercialized and can save significant energy in heating, airconditioning and lighting—up to 50% saving in energy has been achieved in retrofitted legacy buildings (such as the former Sears Tower in Chicago). New buildings, designed to take maximum advantage of this and other technologies could save even more. Buildings consume 39% of America's energy and 68% of its electricity. They emit 38% of the carbon dioxide, 49% of the sulfur dioxide, and 25% of the nitrogen oxides found in the air.³⁵ Even greater savings in electricity could be realized by replacing incandescent and fluorescent light bulbs with LEDs which use 1/10th the electricity of incandescent and half the electricity of fluorescents. These three steps: transforming waste heat into electricity, retrofitting buildings with smart glass, and LED lighting, could cut America's electricity consumption and its CO₂ emissions by 50% within 10 years. They would also generate hundreds of thousands of jobs in construction and home improvements. Coal driven electricity generation would become a thing of the past. The coal released could be liquefied or gasified (by new environmentally friendly technologies) into the energy equivalent of 3.5 million barrels of oil a day. This is equivalent to the amount of oil the United States imports from the Persian Gulf and Venezuela together.³⁶ Conservation of energy and parasitic energy harvesting, as well as urban agriculture would cut the planet's energy consumption and air and water pollution significantly. Waste-to-energy technologies could begin to replace fossil fuels. Garbage, sewage, organic trash, and agricultural and food processing waste are essentially hydrocarbon resources that can be transformed into ethanol, methanol, and biobutanol or biodiesel. These can be used for transportation, electricity generation or as feedstock for plastics and other materials. Waste-to-energy is essentially a recycling of CO₂ from the environment instead of introducing new CO₂ into the environment. Waste-to-energy also prevents the production, and release from rotting organic waste, of methane—a greenhouse gas 25 times more powerful than CO₂. Methane accounts for 18% of the manmade greenhouse effect. Not as much as CO₂, which constitutes 72%, but still considerable (landfills emit as much greenhouse gas effect, in the form of methane, as the CO₂ from all the vehicles in the world). Numerous prototypes of a variety of waste-to-energy technologies are already in place. When their declining costs meet the rising costs of fossil fuels, they will become commercialized and, if history is any judge, will replace fossil fuels very quickly—just as coal replaced wood in a matter of decades and petroleum replaced whale oil in a matter of years.

Momentum is building in the squo to prevent environmental destruction and warming through democratic channels – there is no need to turn to eco-fascism

Micah **White**, 9/16/2010, The Guardian, “an alternative to the new wave of ecofascism,” <http://www.theguardian.com/commentisfree/cif-green/2010/sep/16/authoritarianism-ecofascism-alternative,mm>

Humanity can avert climate catastrophe without accepting ecological tyranny. However, this will take an immediate, drastic reduction of our consumption. This requires the trust that the majority of people would voluntarily reduce their standard of living once the forces that induce consumerism are overcome.¶ **The future of environmentalism is in liberating humanity from the compulsion to consume.** Rampant, earth-destroying consumption is the norm in the west largely because our imaginations are pillaged by any corporation with an advertising budget. From birth, we are assaulted by thousands of commercial messages each day whose single mantra is "buy". Silencing this refrain is the revolutionary alternative to ecological fascism. **It is a revolution which is already buddin**g and is **marked by** three synergetic campaigns: **the criminalisation of advertising, the revocation of corporate power and the downshifting of the global economy.**¶ **In São Paulo**, the seventh largest city in the world, **outdoor advertising has been banned.** Meanwhile, **artists in New York City and Toronto are launching blitzkrieg attacks on billboards**, replacing commercials with art. Their efforts have put one visual polluter out of business. Grassroots organisers in the US are pushing for an amendment to the constitution that will end corporate personhood while others are fighting to revive the possibility of death penalties for corporations. **The second international conference on degrowth** economics **met** recently **in Barcelona.** In Ithaca, New York a local, time-based currency is thriving. Buy Nothing Day campaign is celebrated in dozens of nations and now Adbusters is upping the ante with a call for seven days of carnivalesque rebellion against consumerism this November. And, most important of all, **across the world everyday people are silently, unceremoniously and intentionally spending less and living more.**¶ **Authoritarian environmentalists** fail to imagine a world without advertising, so they **dream of putting democracy "on hold"**. In Linkola's dystopian vision, the resources of the state are mobilised to clamp down on individual liberty. But **there is no need to suspend democracy if it is returned to the people. Democratic, anti-fascist environmentalism means marshalling the strength of humanity to suppress corporations. Only by silencing the consumerist forces will both climate catastrophe and ecological tyranny be averted.** Yes, **western consumption will be substantially reduced.** But it will be done **voluntarily and joyously.**

Aff - AT Growth Unsustainable – Population

Overpopulation is overblown – global growth will peak at 10 billion and decline to 7 billion by the end of the century

Tsvi Bisk, 2012, World Future Society, “No Limits to Growth,”
https://www.wfs.org/Upload/PDFWFR/WFR_Spring2012_Bisk.pdf, mm

One constant refrain of anti-growth advocates is that we are heading towards 12 billion people by the end of the century, that this is unsustainable, and thus that we must proactively reduce the human population to 3 billion-4 billion in order to “save the planet” and human civilization from catastrophe. But recent data indicates that a demographic winter will engulf humanity by the middle of this century. More than 60 countries (containing over half the world’s population) already do not have replacement birth rates of 2.1 children per woman. This includes the entire EU, China, Russia, and half a dozen Muslim countries, including Turkey, Algeria, and Iran. If present trends continue, India, Mexico and Indonesia will join this group before 2030. The human population will peak at 9-10 billion by 2060, after which, for the first time since the Black Death, it will begin to shrink. By the end of the century, the human population might be as low as 6 billion-7 billion. The real danger is not a population explosion, but the consequences of the impending population implosion.⁴⁷ This demographic process is not being driven by famine or disease as has been the case in all previous history. Instead, it is being driven by the greatest Cultural Revolution in the history of the human race: the liberation and empowerment of women. The fact is that even with present technology, we would still be able to sustain a global population of 12 billion by the end of the century if needed. The evidence for this is cited above.

Aff - AT Growth Unsustainable – Warming

Innovation will solve warming in the status quo

Tsvi Bisk, 2012, World Future Society, "No Limits to Growth,"

https://www.wfs.org/Upload/PDFWFR/WFR_Spring2012_Bisk.pdf, mm

The goal of mitigating global warming/climate change without changing our lifestyles is not naïve. Using proven Israeli expertise, planting forests on just 12% of the world's semi-arid areas would offset the annual CO₂ output of one thousand 500-megawatt coal plants (a gigaton a year).⁴⁵ A global program of foresting 60% of the world's semi-arid areas would offset five thousand 500-megawatt coal plants (five gigatons a year). Since mitigation goals for global warming include reducing our CO₂ emissions by eight gigatons by 2050, this project alone would have a tremendous ameliorating effect. Given that large swaths of semi-arid land areas contain or border on some of the poorest populations on the planet, we could put millions of the world's poorest citizens to work in forestation, thus accomplishing two positives (fighting poverty and environmental degradation) with one project. Moving agriculture from its current fieldbased paradigm to vertical urban agriculture would eliminate two gigatons of CO₂. The subsequent re-wilding of vast areas of the earth's surface could help sequester up to 50 gigatons of CO₂ a year, completely reversing the trend. The revolution underway in material science will help us to become "self-sufficient" in energy. It will also enable us to create superlight vehicles and structures that will produce their own energy. Over time, carbon nanotubes will replace steel, copper and aluminum in a myriad of functions. Converting waste to energy will eliminate most of the methane gas humanity releases into the atmosphere. Meanwhile, artificial photosynthesis will suck CO₂ out of the air at 1,000 times the rate of natural photosynthesis.⁴⁶ This trapped CO₂ could then be combined with hydrogen to create much of the petroleum we will continue to need. As hemp and other fast-growing plants replace wood for making paper, the logging industry will largely cease to exist. Self-contained fish farms will provide a major share of our protein needs with far less environmental damage to the oceans.

Aff – AT Alt – Worse for Environment

A robust body of research proves that liberal, democratic regimes are better at managing environmental problems than authoritarian regimes

Dan **Shahar**, 2015, Environmental Values, 24(3), “Rejecting eco-authoritarianism, again, 345-366, mm

As Eco-Authoritarianism has re-emerged into contemporary environmental discourse, a number of scholars have begun to pay closer attention to the environmental and political performance of actual authoritarian societies, primarily including but not limited to China. This scrutiny has revealed a largely-mixed track record including some important successes alongside significant shortfalls. Critics of China in particular have questioned the ability of the Communist Party to successfully implement and enforce its high-minded directives,⁴² noting that sometimes “being aggressive has no bearing on being effective.”⁴³ Reservations about the actual effectiveness of authoritarian environmental policies have been echoed in discussions of other regimes in countries like Egypt,⁴⁴ Iran,⁴⁵ and Thailand.⁴⁶ Bolstering these concerns, a recent study by Hanna Bäck and Axel Hadenius has suggested the existence of a more general “J-shaped” relationship between democratization and administrative efficiency across various countries and time periods. According to Bäck and Hadenius, “administrative quality is higher in strongly authoritarian states than in states that are partially democratized; it is highest of all, however, in states of a pronouncedly democratic character.”⁴⁷ They suggest that this may be because highly democratic states can rely on a well-developed civil society for help in making sure that policies are well-calibrated to particular contexts and for constructive feedback on policies once they are implemented.⁴⁸ The authors note that authoritarian governments can sometimes perform better than partially democratized societies with poorly-developed civil societies, but that they have thus far been hard-pressed to find an effective substitute for the genuine citizen participation that enables successful democracies to formulate and implement their policies successfully.⁴⁹ Thus although authoritarian governments may be free from certain policy-making constraints faced by governments in liberal regimes, administrators in even the most successful authoritarian countries have historically failed to match the levels of state capacity enjoyed by citizens of prosperous democratic countries like Finland, New Zealand, and the Netherlands.⁵⁰ The dubious performance of actually existing authoritarian governments may be thought to cast some doubt on the viability of Eco-Authoritarianism as a response to the ecological crisis. Thus Anthony Giddens has recently defended democracy against Shearman and Smith by observing that “Totalitarian states have generally had poor or disastrous environmental records. So also have most of those that have undergone processes of “authoritarian modernization,” such as China, Russia or South Korea.”⁵¹ What Giddens fails to appreciate, however, is the extent to which contemporary Eco-Authoritarians accept his observations. Shearman and Smith, for example, begin The Climate Change Challenge and the Failure of Democracy by announcing, “We agree that existing authoritarian societies, largely based upon Marxist doctrines, have had an appalling environmental record. We accept that there is no example of an existing authoritarian government that does not have a records of environmental abuse.”⁵²

The alt would be far worse for the environment – history shows that democratic societies have better track records at protecting the environment

Jonathon **Adler**, Prof. Law and Dir. Center for Business Law and Regulation – Case Western Reserve U., New Atlantis, “Green Bridge to Nowhere”, Fall, **2008**, <http://www.thenewatlantis.com/publications/green-bridge-to-nowhere>, mm

The first item on his agenda is the replacement of modern capitalism with some undefined “non-socialist” alternative. “The planet cannot sustain capitalism as we know it,” he warns, calling for a fundamental transformation. But he does not understand the system he wants to reform, let alone what he would substitute in its place. According to Speth, “most environmental deterioration is a result of systemic failures of capitalism.” This is an odd claim, as the least capitalist nations of the world also have the worst environmental

records. The ecological costs of economic statism are far worse than those of economic liberty. The environmental record of the various Soviet regimes amply bears this out: The West's ecological nightmares were the Soviet bloc's environmental realities. This is not due to any anomaly of the Soviet system. Nations with greater commitment to capitalist institutions experience greater environmental performance. While Speth occasionally acknowledges pockets of environmental progress, he hardly stops to consider the reasons why some environmental resources have been conserved more effectively than others. Fisheries are certainly declining throughout much of the world—some 75 percent of fisheries are fully or over-exploited—but not everywhere. It is worth asking why. Tropical forests in less-developed nations are declining even as most temperate forests in industrialized nations are rebounding. Recognizing these different trends and identifying the key variables is essential to diagnosing the real causes of environmental deterioration and prescribing a treatment that will work. Speth acknowledges that much of the world is undergoing “dematerialization,” such that economic growth far outpaces increases in resource demand, but seems not to appreciate how the capitalist system he decries creates the incentives that drive this trend. Were it not for market-driven advances in technological capability and ecological efficiency, humanity's footprint on the Earth would be far greater. While modern civilization has developed the means to effect massive ecological transformations, it has also found ways to produce wealth while leaving more of the natural world intact. Market competition generates substantial incentives to do more with less—thus in market economies we see long and continuing improvements in productive efficiency. This can be seen everywhere from the replacement of copper with fiber optics (made from silica, the chief component in sand) and the light-weighting of packaging to the explosion of agricultural productivity and improvements in energy efficiency. Less material is used and disposed of, reducing overall environmental impacts from productive activity. The key to such improvements is the same set of institutional arrangements that Speth so decries: property rights and voluntary exchange protected by the rule of law—that is, capitalism. As research by Wheaton College economist Seth Norton and many others has shown, societies in which property rights and economic freedoms are protected experience superior economic and environmental performance than those societies subject to greater government control. Indeed, such institutions have a greater effect on environmental performance than the other factors, such as population growth, that occupy the attention of Speth and so many other environmental thinkers. Speth complains that capitalism is fundamentally biased against the future; but the marketplace does a far better job of pricing and accounting for future interests than the political alternative. “Future generations cannot participate in capitalism's markets [today],” says Speth. Fair enough, but they cannot vote or engage in the regulatory process either. Thus the relevant policy question is what set of institutions does the best—or least bad—job of accounting for such concerns, and here there is no contest. However present-oriented the marketplace may be, it is better able to look past the next election cycle than any plausibly democratic alternative.

China and Russia prove that eco-authoritarianism fails

Dan **Shahar**, 2015, *Environmental Values*, 24(3), “Rejecting eco-authoritarianism, again, 345-366, mm

In its own way, the early Eco-Authoritarian position made a certain amount of sense: if it were true that an ecological crisis was being caused by excessive autonomy, that democratic market liberal societies would systematically fail to generate the constraints necessary to avoid the crisis, and that authoritarian governments would be able to keep societies away from catastrophe through enlightened central planning, then the relative appeal of authoritarianism would be clear.²¹ The problem with this position, however, was its crucial assumption that authoritarian governments would actually be able to generate better outcomes through central planning. This premise was quickly challenged in the academic literature by critics who argued that authoritarian governments would be hard-pressed to cope successfully with their vastly increased size and complexity while also navigating difficult ecological challenges.²² But the biggest blows to early Eco-Authoritarianism came from the failure of real-world experiments with centralized authoritarianism around the world. With the disintegration of the Soviet Union and thoroughgoing economic reform of the People's Republic of China, it became increasingly untenable in any area of discourse to advocate centralized authoritarianism as a solution to any problem, never mind one requiring highly complex, efficient, and coordinated actions by public agents.

The eco-authoritarian model can't solve – the USSR proves

Matthew **Humphrey, 2007**, Ecological Politics and Democratic Theory: The challenge to the deliberative ideal, p. 140, mm

For all that the problems with which eco-authoritarians struggled were and remain real, the faith they placed in an authoritarian state to resolve these problems was surely misguided. Whilst the inferior ecological record of nondemocratic states in itself proves nothing (how many of these states actually prioritised environmental goals?), the ability of a state to impose its 'green will' on an unwilling and resentful public who see their taken-for-granted freedoms being curtailed is questionable, in the absence of a monstrous architecture of green totalitarianism. Authoritarian states have often not been good at achieving those policy goals that they have prioritised, as the forlorn ambition of the Soviet Union to outstrip the productive capacity of the capitalist West testifies. There is no obvious reason to expect an authoritarian green state to be better than the Soviet Union at overcoming the internal divisions, inefficiencies, corruption, and perverse incentives that plague such states.

Aff – AT Alt – AT Benevolent Leaders

Eco-authoritarianism inevitably collapses into tyrannical despotism – that makes solving the environment impossible

Dan **Shahar**, 2015, Environmental Values, 24(3), “Rejecting eco-authoritarianism, again, 345-366, mm

Traditionally, critics of authoritarianism have worried that unrestrained power granted to government officials could fall into the wrong hands, resulting in a serious potential for tyrannical despotism.⁵³

Despotism is obviously problematic due to the harms it typically generates for citizens living under its rule, but in the current context we may also worry that a despotic regime would end up neglecting to prioritize environmental protection, thereby failing to ameliorate the crisis that would have motivated the shift toward authoritarianism in the first place.

In order to avoid this problem, Eco-Authoritarians would need to provide reason to think that following their prescriptions would mean putting our collective futures not into the hands of injurious despots but rather into those of administrators who possess both the capacity to address an impending environmental crisis effectively and the motivation to do so. This challenge has two interrelated aspects: first, it must be shown that a capable and benevolent “eco-elite” could be generated in the first place to rule over our society; and second, it must be shown that a system of rule by “eco-elites” could be effectively perpetuated over a long period of time. To my knowledge, the only contemporary Eco-Authoritarians who have taken up this challenge are also the most extreme proponents of the view: David Shearman and Joseph Wayne Smith. In *The Climate Change Challenge and the Failure of Democracy*, Shearman and Smith contend that successful Eco-Authoritarianism would require leaders of a caliber far higher than we find in contemporary society, and that producing such leaders would require a radically different system of education. This new system would be built around superior “real universities” that would purportedly “train holistic thinkers in all of the arts and sciences necessary for tough decision making that the environmental crisis confronts us with.”⁵⁴ These products would be “true public intellectuals with knowledge well grounded in ecology,”⁵⁵ who would be charged with preserving “remnants of our civilization when the great collapse comes” as “the new priesthood of the new dark age.”⁵⁶ Perhaps unsurprisingly, the authors give only sketchy details on exactly how “real universities” would achieve these felicitous results. Their main proposals in *The Climate Change Challenge and the Failure of Democracy* seem limited to focusing scholarly research on problems that are important to human well-being,⁵⁷ expanding the role of information sharing among the intellectual community,⁵⁸ and accelerating the development of programs in environmental studies.⁵⁹ Although many of these proposals seem reasonable and even attractive, they hardly seem like the sorts of revolutionary changes that would equip graduating students with the capacities and motivations needed to effectively rule over complex modern societies. Even if a capable and benevolent eco-elite could be produced, a further hurdle for Eco-Authoritarianism would involve demonstrating that the quality of elite rule could be maintained over time. Shearman and Smith do not take up this aspect of the issue in a substantive way, and to my knowledge neither does any other contemporary Eco-Authoritarian. But the challenge of sustaining a capable and benevolent ruling class over time is a notoriously difficult one for an authoritarian regime to overcome. As the eco-anarchist philosopher Alan Carter has quite reasonably worried: Even if a particular leader does turn out to be genuinely benevolent, even if he or she is not corrupted by the exercise of power or the need to retain power, how can it be guaranteed that those who inherit his or her position will be equally benevolent? Hierarchical structures, by their very nature, make it easy for the most competitive, most ruthless and least caring to attain power. Moreover, the centralized exercise of authoritarian rule is an ever-attractive goal for would-be usurpers, whose vision is usually less pure than those whom they usurp, as the history of many coups attests to.⁶⁰ At the very least, it seems that Eco-Authoritarians owe us some account of how their proposed regimes could predictably avoid corruption over time.

Aff – Perm Solvency

The perm solves best – democracy is reflexive and can resolve environmental problems. The alt alone fails because the public will never get on board.

Bruce Jennings, May 2013, [Jennings is the Director of Bioethics and Editor of Minding Nature at the Center for Humans and Nature], Center for Humans & Nature, “Governance in a Post-Growth Society: An Inquiry into the Democratic Prospect,” <http://www.humansandnature.org/governance-in-a-post-growth-society--an-inquiry-into-the-democratic-prospect-article-136.php>, mm

Ecological authoritarians are exceedingly pessimistic about the current state of ordinary moral sensibility and political judgment in Western society. They rest their assessment and theory of governance on a belief in the widespread cultural dominance of excessive individualism and materialism, and seem to think that consumerism has thoroughly triumphed over every competing cultural or ethical value system. As an account of the logical tendencies at work in a particular form of economic system and society, this argument has validity, but not as a complete empirical description of currently existing culture and politics. It underestimates the remaining moral capital in a growth-oriented society that can be channeled in future degrowth directions, thereby making a different form of democracy compatible with ecological requirements. Many still quite powerfully held values compete with individualism and materialism in the attitudes and motivations of contemporary citizens. Furthermore, it is far from clear that massive numbers of people will withdraw their allegiance from democratic governments even if they fail to produce high levels of economic prosperity. Indeed, it is not at all clear that a democratic system would not be able to survive even a period of considerable austerity, if the need for such measures were clear and if the burdens and hardships were shared in a truly just and equitable way. These are large ifs. The relationship between economics and political legitimation is complex. As a matter of intellectual history, this equating of all forms of democracy with materialism and a narrowly self-interested individualism is overly selective. Even in the modern period, democratic governance has rested on more than simply the ideology of growth and expansive capitalism. While possessive individualism has certainly been one important strand within Western democratic societies, it has not been the only strand, and it has not gone unchallenged from within democratic thought itself.^[20] Thus it is misleading to argue that democratic governance cannot honestly appeal to any sense of public purpose larger than throwaway consumption. Believing that democratic governments could neither call for nor obtain popular support except on the basis of a promise of more economic growth, ecological authoritarianism turns to non-democratic governance out of a sense of despair. But, so far at least, neither the sociological nor their historical arguments of this theory are sufficient to warrant that conclusion.

Aff – Democratic Peace Theory

DEMOCRATIC PEACE THEORY IS EMPIRICAL FACT

McFaul, prof of political science @ Stanford and special assistant to Obama, 2010

(Michael, Advancing democracy abroad: why we should and how we can)

The second concern about democracies being more prone war is also exaggerated.

Democracies do not go to war with each other. More precisely, Bruce Russett, one of the

closest observers of this phenomenon, writes, First, democratically organized political

systems in general operate under restraints that make them more peaceful in their

relations with other democracies. . . . Second, in the modern international system, democracies are

less likely to use lethal violence toward other democracies than toward autocratically governed states or

than autocratically governed states are toward each other. Furthermore, there are no clearcut cases of

sovereign stable democracies waging war with each other in the modern international system.

Reflecting on a vast academic literature on the causes of war, Jack Levy concluded that the

democratic peace theory is "the closest thing we have to empirical law in the study of

international relations."¹⁰⁷ Democracies are not pacifist regimes when dealing with autocracies. But

democracies are peaceful when interacting with other democracies.!

The best empirical data proves that democratic peace theory is a statistical law

Robert Delahunty, law professor, St. Thomas, John Yoo, law professor, Cal Berkeley, Winter 2010,

Chicago Journal of International Law, p. 463

Democracies settle disputes through peaceful dispute settlement processes more often than others. Democracies are more likely to initiate wars against non-democracies than vice-versa. Democracies fight shorter wars with lower costs when they begin the wars.

Transitional democracies are more likely to fight, and larger democracies are less likely to go to war than smaller ones. Critics have questioned whether the findings are statistically robust, or have argued that omitted variables such as the stability of the Cold War are the true explanations. Yet it appears that the democratic peace is as close to a statistical law as anything will be in

international politics.

Rigorous statistical analysis supports democratic peace theory

Robert Delahunty, law professor, St. Thomas, John Yoo, law professor, Cal Berkeley, Winter 2010,

Chicago Journal of International Law, p. 461-2

But before we reach any conclusion on whether American foreign policy ought to promote democracy--even to the point of using force to achieve regime change--we need to understand the roots of the democratic peace. If the peace is only a statistical regularity explained by factors other than domestic political systems, then spreading democracy will not advance American national security and could well be counter-productive. Defining democracy in a narrow way in order to fit the data might make the lessons for real world security more tenuous and even impractical. We need to understand the causal mechanism that makes democracies less warlike with each other before we can link the national security policy of individual states to Kant's larger goal of a league of democratic republics. The "empirical regularity" of the democratic peace thesis is critical to our argument. Rigorous statistical analysis shows that democracies do not wage war with other democracies.

Aff – Nuclear War o/w Environment

Environmental collapse can't cause extinction---nuke war outweighs---magnitude and probability

David **Schweickart 10** is Professor at Loyola University Chicago. He holds a Ph.D. in Mathematics (University of Virginia), and a Ph.D. in Philosophy (Ohio State University). "Is Sustainable Capitalism Possible?" *Procedia Social and Behavioral Sciences* 41 (2010) 6739–6752

It is not true either that the various ecological crises we are facing will bring about "the end of the world." Consider the projections of the Stern Review, the recently released report commissioned by the British Government. If nothing is done, we risk "major disruption to economic and social activity, later in this century and the next, on a scale similar to those associated with the great wars and economic depression of the first half of the 20th century." This is serious. Some sixty million people died in World War Two. The Stern Review estimates as many as 200 million people could be permanently displaced by rising sea level and drought. But this is not "the end of the world." Even if the effects are far worse, resulting in billions of deaths--a highly unlikely scenario--there would still be lots of us left. If three-quarters of the present population perished, that would still leave us with 1.6 billion people--the population of the planet in 1900. I say this not to minimize the potentially horrific impact of relentless environmental destruction, but to caution against exaggeration. We are not talking about thermonuclear war--which could have extinguished us as a species. (It still might.) And we shouldn't lose sight of the fact that millions of people on the planet right now, caught up in savage civil wars or terrorized by U.S. bombers (which dropped some 100,000 lbs. of explosives on a Baghdad neighborhood during one ten-day period in January 2008--the amount the fascists used to level the Basque town of Guernica during the Spanish Civil War), are faced with conditions more terrible than anyone here is likely to face in his or her lifetime due to environmental degradation.

Aff – Environment Impact Defense

No impact to the environment

Easterbrook '95 (Gregg, Distinguished Fellow @ The Fullbright Foundation and Reuters Columnist, "A Moment on Earth," p. 25, 1995)

In the aftermath of events such as Love Canal or the Exxon Valdez oil spill, every reference to the environment is prefaced with the adjective "fragile." "Fragile environment" has become a welded phrase of the modern lexicon, like "aging hippie" or "fugitive financier." But the notion of a fragile environment is profoundly wrong. Individual animals, plants, and people are distressingly fragile. The environment that contains them is close to indestructible. The living environment of Earth has survived ice ages; bombardments of cosmic radiation more deadly than atomic fallout; solar radiation more powerful than the worst-case projection for ozone depletion; thousand-year periods of intense volcanism releasing global air pollution far worse than that made by any factory; reversals of the planet's magnetic poles; the rearrangement of continents; transformation of plains into mountain ranges and of seas into plains; fluctuations of ocean currents and the jet stream; 300-foot vacillations in sea levels; shortening and lengthening of the seasons caused by shifts in the planetary axis; collisions of asteroids and comets bearing far more force than man's nuclear arsenals; and the years without summer that followed these impacts. Yet hearts beat on, and petals unfold still. Were the environment fragile it would have expired many eons before the advent of the industrial affronts of the dreaming ape. Human assaults on the environment, though mischievous, are pinpricks compared to forces of the magnitude nature is accustomed to resisting.

Aff – AT Biodiversity Impact

No impact to biodiversity loss

Sagoff 97 Mark, Senior Research Scholar – Institute for Philosophy and Public policy in School of Public Affairs – U. Maryland, William and Mary Law Review, "INSTITUTE OF BILL OF RIGHTS LAW SYMPOSIUM DEFINING TAKINGS: PRIVATE PROPERTY AND THE FUTURE OF GOVERNMENT REGULATION: MUDDLE OR MUDDLE THROUGH? TAKINGS JURISPRUDENCE MEETS THE ENDANGERED SPECIES ACT", 38 Wm and Mary L. Rev. 825, March, L/N Note – Colin Tudge - Research Fellow at the Centre for Philosophy at the London School of Economics. Fmr Zoological Society of London: Scientific Fellow and tons of other positions. PhD. Read zoology at Cambridge. Simon Levin = Moffet Professor of Art Biology, Princeton. 2007 American Institute of Biological Sciences Distinguished Scientist Award 2008 Istituto Veneto di Scienze Lettere ed Arti 2009 Honorary Doctorate of Science, Michigan State University 2010 Eminent Ecologist Award, Ecological Society of America 2010 Margalef Prize in Ecology, etc... PhD

Although one may agree with ecologists such as Ehrlich and Raven that the earth stands on the brink of an episode of massive extinction, it may not follow from this grim fact that human beings will suffer as a result. On the contrary, skeptics such as science writer Colin Tudge have challenged biologists to explain why we need more than a tenth of the 10 to 100 million species that grace the earth. Noting that "cultivated systems often out-produce wild systems by 100-fold or more," Tudge declared that "the argument that humans need the variety of other species is, when you think about it, a theological one." n343 Tudge observed that "the elimination of all but a tiny minority of our fellow creatures does not affect the material well-being of humans one iota." n344 This skeptic challenged ecologists to list more than 10,000 species (other than unthreatened microbes) that are essential to ecosystem productivity or functioning. n345 "The human species could survive just as well if 99.9% of our fellow creatures went extinct," provided only that we retained the appropriate 0.1% that we need." n346 [*906] The monumental Global Biodiversity Assessment ("the Assessment") identified two positions with respect to redundancy of species. "At one extreme is the idea that each species is unique and important, such that its removal or loss will have demonstrable consequences to the functioning of the community or ecosystem." n347 The authors of the Assessment, a panel of eminent ecologists, endorsed this position, saying it is "unlikely that there is much, if any, ecological redundancy in communities over time scales of decades to centuries, the time period over which environmental policy should operate." n348 These eminent ecologists rejected the opposing view, "the notion that species overlap in function to a sufficient degree that removal or loss of a species will be compensated by others, with negligible overall consequences to the community or ecosystem." n349 Other biologists believe, however, that species are so fabulously redundant in the ecological functions they perform that the life-support systems and processes of the planet and ecological processes in general will function perfectly well with fewer of them, certainly fewer than the millions and millions we can expect to remain even if every threatened organism becomes extinct. n350 Even the kind of sparse and miserable world depicted in the movie Blade Runner could provide a "sustainable" context for the human economy as long as people forgot their aesthetic and moral commitment to the glory and beauty of the natural world. n351 The Assessment makes this point. "Although any ecosystem contains hundreds to thousands of species interacting among themselves and their physical environment, the emerging consensus is that the system is driven by a small number of . . . biotic variables on whose interactions the balance of species are, in a sense, carried along." n352 [*907] To make up your mind on the question of the functional redundancy of species, consider an endangered species of bird, plant, or insect and ask how the ecosystem would fare in its absence. The fact that the creature is endangered suggests an answer: it is already in limbo as far as ecosystem processes are concerned. What crucial ecological services does the black-capped vireo, for example, serve? Are any of the species threatened with extinction necessary to the provision of any ecosystem service on which humans depend? If so, which ones are they? Ecosystems and the species that compose them have changed, dramatically, continually, and totally in virtually every part of the United States. There is little ecological similarity, for example, between New England today and the land where the Pilgrims died. n353 In view of the constant reconfiguration of the biota, one may wonder why Americans have not suffered more as a result of ecological catastrophes. The cast of species in nearly every environment changes constantly-local extinction is commonplace in nature-but the crops still grow. Somehow, it seems, property values keep going up on Martha's Vineyard in spite of the tragic disappearance of the heath hen. One might argue that the sheer number and variety of creatures available to any ecosystem buffers that system against stress. Accordingly, we should be concerned if the "library" of creatures ready, willing, and able to colonize ecosystems gets too small. (Advances in genetic engineering may well permit us to write a large number of additions to that "library.") In the United States as in many other parts of the world, however, the number of species has been increasing dramatically, not decreasing, as a result of human activity. This is because the hordes of exotic species coming into ecosystems in the United States far exceed the number of species that are becoming extinct. Indeed, introductions may outnumber extinctions by more than ten to one, so that the United States is becoming more and more species-rich all the time largely as a result of human action. n354 [*908] Peter Vitousek and colleagues estimate that over 1000 non-native plants grow in California alone; in Hawaii there are 861; in Florida, 1210. n355 In Florida more than 1000 non-native insects, 23 species of mammals, and about 11 exotic birds have established themselves. n356 Anyone who waters a lawn or hoes a garden knows how many weeds desire to grow there, how many birds and bugs visit the yard, and how many fungi, creepy-crawlies, and other odd life forms show forth when it rains. All belong to nature, from wherever they might hail, but not many homeowners would claim that there are too few of them. Now, not all exotic species provide ecosystem services; indeed, some may be disruptive or have no instrumental value. n357 This also may be true, of course, of native species as well, especially because all exotics are native somewhere. Certain exotic species, however, such as Kentucky blue grass, establish an area's sense of identity and place; others, such as the green crabs showing up around Martha's Vineyard, are nuisances. n358 Consider an analogy [*909] with human migration. Everyone knows that after a generation or two, immigrants to this country are hard to distinguish from everyone else. The vast majority of Americans did not evolve here, as it were, from hominids; most of us "came over" at one time or another. This is true of many of our fellow species as well, and they may fit in here just as well as we do. It is possible to distinguish exotic species from native ones for a period of time, just as we can distinguish immigrants from native-born Americans, but as the centuries roll by, species, like people, fit into the

landscape or the society, changing and often enriching it. Shall we have a rule that a species had to come over on the Mayflower, as so many did, to count as "truly" American? Plainly not. When, then, is the cutoff date? Insofar as we are concerned with the absolute numbers of "rivets" holding ecosystems together, extinction seems not to pose a general problem because a far greater number of kinds of mammals, insects, fish, plants, and other creatures thrive on land and in water in America today than in prelapsarian times. n359 The Ecological Society of America has urged managers to maintain biological diversity as a critical component in strengthening ecosystems against disturbance. n360 Yet as Simon Levin observed, "much of the detail about species composition will be irrelevant in terms of influences on ecosystem properties." n361 [*910] He added: "For net primary productivity, as is likely to be the case for any system property, biodiversity matters only up to a point; above a certain level, increasing biodiversity is likely to make little

difference." n362 What about the use of plants and animals in agriculture? There is no scarcity foreseeable. "Of an estimated 80,000 types of plants [we] know to be edible," a U.S. Department of the Interior document says, "only about 150 are extensively cultivated." n363 About twenty species, not one of which is endangered, provide ninety percent of the food the world takes from plants. n364 Any new food has to take "shelf space" or "market share" from one that is now produced. Corporations also find it difficult to create demand for a new product; for example, people are not inclined to eat paw-paws, even though they are delicious. It is hard enough to get people to eat their broccoli and lima beans. It is harder still to develop consumer demand for new foods. This may be the reason the Kraft Corporation does not prospect in remote places for rare and unusual plants and animals to add to the world's diet. Of the roughly 235,000 flowering plants and 325,000 nonflowering plants (including mosses, lichens, and seaweeds) available, farmers ignore virtually all of them in favor of a very few that are profitable. n365 To be sure, any of the more than 600,000 species of plants could have an application in agriculture, but would they be preferable to the species that are now dominant? Has anyone found any consumer demand for any of these half-million or more plants to replace rice or wheat in the human diet? There are reasons that farmers cultivate rice, wheat, and corn rather than, say, Furbish's lousewort. There are many kinds of louseworts, so named because these weeds were thought to cause lice in sheep. How many does agriculture really require? [*911] The species on which agriculture relies are domesticated, not naturally occurring; they are developed by artificial not natural selection; they might not be able to survive in the wild. n366 This argument is not intended to deny the religious, aesthetic, cultural, and moral reasons that command us to respect and protect the natural world. These spiritual and ethical values should evoke action, of course, but we should also recognize that they are spiritual and ethical values. We should recognize that ecosystems and all that dwell therein compel our moral respect, our aesthetic appreciation, and our spiritual veneration; we should clearly seek to achieve the goals of the ESA. There is no reason to assume, however, that these goals have anything to do with human well-being or welfare as economists understand that term. These are ethical goals, in other words, not economic ones. Protecting the marsh may be the right thing to do for moral, cultural, and spiritual reasons. We should do it-but someone will have to pay the costs. In the narrow sense of promoting human welfare, protecting nature often represents a net "cost," not a net "benefit." It is largely for moral, not economic, reasons-ethical, not prudential, reasons- that we care about all our fellow creatures. They are valuable as objects of love not as objects of use. What is good for [*912] the marsh may be good in itself even if it is not, in the economic sense, good for mankind. The most valuable things are quite useless.

Biodiversity loss won't cause extinction

Lomborg 1 (Bjorn Lomborg, associate professor of statistics in the Department of Political Science at the University of Aarhus, Denmark, August 9, 2001, "Environmentalists tend to believe that, ecologically speaking, things are getting worse and worse."

We are all familiar with the litany of our ever-deteriorating environment. It is the doomsday message endlessly repeated by the media, as when Time magazine tells us that "everyone knows the planet is in bad shape", and when the New Scientist calls its environmental overview "self-destruct". We are defiling our Earth, we are told. Our resources are running out. The population is ever-growing, leaving less and less to eat. Our air and water is more and more polluted. The planet's species are becoming extinct in vast numbers - we kill off more than 40,000 each year. Forests are disappearing, fish stocks are collapsing, the coral reefs are dying. The fertile topsoil is vanishing. We are paving over nature, destroying the wilderness, decimating the biosphere, and will end up killing ourselves in the process. The world's ecosystem is breaking down. We are fast approaching the absolute limit of viability. Global warming is probably taking place, though future projections are overly pessimistic and the traditional cure of radical fossil-fuel cutbacks is far more damaging than the original affliction. Moreover, its total impact will not pose a devastating problem to our future. Nor will we lose 25-50% of all species in our lifetime - in fact, we are losing probably 0.7%. Acid rain does not kill the forests, and the air and water around us are becoming less and less polluted. In fact, in terms of practically every measurable indicator, mankind's lot has improved. This does not, however, mean that everything is good enough. We can still do even better. Take, for example, starvation and the population explosion. In 1968, one of the leading environmentalists, Dr Paul R Erlich, predicted in his bestselling book, The Population Bomb, that "the battle to feed humanity is over. In the course of the 1970s, the world will experience starvation of tragic proportions - hundreds of millions of people will starve to death." This did not happen. Instead, according to the UN, agricultural production in the developing world has increased by 52% per person. The daily food intake in developing countries has increased from 1,932 calories in 1961 - barely enough for survival - to 2,650 calories in 1998, and is expected to rise to 3,020 by 2030. Likewise, the proportion of people going hungry in these countries has dropped from 45% in 1949 to 18% today, and is expected to fall even further, to 12% in 2010 and 6% in 2030. Food, in other words, is becoming not scarcer but ever more abundant. This is reflected in its price. Since 1800, food prices have decreased by more than 90%, and in 2000, according to the World Bank, prices were lower than ever before. Erlich's prediction echoed that made 170 years earlier by Thomas Malthus. Malthus claimed that, unchecked, human population would expand exponentially, while food production.

Aff – AT Warming Impact

Warming will be slow and the impact will be small

Ridley 6/19/14, (Matt Ridley is the author of *The Rational Optimist*, a columnist for the Times (London) and a member of the House of Lords. He spoke at Ideacity in Toronto on June 18, "PCC commissioned models to see if global warming would reach dangerous levels this century. Consensus is 'no'", [<http://tinyurl.com/mgyn8ln>], //hss-RJ)

The debate over climate change is horribly polarized. From the way it is conducted, you would think that only two positions are possible: that the whole thing is a hoax or that catastrophe is inevitable. In fact there is room for lots of intermediate positions, including the view I hold, which is that man-made climate change is real but not likely to do much harm, let alone prove to be the greatest crisis facing humankind this century. After more than 25 years reporting and commenting on this topic for various media organizations, and having started out alarmed, that's where I have ended up. But it is not just I that hold this view. I share it with a very large international organization, sponsored by the United Nations and supported by virtually all the world's governments: the Intergovernmental Panel on Climate Change (IPCC) itself. The IPCC commissioned four different models of what might happen to the world economy, society and technology in the 21st century and what each would mean for the climate, given a certain assumption about the atmosphere's "sensitivity" to carbon dioxide. Three of the models show a moderate, slow and mild warming, the hottest of which leaves the planet just 2 degrees Centigrade warmer than today in 2081-2100. The coolest comes out just 0.8 degrees warmer. Now two degrees is the threshold at which warming starts to turn dangerous, according to the scientific consensus. That is to say, in three of the four scenarios considered by the IPCC, by the time my children's children are elderly, the earth will still not have experienced any harmful warming, let alone catastrophe. But what about the fourth scenario? This is known as RCP8.5, and it produces 3.5 degrees of warming in 2081-2100. Curious to know what assumptions lay behind this model, I decided to look up the original papers describing the creation of this scenario. Frankly, I was gobsmacked. It is a world that is very, very implausible. For a start, this is a world of "continuously increasing global population" so that there are 12 billion on the planet. This is more than a billion more than the United Nations expects, and flies in the face of the fact that the world population growth rate has been falling for 50 years and is on course to reach zero - i.e., stable population - in around 2070. More people mean more emissions. Second, the world is assumed in the RCP8.5 scenario to be burning an astonishing 10 times as much coal as today, producing 50% of its primary energy from coal, compared with about 30% today. Indeed, because oil is assumed to have become scarce, a lot of liquid fuel would then be derived from coal. Nuclear and renewable technologies contribute little, because of a "slow pace of innovation" and hence "fossil fuel technologies continue to dominate the primary energy portfolio over the entire time horizon of the RCP8.5 scenario." Energy efficiency has improved very little. These are highly unlikely assumptions. With abundant natural gas displacing coal on a huge scale in the United States today, with the price of solar power plummeting, with nuclear power experiencing a revival, with gigantic methane-hydrate gas resources being discovered on the seabed, with energy efficiency rocketing upwards, and with population growth rates continuing to fall fast in virtually every country in the world, the one thing we can say about RCP8.5 is that it is very, very implausible. Notice, however, that even so, it is not a world of catastrophic pain. The per capita income of the average human being in 2100 is three times what it is now. Poverty would be history. So it's hardly Armageddon. But there's an even more startling fact. We now have many different studies

of climate sensitivity based on observational data and they all converge on the conclusion that it is much lower than assumed by the IPCC in these models. It has to be, otherwise global temperatures would have risen much faster than they have over the past 50 years. As Ross McKittrick noted on this page earlier this week, temperatures have not risen at all now for more than 17 years. With these much more realistic estimates of sensitivity (known as “transient climate response”), even RCP8.5 cannot produce dangerous warming. It manages just 2.1C of warming by 2081-2100. That is to say, even if you pile crazy assumption upon crazy assumption till you have an edifice of vanishingly small probability, you cannot even manage to make climate change cause minor damage in the time of our grandchildren, let alone catastrophe. That’s not me saying this – it’s the IPCC itself. But what strikes me as truly fascinating about these scenarios is that they tell us that globalization, innovation and economic growth are unambiguously good for the environment. At the other end of the scale from RCP8.5 is a much more cheerful scenario called RCP2.6. In this happy world, climate change is not a problem at all in 2100, because carbon dioxide emissions have plummeted thanks to the rapid development of cheap nuclear and solar, plus a surge in energy efficiency. The RCP2.6 world is much, much richer. The average person has an income about 15 times today’s in real terms, so that most people are far richer than Americans are today. And it achieves this by free trade, massive globalization, and lots of investment in new technology. All the things the green movement keeps saying it opposes because they will wreck the planet. The answer to climate change is, and always has been, innovation. To worry now in 2014 about a very small, highly implausible set of circumstances in 2100 that just might, if climate sensitivity is much higher than the evidence suggests, produce a marginal damage to the world economy, makes no sense. Think of all the innovation that happened between 1914 and 2000. Do we really think there will be less in this century? As for how to deal with that small risk, well there are several possible options. You could encourage innovation and trade. You could put a modest but growing tax on carbon to nudge innovators in the right direction. You could offer prizes for low-carbon technologies. All of these might make a little sense. But the one thing you should not do is pour public subsidy into supporting old-fashioned existing technologies that produce more carbon dioxide per unit of energy even than coal (bio-energy), or into ones that produce expensive energy (existing solar), or that have very low energy density and so require huge areas of land (wind). The IPCC produced two reports last year. One said that the cost of climate change is likely to be less than 2% of GDP by the end of this century. The other said that the cost of decarbonizing the world economy with renewable energy is likely to be 4% of GDP. Why do something that you know will do more harm than good?

Warming is slow – no risk of an impact

Michaels and Knappenberger 11/19/13, (*Chip Knappenberger is the assistant director of the Center for the Study of Science at the Cato Institute, and coordinates the scientific and outreach activities for the Center. He has over 20 years of experience in climate research and public outreach, including 10 years with the Virginia State Climatology Office and 15 years as the Research Coordinator for New Hope Environmental Services, Inc, **Patrick J. Michaels is the director of the Center for the Study of Science at the Cato Institute. Michaels is a past president of the American Association of State Climatologists and was program chair for the Committee on Applied Climatology of the American Meteorological Society. He was a research professor of Environmental Sciences at University of Virginia for thirty years. Michaels was a contributing author and is a reviewer of the United Nations Intergovernmental Panel on Climate Change, which was awarded the Nobel Peace Prize in 2007, “With or Without a “Pause” Climate Models Still Project Too Much Warming”, [<http://www.cato.org/blog/or-without-pause-climate-models-still-project-too-much-warming>] //hss-RJ)

A new paper just hit the scientific literature that argues that the apparent pause in the rise in global average surface temperatures during the past 16 years was really just a slowdown. As you may imagine, this paper, by Kevin Cowtan and Robert Way is being hotly discussed in the global warming blogs, with reaction ranging from a warm embrace by the global-warming-is-going-to-be-bad-for-us crowd to revulsion from the human-activities-have-no-effect-on-the-climate clique. The lukewarmers (a school we take some credit for establishing) seem to be taking the results in stride. After all, the “pause” as curious as it is/was, is not central to the primary argument that, yes, human activities are pressuring the planet to warm, but that the rate of warming is going to be much slower than is being projected by the collection of global climate models (upon which mainstream projections of future climate change—and the resulting climate alarm (i.e., calls for emission regulations, etc.)—are based). Under the adjustments to the observed global temperature history put together by Cowtan and Way, the models fare a bit better than they do with the unadjusted temperature record. That is, the observed temperature trend over the past 34 years (the period of record analyzed by Cowtan and Way) is a tiny bit closer to the average trend from the collection of climate models used in the new report from the U.N.’s Intergovernmental Panel on Climate Change (IPCC) than is the old temperature record. Specifically, while the trend in observed global temperatures from 1979-2012 as calculated by Cowtan and Way is 0.17°C/decade, it is 0.16°C/decade in the temperature record compiled by the U.K. Hadley Center (the record that Cowtan and Way adjusted). Because of the sampling errors associated with trend estimation, these values are not significantly different from one another. Whether the 0.17°C/decade is significantly different from the climate model average simulated trend during that period of 0.23°C/decade is discussed extensively below. But, suffice it to say that an insignificant difference of 0.01°C/decade in the global trend measured over more than 30 years is pretty small

beer and doesn't give model apologists very much to get happy over. Instead, the attention is being deflected to "The Pause" – the leveling off of global surface temperatures during the past 16 years (give or take). Here, the new results from Cowtan and Way show that during the period 1997-2012, instead of a statistically insignificant rise at a rate of 0.05°C/decade as is contained in the "old" temperature record, the rise becomes a statistically significant 0.12°C/decade. "The Pause" is transformed into "The Slowdown" and alarmists rejoice because global warming hasn't stopped after all. (If the logic sounds backwards, it does to us as well, if you were worried about catastrophic global warming, wouldn't you rejoice at findings that indicate that future climate change was going to be only modest, more so than results to the contrary?) The science behind the new Cowtan and Way research is still being digested by the community of climate scientists and other interested parties alike. The main idea is that the existing compilations of the global average temperature are very data-sparse in the high latitudes. And since the Arctic (more so than the Antarctic) is warming faster than the global average, the lack of data there may mean that the global average temperature trend may be underestimated. Cowtan and Way developed a methodology which relied on other limited sources of temperature information from the Arctic (such as floating buoys and satellite observations) to try to make an estimate of how the surface temperature was behaving in regions lacking more traditional temperature observations (the authors released an informative video explaining their research which may better help you understand what they did). They found that the warming in the data-sparse regions was progressing faster than the global average (especially during the past couple of years) and that when they included the data that they derived for these regions in the computation of the global average temperature, they found the global trend was higher than previously reported – just how much higher depended on the period over which the trend was calculated. As we showed, the trend more than doubled over the period from 1997-2012, but barely increased at all over the longer period 1979-2012. Figure 1 shows the impact on the global average temperature trend for all trend lengths between 10 and 35 years (incorporating our educated guess as to what the 2013 temperature anomaly will be), and compares that to the distribution of climate model simulations of the same period. Statistically speaking, instead of there being a clear inconsistency (i.e., the observed trend value falls outside of the range which encompasses 95% of all modeled trends) between the observations and the climate model simulations for lengths ranging generally from 11 to 28 years and a marginal inconsistency (i.e., the observed trend value falls outside of the range which encompasses 90% of all modeled trends) for most of the other lengths, now the observations track closely the marginal inconsistency line, although trends of length 17, 19, 20, 21 remain clearly inconsistent with the collection of modeled trends. Still, throughout the entirety of the 35-yr period (ending in 2013), the observed trend lies far below the model average simulated trend (additional information on the impact of the new Cowtan and Way adjustments on modeled/observed temperature comparison can be found here). The Cowtan and Way analysis is an attempt at using additional types of temperature information, or extracting "information" from records that have already told their stories, to fill in the missing data in the Arctic. There are concerns about the appropriateness of both the data sources and the methodologies applied to them. A major one is in the applicability of satellite data at such high latitudes. The nature of the satellite's orbit forces it to look "sideways" in order to sample polar regions. In fact, the orbit is such that the highest latitude areas cannot be seen at all. This is compounded by the fact that cold regions can develop substantial "inversions" of near-ground temperature, in which temperature actually rises with height such that there is not a straightforward relationship between the surface temperature and the temperature of the lower atmosphere where the satellites measure the temperature. If the nature of this complex relationship is not constant in time, an error is introduced into the Cowtan and Way analysis. Another unresolved problem comes up when extrapolating land-based weather station data far into the Arctic Ocean. While land temperatures can bounce around a lot, the fact that much of the ocean is partially ice-covered for many months. Under "well-mixed" conditions, this forces the near-surface temperature to be constrained to values near the freezing point of salt water, whether or not the associated land station is much warmer or colder. You can run this experiment yourself by filling a glass with a mix of ice and water and then making sure it is well mixed. The water surface temperature must hover around 33°F until all the ice melts. Given that the near-surface temperature is close to the water temperature, the limitations of land data become obvious. Considering all of the above, we advise caution with regard to Cowtan and Way's findings. While adding high arctic data should increase the

observed trend, the nature of the data means that the amount of additional rise is subject to further revision. As they themselves note, there's quite a bit more work to be done this area. In the meantime, their results have tentatively breathed a small hint of life back into the climate models, basically buying them a bit more time – time for either the observed temperatures to start rising rapidly as current models expect, or, time for the modelers to try to fix/improve cloud processes, oceanic processes, and other process of variability (both natural and anthropogenic) that lie behind what would be the clearly overheated projections. We've also taken a look at how "sensitive" the results are to the length of the ongoing pause/slowdown. Our educated guess is that the "bit" of time that the Cowtan and Way findings bought the models is only a few years long, and it is a fact, not a guess, that each additional year at the current rate of lukewarming increases the disconnection between the models and reality.

AT: Right Malthus D.A/K NW

Aff—Eco Authortiarianism



UQ—No Crunch—Squo Solves

Current reductions in consumption eliminate the need for an eco-authoritarian state

White 10 (Sep. 16, 2010. Micah White is an award winning activists and senior editor at adbusters, an anti-consumerist and pro-environment media organization. "An alternative to the new wave of ecofascism" *The Guardian*
<http://www.theguardian.com/commentisfree/cif-green/2010/sep/16/authoritarianism-ecofascism-alternative> //HS)

It is time to acknowledge that mainstream environmentalism has failed to prevent climate catastrophe. Its refusal to call for an immediate consumption reduction has backfired and its demise has opened the way for a wave of fascist environmentalists who reject democratic freedom. One well-known example of the authoritarian turn in environmentalism is **James Lovelock, the first scientist to discover the presence of ozone-depleting ChloroFluoroCarbonS in the atmosphere.** Earlier this year he **told the Guardian that democracies are incapable of adequately addressing climate change.** "I have a feeling," Lovelock said, "that climate change may be an issue as severe as a war. It may be necessary to put democracy on hold for a while." His words may be disturbing, but **other ecologists have gone much further.** Take for example Pentti Linkola, a Finnish fisherman and ecological philosopher. Whereas Lovelock puts his faith in advanced technology, **Linkola proposes a turn to fascist primitivism.** Their only point of agreement is on the need to suspend democracy. **Linkola has built an environmentalist following by calling for an authoritarian, ecological regime that ruthlessly suppresses consumers.** Largely unknown outside of Finland until the first English translation of his work was published last year, **Linkola represents environmentalism pushed to its totalitarian extreme.** "An ecocatastrophe is taking place on earth," he writes concluding several pages later that "discipline, prohibition, enforcement and oppression" are the only solution. Linkola has a cunning ability to blend reasonable ecological precepts with shocking authoritarian solutions. **His bold political programme includes ending the freedom to procreate, abolishing fossil fuels, revoking all international trade agreements, banning air traffic, demolishing the suburbs, and reforesting parking lots.** As for those **"most responsible for the present economic growth and competition"**, Linkola explains that **they will be sent** to the mountains **for "re-education" in eco-gulags: "the sole glimmer of hope,"** he declares, **"lies in a centralised government and the tireless control of citizens."** Environmentalism is currently marketed as a luxury brand for guilty consumers. **The prevailing assumption is that a fundamental lifestyle change is unnecessary:** being green means paying extra for organic produce and driving a hybrid. **The incumbent political regime remains in power and the same corporations provide new "green" goods; the underlying consumerist ideology is unquestioned.** This brand of environmentalism only emboldens ecofascists who rightly claim that **shopping green can never stop the ecological crisis.** And yet, **ecofascists are wrong to suggest that the suspension of democracy is the only alternative. Humanity can avert climate catastrophe without accepting ecological tyranny.** However, **this will take an immediate, drastic reduction of our consumption.** This requires the trust that the majority of people would voluntarily reduce their standard of living once the forces that induce consumerism are overcome. **The future of environmentalism is in liberating humanity from the compulsion to consume.** Rampant, **earth-destroying consumption is the norm in the west largely because** our imaginations are pillaged by any corporation with an **advertising** budget. From birth, we are assaulted by thousands of commercial messages each day whose single mantra is "buy". **Silencing this refrain is the revolutionary alternative to ecological fascism.** It is a revolution which is already budding and is marked by three synergetic campaigns: **the criminalisation of advertising, the revocation of corporate power and the downshifting of the global economy.** In São Paulo, the seventh largest city in the world, **outdoor advertising has been banned.** Meanwhile, **artists in New York City and Toronto are launching blitzkrieg attacks on billboards, replacing commercials with art.** Their efforts have put one visual polluter out of business. **Grassroots organisers in the US are pushing for an amendment to the constitution that will end corporate personhood while others are fighting to revive the possibility of death penalties for corporations.** The second international conference on degrowth economics met recently in Barcelona. In Ithaca, New York a local, time-based currency is thriving. **Buy**

Nothing Day campaign is celebrated in dozens of nations and now Adbusters is upping the ante with a call for seven days of carnivalesque rebellion against consumerism this November. And, **most important of all, across the world everyday people are silently, unceremoniously and intentionally spending less and living more.** Authoritarian environmentalists fail to imagine a world without advertising, so they dream of putting democracy "on hold". In Linkola's dystopian vision, the resources of the state are mobilised to clamp down on individual liberty. But **there is no need to suspend democracy if it is returned to the people.** Democratic, anti-fascist environmentalism means marshalling the strength of humanity to suppress corporations. **Only by silencing the consumerist forces will both climate catastrophe and ecological tyranny be averted. Yes, western consumption will be substantially reduced. But it will be done voluntarily and joyously.**

Current reductions in consumption eliminate the need for an eco-authoritarian state

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democracy is the only alternative. Humanity can avert climate catastrophe without accepting ecological tyranny. However, this will take an immediate, drastic reduction of our consumption. This requires the trust that the majority of people would voluntarily reduce their standard of living once the forces that induce consumerism are overcome. The future of environmentalism is in liberating humanity from the compulsion to consume. Rampant, earth-destroying consumption is the norm in the west largely because our imaginations are pillaged by any corporation with an advertising budget. From birth, we are assaulted by thousands of commercial messages each day whose single mantra is "buy". Silencing this refrain is the revolutionary alternative to ecological fascism. It is a revolution which is already budding and is marked by three synergetic campaigns: the criminalisation of advertising, the revocation of corporate power and the downshifting of the global economy. In São Paulo, the seventh largest city in the world, outdoor advertising has been banned. Meanwhile, artists in New York City and Toronto are launching blitzkrieg attacks on billboards, replacing commercials with art. Their efforts have put one visual polluter out of business. Grassroots organisers in the US are pushing for an amendment to the constitution that will end corporate personhood while others are fighting to revive the possibility of death penalties for corporations. The second international conference on degrowth economics met recently in Barcelona. In Ithaca, New York a local, time-based currency is thriving. Buy Nothing Day campaign is celebrated in dozens of nations and now Adbusters is upping the ante with a call for seven days of carnivalesque rebellion against consumerism this November. And, most important of all, across the world everyday people are silently, unceremoniously and intentionally spending less and living more. Authoritarian environmentalists fail to imagine a world without advertising, so they dream of putting democracy "on hold". In Linkola's dystopian vision, the resources of the state are mobilised to clamp down on individual liberty. But there is no need to suspend democracy if it is returned to the people. Democratic, anti-fascist environmentalism means marshalling the strength of humanity to suppress corporations. Only by silencing the consumerist forces will both climate catastrophe and ecological tyranny be averted. Yes, western consumption will be substantially reduced. But it will be done voluntarily and joyously.

UQ—No Crunch—Models

Ecological Footprint model is wrong- slowing population growth rate and technology solve any risk of ecological crunch

Lomborg 10 (Apr. 16, 2009. Updated Feb. 05, 2010. Bjorn Lomborg is the director of the Copenhagen Consensus Center and an adjunct professor at the Copenhagen Business School. "Forget the Scary Eco-Crunch: This Earth is Enough" *The Globe and Mail*. <http://www.theglobeandmail.com/globe-debate/forget-the-scary-eco-crunch-this-earth-is-enough/article4304957/> //HS)

According to conventional wisdom, we are voraciously using the world's resources and living way beyond Earth's means. This narrative of decline and pessimism underlies much of today's environmental discourse, and is often formulated in a simple fashion: By 2030, we will need two planets to sustain us, owing to higher living standards and population growth. If we all lived at American standards, we'd need almost five planets. But this received wisdom is fundamentally wrong. Environmental campaigners use the "ecological footprint" - how much area each one of us requires from the planet - to make their point. We use cropland, grazing land, forests and fishing grounds to produce our food, fibre and timber, and we need space for our houses, roads and cities. Moreover, we require areas to absorb the waste emitted by our energy use. Translating all these demands into a common unit of physical area gives us an opportunity to compare it with Earth's productive area - and thus get a sense of how sustainable we are. For more than a decade, the World Wildlife Fund and several other conservation groups have performed complicated calculations to determine individual "footprints" on the planet. Their numbers show that each American uses 9.4 hectares of the globe, each European 4.7 hectares, and those in low-income countries one hectare. Adding it all up, we collectively use 17.5 billion hectares. Unfortunately, there are only 13.4 billion hectares available. So, according to the WWF, we're already living beyond Earth's means, using around 30 per cent too much. And it will get worse. The current financial crisis, they tell us, "pales in comparison to the looming ecological credit crunch," which could presage "a large-scale ecosystem collapse." The message has been received loud and clear. We are using up too much of the planet's area. But how can we do that? How can we use more area than there is on Earth? Obviously, any measure that tries to aggregate different aspects of human behaviour will have to simplify the inputs; the ecological footprint is no different. For example, when we talk about American lifestyles needing five planets, we assume that technology is frozen, whereas it's likely that worldwide land-use productivity would increase dramatically. Likewise, organic farming actually leaves a larger footprint than its conventional cousin. Yet, despite such shortcomings, it is clear that areas we use for roads cannot be used for growing food, and that using areas to build our houses takes away from forests. This part of the ecological footprint is a convenient measure of our literal footprint on Earth. Here, we live far inside the available area, using some 60 per cent of the world's available space, and this proportion is likely to drop because the rate at which the Earth's population is increasing is now slowing, while technological progress continues. So no ecological collapse. There is just one factor that keeps increasing: our carbon emissions. It is not at all obvious to anyone how to convert carbon dioxide to area. The WWF and some researchers choose to get around this by defining the area of emissions as the area of forest needed to soak up the extra carbon dioxide. This now makes up more than 50 per cent of the ecological footprint, and will grow to 75 per cent before mid-century. In essence, we're being told we ought to cut emissions to zero, and to plant trees to achieve that, meaning we would have to plant forests today on 30 per cent more than all of the available land, and plant forests on almost two planets by 2030. This is unreasonable. Is it really necessary for us to cut all emissions? Just cutting about half of all emissions would reduce greenhouse-gas concentrations in the medium term. More important, planting forests is one of the least area-efficient technology-intensive ways to cut carbon. Solar cells and wind turbines require less than 1 per cent of the area of forests to reduce carbon dioxide, they become increasingly efficient, and they can often be placed on non-productive land (such as wind turbines at sea and solar panels in deserts).

Measured this way, the scary eco-crunch disappears. Due to technology, the individual demand on the planet has already dropped 35 per cent over the past half-decade, and **the collective requirement will reach its upper limit** before 2020 **without any overdraft.** Translating carbon dioxide into an illogical and inefficient measure of forest cover seems intended mainly to ensure that an alarming message results. In the scientific literature, a leading modeller acknowledges that most modellers regard this method as "hard to defend." **Two other research teams have pointed out that the ecological footprint "itself is nothing more than an important attention-grabbing device,"** and that **"it is less a scientific measure than one designed to raise public awareness and influence politics."** When we really examine the "ecological footprint" calculations, we discover that **the only thing the world is running out of is space to plant a colossal amount of imaginary forest that we wouldn't have planted anyway, to avoid carbon dioxide emissions that we can prevent through much smarter and cheaper means.** That our profligate consumption requires five planets is a catchy story, but it is wrong. The planet we have is more than enough.

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UQ—No Crunch—Industrial Rev

Malthus was wrong- industrial revolution and technological advancements prove

The Economist 08 (May 15, 2008. The Economist is a magazine publication that specialize in economic issues. "Malthus, The False Prophet." *The Economist*. <http://www.economist.com/node/11374623> //HS)

According to conventional wisdom, we are voraciously using the world's resources and living way beyond Earth's means. This narrative of decline and pessimism underlies much of today's environmental discourse, and is often formulated in a simple fashion: By 2030, we will need two planets to sustain us, owing to higher living standards and population growth. If we all lived at American standards, we'd need almost five planets. But this received wisdom is fundamentally wrong. Environmental campaigners use the "ecological footprint" - how much area each one of us requires from the planet - to make their point. We use cropland, grazing land, forests and fishing grounds to produce our food, fibre and timber, and we need space for our houses, roads and cities. Moreover, we require areas to absorb the waste emitted by our energy use. Translating all these demands into a common unit of physical area gives us an opportunity to compare it with Earth's productive area - and thus get a sense of how sustainable we are. For more than a decade, the World Wildlife Fund and several other conservation groups have performed complicated calculations to determine individual "footprints" on the planet. Their numbers show that each American uses 9.4 hectares of the globe, each European 4.7 hectares, and those in low-income countries one hectare. Adding it all up, we collectively use 17.5 billion hectares. Unfortunately, there are only 13.4 billion hectares available. So, according to the WWF, we're already living beyond Earth's means, using around 30 per cent too much. And it will get worse. The current financial crisis, they tell us, "pales in comparison to the looming ecological credit crunch," which could presage "a large-scale ecosystem collapse." The message has been received loud and clear. We are using up too much of the planet's area. But how can we do that? How can we use more area than there is on Earth? Obviously, any measure that tries to aggregate different aspects of human behaviour will have to simplify the inputs; the ecological footprint is no different. For example, when we talk about American lifestyles needing five planets, we assume that technology is frozen, whereas it's likely that worldwide land-use productivity would increase dramatically. Likewise, organic farming actually leaves a larger footprint than its conventional cousin. Yet, despite such shortcomings, it is clear that areas we use for roads cannot be used for growing food, and that using areas to build our houses takes away from forests. This part of the ecological footprint is a convenient measure of our literal footprint on Earth. Here, we live far inside the available area, using some 60 per cent of the world's available space, and this proportion is likely to drop because the rate at which the Earth's population is increasing is now slowing while technological progress continues. So no ecological collapse. There is just one factor that keeps increasing: our carbon emissions. It is not at all obvious to anyone how to convert carbon dioxide to area. The WWF and some researchers choose to get around this by defining the area of emissions as the area of forest needed to soak up the extra carbon dioxide. This now makes up more than 50 per cent of the ecological footprint, and will grow to 75 per cent before mid-century. In essence, we're being told we ought to cut emissions to zero, and to plant trees to achieve that, meaning we would have to plant forests today on 30 per cent more than all of the available land, and plant forests on almost two planets by 2030. This is unreasonable. Is it really necessary for us to cut all emissions? Just cutting about half of all emissions would reduce greenhouse-gas concentrations in the medium term. More important, planting forests is one of the least area-efficient technology-intensive ways to cut carbon. Solar cells and wind turbines require less than 1 per cent of the area of forests to reduce carbon dioxide, they become increasingly efficient, and they can often be placed on non-productive land (such as wind turbines at sea and solar panels in deserts). Measured this way, the scary eco-crunch disappears. Due to technology, the individual demand on the planet has already dropped 35 per cent over the past half-decade, and the collective requirement will reach its upper limit before 2020 without any overdraft. Translating carbon dioxide into an illogical and inefficient measure of

forest cover seems intended mainly to ensure that an alarming message results. In the scientific literature, a leading modeller acknowledges that most modellers regard this method as "hard to defend." **Two other research teams have pointed out that the ecological footprint "itself is nothing more than an important attention-grabbing device,"** and that **"it is less a scientific measure than one designed to raise public awareness and influence politics."** **When we really examine the "ecological footprint" calculations,** we discover that **the only thing the world is running out of is space to plant a colossal amount of imaginary forest that we wouldn't have planted anyway, to avoid carbon dioxide emissions that we can prevent through much smarter and cheaper means.** That our profligate consumption requires five planets is a catchy story, but it is wrong. The planet we have is more than enough. Malthus was wrong - industrial revolution and technological advancements prove AMID an astonishing surge in food prices, which has sparked riots and unrest in many countries and is making even the relatively affluent citizens of America and Europe feel the pinch, faith in the ability of global markets to fill nearly 7 billion bellies is dwindling. **Given the fear that a new era of chronic shortages may have begun, it is perhaps understandable that the name of Thomas Malthus is in the air.** Yet **if his views were indeed now correct, that would defy the experience of the past two centuries.** Malthus first set out his ideas in 1798 in "An Essay on the Principle of Population". This expounded a tragic twin trajectory for the growth of human populations and the increase of food supply. Whereas the natural tendency was for populations to grow without end, food supply would run up against the limit of finite land. As a result, the "positive checks" of higher mortality caused by famine, disease and war were necessary to bring the number of people back in line with the capacity to feed them. In a second edition published in 1803, Malthus softened his original harsh message by introducing the idea of moral restraint. Such a "preventive check", operating through the birth rather than the death rate, could provide a way to counter the otherwise inexorable logic of too many mouths chasing too little food. If couples married late and had fewer children, population growth could be sufficiently arrested for agriculture to cope. **It was the misfortune of Malthus—but the good luck of generations born after him—that he wrote at an historical turning point. His ideas,** especially his later ones, **were arguably an accurate description of pre-industrial societies,** which teetered on a precarious balance between empty and full stomachs. **But the industrial revolution,** which had already begun in Britain, **was transforming the long-term outlook for economic growth. Economies were starting to expand faster than their populations, bringing about a sustained improvement in living standards. Far from food running out,** as Malthus had feared, **it became abundant as trade expanded and low-cost agricultural producers like Argentina and Australia joined the world economy. Reforms based on sound political economy played a vital role.** too. In particular, **the abolition of the Corn Laws in 1846 paved the way for British workers to gain from cheap food imports. Malthus got his demographic as well as his economic predictions wrong. His assumption that populations would carry on growing in times of plenty turned out to be false.** Starting in Europe, **one country after another underwent a "demographic transformation"** as economic development brought greater prosperity. Both **birth and death rates dropped and population growth eventually started to slow.** The Malthusian heresy re-emerged in the early 1970s, the last time food prices shot up. Then, at least, **there appeared to be some cause for demographic alarm.** Global **population growth had picked up sharply** after the second world war because it took time for high birth rates in developing countries to follow down the plunge in infant-mortality rates brought about by modern medicine. **But once again the worries about overpopulation proved mistaken as the "green revolution" and further advances in agricultural efficiency boosted food supply.** If the world's **population growth was a false concern four decades ago, when it peaked at 2% a year, it is even less so now that it has slowed to 1.2%.** But even though crude demography is not to blame, changing lifestyles arising from rapid economic growth especially in Asia are a new worry. As the Chinese have become more affluent, they have started to consume more meat, raising the underlying demand for basic food since cattle need more grain to feed than humans. **Neo-Malthusians question whether the world can provide 6.7 billion people (rising to 9.2 billion by 2050) with a Western-style diet. Once again the gloom is overdone. There may no longer be virgin lands** to be settled and cultivated, as in the 19th century, **but there is no reason to believe that agricultural productivity has hit a buffer.** Indeed, **one of the main barriers to another "green revolution" is unwarranted popular worries about genetically modified foods,** which is holding back farm output not just in Europe, but in the developing countries that could use them to boost their exports. Political folly increases in a geometrical ratio As so often, governments are making matters worse. Food-export bans are proliferating. Although these may produce temporary relief for any one country, the more they spread the tighter global markets become. Another wrongheaded policy has been America's subsidy to domestic ethanol production in a bid to reduce dependence on imported oil. This misconceived attempt to grow more fuel rather than to curb demand is expected to gobble up a third of this year's maize (corn) crop. **Although neo-Malthusianism naturally has much to say about food scarcity, the doctrine emerges more generally as the idea of** absolute limits on resources and energy, such as the notion of

"peak oil". Following the earlier scares of the 1970s, oil companies defied the pessimists by finding extra fields, not least since higher prices had spurred new exploration. But **even if oil wells were to run dry, economies can still adapt by finding and exploiting other energy sources**. A new form of Malthusian limit has more recently **emerged through the need to constrain greenhouse-gas emissions** in order to tackle global warming. But **this too can be overcome by shifting to a low-carbon economy**. As with agriculture, the main difficulty in making the necessary adjustment comes from poor policies, such as governments' reluctance to impose a carbon tax. There may be curbs on traditional forms of growth, but **there is no limit to human ingenuity. That is why Malthus remains as wrong today as he was two centuries ago.**

Technology proves Malthus wrong

Hoffmans 2011 (Oct. 31, 2011. Lara Hoffmans has written several books on investments and personal finance as well as covered the investment sectors of health care, consumer staples, etc. while analyzing economic and political and sentiment influencing forces. "7 Billion Reasons Malthus Was Wrong" *Forbes*. <http://www.forbes.com/sites/larahoffmans/2011/10/31/7-billion-reasons-malthus-was-wrong/> //HS)

You'd think after 200 years, folks would eventually say, **"That Malthus guy? Kind of wrong."** Yet, with the (projected) birth today of the world's 7 billionth occupant, there's no shortage of media hand-wringing about the dim prospects of our world from here. Thomas **Malthus** is famous (or infamous, depending on your view) for his belief that human population growth would outpace food production—and fast—which would lead to societal ruin. He **was downright dismissive of the idea of "unlimited progress" in food production**. Can there be "unlimited progress" in food production? Not sure. But Malthus would never imagine that, **with 6 billion more people than in his day, we have a holiday dedicated to handing total strangers handfuls of free food. Utterly non-nutritional food at that!** You can't really blame Malthus for getting this so wrong. Long-term forecasts are right devilish. Example, the London Times columnist who predicted in 1894 that by 1950, London would be buried under 9 feet of manure likely died before he could have any egg on his face. (Though, no doubt, he had enough time to surmise that the horse-dropping build-up was going awfully slowly.) There was no way for him to know in a few short years, the combustion engine would make horse-drawn transport a cute relic for honeymooners. And that's how these long-term forecasts go. **The peak oil date certain** (the point at which oil production hits an apex and starts falling) **has come and gone multiple times over the past decades**. Yet, since the concept of "peak oil" was first popularized by Marion Hubbert in 1956, the amount of oil we produce has increased vastly. So too has the amount of known reserves in the ground. **There was just no way for him to predict we'd be drilling in thousands of feet of water—or "fracking"!** (Heck, in 1956, "frack" was still what polite Dads said after their thumbs got in the way of their hammers.) **Or that we'd even have the technology to find the oil (or gas) to deep-water drill (or frack)**. The popular 1968 book **the Population Bomb** posited that in the 1970s, **hundreds of millions would starve to death**. The theory was that if food production is growing at X rate and the population growing at much faster Y rate, that could pose quite a problem. **But then, along came** Norman **Borlaug, who invented high-yielding, disease-resistant dwarf wheat**. (Thank goodness Norman's mom wasn't a Malthusian.) Now, dwarf wheat may make those who shun "frankenfoods" mad, but it also meant the emerging world's burgeoning populations didn't all starve. (Not to mention that sticky question, if you buy whole-hog into Malthus's [long-disproven] concept, of how exactly you get the population to that lower, appropriate level. Let's move on.) I don't care what it's on—economies, capital markets, wheat yields, hemline trends—long-term forecasts are fraught with peril. And ones that underestimate humanity's ingenuity and ability to problem-solve are particularly faulty. Yes, pockets of the world face famine—usually in regions with corrupt, despotic governments. But **overall, the world hasn't outgrown its ability to feed itself**. **Someone invented the steel plow, the tractor, the threshing machine, better fertilizers**. Handily, **someone also discovered penicillin, the pasteurization process, the Polio vaccine and DDT so we have a better shot at getting past age 5**. (And the iPhone too, so we can live, not starve and be entertained all the while.) **Malthus didn't think about the iPhone anymore than he thought about dwarf wheat or the MMR vaccine**. That doesn't make him a bad person, just rather unimaginative. And **while global population has grown, life expectancies keep increasing, quality of life keeps improving, and per capita GDP keeps expanding**, so **bring on number 8 billion! (Malthus will still be wrong then.)**

UQ—No Crunch—Debt

Malthus was wrong- the rise of debt has fostered human growth

Tverberg 12 (Dec. 12, 2012. Gail Tverberg is an actuary, one who analyzes risk, who has taken interest in sustainability issues and has written extensively on the subject. “Why Malthus got His Forecast Wrong” *Our Finite World*. <http://ourfiniteworld.com/2012/12/12/why-malthus-got-his-forecast-wrong//HS>)

Most of us have heard that Thomas Malthus made a forecast in 1798 that the world would run short of food. He expected that this would happen because in a world with limited agricultural land, food supply would fail to rise as rapidly as population. In fact, at the time of his writing, he believed that population was already in danger of outstripping food supply. As a result, he expected that a great famine would ensue. Most of us don't understand why he was wrong. A common misbelief is that the reason he was wrong is that he failed to anticipate improved technology. My analysis suggests that there were really two underlying factors which enabled the development and widespread use of technology. These were (1) the beginning of fossil fuel use, which ramped up immediately after his writing, and (2) a ramp up in non-governmental debt after World War II, which enabled the rapid uptake of new technology such as the sale of cars and trucks. Without fossil fuels, availability of materials such as metal and glass (needed for most types of technology) would have been severely restricted. Without increased debt, common people would not have been able to afford the new types of high-tech products that businesses were able to produce. This issue of why Malthus's forecast was wrong is relevant today, as we grapple with the issues of world hunger and of oil consumption that is not growing as rapidly as consumers would like—certainly it is not keeping oil prices down at historic levels. What Malthus Didn't Anticipate Malthus was writing immediately before fossil fuel use started to ramp up. Figure 1. World Energy Consumption by Source, Based on Vaclav Smil estimates from Energy Transitions: History, Requirements and Prospects and together with BP Statistical Data on 1965 and subsequent Figure 1. World Energy Consumption by Source, Based on Vaclav Smil estimates from Energy Transitions: History, Requirements and Prospects and together with BP Statistical Data on 1965 and subsequent The availability of coal allowed more and better metal products (such as metal plows, barbed wire fences, and trains for long distance transport). These and other inventions allowed the number of farmers to decrease at the same time the amount of food produced (per farmer and in total) rose. On a per capita basis, energy consumption rose (Figure 2) allowing farmers and others more efficient ways of growing crops and manufacturing goods. Figure 2. Per capita world energy consumption, calculated by dividing world energy consumption (based on Vaclav Smil estimates from Energy Transitions: History, Requirements and Prospects together with BP Statistical Data for 1965 and subsequent) by population estimates, based on Angus Maddison data. Figure 2. Per capita world energy consumption, calculated by dividing world energy consumption (based on Vaclav Smil estimates from Energy Transitions: History, Requirements and Prospects together with BP Statistical Data for 1965 and subsequent) by population estimates, based on Angus Maddison data. If it hadn't been for the fossil fuel ramp up, starting first with coal, Malthus might in fact have been right. As it was, population was able to ramp up quickly after the addition of fossil fuels. Figure 3. World Population, based on Angus Maddison estimates, interpolated where necessary. Figure 3. World Population, based on Angus Maddison estimates, interpolated where necessary. A person can see that there was a particularly steep rise in population, right after World War II, in the 1950s and 1960s (Figure 3). This is when oil consumption mushroomed (Figure 2, above), and when oil enabled better transport of crops to market, use of tractors and other farm equipment, and medical advances such as antibiotics. The Green Revolution allowed agricultural production to expand greatly during this period. It used fossil fuels (particularly oil and natural gas) to enable the synthetic fertilizers, irrigation, hybrid seed, herbicides and pesticides, allowing increased food production. It is likely that increased consumer and business debt following World War II (Figure 4) also played a role in the post-World War II ramp up. Figure 4. US Debt excluding Federal Debt as Ratio to GDP, based on Z1 Debt data of the Federal Reserve and GDP from the US Bureau of Economic Analysis. Figure 4. US Debt excluding Federal Debt as Ratio to GDP, based on Z1 Debt data of the Federal Reserve and GDP from the US Bureau of Economic Analysis. The reason I say that debt likely played a role in this ramp is because at the end of World War II, people were, on average, pretty poor. The United States had recently been through the Depression. Many were soldiers coming back from war, without jobs. Without a ramp up in factory work and related employment, many would be unemployed. A ramp up in debt fixed several problems at once: Allowed low-paid workers funds to buy new products, such as cars, that used oil Allowed entrepreneurs funds to set up factories Allowed pipelines to be built, and other support for ramped up oil extraction Provided jobs for many coming home from the war effort The debt ramp up, and the resulting increase in oil production, raised living standards. Figure 2 shows that the increase in per capita energy consumption was far

greater in the 1950 to 1970 period when oil production was ramped up than in the coal ramp-up between 1840 and 1920. The long coal ramp-up period does not appear to have been accompanied by such a big ramp-up in non-governmental debt. Tentative Conclusion A tentative conclusion might be that **as long as we can keep ramping up availability of energy products and debt, Malthus's views are not very relevant.**

Fails – Impossible

Infeasible to monitor and check individual behavior

Kuh 12 – Kuh is an Associate Professor of Law, Maurice A. Dean School of Law at Hofstra University [Katrina Kuh, “WHEN GOVERNMENT INTRUDES: REGULATING INDIVIDUAL BEHAVIORS THAT HARM THE ENVIRONMENT” VOLUME 61; Number 6, March 2012, Accessed 7-25-15, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1529&context=dlj>] hk

The existing literature’s relative inattention to direct mandates on environmentally significant individual behaviors stems from the perception that applying mandates to most environmentally significant individual behaviors **would simply be infeasible**. Two justifications are usually offered for this position:²² First, enforcing mandates against individuals would be difficult because individuals are numerous and spread out and because they frequently engage in environmentally significant behaviors in private. Detection and enforcement against individuals would be of questionable technical and administrative feasibility and would perhaps be prohibitively expensive.²³ Second, even if mandates could be enforced in a cost-effective manner, they would trigger insurmountable intrusion objections, as **individuals would not accept government constraints**, or the measures required to enforce them, in the context of environmentally significant individual behaviors.²⁴

Fails—No Fly Zone

Regs don't solve – no fly zone

Kuh 12 – Kuh is an Associate Professor of Law, Maurice A. Dean School of Law at Hofstra University [Katrina Kuh, “WHEN GOVERNMENT INTRUDES: REGULATING INDIVIDUAL BEHAVIORS THAT HARM THE ENVIRONMENT” VOLUME 61; Number 6, March 2012, Accessed 7-25-15, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1529&context=dlj>] hk

Perhaps most interesting are the ways in which prior experience regulating environmentally significant individual behaviors departs from, or at least complicates, the intrusion objection. Although nowhere fully developed or explained, the intrusion objection is frequently articulated as the idea that direct regulation of environmentally significant individual behaviors would require unacceptably intrusive enforcement—measures that would be too invasive of privacy and civil liberties¹⁵⁶ or, as the intrusion objection is occasionally characterized, that would constitute government overreaching.¹⁵⁷ This objection suggests that a government “no fly” zone exists, in which regulation of individuals is per se unacceptable. It also suggests that direct regulation of environmentally significant individual behaviors would be of limited utility because it would so frequently transgress that no-fly zone. The American experience with direct regulation of environmentally significant individual behaviors complicates this view.

Econ Turn – Stifling Effect

Top down environmental regulation style control of the digital economy will stifle innovation and development of the industry

Hirsch 2006 (Fall 06. Dennis D. Hirsch is an environmental lawyer who teaches at Capital University Law School. He also serves as counsel to PorterWright, a national law firm. Hirsch graduated from Columbia University and then went on to graduate from Yale Law School. "Protecting the Inner Environment: What Privacy Regulation can Learn From Environmental Law" *Georgia Law Review*. <http://users.law.capital.edu/dhirsch/articles/HirschPrivacyArticle.pdf> //HS)

The environmental experience suggests that those who oppose regulation of the digital economy are largely correct in contending that traditional command-and-control laws should not be employed. As developed in the first generation of federal environmental laws,¹⁸¹ the command-and-control method begins with government officials designating the industry that must curtail its emissions.¹⁸² Next, regulators identify the best currently existing technology for controlling pollution in that industry (known as the "reference technology").¹⁸³ Finally, government officials either direct all facilities in the industry to install the chosen technology (this is known as a "design standard")¹⁸⁴ or require that they not exceed the rate of pollution that they would emit if they had installed the reference technology (this is known as a "rate-based standard").¹⁸⁵ In theory, rate-based standards allow facilities to come up with their own control method. In practice, almost all choose the reference technology so as to avoid any misunderstandings about compliance.¹⁸⁶ Command-and-control regulation thus either requires, or strongly pushes, firms to adopt the control technology that the government has chosen for them.¹⁸⁷ This approach has the advantage of being easy to monitor and enforce.¹⁸⁸ If assurance of pollution reduction is the top priority—as it is, for example, when toxic emissions are being released into the environment—then command-and-control might well be the method of choice.¹⁸⁹ Yet, the environmental experience shows that the method also possesses some significant weaknesses.¹⁹⁰ To begin with, it is expensive. It requires all facilities in a given category to achieve the same emissions rate, even where the cost of pollution control varies significantly from plant to plant.¹⁹¹ A system under which those who could reduce pollution at the least cost made the bulk of the reductions would save "tens of billions" of dollars annually.¹⁹² Command-and-control also deters innovation in pollution prevention and locks in the current state of pollution control technology.¹⁹³ By requiring firms to meet the best existing level of control technology, it gives them no incentive to exceed this level.¹⁹⁴ Finally, the method is too slow for rapidly evolving industries.¹⁹⁵ By the time government regulators have promulgated a technology standard, they may have been "lapped" by changes in the industry.¹⁹⁶ These attributes do not mesh well with the digital economy. Command regulation's chief strength—its ability to assure results—is not as critical with respect to personal information as it is with respect to the release of toxic emissions. Assurance of results does not so easily trump regulatory cost. To the contrary, the digital economy, in which global competition is fierce and profit margins slim, highly prizes regulatory efficiency.¹⁹⁷ Command-and-control regulation, which often forgoes the most cost-effective means in favor of the most reliable one, is not the best choice.¹⁹⁸ The method's deterrence of innovation also poses a problem. Enhanced privacy protection will depend on the development of new technologies. This development will require regulatory methods that encourage innovation, not those that constrain it.¹⁹⁹ "[P]rivacy mandates—especially if they are written too prescriptively—could impede the development of even better technologies than those now available to give consumers greater power over their information without, at the same time, impeding the flow of information that now facilitates commerce."²⁰⁰ Finally, the digital economy is driven by technological change and evolves at a far faster rate than most smokestack industries.²⁰¹ Command-and-control regulation does not function well in such fast-changing business sectors²⁰² where its technology requirements cannot keep pace with new developments. For example, assume that the government had tried to protect clickstream data by limiting the use of "cookies." The industry would have leapfrogged "cookies" with new technologies, such as "web bugs"²⁰³ or "spyware,"²⁰⁴ that achieve the same result.²⁰⁵ The environmental experience suggests that command-and-control regulation would not be a good choice for the digital economy.²⁰⁶

Right to privacy key to economy

Loukidelis 08 (Mar. 2008. David Loukidelis was the information and privacy commissioner for British Columbia from 1999-2010. He dealt with over 200 instances of freedom of information and privacy appeals during this time and worked on an international committee between Canada and Asia discussing privacy rights. He also has extensive experience teaching privacy and freedom of information law. "The Importance of Privacy" – from a submission of the Office of the Information and Privacy Commissioner to a special committee to review the Personal Information Protection Act. [//HS](http://library.royalroads.ca/copyright-office/privacy-information-basics-students-and-researchers/importance-privacy))

A pernicious yet enduring myth is that privacy matters only to those who have something illegal or wrong to hide. Most of us have nothing to hide, yet still attach great value to our individual privacy. Privacy matters because we all have the right to maintain a private life, separate and apart from our public life. We negotiate our identity in the world and choose to share pieces of ourselves with those we trust. More than this, the essence of liberty in a democratic society is the right of individuals to autonomy, to be generally free from state and corporate interference in their lives. The freedom of citizens to choose, subject to demonstrably necessary and carefully tailored limits, what information they share with others is one of the fundamental differences between totalitarian states and free society. Privacy matters, in other words, because it restrains the appetite of governments and law enforcement agencies, but also private sector actors: People who have no rights of privacy are vulnerable to limitless intrusions by governments, corporations, or anyone else who chooses to interfere in your personal affairs. Imagine a world where government had an unfettered right to demand information from you, or to remove money from your bank account, or even to enter your house. The tragic history of many of the world's countries shows us that a nation denied the right of privacy is invariably denied all other freedoms and rights.² Privacy matters because our physical and emotional well-being requires it. Imagine going to your doctor, dentist, family counsellor, priest or employee assistance counsellor without any confidence that the information you supplied during those sessions would remain private. Privacy also matters because our economy depends on it. Imagine going to a bank for a loan, to a lawyer to draw up a will, to a financial planner, to a property management company to rent an apartment, or to the internet to purchase a book online without any guarantees that the information you provided would be respected and kept confidential. As recent years have shown, the costs of fraud, identity theft and other misuse of our personal information are real, substantial and mounting. These losses harm individuals, but they can also harm economic activity and growth.

AT: Wolves Impact

Wolf populations are high- even all out hunting didn't collapse the population

Hart 14 (David, Writer for Petersen's hunting, "Why Anti-Hunters Are Dead Wrong About Wolves", Feb 14th, <http://www.petersenshunting.com/galleries/anti-hunters-dead-wrong-about-wolves/>)CDD

Wolf populations are booming in the Great Lakes, too. They were removed from the Endangered Species List in Michigan, Wisconsin, and Minnesota in 2011, and all three states have held at least one hunt since then. An estimated 3,700 wolves live in the northern Great Lakes region. That's not good enough, either. The Humane Society of the United States is suing the USFWS over the Great Lakes region delisting. Defenders of Wildlife declared a "national wolf emergency," calling the current USFWS proposal to delist wolves nationwide a "disaster." Defenders continue to refer to the managed wolf hunts as "slaughters," and the Sierra Club also urged its members to "help stop the wolf slaughter" on a Web page that conveniently solicits donations. The "slaughter" both anti-hunting groups are referring to involves carefully managed, highly regulated, closely monitored hunts, such as the one in Wisconsin. The 2013 season was closed when hunters and trappers reached the established quota of 251 in just a few weeks. "Our state management plan calls for a minimum population of 350 animals. The population is somewhere between 809 and 839," says Wisconsin Department of Natural Resources large carnivore specialist Dave MacFarland. "The U.S. Fish and Wildlife Service set a minimum threshold of 100 wolves between Michigan and Wisconsin. There is no risk we would ever drop below that number and a very low risk we would fall below our state management objective." He adds that the DNR sold just 2,510 wolf tags, and all successful hunters are required to report their kill within 24 hours. "We close each unit once the quota is met for that unit," he says. "We have more information on wolves than any other animal in the state." So does Minnesota, which has an estimated 2,200 wolves. The hunter success rate last year was just seven percent. Nearly 20,500 Montana hunters and trappers, including 247 non-residents, bought wolf tags in 2012. They killed 225 wolves, the quota set by Montana Fish, Wildlife and Parks. Wolf populations have declined slightly. That may be good news for Western big-game hunters, but populations continue to rise in Oregon and Washington, which do not have a regulated hunting season—at least not yet. Neither state had a confirmed resident wolf as recently as 2008. Now they have 89 wolves between them, a number that is certain to rise, even if the proposed nationwide de-listing allows both states to adopt a managed wolf hunt. Despite continued fear-mongering from anti-hunting groups, carefully controlled hunts are gradually becoming ingrained in state wildlife management agency programs. The general public is also comfortable with regulated wolf hunts. A Wisconsin survey found that more residents supported the state's hunt than opposed it with a large majority of those living in wolf country supporting it. Two-thirds of Michigan residents support wolf hunting.

No threat of extinction from American poachers- Grey wolves live in Canada and Mexico too

Defenders 15 (Defenders of Wildlife leads the pack when it comes to protecting wild animals and plants in their natural communities, "BASIC FACTS ABOUT GRAY WOLVES", <http://www.defenders.org/gray-wolf/basic-facts/>)CDD

Gray wolves were once common throughout all of North America, but were exterminated in most areas of the United States by the mid 1930s. Today, their range has been reduced to Canada, Alaska, the Great Lakes, northern Rockies and Pacific Northwest. Thanks to the reintroduction of wolves in 1995, Yellowstone National Park is one of the most favored places to see and hear wolves in their native habitat. Wolves require large areas of contiguous habitat that can include forests and mountainous terrain, and Mexican gray wolves can thrive in desert and brush in the southwest. Suitable habitat must have sufficient access to prey, protection from excessive persecution, and areas for denning and taking shelter.

Drones can't solve- too costly

Wall 14 (Matthew, business reporter for BBC, "Can drones help tackle Africa's wildlife poaching crisis?", July 21st, <http://www.bbc.com/news/business-28132521>)CDD

But drones are not the whole answer, most experts agree. "They're not a silver bullet," says Mr Breare. "Trying to find the small shape of a poacher in a 90,000-acre park is still difficult, even with high-spec night time and thermal imaging." Mr Downey also admits that developing an airframe that is both light

and strong enough to withstand Africa's rugged landscapes is still a challenge, especially when cost will be an issue for many game reserves. While the "brains" of the drone weigh just 100g, the batteries required to power it for long-duration surveillance missions are heavy, meaning the airframe has to be bigger, and therefore more costly. Smaller, cheaper drones come with a typical battery life of 30-90 minutes, but large game reserves "really need drones that can fly for six to eight hours," says Mr Breare. Airware's Mr Downey estimates that drones for anti-poaching will ultimately cost \$50,000-\$70,000.

AT: Oil Impact

Oil shocks have no impact—innovation corrects and stabilizes

Ro 14 (Jun. 30, 2014. Sam Ro is the deputy editor of *Business Insider*. He has been published on Forbes and other market related publications. "Oil Price Shocks Aren't As Harmful As They Used To Be" *Business Insider*. [//HS](http://www.businessinsider.com/impact-of-oil-price-shock-2014-6))

Oil is a critical source of energy. In the past, a major oil price shock meant devastation for economic growth. "Our obsession with oil prices comes with good reason," writes Morgan Stanley economist Ellen Zentner. "Abrupt and sharp increases in oil prices have played a key role in precipitating recessions in 1973-75, 1980-81, 1990-91, 2001 and 2008-09." Recent turmoil in Iraq has sent oil prices much higher. But economists aren't ready to freak out just yet. "**Over time, however, those shocks to the relative price of oil have spurred innovations that have led to a more efficient use of energy inputs,**" continued Zentner. "Alongside growing use of other energy inputs, **those innovations have reduced the world economy's dependence on oil.**" Zentner presented this chart showing how a decreasing amount of energy has been needed to generate a dollar's worth of GDP in the world. It may not be immediately intuitive how this could be. Zentner offers a more micro level example that anyone who's been in a car can appreciate. US households have also adjusted consumption patterns over time. When gasoline prices rise, drivers tend to reduce mileage in response and/or seek out more fuel efficient vehicles. This altered behavior, coupled with shifting demographic factors and a slow labor market recovery since the financial crisis, has weighed on vehicle miles driven and lessens the aggregate impact of price increases at the pump. In the 12 months ended May 2014, average vehicle miles driven remained below the previous peak (reached in November 2007) for a 76th straight month. In 1990, consumers devoted 3.8% of total consumption to motor fuels. By 2013, that share had fallen to 2.3% (Exhibit 3).

Aff—Internet Module

Econ/Innovation Turn

Shift in behavior creates a detrimental impact on the online economy – this stifles innovation and economic growth

Masnick 14 – Masnick is the founder and CEO of Floor64 and editor of the Techdirt blog [Mike Masnick, “Nearly Half Of Americans Claim They've Changed Their Behavior Due To NSA”, 4-3-14, Accessed 7-13-15,

<https://www.techdirt.com/articles/20140402/18091226783/nearly-half-americans-claim-theyve-changed-their-behavior-due-to-nsa.shtml>] hk

The folks at the NSA and their defenders used to use the argument that we were on the verge of a “cyber pearl harbor” in their constant attempts to change laws to give the NSA and others in law enforcement and intelligence more powers to spy on everyone (the argument being that they would do this in order to “protect” us). But... it's beginning to look like the “cyber pearl harbor” wasn't an attack from foreign hackers... but from the NSA itself. Eric Schmidt recently noted that the NSA's actions were a hostile “attack” and it appears that many Americans agree. A new poll found that nearly half of American adults who responded have changed some form of online behavior because of the NSA stories, and they think a lot more carefully about where they go, what they say and what they do online. We've pointed out (since the Snowden revelations began) that this was going to have a negative impact on the tech industry, but much of the concerns was from overseas users. However, it's clear that it's impacting how Americans view their online habits as well: When it comes to specific Internet activities, such as email or online banking, this change in behavior translates into a worrying trend for the online economy: over one quarter of respondents (26%) said that based on what they have learned about secret government surveillance, they are now doing less banking online and less online shopping. This shift in behavior is not good news for companies that rely on sustained or increased use of the Internet for their business model. Importantly, the study also found that, contrary to the claims of many, the Snowden revelations aren't just being followed by security-obsessed techies. While the general public may not be keeping tabs on all the details, they are getting the basics. And in case anyone is tempted to think that this is a narrow issue of concern only to news junkies and security geeks, let me be clear: according to this latest survey, 85% of adult Americans are now at least somewhat familiar with the news about secret government surveillance of private citizens' phone calls, emails, online activity, and so on. Once again, it appears that the federal government, and the NSA in particular, have created a huge cost for innovation and economic growth, while having almost no real benefit to show for it.

INSERT ECON !

No Behavioral Change—AT: Pew Studies

People don't change their behaviors online – multiple reasons

Eggo 14 – Eggo has a master in communications [Sarah Eggo, "ONLINE BEHAVIOUR UNDER SURVEILLANCE", 5-26-14, Accessed 7-13-15,

https://gupea.ub.gu.se/bitstream/2077/36332/1/gupea_2077_36332_1.pdf] hk

The studies made about online behaviour and the view of online privacy show that in most of the cases **the actors don't act according to their concerns about privacy**. Even if a concern about privacy exists, there are no actions done as consequences. Debatin et al. (2009) for example, made a study about Facebook and privacy settings, as well as about how young people behave online. The results of the study stated that young **people aren't concerned about their own privacy** as long as they weren't exposed to profile hacking. **Most of the participants in the study claimed that they were a little concerned about their privacy, but they didn't change their privacy settings on Facebook, so the concern didn't lead to a protective behaviour**. Different factors could be found why people don't act, even if they are concerned about their online privacy - **The "third-person-effect" which states that the Facebook users think that privacy assaults happen only to other, not to themselves**. So people didn't think something bad could happen to them. - The benefit of using Facebook is seen as bigger than threats of privacy. **Participants who have been attacked by hackers several times, still went back to Facebook do not lose their friends. They were afraid to become an outsider when they don't use Facebook. - Finally they concluded by saying that the bigger part of the users didn't realize how much data they provided to Facebook, even if their privacy settings are on only visible for friends**. (Debatin et al., 2009) Young et al. (2013) could define similar factors about online privacy and behaviour. They found out that the people believe negative things are more likely to happen to someone else than to them. This was, according to them, due to the comparative optimism, one compares her with other individuals and thinks that her knowledge about privacy is bigger. The consequence of that assumption is that she didn't feel that the privacy was in danger. **Even the participants were concerned about their privacy; they didn't change their behaviour because they thought they know more about online privacy than the others and therefore don't become a target of privacy violation**. (Young et al., 2013)

No Behavioral Change-- AT: Social Behaviors

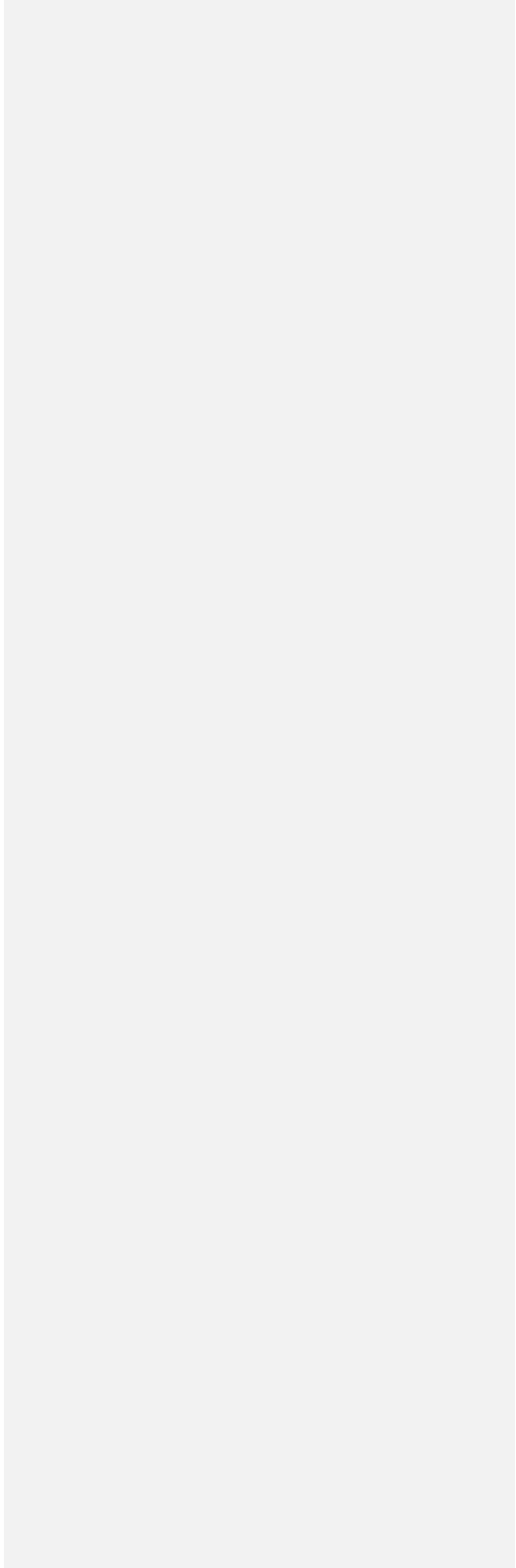
Surveys don't take into account actual behavior – leads to biased answers
Chambers 3-18 - Chambers is a professor of cognitive neuroscience at the school of psychology, Cardiff University [Chris Chambers, "The psychology of mass government surveillance: How do the public respond and is it changing our behaviour?", 3-18-15, Accessed 7-13-15, <http://www.theguardian.com/science/head-quarters/2015/mar/18/the-psychology-of-mass-government-surveillance-how-do-the-public-respond-and-is-it-changing-our-behaviour>] hk

Polls can be useful for gauging public views and (very) basic psychology, **but they don't give much insight into cognition and actual behaviour**. Even where surveillance doesn't seem to have much effect, such as in curbing government criticism, there could still be more subtle effects that people aren't willing or able to report. In the same way, we don't know to what extent some people are really changing their access to health or relationship advice, or even whether they answered the questions honestly - surveys can be prone to eliciting socially desirable answers. Despite these limitations, these results do raise a number of important questions that could be studied in future research. Why do countries seem to differ so much in their public perceptions of surveillance? Is surveillance really changing online search behaviour? Does surveillance influence risk-taking or other aspects of cognition, such as reasoning or creativity? I've written previously on this blog about the psychological risks posed by mass surveillance – evidence that under certain conditions, being systematically monitored can impair mental health, promote distrust, encourage social conformity, and even undermine a leader's authority. We now have data suggesting that surveillance is generally unpopular and that it could be changing some aspects of our behaviour. As the UK begins revising its surveillance laws, policy makers may do well to heed such evidence.

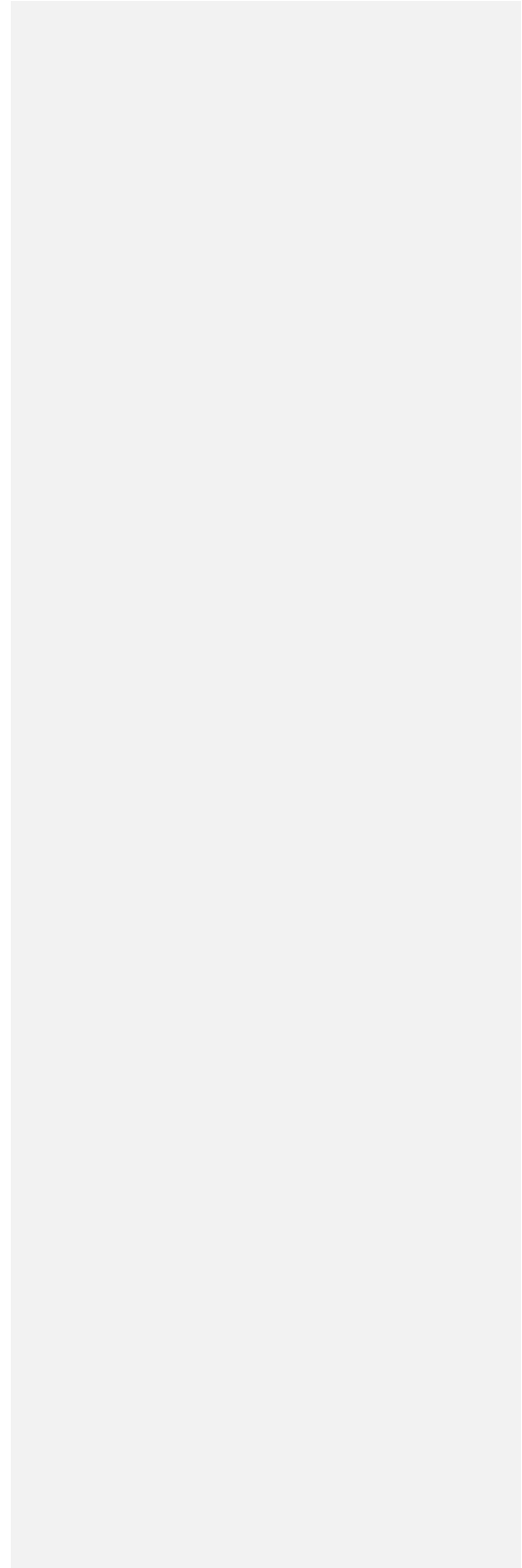
Their evidence is only a snapshot of the status quo – must have continuous records of behaviors to actually measure the effect of the new revelations
Preibusch 15 – Preibusch is a user experience researcher at Google, Mountain View, CA, and was at Microsoft Research, Cambridge, U.K [Sören Preibusch, "Privacy Behaviors After Snowden", May 2015 Vol. 58, No. 5, Accessed 7-13-15, <http://cacm.acm.org/magazines/2015/5/186025-privacy-behaviors-after-snowden/fulltext>] hk

Mass media is able to set the public agenda through increased coverage of a topic.¹² However, **little is known about how media salience of privacy might steer public opinion and behavior** toward caring more about privacy. Previous media analyses suffered from unreliable and temporarily sparse measures of privacy concern¹⁷ or simply ignored the public's response²¹ The PRISM revelations blurred the distinction between privacy in state/citizen and company/customer relationships, as corporations were revealed to be accomplices in government surveillance. Some citizens reacted by modulating their consumption of Web-based services. Mistrust by German Internet users of government and corporate data processing increased by nine percentage points in 2013 over 2011, but only a minority reported they had changed how they manage their personal data.² Google Trends suggested a chilling effect that varied by country on users' propensity to issue search queries that might "get them into trouble" with the U.S. government.¹¹ However, such public-opinion snapshots derived through ad hoc surveys were unable to capture consumers' volatile and ephemeral reactions. Annual polls provide only coarse temporal resolution, when continuous records of behaviors are needed to measure the effect of an event like the PRISM revelation. Privacy surveys also suffer from such shortcomings as respondents' lack of commitment, leading to post hoc rationalizations and socially desirable but unreliable answers. **Acquiring data on user behavior is difficult**,⁴ and companies rarely disclose usage statistics of their Web-based services. When

the Web search engine DuckDuckGo, which advertises its superior privacy practices, attributed a rise in its daily queries to the PRISM revelation, it did not include user counts.^{3,20}



Aff—Capitalism Module



UQ – No Regulation

Regulations are ignored by companies and are becoming more lax in the squo

Porter 12 (Jul. 10, 2012. Eduardo Porter is an economic reporter for The New York Times. He has over two decades experience writing about the economy and economic issues. "The Spreading Scourge of Corporate Corruption" *The New York Times*. http://www.nytimes.com/2012/07/11/business/economy/the-spreading-scourge-of-corporate-corruption.html?_r=0 //HS)

Perhaps the most surprising aspect of the Libor scandal is how familiar it seems. Sure, for some of the world's leading banks to try to manipulate one of the most important interest rates in contemporary finance is clearly egregious. But is that worse than packaging billions of dollars worth of dubious mortgages into a bond and having it stamped with a Triple-A rating to sell to some dupe down the road while betting against it? Or how about forging documents on an industrial scale to foreclose fraudulently on countless homeowners? **The misconduct of the financial industry no longer surprises most Americans**. Only about one in five has much trust in banks, according to Gallup polls, about half the level in 2007. And it's not just banks that are frowned upon. **Trust in big business overall is declining**. Sixty-two percent of Americans believe corruption is widespread across corporate America. According to Transparency International, an anticorruption watchdog, nearly three in four Americans believe that corruption has increased over the last three years. We should be alarmed that corporate wrongdoing has come to be seen as such a routine occurrence. Capitalism cannot function without trust. As the Nobel laureate Kenneth Arrow observed, "Virtually every commercial transaction has within itself an element of trust." **The parade of financiers accused of misdeeds, booted from the executive suite and even occasionally jailed, is undermining this essential element**. Have corporations lost whatever ethical compass they once had? Or does it just look that way because we are paying more attention than we used to? This is hard to answer because fraud and corruption are impossible to measure precisely. Perpetrators understandably do their best to hide the dirty deeds from public view. And public perceptions of fraud and corruption are often colored by people's sense of dissatisfaction with their lives. Last year, the economists Justin Wolfers and Betsey Stevenson from the University of Pennsylvania published a study suggesting that trust in government and business falls when unemployment rises. "Much of the recent decline in confidence — particularly in the financial sector — may simply be a standard response to a cyclical downturn," they wrote. And waves of mistrust can spread broadly. After years of dismal employment prospects, Americans are losing trust in a broad range of institutions, including Congress, the Supreme Court, the presidency, public schools, labor unions and the church. Corporate wrongdoing may be cyclical, too. **Fraud is probably more lucrative, as well as easier to hide, amid the general prosperity of economic booms. And the temptation to bend the rules is probably highest toward the end of an economic upswing, when executives must be the most creative to keep the stream of profits rolling in**. The most toxic, no-doc, reverse amortization, liar loans flourished toward the end of the housing bubble. And we typically discover fraud only after the booms have turned to bust. As Warren Buffett famously said, "**You only find out who is swimming naked when the tide goes out**." **Company executives are paid to maximize profits, not to behave ethically**. Evidence suggests that they behave as corruptly as they can, within whatever constraints are imposed by law and reputation. In 1977, the United States **Congress passed the Foreign Corrupt Practices Act, to stop the rampant practice of bribing foreign officials**. Business by American multinationals in the most corrupt countries dropped. **But they didn't stop bribing**. And American companies have been lobbying against the law ever since. **Extrapolating from frauds that were uncovered during and after the dot-com bubble, the economists** Luigi Zingales and Adair Morse of the University of Chicago and Alexander Dyck of the University of Toronto **estimated conservatively that in any given year a fraud was being committed by 11 to 13 percent of the large companies in the country**. Yet it may be wrong to shrug off the latest boomlet of corporate crimes and misdemeanors as a mere reflection of the business cycle. **Americans appear to believe that corruption has become more prevalent over the years. And some indicators suggest they may be right**. In 2001, Transparency International's Corruption Perceptions Index **ranked the United States as the 16th least-corrupt country. By last year, the nation had fallen to 24th place**. **The World Bank also reports a weakening of corruption controls in the United States since the late 1990s**, so that it is falling behind most other developed nations. The most pointed evidence that breaking the rules has become standard behavior in the corporate world is how routine the wrongdoing seems to its participants. "Dude. I owe you big time!... I'm opening a bottle of Bollinger," e-mailed one Barclays trader to a colleague for fiddling with the rate and improving the apparent profit of his derivatives book. It's difficult to know why **corruption may be spreading**. But there are a few plausible explanations. **From**

globalization to rising income inequality to the growing role of corporate money in political campaigns, political and economic dynamics may have increased both the scope of corporate wrongdoing and the incentives for business executives to bend, or break, the rules. Just consider the scale of recent wrongdoing. Labor is one of the most important rates in the economy. It determines the return on the savings of millions of people, as well as the rate they pay on their mortgage and car loans. It is the benchmark for hundreds of trillions of dollars worth of financial contracts. Bigger markets allow bigger frauds. Bigger companies, with more complex balance sheets, have more places to hide them. And banks, when they get big enough that no government will let them fail, have the biggest incentive of all. A 20-year-old study by the economists Paul Romer and George Akerlof pointed out that the most lucrative strategy for executives at too-big-to-fail banks would be to loot them to pay themselves vast rewards — knowing full well that the government would save them from bankruptcy. Globalization can encourage corruption, as companies compete tooth and claw for new markets. And the furious rush of corporate cash into the political process — which differs from bribery in that companies pay politicians to change laws rather than bureaucrats to ignore them — is unlikely to foment ethical behavior. The inexorable rise of income inequality is also likely to encourage fraud, fostering resentment and undermining trust in capitalism's institutions and rules. Economic research shows that participants in contests in which the winner takes all are much more likely to cheat. **And the United States is becoming a winner-takes-all economy.** It's hard to fathom the broader social implications of corporate wrongdoing. But its most long-lasting impact may be on Americans' trust in the institutions that underpin the nation's liberal market democracy.

UQ – No Regulation – International Report

International report proves- US has least regulations on business

Rapoza 11 (Oct. 20, 2011. Kenneth Rapoza covers business and investing in emerging markets for Forbes. "US Businesses Not Being Strangled By Regulation And Taxation, World Bank Says" *Forbes* <http://www.forbes.com/sites/kenrapoza/2011/10/20/us-businesses-not-being-strangled-by-regulation-and-taxation-world-bank-says/> //HS)

With the economies of the U.S. and Europe sputtering along on fumes, politicians are quick to blame regulation and taxation as the main cause of a lackluster business environment. Yet, according to the World Bank's 212 page "Doing Business 2012" report, released on Wednesday, there is less red tape for setting up shop in the U.S. than there is in all of Europe, Latin America, Africa and most of Asia. The World Bank uses indicators such as time spent to set up a business to getting credit, among other things, in benchmarking the 183 countries it ranks in "Doing Business". The report measures and tracks changes in the regulations applied to domestic companies in 11 areas in their life cycle—such as investors rights, taxation, cross border transactions, legality and enforcement of contracts and bankruptcy law. A fundamental premise of doing business is that economic activity requires good rules that are transparent and accessible to all, not just big business. Such regulations should be efficient, the World Bank states, striking a balance between safeguarding some important aspects of the business environment and avoiding distortions that impose unreasonable costs on businesses. "Where business regulation is burdensome and competition limited, success depends more on whom you know than on what you can do. But where regulations are relatively easy to comply with and accessible to all who need to use them, anyone with talent and a good idea should be able to start and grow a business (legally)," the World Bank said. Where does the supposed regulation and taxation crippled U.S. stand in the rankings? It is number four, trailing behind New Zealand (3), Hong Kong (2) and Singapore (1). What it looks like from the research desks at one of the most powerful and elite multilateral institutions on the planet is a U.S. that does not have the government in its way, but a U.S. whose government is more out of the way than it is in every other major economy on earth, including mainland China. An economy's ranking on the ease of doing business does not tell the whole story about its business environment. The underlying indicators do not account for all factors important to doing business, such as macroeconomic conditions, market size, workforce skills and security, all factors where the U.S. would outperform the three countries that are ahead of it in the rankings. What the rankings of the World Bank do examine are the key aspects of the regulatory and institutional environment that matter for companies. The top 20 economies on the list have implemented effective, yet streamlined procedures for regulatory processes such as starting a business and dealing with construction permits as well as strong legal protections of property rights. They also periodically review and update business regulations as part of a broader competitiveness agenda and take advantage of new technologies through e-government initiatives, the World Bank says. According to the study, the U.S. is No. 1 in large advanced economies for simple regulations and a general low cost of doing business, contrary to what many politicians say about what troubles the U.S. economy. While taxation remains an issue, it is not enough to make the U.S. a difficult place to conduct business. The U.S. tax code is cumbersome and puts the U.S. behind most of its peers in the Organization of Economic Cooperation & Development, or OECD. The data shows the average tax that a medium-size American company must pay or withhold in a given year, as well as measures of the administrative burden in paying taxes, equates to 46.7% of total profits in the U.S. compared with 42.7% in the OECD despite having less number of taxes to pay than its advanced economy rivals (11 for U.S. vs 13 different taxes for OECD). U.S. companies also spend more time preparing for taxes than its peers, averaging 187 hours compared to 186 hours. When it comes to paying taxes, the U.S. ranks with Taiwan, while Hong Kong and Singapore are in the top four. The U.S. ranked no. 13 in ease of starting a business, ahead of all the nations of Europe, but Hong Kong and Singapore again, as well as Canada, Australia and New Zealand. Overall, however, the ease of doing business in the U.S. remained unchanged at No. 4 worldwide even as Washington complains that the regulatory and tax burden is making matters worse.

Turn—Econ

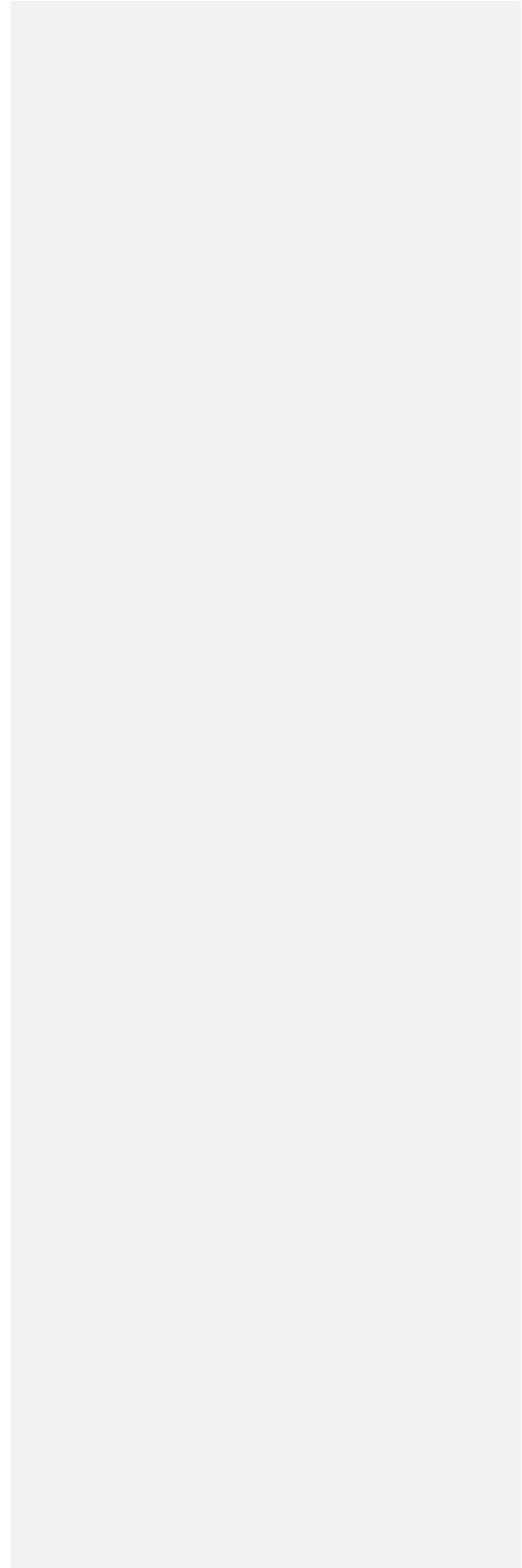
Turn – surveillance constrains innovation which hurts the market economy

Nick **Sorrentino 13**, political and communications consultant with clients across the political spectrum, his work has been featured at Breitbart, Reason.com, NPR.com, Townhall, The Daily Caller, and many other publications. A graduate of Mary Washington College, “How NSA Mass Surveillance is Hurting the US Economy”, November 26, 2013, <http://www.againstcronycapitalism.org/2013/11/how-nsa-mass-surveillance-is-hurting-the-us-economy/>, AB)

We’ve written about this in the past. The most important industry in the USA, also the least regulated (go figure) is tech. Technology companies thrive on innovation and beating each other to market. Historically tech, based on the other side of the country from Washington DC, has been a fairly free market. There is a reason why the price of computing comes down every single month and the quality goes up. The power the average person holds in his or her hand when they glance down at their iPhone is well beyond what a computer the size of a city block could do a generation ago. This is because of a relatively free market and very limited government influence. But those days began to end in the wake of September 11th 2001. The government descended on the tech with a vengeance and it has burrowed itself further and further into the industry with each passing year. To be fair most companies likely had no choice but to go along with the government over the last decade. But technology customers are not interested in government spyware embedded in their tools. Many countries and companies are starting to pass on American tech as it is widely believed (whether true or not) that the US government has back door access to these products. That is not good news for the American economy. Of course it could all be solved simply if the 4th Amendment was adhered to. You know the 4th Amendment of the Constitution.

AT: Rights Malthus UTNIF

No Crunch



No Resource Scarcity

Malthus is wrong – no resource scarcity

Krautkraemer 5 [Jeffrey, former professor of economics in the College of Business and Economics, Washington State University, Pullman, Scarcity and Growth Revisited: Natural Resources and the Environment in the New Millennium, Resources for the Future, pp. 66]

Other major natural resource sectors show increasing productivity and declining prices. Malthus's prediction about population and food supply was inaccurate: food production has exceeded population growth. For much of the last two centuries, the increase in food production was the result of bringing more land under cultivation and farming existing land more intensively. The substitution of tractor power for draft animals made more agricultural production available for human consumption; in the 1920s, the production from about one-quarter of U.S. cropland was used to feed draft animals (Johnson 2002). Corn yield per hectare was relatively constant from 1800 to 1930, when hybrid corn was introduced. Corn yield had increased about 50 percent by 1950; it tripled between 1950 and 1984. Wheat yields per acre in the United States were relatively constant from 1800 to 1950 and then more than doubled between 1950 and 1984 (Johnson 2002). Average cereal grain yields in the United States from 1996 to 1998 were 22 percent higher than from 1986 to 1988; the increase in cereal grain yields for the world was a little lower, at 17 percent (WRI 2000). The increases in agricultural productivity have increased food availability and lowered prices. The prices of maize, rice, soybeans, wheat, and beef are about one-half of their 1960 levels (WRI 1998). See Table 3-2 and Figure 3-7. Worldwide fiber production from forests has increased 50 percent since 1960. Timber production in North America and Europe is primarily from secondary-growth forests, and the forested area in developed countries has actually increased in the last two decades (WRI 2000). Forest products have not show the same general downward price trend, but neither is there a significant upward trend. See Table 3-2 and figure 3-8. Marine fishery production has increased six-fold since 1950, primarily through extending fishing to relatively unexploited areas, although aquaculture has increased to more than 20 percent of the total fish harvest (WRI 2000). But many older fisheries are producing much less as a result of overfishing; it is estimated that 75 percent of fisheries have been overharvested. One sign of this is the increase in the catch of low-value species while the catch of some high-value species has declined. The prospects for increasing harvest from existing fisheries are not good (WRI 2000). The harvest from capture fisheries has reached a peak, and growing production from aquaculture threatens capture fisheries, as feedstocks are diverted from natural to commercial production.

No Population Spike

Population will peak in 2055 and hit replacement rate by 2025.

CNBC 13 [news outlet, "World population to peak by 2055: report", <http://www.cnbc.com/id/101018722>]

The world population will peak at 8.7 billion people in 2055 and then decline to 8 billion by 2100, according to new research by Deutsche Bank. Its projections contrast drastically with previous forecasts by the United Nations (UN), which sees world population continuing to rise until 2100. "the world is approaching a major turning point in its demographic trajectory and we think that the shift is likely to be sooner and sharper than mainstream projections suggest." said Deutsche's global strategist, Sanjeev Sanyal. (Read more: [China rethinks one-child policy as it ages rapidly](#)) The latest numbers from the UN put the world population at 7.2 billion. While the UN forecasts the global population will reach 10.9 billion in 2100, Deutsche Bank believes it will be only 8 billion. Sanyal said that while developed countries have long had low birth rates, developing countries like China, Russia, South Korea and Brazil now have the largest declines in fertility. He argued that poorer countries needed a higher total fertility rate (TFR) -- the average number of live births per woman over her lifetime -- to maintain a stable population, due to higher levels of infant mortality. He estimated that women in less developed countries needed to have an average of 2.3 babies for a stable population in the long-term. In contrast, most it is often said that an average of 2.1 babies per woman is enough to sustain a country's population, and does not adjust this according to wealth. (Read more: [Zafran: Betting on the population boom](#)) Sanyal said that fertility rates were well below replacement level in many developed countries, with Germany and Japan having TFRs of 1.4. But levels were also low in countries like South Korea, where TFR had fallen from 5 in the 1950s to 1.3 today, and Brazil, where TFR had dropped from 6.2 in the 1950s to 1.8 today. "Given the above trends, we feel that the world's overall fertility rate will fall to replacement rate by 2025. In other words, reproductively speaking, our species will no longer be expanding -- a major turning point in history," he said. In particular, he forecast a large decline in the Chinese workforce, irrespective of the removal of the one-child policy. "Due to a skewed gender ratio, we found that China no longer has enough child-bearing age women to stabilize its population," he said.



Democracy Solves

Democracy solves the environment better than authoritarianism- accountability, empirics, public involvement, and international treaties.

Ortmann 9 [Stephan, Faculty member at City University of Hong Kong, "Environmental Governance under Authoritarian Rule: Singapore and China", Sep 25 2009, https://www.academia.edu/1000215/Environmental_Governance_under_Authoritarian_Rule_Singapore_and_China]

During the 1970s, there was much disagreement over whether democracy or authoritarianism is better suited for averting the environmental crisis. However, while statistical research showed that the environment fares much better under democracy than it does under authoritarian rule, the search for a political system that best meets the ever growing environmental threats continued. First of all, I want to state the arguments that have been made in favor of democracy. Then I will continue with the problems of modern liberal democracies. This criticism has led to the argument that a special kind of authoritarian regime is needed in order to successfully manage the environmental crisis. Today, most academics agree that democracy is better capable of protecting the environment than authoritarianism. For instance, Winslow (2005) summarizes the following reasons from the academic literature. First of all, democracy restricts the possibilities for power centralization and therefore limits the small number of people who may benefit from environmental degradation. This also means that elected leaders are, in contrast to those in closed authoritarian regimes, accountable to the electorate. They cannot as easily profit from environmental destruction. Furthermore, the participation of the public in policy making can draw attention to environmental problems. This is enhanced through greater access to information, which is aided by freedom of speech, and which allows people to get aware of environmental problems in their neighborhood. In addition, democracies generally are more transparent. For instance, a Freedom of Information Act, which has been enacted in 85 countries, allows citizens access to unclassified governmental information. Another aspect of democratic rule, Winslow argues, is the existence of a truly independent and sometimes confrontational environmental movement. Environmental non-governmental organizations (NGOs), which are allowed to freely operate, can not only draw attention to environmental problems but also able to drive the public agenda. Another important aspect of democracies is the legal system, which allows individuals to sue the polluters through civil litigation. Finally, from an international perspective, the sharing of information between democracies and the development of international treaties also benefit the protection of the environment.

Democratic societies exhibit less environmental issues-public feedback

Neumayer, 03 [Eric, Professor of Environment and Development at the London School of Economics and Political Science, "Do democracies exhibit stronger international environmental commitment? A cross-country analysis", Journal of Peace Research, 39, pp. 142-146]

Taken together, the results reported in the last section provide strong evidence in favour of our hypothesis that democracies exhibit stronger international environmental commitment than non-

democracies. This result appears to be relatively robust with respect to our different measures of environmental commitment. For the great majority of these proxies of environmental commitment the democracy variables not only have the expected sign, but are also statistically significant. It is also quite robust with respect to our different measures of democracy. No single measure of democracy provides systematically different estimates in terms of sign of coefficients and their statistical significance from the other three.²¹ Equally satisfying is that the coefficients and their significance remain roughly the same whether developed countries are included in the full sample or excluded in the restricted sample. In other words, the results are not simply triggered by the presence of developed democratic countries. Almost throughout we observe that the coefficients for the FREE-low, POLIT-low and GOV-low countries indicate less environmental commitment at

stronger statistical significance than the coefficients for the FREE-mid, POLIT-mid and GOV-mid countries. **In other words, clearly undemocratic countries exhibit even less environmental commitment than countries in the middle group and we can be more certain that their commitment differs significantly from clear democracies than we can be for the group in between. This was to be expected of course. In conclusion, this study provides a positive message: Democracies clearly show stronger environmental commitment than non-democracies. All other things equal, therefore, a more democratic world will also be a world with stronger environmental commitment.** This need not translate into better environmental outcomes, however, at least 31 not immediately. Theory predicts a stronger link of democracy with environmental commitment than with outcomes. Gleditsch & Sverdrup (1995: 8) suspect this much when they write that 'the crucial point is that regardless of what harm democracies may do to the environment, they are more likely to make corrective action'. **As democracy spreads around the world, so will environmental commitment. More environmental commitment will help preventing environmental scarcities from leading to extreme outcomes like violent conflict. There is thus another avenue through which democracy can foster peace. Interestingly, it is really democracy or political freedom that matters.** Pre-testing rejected economic freedom as a relevant variable. Just because a country limits its interference in the economic system and allows its people to engage freely in doing business, does not render it environmentally committed. But **allowing its people to receive independent information, to voice and organize their concerns and to dis-elect policy makers for failure to address citizens' preferences leads to enhanced environmental commitment**

Democracy is directly needed to change individual mindsets. Their pessimism ignores human capability to change and protect the environment.

Purdy 9 [Jedediah Purdy, Robinson O. Everett Professor of Law at Duke, The Politics of Nature: Climate Change, Environmental Law, and Democracy, the yale law journal 119:1122 2010]

How much of the grounds for pessimism is in fact hard-wired and how much is open to change? On its face, climate change does appear unique in its capacity to outstrip the self-correcting resources of human choice. It is, therefore, all the more important to appreciate that those resources include the power to change the very grounds of our choices. This Article approaches that issue by emphasizing an aspect of human decisionmaking distinct from our propensity (or failure) to pursue maximum satisfaction of our preferences. It begins from the premise that human action pervasively responds to the experience of strong and qualitative values. Human beings are self-conscious creatures; we experience ourselves as making decisions not at random, but for reasons: we act in ways we think more just than the alternatives, or more dignified, or more consistent with the ideals of our own character.²⁶ That is to say, we act always under descriptions of our setting and our alternatives, and these descriptions are not idiosyncratic, but are shaped by shared ideas about people, social relations, and the natural world.²⁷ Moreover, these descriptions and ideas vary across place and time, frequently changing endogenously through human engagement with the very experience of value that structures our experience.²⁸ In complement to microeconomists' interest in the formal structure of human choice, and to interest-based theorists' usual assumption that individuals seek wealth and power, this approach concentrates on the source and character of the diverse substantive ends that people pursue. This Article focuses on democratic politics for two reasons. First, democracy is one of the arenas in which people can change their own reasons for acting: in struggling to persuade one another of the meaning of central but overdetermined ideas such as liberty, equality, and nature, democratic citizens change the range of potential meanings that these values carry, eliminating some and generating new alternatives. Second, values expressed in the register of democratic politics carry a special burden, that of justifying

to other citizens proposed uses of the power of the state and imprimatur of the polity. Because the stakes of political argument are high, there is particular motive to make basic commitments and urgent innovations intelligible in this register. Tracking changes in environmental public language, the language of democratic citizens at grips with ideas of nature, means writing not just a history of what people have thought and said, but of what they have been able to assert to one another in the special business of laying claims on the political community. Note that the point here is not to oppose high-minded values to low-built interests, but to insist on their interpenetration. On the individual level, one's interests are substantially in those things one has come to value; as this Article shows, coming to value the natural world in new ways has been a major theme of American experience. Moreover, in political argument, those interests one can legitimately and persuasively assert are limited by the commitments that define the polity. Thus, to anticipate a later argument, the mainly elite conservationists of the early Wilderness Society did indeed have an interest in preserving large tracts of public land for solitary trekking; but this interest was an artifact of more than a half-century of cultural and political ferment, and turning it into legislative action required introducing a new way of valuing the natural world into the heart of American political debate.²⁹ A focus on the self-transforming effect of political argument highlights the depth of past change and implies that the future, too, might see very different governing values. History is full of reforms that were cogently argued to be as impossible as addressing climate change can seem today. The abolition of slavery, sexual equality, and democracy itself are among these.³⁰ Such pesimistic arguments have in common that their cogency depends on taking "human nature"—people's characteristic motives—as a permanent fact, at least for practical purposes. When those arguments have failed, it has been partly because "human nature" has changed, not randomly, but as democratic politics has drawn people's motives in a relatively egalitarian direction.³¹ Sometimes, then, human nature is as good (or bad) as permanent, and sometimes it is not. This is at least partly because one permanent feature of that nature is also the basis of its impermanence: people create their own reasons for acting by reinterpreting the personalities, communities, traditions, and natural world in which they live.³² By doing so in the forum of democratic politics, they can expand the set of viable alternatives, the range of paths a country might take. There is, of course, no guarantee that Americans will do so in connection with climate change. But we might. That act of democratic freedom would change the grounds of the debate.

Democracy solves warming-gives voices to those in affected areas.

Goreeba, 12 [Akash, student of environmental politics at Westminster University, "Environmental Democracy: Does Anyone Really Care?" <http://www.e-ir.info/2012/10/26/environmental-democracy-does-anyone-really-care/>]

Issues of the environment have taken centre stage within recent years. With issues such as climate change, global warming, environmental degradation, pollution, highly publicised documentaries such as Al Gore's the inconvenient truth, and even Hollywood movies such as Avatar, it is hardly surprising. Major companies are showcasing their environmental policies, brands such as Cadbury, Staples and Costa Coffee are showing off their Rainforest Alliance credentials and many major supermarkets are ditching the age old plastic bag. All in the name of the environment, arguably. **With issues of the environment of such importance it was inevitable that issues of environmental democracy and justice would also come under scrutiny.** Both environmental Democracy and justice will be discussed in this paper. We will start by looking at and defining democracy briefly, before identifying how individuals and communities can benefit, or access the democratic playing field. **We will then look at some of the issues concerned with environmental democracy illustrated with some examples.** Later in the paper we will look at environmental justice in a similar fashion to environmental democracy. We will highlight some of the issues with examples and look at whether issues of Environmental democracy and justice are easier to deal with a localised level. We will conclude by arguing that **both justice and democracy are essential when the environment is concerned.** This is not to say that they are not problematic. **However in a time**

where we are all witnessing environmental degradation and problems globally, both justice and democracy are a necessity. A token yet generally received definition of democracy comes from Dahl 1991, that is democracy as “a political system in which opportunity to participate in decisions is widely shared among all adult citizens” (Dahl 1991, p.6). Mason is correct when he states in relation to these opportunities that “the more significant and comprehensive these opportunities are, the greater the level of democracy attached to a political system” (Mason 1991, p.22). It is fair to say we are in the era of liberal democracy. One which defends the rights and liberties of the individual, albeit in the majority of the world via representation. Whilst it is fair to say that this has been accepted over the ancient Athenian model of direct democracy, it is not to say that some, namely radical greens have not called for a return to a small scale version of the Athenian model. Mason correctly argues that “the distinction between representative democracy and direct democracy highlights a central dilemma of modern governance: the functional need for effective political decision making – achieved in increasingly complex societies through representative, often remote structures – threatens to undermine the accepted conditions for democratic justification: that affected interests have had a fair opportunity to influence the relevant decisions giving them good reason to support democratic norms” (Mason 1991, p.22). Dunn expresses this frankly “we have all become democrats in theory at just the stage in history at which it has become impossible for us in practice to organise our social life in a democratic fashion any longer” (Dunn 1993, p.29) **Whether this is the case or not it is clear that issues of the environment involve individuals, communities, schools, workers, and governments alike. As will become clear further in this paper, democracy is essential in safeguarding the rights and liberties of all individuals not only at the local level but globally. “Although scientific consensus has not been reached, there is ample evidence to suggest that race and class are importance determinants of the location of environmental pollution, degradation, and associated health risks”** (Jones and Rainey 2006, p.473) (see also Bullard, 1990; Cable, Hastings, & Mix 2002; Foster, 1993; Goldman, 1994; Jones, 1998 as discussed in Jones and Rainey 2006). **Hence why it is essential that all voices are heard even if this is via representation. As noted above, issues of environmental democracy concern all**, Susan Hazen of the UNEP agrees the “new term ‘environmental democracy’, now taking hold, reflects increasing recognition that environmental issues must be addressed by all those affected by their outcome, not just by governments and industrial sectors. **It captures the principle of equal rights for all those in the environment debate – including the public, community groups, advocates, industrial leaders, workers, governments, academics and health care professionals.** **For those whose daily lives reflect the quality of their environment, participation in environmental decision-making is as important as in education, health care, finance and government”** (Hazen, UNEP p.1). Thankfully we are in an era where we all have the ‘the right to know’ or freedom of information (although not surprisingly this is sometimes limited). **This allows us to at least attempt to make informed decisions concerning the environment. Access to environmental information for all who choose to participate in such decision-making is integral to the concept of environmental democracy”** (Ibid). More recently questions of how to allow individuals and communities access to environmental decision making has taken centre stage. **With initiatives such as the TAI (The Access Initiative) governments are arguably aiming to provide a more accountable, transparent and democratic government where the environment is concerned. “Environmental democracy is about government being transparent, accountable, and involving people in decisions that affect their environment. The Access Initiative (TAI) network are expanding their work to promote environmental democracy. Here is a summary of what’s ahead in 2008 and beyond. Local TAI partners work with their governments to reform transparency laws and train government officers to involve people in development planning. They also build the awareness among judges and in the media about the public’s ability to influence decisions that affect the environment”** (Kerdeman 2008, p.1). (See fig .1 for a list of countries in the TAI and examples of some successes) Today environmental democracy is taking centre stage. Whether this is from the abundance of websites championing equal rights to the risks and benefits associated with the environment, movies such as the recent Avatar being championed for its environmental message (whether intentional or not) or the highly publicized case of Robert Lovelace in 2008 who was jailed following his campaign against a uranium mining company in Ontario. **Another more recent development in the media linked to the ‘right to know’ or freedom of information we discussed above which highlights the availability of access to environmental democracy, as well as the ease of access to information via the internet is that, “European citizens will soon be able to find out about pollution in their local areas at the click of a mouse and lodge complaints under a new international agreement,** the UN said. Dubbed a tool for “environmental democracy” by its supporters, the Kiev Protocol obliges authorities to keep a public register of

pollution incidents or emissions from sources such as chemical plants, power stations, oil and gas refineries, mines and waste dumps" (AFP 04/2010, p.1) Jan Kubis, executive secretary of the UN Economic Commission for Europe argued that **"It will enable ordinary citizens, simply using the Internet, to find out about the major sources of polluting emissions in their immediate neighbourhoods"** (Ibid). Another recent and worrying example is the oil spill threatening to cause an environmental catastrophe. Questions of who should be held accountable were inevitable, and with speculation that President Obama is under pressure to act quickly following calls for answers by local communities, it would hardly be surprising if BP (already having claimed responsibility for the spill) would have to pay for the cleanup. **We have looked at environmental democracy and its significance and importance. With some examples which highlight the necessity of democracy where environmental issues are concerned. We will now look at environmental justice and injustice, which often goes hand in hand with environmental democracy.** Many of the examples above can be described as either an environmental justice or injustice. In a similar discussion of environmental democracy above, we will now look at environmental justice highlighting its importance and some of the problems with it. Let us firstly look at a briefing produced by the ESRC (Economic and Social Research Council) entitled "Environmental Justice, rights and means to a healthy environment for all" 2001. The paper was developed following a seminar including the likes of Friends of The Earth, the London School of Hygiene and Tropical Medicine on Environmental Justice. The paper does well to illustrate the links between social injustice and environmental problems, it works on the two basic premises of environmental justice that is, "that everyone should have the right and be able to live in a healthy environment, with access to enough environmental resources for a healthy life, and second, that it is predominantly the poorest and least powerful people who are missing these conditions" (ESRC 2001, P.3). Its main aim is to "research the extent of linkages between environmental and social injustice, and ask whether it is possible to tackle both social exclusion and environmental problems through integrated policies and developments" (ESRC 2001, P.3). **As noted, whilst the ESRC recognizes the links between social injustice and environmental problems, they also recognize that although recently, the government as well as individuals and communities, particularly as a result of the efforts of researchers in the United States have been able to benefit from a new set of tools better allowing them to produce effective policies in accordance with environmental justice.** In the ESRC's words, "there is an emerging toolkit for governments, individuals and communities to use to implement environmental justice. New assessment techniques, policies, and laws now allow the more transparent establishment of rights and responsibilities, and this in turn brings new legal, reputational and financial risks for those acting in an irresponsible way" (ESRC 2001, P.3). What is useful for us when looking at the report here is the problems which arise when seeking to administer environmental justice, these can be seen throughout the 28 page document. Some of the more noticeable examples are, firstly the question of how to define a victim or victims of environmental injustice. For example should we or should we not consider the unborn when considering victims of environmental injustice, and what if the victim cannot express themselves "it remains unclear how to accord victim status in law when, for example, the victim cannot speak for themselves, such as an unborn child or a person whose intellectual abilities have been severely damaged by the harm they have suffered, such as radiation" (ESRC 2001, P.6). Secondly, though there is now a great quantity of literature discussing the effects of environmental justice and injustice it is fair to say that most of these place more importance on localised areas. Arguably we should better consider injustices of large scale geographic areas, take the Chernobyl crisis as prime example. Another notable example provided by Sandeu 2000 is the case of the Inuit people "the Inuit people's staple diet of fish contains high levels of polychlorinated biphenyl, by-products of industrial processes far from their country, concentrated gradually through the food chain" (Sandeu 2000 in EDT ESRC 2001, p.6). There are many other examples of cases where the few have benefited from economic benefits whilst the large have suffered grave economic as well as social disbenefits. Another particularly difficult example is time and space. That is as we can clearly argue, **environmental justice is not only a national issue but a global one. The effects of climate change perhaps being the most obvious example. " For example, people in African countries and future generations are likely to be badly affected by climatic changes caused by fossil fuel burning, which has been caused predominantly by people in non-African countries, in this and previous generations "**(Boyle and Anderson 1996 in ed. ESRC 2001 P.6). **Another prime example is the responsibility of us all. That is simply, human race and our responsibility to maintain the earth's existing bio diversity.** Dobson makes note of this point well "no theory of justice can henceforth be regarded as complete if it does not take into account the possibility of extending the community of justice beyond the realm of present generation human beings" (Dobson 1998, p.244-245). From the above it is clear that **environmental justice is not just a local issue but a global one, an inter-generational one, and undoubtedly a problematic one. This should be a concern of not only the few, but all countries. It is also clear from the above that identifying environmental injustices is often a difficult task.** As Frosch and others have noted, "environmental justice offers researchers new insights into the juncture of social inequality and public health and provides a framework for policy discussions on the impact of discrimination on the environmental health of diverse communities... Yet, causally linking the presence of potentially hazardous facilities or environmental pollution with adverse health effects is difficult, particularly in situations in which diverse populations are exposed to complex chemical mixtures" (Frosch et al 2002, P.

149). Let us look now at the problems of environmental justice. In relation to the UK, Agyeman believes that "to many people in the UK, environmental justice is quite simply someone else's problem. To them, the words 'environmental' and 'justice' do not sit easily together. At best, their combination evokes a memory of some distant news report or documentary of how communities of colour and poor communities in the US face a disproportionate toxic risk when compared with white middle class communities, and at worst the combination fails to register a signal" (Agyeman & Evans 2004, p.157). However it is clear that within the last 20 years at least, the effects of environmental injustices have become of increasing importance. Whether this is due to climate change, global warming, or disproportionate pollution, we have seen an increase in NGO's and in some cases MP's who are addressing environmental injustices and pushing the issues off of the sidelines and into the mainstream in Britain and indeed British government. As predicted by Cutter the issue of environmental justice in "other regions will intensify in the years to come as nations implement international accords for sustainable development" (Cutter 1995, 111). Not just within the UK but within Europe we have seen the EU adopt a set of initiatives aimed towards environmental justice through 'Just Sustainability'. Just sustainability as defined by Jacobs is understood as "the egalitarian conception of sustainable development" (Jacobs 1999, p.32). To further this it is, "the need to ensure a better quality of life for all, now and into the future, in a just and equitable manner, whilst living within the limits of supporting ecosystems" (Agyeman, et al., 2003, p.5). Guidelines for EU policy implementation sets out that "all policies must have sustainable development as their core concern. In particular, forthcoming reviews of Common Policies must look at how they can contribute more positively to sustainable development" (Commission of the European Commission 2002, p.12). It is not surprising that EU policy has placed emphasis on just sustainability a year after and EU governance white paper was produced (2001). In this White Paper, **"the modernization of European governance is seen as a necessary precondition for European integration through a process of decentralization, combating the impact of globalization, and a restoration of faith in democracy through wider involvement in decision making"** (Agyeman & Evans 2004, p.162). We have seen from the above the problematic of environmental justice. It is arguably particularly difficult when considered in the global context. It is not surprising that attempts to safeguard and provide environmental justice have now taken a small scale dimension. An example of a more small scale attempt at addressing the effects on environmental justice/injustice is the Environmental Justice Showcase Community by the EPA (environmental protection agency). **Recently it was announced that the State of Jacksonville USA had been selected for the pilot scheme which would see a cash injection of over \$100,000 by the EPA which would go towards addressing the environmental issues suffered by low income and minority communities. "EPA Administrator Lisa Jackson announced that, under the initiative, Jacksonville will be one of the national models for EPA's commitment to EJ* [Environmental Justice] efforts. EJ refers to the disproportionate environmental burdens placed on low-income and minority communities" (EPA News Release, 04/2010). The project aims at working with the likes of schools, community organisations, local residents, as well as federal agencies. Greg Strong, Florida Department of Environmental Protection's Northeast District Director stated that "we can achieve much more collectively, when we combine and leverage our resources, than as stand-alone organizations working independently... This kick-off event is an excellent way for us to find new opportunities to work collaboratively with our partners in order to benefit the local community and further improve human health and the environment" (EPA News Release, 04/2010). Those such as the EJF (Environmental Justice Foundation) have already done well to illustrate the usefulness of small scale local and community projects aimed at addressing environmental injustices, the EJF essentially operates via providing film and advocacy training and empowering "local" communities.** Some notable examples where this has been successful include the Cambodian Fisheries Action Coalition Team, or (FACT). The Team aimed to resolve conflicts over freshwater fisheries, in short the EJC "trained and equipped FACT with essential cameras, computer equipment, internet access and GPS systems. And thereby helped FACT gather essential information and testimonies and co-produced 'Feast or Famine', which was launched at a meeting hosted by the UK Ambassador to Cambodia and attended by World Bank, IMF and other representatives of the donor community, helping to put the issues firmly on the political agenda" (EJF 2010). Other examples include the EJF's "educating on nature in Vietnam", "CEDAC" aimed at reducing the use of deadly pesticides in Cambodia, and "JALA" aimed at combating illegal fishing and helping poor fisherman in Sumatra. All the examples above have in common that they operated in the "local" communities. Perhaps it is the case that both democracy and justice are best implemented at a local level. We have looked at the importance as well as the problematic nature of environmental democracy and justice. As problematic as the two are, their importance are undeniable. **There are numerous organisations and NGO's that are dedicated to ensuring environmental democracy and justice, some of which have been discussed above. In a world where we are witnessing environmental degradation and problems globally, effective democracy and justice is a necessity. Good environmental governance equates to good environmental democracy/justice.** We have seen how minorities have suffered disproportionate environmental dis-benefits. In a supposed free world it is only fair that everyone should be allowed to experience both the risks and benefits associated with the environment, as well as future generations to come. And whilst from the above it is clear that environmental democracy/justice has a long way to go, it has done well so far to deal with many environmental issues globally, usually small scale and local. But it is undoubtedly the case that small scale localised efforts are most effective. It remains to be seen whether implementation of small scale localised agendas "globally" will prove fruitful. And whilst the likes of Agyeman above, have argued that the

majority of environmental issues 'fail to register a signal', this is undeniably changing. **Thanks to the efforts of the many who go out of their way to make consideration for the environment a key part of modern life.**

Democracy Solves Tech***

Tech only solves if we have deliberation through democracy – current ineffective implementation and multiple ethical and political concerns

Machin 6/10/15 [Amanda, works at the Zeppelin University, Karl Mannheim Chair for Cultural Studies as a Post-Doc, Den Haag 2015, "Rethinking Political Contestation over Climate Change", Working Paper 10]

Perhaps the dominant approach to climate change is the turn to technology for a solution. Scientists and engineers are expected to conjure up a timely invention or an artful innovation that can deftly ward off the dangers of rising greenhouse gases, without demanding any dramatic sacrifice in lifestyle. Renewable energy from wind, solar thermal, photovoltaic, geothermal, tidal and hydropower sources, nuclear fission and nuclear fusion, biofuels, carbon sequestration and solar radiation management are all championed as possible technological saviours from a future of environmental catastrophe. This turn to technology can perhaps most clearly be seen in the apparent emergence of 'climate engineering' or 'geoengineering' as a serious option in climate policy discussions (Hamilton 2014). Geoengineering can be defined as "the deliberate, large-scale intervention in the Earth's climate system" (Grolle 2013). David Keith, a professor of applied physics and social policy, is an advocate of such deliberate intervention in the climate, arguing for a form of 'solar geoengineering' in which the injection of reflective particles of sulphuric acid creates a 'sunshade' for the earth below. He claims that "the underlying science is sound and the technological developments are real" and therefore such solar geoengineering is "a cheap tool that could green the world"(Keith 2013). To be sure, Keith admits that the use of such technology is a hard choice; it is an "extraordinarily powerful tool yet it is also dangerous". Still, he offers a qualified endorsement: "If research shows that these technologies have benefits that greatly exceed the costs, then we should in fact start relatively soon, albeit carefully and with small steps" (Grolle 2013). Such technical fixes are attractive in part at least because they do not demand any sacrifice or drastic change in lifestyle. For if we can develop and implement the right technology, then surely we can sustain our cake while we continue to eat it. It is exactly this assumption that we find in politicians speeches. For example, in 2007 George W. Bush stated: "By developing new low-emission technologies, we can meet the growing demand for energy and at the same time reduce air pollution and greenhouse gas emissions. As a result, our nations have an opportunity to [...] reach a consensus on the way forward." (Bush 2007). In 2014, at the UN Climate Change summit, President Barack Obama makes a similar claim: "We cannot condemn our children, and their children, to a future that is beyond their capacity to repair. Not when we have the means – the technological innovation and the scientific imagination – to begin the work of repairing it right now [...] Within a decade, our cars will go twice as far on a gallon of gas, and already, every major automaker offers electric vehicles..." (Obama 2014). The vision of tomorrow conjured up by this approach is of a familiar world, where the vehicles on the motorway may be less polluting, the food may be more organic, the power-stations may be 'greener', but the lifestyles of the affluent consumer remain largely unchanged. The picture projected here is a shiny utopian vision in which tackling climate change is a matter of developing and implementing new technologies. No mention is made at all to a fundamental (or even a superficial) rethinking of the Western 'way of life'. Scientists and engineers thus are given a heavy double burden: they are not only expected to provide accurate predictions about an uncertain future climate, but also to proffer the equipment to be able to cope with it. Scientists themselves warn, however, that no particular technology is able to offer a simple, single 'silver bullet' (Shepherd 2009). Moreover, the

development and deployment of 'green' technologies involve political and ethical questions. This is perhaps most obviously the case with climate engineering; some technologies, for example, can actually reduce levels of greenhouse gases in the atmosphere, generating questions of what the 'right' level of atmospheric concentration might be and who might legitimately make such a decision? (Barrett 2008). If the effects of climate engineering technique have a differentiated impact upon different parts of the world then might not those who control it be tempted to implement it in a way that suits themselves but not necessarily others? (Hamilton 2014). The Royal Society, in its widely cited report on geo-engineering, notes that while there are many scientific difficulties and uncertainties "the greatest challenges to the successful deployment of geoengineering may be social, ethical, legal and political issues associated with governance, rather than scientific and technical issues" (Shepherd 2009). Making decisions about climate engineering is not however simply a matter of bringing a plethora of different sorts of experts into the discussion to come to an agreement, for it is likely to involve a "multiplicity and incommensurability of different views and ontologies" (Szerszynski and Galarraga 2013). The very tendency of proponents of climate engineering to project the possibility of a 'global solution' forgets the local differentiation of the issue that is likely to produce disagreement (Hulme 2014). 'Multiplicity and incommensurability' is also exemplified in the deployment of other sorts of technologies. Nuclear power, for example, has been held up as an example of the best means of addressing climate change and, simultaneously, as an example of the worst (Greenpeace). Renewable energy developments such as wind farms have also been the subject of intense, on-going and often entirely legitimate opposition (Aitken 2012). Such opposition and disagreement should not always be seen as a problem. Alternative perspectives and different types of knowledge can contribute key insights into the deployment and problems of technology. Furthermore, without political negotiation between opposing viewpoints, a strong and legitimate collective decision that could underpin technological innovation is missing from the outset. Technology can no doubt play a key role in responding to climate change and we should be hopeful that a package of various innovative technologies might be helpful in stabilising or even reducing the atmospheric concentration of greenhouse gases with few ill side-effects. But perfect global solutions do not emerge cleanly from sterile laboratories, unsullied by the sticky complications of political disagreement. Indeed, political disagreement is needed to release the potential 'magic' of technology.

Democracy Solves Other Things

Democracy is a key component for solving a myriad of problems from sustainability to structural racism because of bottom-up, grassroots movements

Stirling 14 [Andrew Stirling, Professor of Science & Technology Policy at the Sussex university, Emancipating Transformations: From controlling 'the transition' to culturing plural radical progress STEPS Working Paper 64, Brighton: STEPS Centre, 2014]

Current global environmental policy reverberates with talk of a new 'Anthropocene epoch' defined by 'human domination', in which a 'perfect storm' of catastrophic threats is forcing a singular 'great transition' towards 'planetary management'. Under growing 'environmental authoritarianism', democracy is increasingly seen as a 'failure', a 'luxury', or even 'an enemy of nature'. If charge is to be taken of the 'control variables of the Earth', some say democracy must be 'put on hold'. One way of seeing this trend, is that scientific and policy knowledges are becoming increasingly imprinted by the preoccupations of incumbent power with rhetorics of control. Under this growing political mood, it seems there is 'no alternative' but compliance, or irrational denial and existential doom. Yet there are alternative ways to address the gravity of current ecological and social imperatives. It can be recognised, for instance, that democratic struggle is the principal means by which knowledges and practices of Sustainability were shaped in the first place. In this view, concentrated power and fallacies of control are more problems than solutions. Here, history can show that the greatest ongoing forms of transformative progress (like release from colonialism, racism or patriarchy), owe more to plural knowledges and values and unruly hope-inspired agonistic contention, than to single orderly technical 'transitions' based on formally-integrated science or fear-driven structured control. Like other great progressive struggles of history, radical shifts in grassroots culture and anarchically choreographed flocking behaviours in nature, the most effective modes for radical change often lie in spontaneous collective bottom-up 'culturings' of knowing and doing. These do not depend on rigidly disciplined 'integrated science' and monolithically-structured 'planetary management'. Instead, real hope of radically progressive social transformation may lie more in the mutualities of caring, than in the hierarchies of control. And among the greatest obstacles to this, are ideologies of technocratic transition. Perhaps the deepest necessity lies in emancipating 'transformation' itself?

Prefer Our Authors

Their criticism is a form of fearmongering that gives more ammunition to conservative pundits and discredits their cause at large.

Lewis 14 [Martin, Senior lecturer at Stanford, "Eco-Authoritarian Catastrophism: The Dismal and Deluded Vision of Naomi Oreskes and Erik M. Conway", Geocurrents Oct 9 2014, <http://www.geocurrents.info/physical-geography/eco-authoritarian-catastrophism-dismal-deluded-vision-naomi-oreskes-erik-m-conway>]

As with so many other hot-button debates, the climate change controversy leaves me repelled by the clamoring extremists on both sides. Global-warming denialists, as some are aptly called, regard the scientific establishment with such contempt that they abandon the realm of reason. In comment after comment posted on on-line articles and blogs, self-styled skeptics insist that carbon dioxide is such a scant component of the atmosphere that it could not possibly play any climatic role, while castigating mainstream climatologists as malevolent conspirators dedicated to destroying civilization. Yet on the equally aptly named alarmist side of the divide, reasonable concerns often yield to dismal fantasies of the type so elegantly described by Pascal Bruckner in The Fanaticism of the Apocalypse, upheld by exaggeration to the point of absurdity. More alarmingly, climate activism seems to be veering in an unabashedly authoritarian direction. In such a heated atmosphere, evenhanded positions are at the risk of being flooded out by a rising sea of mutual invective and misinformation. This essay addresses only one side of this spectrum, that of the doomsayers who think we must forsake democracy and throttle our freedoms if we are to avoid a planetary catastrophe. Although it may seem paradoxical, my focus on the green extreme stems precisely from my conviction that anthropogenic climate change is a huge problem that demands determined action. Yet a sizable contingent of eco-radicals, I am convinced, consistently discredit this cause. By insisting that devastating climate change is only a few years away, they will probably undermine the movement's public support, given the vastly more likely chance that warming will be gradual and punctuated. By engaging in mendacious reporting and misleading argumentation, they provide ample ammunition for their conspiracy-minded opponents. And by championing illiberal politics, they betray the public good that they ostensibly champion. It is a sad day indeed when an icon of liberalism such as Robert Kennedy Jr. can plausibly be deemed an "aspiring tyrant" for wanting to punish global-warming deniers.

Prefer our evidence – their authors lack scientific credibility

Pielke 13 [ROGER, Professor of environmental studies at the University of Colorado, More authoritarian politics is not the solution to climate change, DAGENS NYHETER, September 27th 2013]

On Thursday the Intergovernmental Panel on Climate Change presented the first of four assessments, this one taking stock of the physical science of the climate system. The report's reception and promotion highlight challenges that arise when expertise meets politics. The temptation to use the conclusions to forward different political agendas will be abundant. And rightly so, the initial idea behind the IPCC report was to provide an assessment of science that could be used by policymakers. This is clearly not a problem when politicians, activists or lobbyists use the report in an open debate on how to address climate change. We should expect advocates to pick and choose among the report's findings to find those bits that fit best with their agenda. That is how interests operate in democracies. We see however for us a worrying tendency among some scientists to use climate and other environmental science reports to advocate for more authoritarian political systems and a call for an emergency order by emphasising the worst case scenarios of these reports as a "trump card" in political debates. Yvo de Boer, the former secretary general of the United Nations Framework Convention on Climate Change, argued almost a year ago that "the next IPCC will scare the wits out of everyone. I am confident that those scientific findings will create a new political momentum." The problem with fear-motivated decision-making is that it has not worked so well in environmental policymaking. We can just see how much the climate scare has changed societies so far: very little, if at all. The global greenhouse gas emissions continue to rise and carbon-free energy still has the same proportion in the energy mix as when the whole climate debate started in

earnest twenty years ago. Not only are appeals to fear ineffective, but they can also be dangerous for democracy and the role of experts within it. Frustrated scientists who argue that they alone have the right political solution to the climate crisis start advocating for expert control. A recent example - one of several we could provide - is the Global Challenges Foundation who argued in an Op Ed in Dagens Nyheter that risk of a significant temperature increase requires "effective global decision-making bodies". In their mission statement, they argue that "we are unable to manage the environmental crisis in the current political system". They go on to identify that a core problem is that politicians have to worry about reelection, media solely focused on probable and short-term damages and a lulled public. Instead the organisation wants to create a new political order with a legally binding efficient, rational and equitable global legal system, which in line with their reasoning, would not worry about up-coming re-elections. But re-elections are precisely the essence of a democracy where the public can decide with a regular reoccurrence how we want society to be governed. It is evident from the organisation's presentations that the experts believe that the public does not know their own good. Political systems based upon such an assumption are necessarily authoritarian. We believe the solution is not to argue for taking political power from the public, and putting the power in the hands of experts. First, which experts should make the call? Scientist are hardly in consensus on social and economic politics. Is it the one advocating restricted economic growth or the one advocating accelerated economic growth focused on innovation? Second, history gives us many examples where experts argue they have the right cure to a pending catastrophe, where we today may be relieved they were not in decision-making power. Take for instance Sweden's famous food scientist Georg Borgström who argued that sterilization after the third child would be as natural as getting a vaccination or Garrett Hardin's call for a life boat ethics where it was better to let millions die than the whole humanity perish. The track record of experts demanding political authority is not so good. Rather than tackling ineffective climate policies by restricting democratic systems, we believe we should open up debate to other solutions. There are many alternative pathways to accelerating energy innovation and climate adaptation that would pose credible alternatives to those tried so far. These include, for example, the rapidly growing interest in nationally appropriate mitigation actions, integrating mitigation efforts and national development goals and thus facilitating public and political support; investment in low carbon energy innovation, which would need to be at least doubled in order to stimulate alternatives; and carbon taxes, which would likely be more effective than emissions trading in many countries. If we look beyond the state, there are a variety of initiatives, such as cities collaborating on climate action, business and civil society partners on voluntary environmental standards and an enormous number of other initiatives that can be stimulated, and which together can bear fruit. Ideally, upcoming IPCC reports on mitigation alternatives will illustrate just how many expert opinions there are for the voters to consider. Scientists and other experts must become more attuned to the different roles that they play in broader society, especially what it means to be facilitators of democracy, not usurpers of it. In practice this means recognizing that the main function of expert advisory bodies is not to tell the public what should be done, but rather what could be done. Experts who claim to speak for "science" and who campaign too aggressively place at risk their own credibility and that of science more broadly in public debates. Ultimately, a commitment to democratic governance means accepting that power rests with the people, and not the experts.

Movements Solve

Movements have been happening to address these problems and will continue to grow in effectiveness. Our personal engagement inside macropolitical deliberation is key to their effectiveness

Purdy 9 [Jedediah Purdy, Robinson O. Everett Professor of Law at Duke, The Politics of Nature: Climate Change, Environmental Law, and Democracy, the yale law journal 119:1122 2010]

What is the nature of the persuasion? In addressing this question, I am mainly concerned with how the leaders I spoke with understood their own participation and that of the people they recruited. Their opponents offered familiar arguments that local climate action can only be futile, and in their advocacy, the leaders developed a concrete sense of how to engage those arguments. First, local climate activists appreciate that they are engaged in a symbolic politics made possible by the country's adoption of environmental commitments in the 1970s and earlier.²⁴⁷ Before the 2008 presidential election, which brought a new emphasis on climate change to the White House, their actions invoked those commitments when the national government was seen as neglecting them. The activists sought to announce that the commitments remained vital, and, in doing so, contribute to the truth of the assertion. These symbolic actions reflect the existence of environmental commitments as national values; by adopting nominal emission limits, cities make a public argument that the federal government should do the same. Second, these initiatives are intended as existence proofs that coordinated action can succeed in reducing greenhouse gas emissions, at least within a locality (ignoring for the moment the prospect of emitting activities fleeing to other jurisdictions).²⁴⁸ A successful experiment is a powerful form of persuasion, establishing a concrete option for others with salience that a merely hypothetical alternative is unlikely to command.²⁴⁹ Third, local climate initiatives are attempts to reframe the cultural valence of climate change from an ideological flashpoint associated with left-liberal attitudes to a rallying point of pragmatic effort. Studies of public opinion on climate change show that views of both the severity of the problem and the human power to address it conform to the hypothesis that people assess facts based on whether the truth or falsehood of those facts would confirm or undercut the bases of their social status and moral vision of the world.²⁵⁰ Those who regard the problem as serious and profess to believe that people can do something about it are also proregulatory economic and political egalitarians.²⁵¹ Those who profess to think that the threat is negligible and beyond human influence in any case (two views that would not seem inherently aligned but for their affinity in the cultural-meaning register) fall on the other side of those larger markers of worldview. Strategists for local initiatives emphasize practical local vulnerability to climate change. The paradigm case is Seattle's dependence on the Cascade snowpack for water and hydroelectric power, which figured importantly in the local argument for leading the conference of Mayors Agreement initiative.²⁵² This argument is available across the snowpack- dependent West, as is the danger of drought for already water-stressed regions in the Southwest and, in some recent droughts, the Southeast.²⁵³ If it succeeds, like nineteenth-century arguments tying forest conservation to erosion prevention and future timber harvests, this effort will have made climate change a different kind of problem. This sort of change relies on both empirical knowledge and democratic self-interpretation. Finally, the activists aim to create new norms of climate regulation within small and rather insular populations at a time when such norms have little purchase in the larger society. Ultimately, local initiatives aim to make lowcarbon conduct conventional—part of a practice of membership and mutual respect.²⁵⁴ As a starting place, the

initiatives take advantage of small and dense networks, such as mayors, city officials, and environmental activists. This is an attempt to create a practice among members of a limited public, rather as the Sierra Club once created a limited public in which the Romantic experience of nature was widely shared and explored as a public language.²⁵⁵ The unifying aim of this activism is persuasion: to give a broader class of people reasons to believe climate change is both real and susceptible to action. Local climate initiatives engage the questions of: (1) what reasons exist to address climate change; (2) who has those reasons; and (3) what reasons would be sufficient to spur collective action. At least for their activist core of proponents, local initiatives are acts of defiance against the idea that politics is futile—against the pessimistic account of climate change and collective action sketched earlier.²⁵⁶ If they were merely defiant, they would count only as expressive, in just the vein of a chanted slogan. The burden of the argument here is that local climate initiatives are intended rather as efforts at persuasive politics, bearing on the reasons for action that operate in the political community and its subcommunities. Those who work for local climate initiatives understand the argument that their action is necessarily futile. Proving otherwise is a project motivated precisely by an understanding of the argument and a wish to change the terms on which it rests.

Tech Solves

Tech solves – empirics prove.

Krautkraemer 5 [Jeffrey, former professor of economics in the College of Business and Economics, Washington State University, Pullman, Scarcity and Growth Revisited: Natural Resources and the Environment in the New Millennium, Resources for the Future, pp. 58-59]

In the “race” between technological progress and diminishing marginal returns in a finite natural world, the prospects for future generations depend upon which trend is proceeding at a faster pace. Many issues, then, boil down to a seemingly simple empirical question of whether technological progress can overcome diminishing marginal returns. Over the years, there have been technological pessimists and optimists, and that pattern continues to this day. The empirical evidence to date for natural resources commodities is largely in favor of technological progress. The many predictions of impending doom have not come true – at least not year. The discovery and development of new reserves, the substitution of capital, and technological progress in resource extraction and commodity production have led to generally downward sloping price trends for many natural resource commodities. If there is any systematic bias to past predictions of the future, it is an underestimation of the ability of technological progress to overcome natural resource scarcity. For example, petroleum supply forecasts have persistently overestimated the future price of oil and underestimated oil production (Lynch 2002). The picture is less clear for the amenity goods and services derived from the natural environment. Resource Commodities Three economic measures have been used as indicators of resource scarcity: price, extraction cost, and user cost. These three indicators are related through a basic first order condition for optimal resource extraction: $P = Cq + A$ where P denotes the extracted resource price Cq denotes marginal extraction cost A denotes the user cost The user cost captures the nonextractive economic cost of current depletion, including the forgone regeneration for a renewable resource and the forgone future use of a nonrenewable resource. It also includes any contribution of the resource stock itself to the net benefit of extraction-for example, a more abundant resource stock may decrease extraction or harvest cost. Barnett and Morse (1963) focus primarily on extraction cost. Extraction cost is computed as the amount of labor and capital needed to produce a unit of output. This measure is founded on the classical economics view that with diminishing marginal returns and finite natural resources, the cost of natural resource use should increase as demand increases and depletion occurs. The tendency toward increasing extraction cost can be offset by technological progress. Data from the United States for the period 1870-1958 for agriculture, minerals, forestry, and commercial fishing are examined. During this period, population increased by a factor of 4, annual output increased 20 times, and the output of the extractive industries increased about 6 times. This period of rapid population and economic growth should furnish a good test of the relative impacts of diminishing marginal returns and technological progress. Agricultural output increased four times over this period, and the unit cost declined by one-half when both capital and labor are included and by one-third when only labor is included. The cost measure for agricultural production actually declines more rapidly after 1920. The economy became more mineral intensive over this period, with mineral resource use increasing 40 times. Even so, the unit extraction cost measure for minerals production declined significantly, with an increase in the rate of decline after 1920. Commercial fishing also saw a decrease in extractive cost. Only forestry unit extraction cost increased, although both output and unit cost tended to level out after 1920. The conclusion is that the data do not support the strong scarcity hypothesis of increasing resource scarcity (Barnett and Morse 1963).

Innovation solves scarcity and output costs.

Krautkraemer 5 [Jeffrey, former professor of economics in the College of Business and Economics, Washington State University, Pullman, Scarcity and Growth Revisited: Natural Resources and the Environment in the New Millennium, Resources for the Future, pp. 64-65]

The significant decline in the mineral resource intensity of total output after the mid-1970s provides evidence of the ability to substitute away from inputs that become more costly (Tilton 1989). The development of the solvent extraction-electrowinning (SX-EW) method for refining copper ore is one example of the effect of technological progress. This process reduces costs greatly by eliminating smelting and refining, and this allows the economical use of much lower grade copper ore, including material that was left behind by previous mining operations (Tilton and Landsberg 1999; Bunel 2001). The price of copper increased in the late 1980s but has since declined substantially to well below its 1979 level, overcoming previous concerns about the future demand for and cost of extracting copper (Brobst 1979; GoeUer, 1979). The real prices of fossil fuels also

declined from peaks in the early 1980s (see Figure 3-6). Petroleum is particularly instructive. Consumption and consumption per capita declined in North America and Europe in the early 1980s following the oil price spike of 1979. Consumption increased slowly after the mid-1980s as real oil prices fell, but consumption per capita remains below its 1980 level in both the United States and Europe. Total consumption in North America is now slightly above its previous peak in 1978, while European total consumption is still below its previous peak in 1979. Consumption declines in the developed world were offset by increasing consumption in the Asian Pacific region, particularly by a doubling of consumption in China in the 1990s. Developments in computer technology and directional drilling, neither of which was predicted in Scarcity and Growth Reconsidered, have substantially lowered exploration and development costs and enhanced recovery from existing reserves. Discovery and development costs in the United States are one-third of what they were 20 years ago (Economist 2001). World proved petroleum reserves increased from 660 billion barrels at the end of 1990 to 1,009 billion barrels at the end of 1999. Even though consumption from 1991 to 2000 were approximately 250 billion barrels, proved reserves at the end of 2000 stood at 1,046 billion barrels. The United States produced 28 billion barrels of oil in the 1990s, but its proved reserves dropped by only 4.1 billion barrels (British Petroleum 2001).

AT: Authoritarianism Inevitable

Authoritarianism is not inevitable – four reasons

Jones 98 [Sean M. Lynn-, Editor of International Security at the Belfer Center of Harvard's Kennedy School, Why the United States Should Spread Democracy, Center for Science and International Affairs, http://belfercenter.ksg.harvard.edu/publication/2830/why_the_united_states_should_spread_democracy.html]

The Argument: A second criticism of the logic of the democratic peace argues that democracies cannot enjoy a perpetual peace among themselves because there is always a possibility that a democratic state will become nondemocratic. This possibility means that even democracies must be concerned about the potential threat posed by other democracies. John Mearsheimer argues that: "Liberal democracies must therefore worry about relative power among themselves, which is tantamount to saying that each has an incentive to consider aggression against the other to forestall future trouble."⁷⁷ In other words, the realist logic of anarchy, which posits that states exist in a Hobbesian world of fear, suspicion and potential war, applies even to relations between democracies.⁷⁸ There are four reasons for rejecting claims that fears of democratic backsliding compel democracies to treat other democracies as they would treat any nondemocratic state. First, the historical record shows that mature, stable democracies rarely become autocracies.⁷⁹ Second, democracies are able to recognize and respond to states that are making a transition from democracy to authoritarianism. Democratic states thus can pursue a policy of accommodation toward other democracies, hedge their bets with more cautious policies toward unstable or uncertain democracies, and abandon accommodation when democracies turn into nondemocracies. There is no reason to assume that democracies will become autocracies overnight and then immediately launch attacks on democracies. Third, like some other realist arguments, the claim that states must give priority to preparing for an unlikely dangerous future development rests on flawed logic. It assumes that states must base their foreign policies almost entirely on worst-case scenarios. Similar logic would imply that, for example, citizens in any country should act on the basis of the assumption that domestic law and order might collapse into anarchy and violence. Fourth, the claim that democracies must worry about the relative power of other democracies (which may become autocracies) relies on the same shaky logic that predicts that states cannot cooperate because they need to worry about the relative gains achieved by other states. The relative-gains argument holds that in international politics, cooperation is rare because it often gives greater gains to one state, and these relative disparities in gains can be turned into advantages in power than can be used to threaten the state that gains less.⁸⁰ The relative-gains argument sometimes assumes that states have high and constant concerns about relative gains. In practice, however, relative-gains concerns vary and are often almost nonexistent.⁸¹

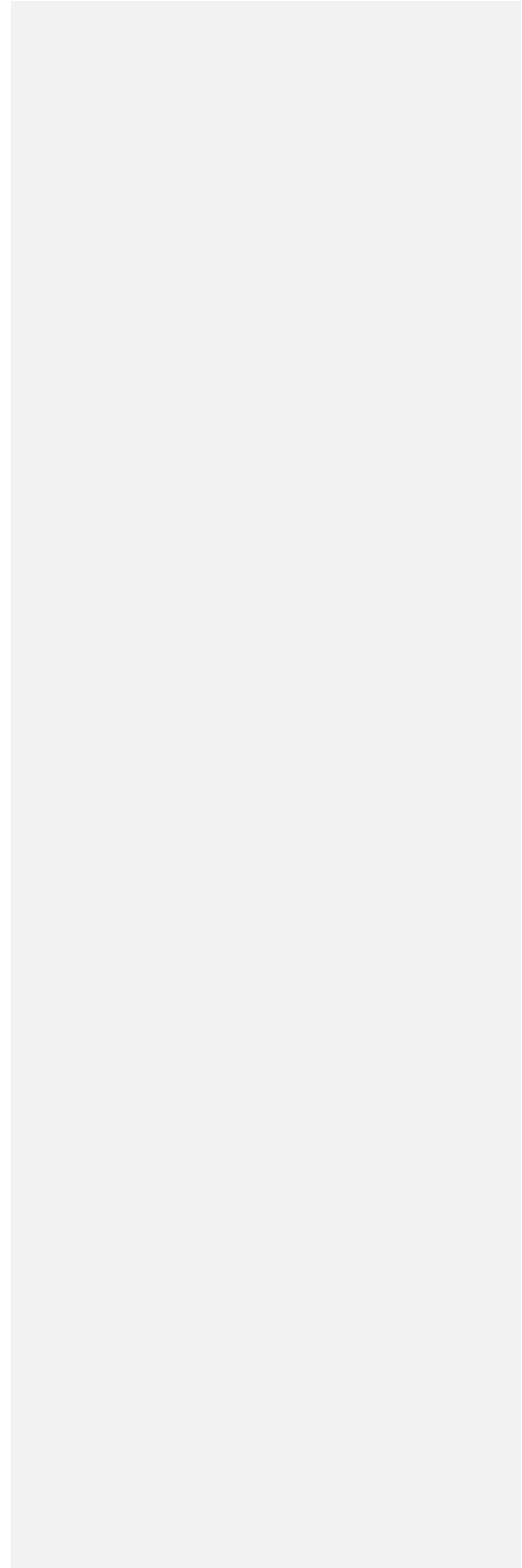
Perm Solvency

An intermediate approach is key- people's rights be limited, but this must be done through democratic means.

Daniel 12 [Charles, undergrad at the University of Leeds, "To what extent is democracy detrimental to the current and future aims of environmental policy and technologies? ", POLIS Journal Vol. 7 Summer 2012, <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>]

Is it therefore possible to conclude that democracy is indeed detrimental to the current and future aims of environmental policy and technologies? The resounding answer is 'no', as the alternative options proposed in the paper do not offer viable and comprehensive methods of being able to direct policy in ways that democracy is unable. What can be acknowledged though is that as our planet becomes more over-crowded, over-developed and over-dependent on financial instruments, so too does the window of opportunity to secure a sustainable planet for future generations. Tim Flannery is right in asserting that 'our fate is in our own hands' and whilst the need to be optimistic and to put faith in the ability of our future as stewards of the Earth is important, one cannot ignore our inclination as a species to behave in a selfish manner. Not only is it a political and cultural reality, it is also a biological one (Flannery 2010). Our instinct to survive will not go away. Unfortunately, that survival has become so contingent on the systematic exploitation of our natural world. It has, I believe, reached a point where something needs to be done. Progressive politics through raising awareness encouraging good practices is vital for the survival of our planet. We cannot, however, wait for people to slowly adjust their lifestyles and hope that environmental consciousness 'just happens'. I believe some level of intervention is required, a higher one that is currently present in our domestic and global politics. We need to accept, at some point, that limitations on our economic and social freedoms may be necessary in order to ensure that 'Gaia's' future is secured. As I have suggested in Chapter 3, this has to be a two-tiered process. Firstly individuals have to accept limitations on their freedom. This has to be acknowledged by national governments that, in turn, would make the same sacrifice and relinquish certain aspects of their authoritative freedoms to supranational institutions. This process would require high levels of trust in global governance models that have, as such, been fairly ineffective in influencing the actions of powerful nations. However, we must not lose faith in these processes and retreat to policies of economic isolation and suspicion. James Lovelock is correct in affirming that our planet is old and frail. It is up to those in power to ensure that it does not wither away

Alt Fails



Authoritarianism Doesn't Solve

Authoritarianism fails – domination only results in delinquency from populations, trust between parties and consideration of social conditions is key.

Smulders 5 [Sjak, economics professor at the Tilburg School of Economics and Management, Scarcity and Growth Revisited: Natural Resources and the Environment in the New Millennium, Resources for the Future, pp. 258-259]

Public policy toward technological development and risk can seek simply to mitigate problems by controlling the delinquency levels of populations in conditions of alienation and fatalism. Or it might seek to repair, revitalize and rebuild damaged communities, and to engage people in dialogues about their own interests and futures. In either case, technology and (fossil) energy are only about 1 percent of the resource scarcity problem. In times of stress, for evaluating the prospects for a society, the symbolic and emotional "residual" dominates everything. Trust is the willingness of a person, group, or community, to make themselves vulnerable in the expectation or hope of a benefit from association with others. Trust in governments, as in commercial enterprise, as in science and technology, depends on hopes for meaningful benefits and on confidence in the capacity and will of society's leaders and innovators to assure the sharing-symbolic as well as material-of those benefits. People do not only seek material comfort and security; they also pursue intangibles, like status, honor, and dignity. It is hardly surprising to find doubt about the benefits of new technologies, to see people using technology in a "delinquent" way to show alienation, to see technology used to challenge and disrupt the structures of authority, if they believe they are held in contempt or disdain. It is therefore rare that new technology solves the problems that old technology has created. For the most part, technology alone is not what creates the problems; the focus should be on the social conditions and purposes underlying the mobilization of technology. The resource scarcity is not only material; it is just as much imaginative, moral, and symbolic. Many anthropologists would suggest that, even if conflict in various forms is inevitable, the specificity of human culture is the emergence of conventions and symbolic systems that regulate the forms that are acceptable in a given society. If an objective in public policy is to mitigate violence within and between societies, a big part of the needed imaginative capacity would be to develop new means to interpret "technological risks" in terms of the symbolic, cultural, and emotional dimensions of people's relations to each other. There might, in this respect, be a high return on investment in investigating and remedying some of the social and economic factors – commonly called intolerance, prejudice, and injustice – that contribute to social delinquency. People become desperate, mistrustful, aggressive, and the like partly in a complex cumulative causation process within society. The emergence of "rogue states" might well be, as John Kenneth Galbraith (1968) pointed out (in his little book 171, Triumph), at least partly a dialectical outcome of other states' shortsightedness and obsession with hegemony. None of the great economists – such as Adam Smith John Stuart Mill, .M. Keynes – ever pictured people as self-interested automata; Smith referred to moral sentiments that, in his perception, revolved around a form of vanity. Mill affirmed a type of sympathy as the affective basis of civilized liberal society. Keynes referred to the animal passions. At the macro scale, identity and relations are not summed up in aggregate demand for goods. They are codified in complex societal institutions: and symbols, including religions, conventions of justice, tribal identities, informal networks of exploitation and solidarity, community belonging, and so on. These are all important terrain for economists who want to contribute to environmental and technology policy issues.

Alt fails – economic elite corrupt political solutions.

Lopez 5 [Ramon, professor of economics at University of Maryland and University of Chile, Scarcity and Growth Revisited: Natural Resources and the Environment in the New Millennium, Resources for the Future, pp. 261-263]

Let us look at certain aspects of the mechanics of public policy generation in developing countries. First we need to introduce some greater precision in terminology. The "elites" are those who are able to influence public policy through influence peddling, corrupting government officials, political campaign contributions, and so on. Their political power is derived from their economic power. But these are only the most obvious ways by which these groups influence public policy. There are more subtle means that are likely to become more important as democracy and democratic institutions evolve. "Think tanks" and other organizations funded by organized power groups, and media controlled and funded by the same groups, are important instruments in promoting a certain ideology: namely, whatever is good for the elites is also good for economic development. Regardless of the means used, influencing public policy is costly; given the usual imperfections in capital markets, mainly wealthy individuals who can access capital markets or have enough wealth to directly finance such investment can do it. Buying public policy is an investment like any other; to be attractive, it needs a rate of return equal to or greater than that of other investments. The potential rate of return on investing in influencing public policy is presumably much greater for wealthier individuals than for poor individuals. Collectively the poor may have even greater stakes in public policy than the rich, but as Olson (1965) pointed out, collective action to influence government is greatly facilitated when the lobby groups are small and homogenous. The fact that the poor are many and the wealthy are few means that collective action on the part of the poor to influence public policy is rare, and collective action by the wealthy is the norm. Control by the elites often induces governments to undersupply public goods, including environmental protection, for the sake of providing private goods or subsidies to the elites (López 2004).⁴ Moreover, beyond direct budgetary subsidies – credit subsidies, irrigation subsidies, outright financial transfers, and others – another important subsidy mechanism is the giveaway to the wealthy of the usufruct of fishing, water use, and other resources often not amenable to private property rights. Almost unlimited polluting rights may be given away to powerful economic interests, especially in rural areas where monitoring by civil authorities is more difficult (Ascher 1999; Myers and Kent 2001).⁵ Policy Traps The greater the concentration of wealth, other things being equal, the more concentrated the dominance of the state and the more biased the policies in favor of a smaller elite. Biased policies, by increasing economic benefits to the wealthy, perpetuate the historical concentration of wealth, which, in turn, causes the policy biases to remain in place. Thus a policy trap arises. Even governments that seem ideologically committed to wealth redistribution have not been able to significantly change the old policies, much less to alter historical wealth distribution. Chile and Brazil over the last decade constitute important examples of the policy trap in resource-rich countries: democratic and seemingly "progressive" regimes have consistently failed to significantly alter the old policies, originated under dictatorship, while at the same time they have not been able to improve their wealth distribution, among the worst in the world. On Natural Resource Endowments and Policies Wealth tends to be more concentrated in natural resource-rich countries than in resource-poor countries. Resource-rich countries in Latin America and Africa, oil-rich nations, and the United States generally have much greater concentration of income than the resource-poor countries of Asia, Europe, or Japan. Rents for resources affected by ill-defined property rights (which the poor can have access to) are either greatly dissipated or are fully captured by the few who control highly capital-intensive resource extraction activities, such as oil, minerals, large forests, and agricultural plantations, where property rights often become well defined. Thus natural resource-rich countries, which also tend to be the depository of most significant natural habitats around the world, are precisely those that are prone to have the most egregious anti-environment (and generally anti-poor) policies. As a consequence of the policy trap discussed above, they are also the least likely to reform them⁶ Sustainability and the Economic Elites: The Role of Substitution A public policy agenda dictated/by the economic elites affects the likelihood of environmental sustainability and, therefore, of intergenerational equity. The (short-run) benefits of environmentally unsustainable growth disproportionately go to the economic elites, while the (medium- and long-term) burden of environment degradation is mostly shouldered by everyone else. In general the ability of an individual to pollute and to extract natural resources is directly proportional to their capital endowment; therefore, charging user costs or pollution taxes is proportionally more expensive to those with larger capital endowment. Equivalently, the benefits of allowing greater environmental degradation accrue to wealthy individuals. The cost of environmental degradation is lower for wealthy individuals because they can afford to substitute natural environmental services with human made services (through, for example, defensive expenditures) while the poor generally cannot (Antoci and Bartolini 2002).⁵ Moreover, the cost of substitution is lower when only a small segment of society attempts it than when a larger portion makes efforts to

substitute environmental services with human-made services. If a large segment of society demands more human-made services that substitute for lost natural services, the prices of such human-made services increase. So, in countries with a concentrated wealth distribution, a majority of the population remains excluded from the market for defensive goods. This means that the costs of substitution for those that can afford it tend to remain low. The net implication of all this is that the (private) "optimum" pollution and environmental degradation is likely to be higher for the elite households than for everyone else. The degree of environmental "unsustainability" therefore, is likely to be higher the more the economic elites are able to dictate public policy. To the extent that the descendants of the wealthy have a high probability of also being wealthy (especially when "death taxes" are nonexistent or easily bypassed, as in most developing countries and in at least one prominent developed one), intergenerational considerations are not likely to alter this conclusion. The rich know that their children will have the same advantages that they have, or perhaps more because of technological change, and will be able to continue substituting the loss of the services produced by the natural environment with more human-made services.

Authoritarian principles lead to environmental harm-lack of public feedback

Shahar, 12 [Dan, Ph.D. student of Philosophy at the University of Arizona, "Rejecting Eco Authoritarianism, Again", pp. 22-23]

History seems to teach us that the only reliable way to achieve true autonomy from citizens' demands is through an active and sustained commitment to suppressing would-be dissenters and to imposing policies without compromise.

For both the Soviet Union and People's Republic of China, the price of political openness was the risk of instability and political upheaval when citizens came to disapprove of their leaders' actions, and there is good reason to think that this outcome was not a coincidence. 66 It is only by preventing robust civil discourse and open dissent from emerging in the first place through consistent repression that authoritarian governments have been able to retain and exercise their power with relative impunity.67 The good news for Eco-Authoritarians' position is that when pursued consistently, political repression does seem to work quite well at achieving its purposes: suppressive, uncompromising authoritarian regimes have demonstrated an often-terrifying ability to insulate themselves from the wills of their constituents.

However, such regimes have also been notoriously incapable of formulating and implementing policies to actually make their nations better-off.

I contend that this fact should not surprise us: suppressive, uncompromising authoritarian regimes face serious challenges that more open, politically sensitive administrations do not. For one thing, an absence of free and open public discourse makes it easy for administrators to get locked into narrow, rigid ways of thinking that impede their ability to make good decisions. A fearful and uninvolved citizenry is also not likely to provide the sort of honest, informative, and critical feedback that would enable administrators to calibrate policies to the details of local circumstances, detect their own mistakes, and catch misbehaving officials who undermine the pursuit of public goals. Thus bureaucrats who are insulated from public opinion through the naked exercise of state coercion may quickly find themselves operating in a bubble, making it difficult to formulate and implement good policies regardless of their own personal virtues as administrators.

It is partly for this reason that some real-world authoritarian regimes have recently been moving in the direction of greater interaction with the public rather than less. In 2002, Larry Diamond memorably hailed an "unprecedented growth in the number of regimes that are neither clearly democratic nor conventionally authoritarian," noting that while many nations have embraced certain avenues for public participation in politics, they have not gone so far as to adopt the full raft of reforms normally associated with liberal democracy including "not only democratic elections but solid protection of civil liberties under a strong rule of law."68 Such "hybrid" regimes have become particularly prevalent in Southeast Asia, leading some commentators to suggest that these structures may represent not "halfway houses"69 between authoritarianism and liberal democracy but rather genuine political alternatives of their own. Although these movements toward public inclusion have been driven in part by popular and international demands for democratization, one should not overlook an increasing recognition by authoritarian governments that state agendas may be better. Promoted by fostering citizen involvement rather than excluding it. **For example,** as Elizabeth Economy has argued at length, the People's Republic of China has deliberately become increasingly dependent on efforts by non-governmental organizations, local constituencies, and the media to ensure the successful formulation and implementation of its environmental policies, particularly on matters of ecological conservation, urban renewal, and pollution prevention.

Authoritarian systems of government do not have environmental concerns.

Democracy solves best

Ward 08 [Howard, government professor at the University of Essex, Liberal democracy and sustainability, Environmental Politics, <http://dx.doi.org/10.1080/09644010802055626>]

Viewed from a rational choice perspective, authoritarian rulers do not have incentives to adopt, or to stick with, sustainable policies. They prioritise rapid economic development to gain legitimacy and to bolster external security, as the Soviet regime did (Porritt 1984, p. 48). Their control of a high fraction of society's resources encourages them to pay off members of their relatively small support coalition by allowing them to pillage the ecosystem, as there is less political advantage in providing public goods such as environmental quality (Bueno de Mesquita et al. 2003). They under-regulate environmental harm because, as controllers of a bigger share of national income, they would disproportionately pay the costs of tighter rules (Congleton 1992, p. 416). They tend to ignore the interests of future generations, because their control of power is often precarious (Congleton 1992, p. 417). Wars are often environmentally devastating, and democracies fight each other less (Russett and Oneal 2001). Authoritarian systems are more prone to civil wars, and civil wars may also be associated with the 'looting' of renewable and non-renewable resources (Collier and Hoeffler 2004). In contrast to these rational choice arguments, the case for liberal democracy is often based on arguments about deliberation and discourse. Concerned citizens can influence political outcomes through the ballot box, pressure groups, social movement activity, the free media and through local political structures, but these channels are to a greater or lesser extent closed in autocracies (Payne 1995). To a limited extent virtuous circles exist in liberal democracies between ecological modernisation, active involvement of citizens and international bargaining (Eckersley 2004). Democratisation gives political voice to the poor, and if this helps to alleviate poverty it may aid sustainability (UNDP 2003, p. 17).

Authoritarianism fails – bad decision-making processes

Ward 08 [Howard, government professor at the University of Essex, Liberal democracy and sustainability, Environmental Politics, <http://dx.doi.org/10.1080/09644010802055626>]

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An intermediate approach is key- people's rights be limited, but this must be done through democratic means.

Daniel 12 [Charles, undergrad at the University of Leeds, "To what extent is democracy detrimental to the current and future aims of environmental policy and technologies? ", POLIS Journal Vol. 7 Summer 2012, <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ug-summer-12/charles-daniel.pdf>]

Is it therefore possible to conclude that democracy is indeed detrimental to the current and future aims of environmental policy and technologies? The resounding answer is 'no' as the alternative options proposed in the paper do not offer viable and comprehensive methods of being able to direct policy in ways that democracy is unable. **What can be acknowledged though is that as our planet becomes more over-crowded, over-developed and over-dependent on financial instruments, so too does the window of opportunity to secure a sustainable planet for future generations.** Tim Flannery is right in asserting that 'our fate is in our own hands' and whilst the need to be optimistic and to put faith in the ability of our future as stewards of the Earth is important, **one cannot ignore our inclination as a species to behave in a selfish manner. Not only is it a political and cultural reality, it is also a biological one** (Flannery 2010). **Our instinct to survive will not go away. Unfortunately, that survival has become so contingent on the systematic exploitation of our natural world. It has, I believe, reached a point where something needs to be done.** Progressive politics through raising awareness encouraging good practices is vital for the survival of our planet. **We cannot, however, wait for people to slowly adjust their lifestyles and hope that environmental consciousness 'just happens'.** I believe **some level of intervention is required, a higher one that is currently present in our domestic and global politics.** We need to accept, at some point, that **limitations on our economic and social freedoms may be necessary** in order to ensure that 'Gaia's' future is secured. As I have suggested in Chapter 3, this has to be a two-tiered process. Firstly individuals have to accept limitations on their freedom. This has to be acknowledged by national governments that, in turn, would make the same sacrifice and relinquish certain aspects of their authoritative freedoms to supranational institutions. **This process would require high levels of trust in global governance models** that have, as such, been fairly ineffective in influencing the actions of powerful nations. **However, we must not lose faith in these processes and retreat to policies of economic isolation and suspicion.** James Lovelock is correct in affirming that our planet is old and frail. It is up to those in power to ensure that it does not wither away.

Eco-authoritarianism is worse for the environment – future usurpers cause backsliding

Carter 13 [Alan, Professor of Philosophy at University of Glasgow, A Radical Green Political Theory pg 5-6 Routledge publishing, https://books.google.com/books?id=1DxdAgAAQBAJ&pg=PA25&lpg=PA25&dq=ophuls+environment+authoritarianism&source=bl&ots=r7M8u_gAt8&sig=-U8c8U6ONL2oLY-yA-zTKeAMqgc&hl=en&sa=X&ei=jq1LVaWpBYq_sAWju4HgBw&ved=0CCgQ6AEwBA#v=onepage&q=%22given%20the%20justified%22&f=false]

If we are to stand up to such a serious environmental threat as many insist we currently face, and if we need to respond to it quickly, isn't some highly authoritarian, centralized state that can enforce strict environmental policies the obvious solution? At its most attractive, eco-authoritarianism presents itself as a form of benevolent dictatorship - an environmentally benevolent dictatorship, as it were. Unfortunately, as obvious a solution as eco-authoritarianism appears to be, its flaws seem equally obvious. As with any benevolent dictatorship, how can it be guaranteed that it will remain benevolent?

It is difficult to see how whatever structures empower an authoritarian, centralized leadership to exercise power effectively will, at the same time, inhibit exercises of that power which take a non-benevolent form; unless it is the people themselves who constrain such a leadership. But then, why is a leader necessary in the first place? If a leader is necessary, it must be because he or she has real power, and now can its exercise be guaranteed to remain benevolent? Even if a particular leader does turn out to be genuinely benevolent, even if he or she is not corrupted by the exercise of power or the need to retain it. How can it be guaranteed that those who inherit his or her position will be equally benevolent? Hierarchical structures, by their very nature, seem to make it easy for the most competitive, most ruthless and least caring to attain power. Moreover, the centralized exercise of authoritarian rule is an ever-attractive goal for would-be usurpers, whose vision is usually less pure than that of those whom they usurp, as the history of many coups can be argued to attest to. In short, all of the arguments that have been rehearsed against ostensibly benevolent dictatorships appear equally pertinent to environmentally benevolent ones. If an autocrat wished to use his or her power to protect the environment, the structures which enabled that power to be exercised could, presumably, just as easily be used by his or her successors to degrade the planet further, or even at an accelerated rate, for their short-term or localized enjoyment. In fact, there is a powerful argument that can be deployed which seems to establish that any authoritarian response to the mounting environmental crises will accelerate them rather than provide a solution. But because of the theoretical assumptions underpinning that argument, it will have to wait until Chapter 6 before being presented, and until Chapter 7 before being deployed against eco-authoritarianism. Suffice it to say that we already have some reason to think that an effective long term response to the ecological threat which environmentalists claim to have identified would require an alternative political theory to that propounded by eco-authoritarians 2.2

Alt = Elitist

Strong democratic institutions are key to check elite abuse of environment.

Lopez 5 [Ramon, professor of economics at University of Maryland and University of Chile, Scarcity and Growth Revisited: Natural Resources and the Environment in the New Millennium, Resources for the Future, pp. 264-265]

The new as well as the old literature on endogenous government policies emphasizes competition among groups to influence public policy (Grossman and Helpman 1994). Although subgroups of the elites unquestionably have conflicting interests that often trigger competition among them to steer public policy in different directions, they also have certain common goals on which they are able to act with a significant degree of coherence. The real conflict is between the wealthy elites and the rest of society, not among subgroups within the elites. Well established democratic rules, the influence of that part of the intellectual class not contaminated by the ideology of the elites (writers, scientists, and social scientists, but generally few economists), and the political organization of the nonelites are the only possible mechanisms that can at least in part offset the enormous power of the economic elites (who usually count orthodox economists among their most valuable intellectual allies). Respect for democratic institutions is all-important. Only if broader civil society participates in ejecting and monitoring political authorities is it possible to counter at least the most primitive forms of lobby, especially those influencing public policy through corruption and other illicit tactics. Unfortunately, the more evolved mechanisms – those adapted to more perfected forms of democracy – used by the elites to influence public opinion are harder to counteract through civil participation. Control of the media and other important institutions is a particularly effective mechanism used by the economic elites to continue exerting their political power even under relatively perfected forms of democracy. The breaking of the policy trap needs not only perfected democratic institutions but also outside help or a great deal of luck (in the form of chance conditions that dramatically incline the pendulum in favor of policy reform). The economically powerful groups generally win, although, depending on the strength of the offsetting democratic conditions, they are occasionally forced to make concessions. The resulting policies in most developing countries, and even some industrial economies are, however, likely to be closer to those demanded by the economic elites than those that benefit the large majorities. Implications Because policies are endogenous, what is the point of bringing up these issues in this forum, especially when the ideas presented here are fairly simple, perhaps obvious? The point I hope to make is that we economists have ignored these issues for too long and, indeed, more often than not have been part of the problem. By empirically understanding the political motivation of environmental and certain economy-wide policies we (the economic profession) could incline the balance a bit more (perhaps a lot more) in favor of the vast majorities instead of continuing to tacitly support the public policy dominance of the powerful elites. We could contribute to both intra- and intergenerational equity and increase the likelihood of environmental sustainability. It seems absurd to study sustainability in a social and political vacuum. It is also absurd to attribute government policy failures to "mistakes" and ignorance instead of recognizing that most such failures are the logical outcome when governments serve the economic elites instead of all society.

Alt = Nazism

Not only is eco-authoritarianism not feasible, but even under a green dictatorship there are still implementation issues

Daily Kos, 2013 [an American political blog that publishes news and opinions, Nov. 13, Why a "green dictatorship" will not solve the global warming problem, <http://www.dailykos.com/story/2013/11/13/1255008/-Why-a-green-dictatorship-will-not-solve-the-global-warming-problem>]

As I understand them, dictatorships (and authoritarian governments in general) are mostly about process. Fundamentally, they are about two processes which can be queried as follows: 1) what does it take to become a dictator? and 2) what does it take to maintain a dictatorship? Generally dictatorships thrive on mechanisms of power: total surveillance, militarization of everyday life, persecution of dissidents, placation of the masses, ideological propaganda, and so on. We have plenty of that throughout the world even though it coexists with "democracy" quite well. Consumer products are good things for a dictatorship, because the masses can be bribed with them. Accept our tyranny, the regime says, because most of you will get a cheap toaster oven. Capitalism is also good for authoritarian governance, because that way you can have "leaders" who take responsibility for official actions, and moneyed power behind the scenes directing everything with massive infusions of cash. Voting is good for dictatorship maintenance. Voting is especially good when you have an oligarchic system, with two major parties. The dictators can switch positions now and then, and the electoral system can endlessly promote "voter choice" even when the outcomes are similar in many respects regardless of who wins. (The idea that "the Republicans are worse," although true, does not contradict this reality.) Dictatorship is not contradicted by voting; the Soviets voted. Real democracy is when the public will makes policy decisions -- it's not "American Fascism" or "inverted totalitarianism" or "no functioning democracy." Thus the word "democracy" -- "demos" = the people, "cratein" = to rule. The masses are going to need some amount of hope, and global warming is not going to give them hope, so I don't see how the coming eco-dictatorship is going to supply people with hope. I suppose they could feed everyone a bunch of false hope while pursuing a green agenda, but who is going to buy into that? And where is the truth when everyone is lying? Apparently the Chinese want to pursue green energy to a much greater extent than they do, but they still keep burning enormous quantities of coal nonetheless, having thrown their lot in with the ideological hopes of capitalist growth. And even so, ecology appears to be on the side of rebellion in China, which has experienced no shortage of despairing anti-pollution protests in the past few decades (at least if you believe the economist Minqi Li). Dictatorships typically arise on the crest of an ideological wave. The Nazis had Nazism, which was created before their takeover in 1933; Mussolini's autobiography boasts that he had parlayed the culture of the people into a position of power, and the Soviets combined Czarist brutality with a cultural communism which had already been part of Russian culture by the time 1917 rolled around. So why would green-thinking people want to trust a dictatorship to remold the world today? Groupthink thrives in dictatorships. Even if our favored dictatorship's groupthink were the "right" groupthink -- for instance, you'd want everyone to agree that something needs to be done about global warming -- you'd still run into implementation problems. We'll need creative solutions to the food problem, for instance, as the global food transportation system is partially dismantled in favor of local food production/ consumption. Climate change is the sort of problem that requires creativity, and creativity is hindered when everyone is following orders or going along with official directives.

State Bad

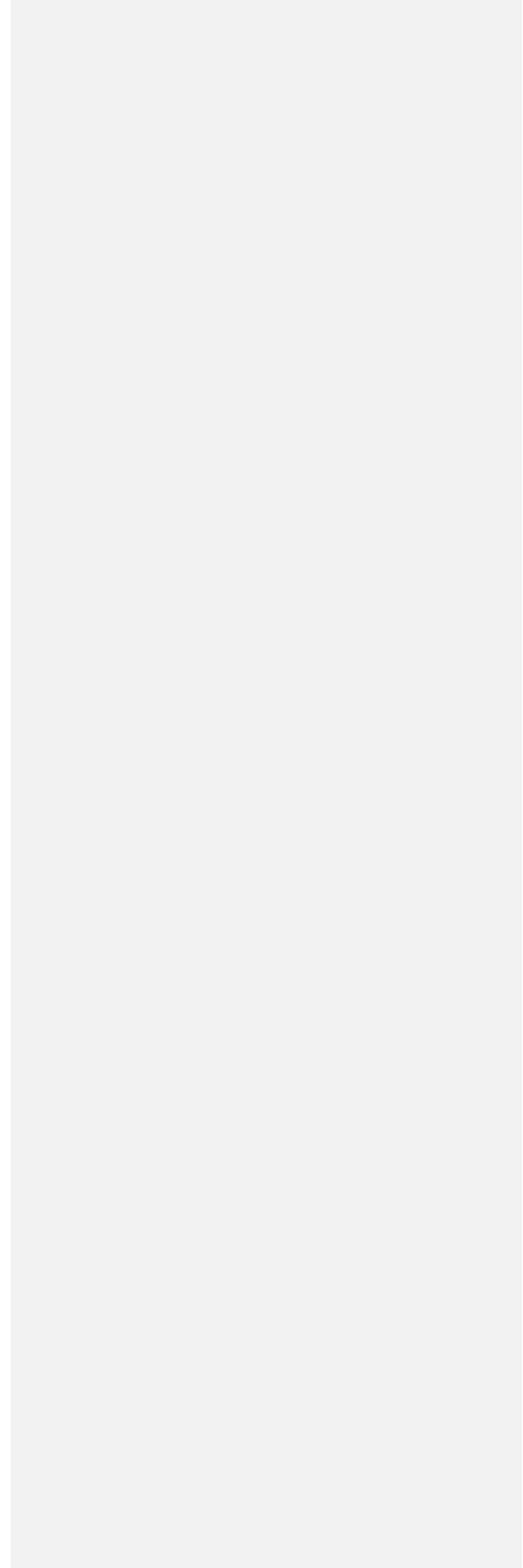
The state can never solve for the environment – cooperation, less local pushback, and clearer framework

Gilley 12 [Bruce, Division of Political Science, Mark O. Hatfield School of Government, Portland State University, USA, “Authoritarian environmentalism and China’s response to climate Change”, Environmental Politics Vol. 21, No. 2, March 2012, 287–307]

Would a feasible democratic process have led to better policy outputs? Li and Miao (2011) believe that, because of the tradition of state domination, China’s authoritarian approach is the only one feasible. However, this ignores the legal and institutional foundations for participatory environmentalism sketched above. While public opinion as a whole remained relatively unconcerned about climate change, a broadening of the ‘eco-elites’ beyond state actors to include environmentally informed and motivated social elites could have led to a discussion of an absolute emissions target, as advocated by several environmental policy groups (Lo et al. 2010). As to the coherence and clarity of the policy outputs, Marks (2010, p. 979) notes that the enthusiasm for rapid-fire regulations and laws led to a system of ‘vague or overly complex’ policies that left much room for interpretation. More than 40 different regulations were issued between 2005 and 2008 to enforce energy intensity cuts (Zhou et al. 2010). Aizawa and Yang (2010, pp. 136–137) describe the tendency to ‘layer one policy instrument over another’ rather than creating a coherent regulatory framework. For instance, the ‘green credit policy’ under which banks are rewarded for lending to ESER projects and penalised for lending to poor ones, competed with rival policies that encouraged banks to lend to employment-intensive sectors to stimulate growth. As to implementation and monitoring, the central state’s decision to delegate tasks to provincial and local governments made sense within China’s devolved unitary state. However, when combined with the complex layering of the regulatory framework, it exacerbated the well-known problems of local pushback against central directives (Edin 2003, Whiting 2004). Local governments view central policies ‘as a drag on GDP growth and a weight around the neck of local development plans’ according to one NDRC official in charge of the policy, citing internal meetings (Chandler and Wang 2009, p. 4, fn.3). While there are positive incentives for compliance operating through technology development, energy savings, pollution reduction, CDMs, and foreign assistance (Koehn 2008), these compete against far stronger perceptions that the policies will undermine growth and employment, something that the central government itself believes. As Qi and colleagues wrote: ‘Local governments neither feel pressure to act on climate change from the public nor do they have to deal with international pressures’ (Qi et al. 2008, pp. 393, 394). One result is that local officials regularly fabricate their energy use reports.⁴ Coal production (and consumption) statistics – two thirds of energy use – are notoriously under-reported (Tu 2007). Responding to the problems, the National Bureau of Statistics established a new Department of Energy Statistics in 2008 to provide its own survey-based evidence as part of a broader shift from administrative to measurement, reporting, and verification (MRV) enforcement. However, there is no means for third parties (like NGOs) to monitor the reported results. Even where implementation was left in the hands of central authorities, compliance has been weak. For instance, the rushed passage of the Renewable Energy Law in 2005 led to resistance among power companies to buying (more expensive) renewable energy. The law ‘has not been strictly followed’, according to NDRC officials (Xinhua News Agency 2010). In 2009, the law was amended mandating the companies to purchase all available renewables and putting enforcement power into the hands of the cabinet and national power regulator (rather than the NDRC which had conflicting interests). Further

additional administrative measures were promulgated in 2010. Thus the problems with policy outputs – their incoherence, their misalignment with local government incentives, and their being premised on a growth versus emissions assumption – have undermined policy implementation. The head of the country's scientific advisory body on climate change notes that 'China's administrative authority in charge of climate change remains weak and lacking capability' (Wang 2009, p. 11). Again, one must ask whether a more democratic policy process would have yielded more coherent policies and thus better implementation and outcomes. While rapid-fire regulations would have been slowed by a more participatory processes, whether this would have led to a more coherent policy framework cannot be reasonably surmised. As to implementation, it is possible that greater policy legitimacy, especially from the point of view of local governments and social activists, would improve compliance. Wang (2010) cites the eruption of popular protests over experimental carbon dioxide capture and storage (CCS) sites in Shanxi, Liaoning, and Xinjiang as a result of the lack of consultation and poor compensation for the land requisitions. Only 43% of Chinese citizens surveyed in 2009 supported CCS even after being told that it was part of national government policy on climate change, while 13% opposed and 44% expressed ambivalence (Duan 2010, p. 5286).

AT: Impacts



AT: Environment Impact

The environment is resilient – it has withstood ridiculous amounts of destruction

Easterbrook 95 (Gregg, Writer and editor of both The New Republic and The Atlantic Monthly, "A Moment on Earth", pg 25)

IN THE AFTERMATH OF EVENTS SUCH AS LOVE CANAL OR THE In the Aftermath Exxon Valdez oil spill, every reference to the environment is prefaced with the adjective "fragile." "Fragile environment" has become a welded phrase of the modern lexicon, like "aging hippie" or "fugitive financier." But the notion of a fragile environment is profoundly wrong. Individual animals, plants, and people are distressingly fragile. The environment that contains them is close to indestructible. The living environment of Earth has survived ice ages; bombardments of cosmic radiation more deadly than atomic fallout; solar radiation more powerful than the worst-case projection for ozone depletion; thousand-year periods of intense volcanism releasing global air pollution far worse than that made by any factory; reversals of the planet's magnetic poles; the rearrangement of continents; transformation of plains into mountain ranges and of seas into plains; fluctuations of ocean currents and the jet stream; 300-foot vacillations in sea levels; shortening and lengthening of the seasons caused by shifts in the planetary axis; collisions of asteroids and comets bearing far more force than man's nuclear arsenals; and the years without summer that followed these impacts. Yet hearts beat on, and petals unfold still. Were the environment fragile it would have expired many eons before the advent of the industrial affronts of the dreaming ape. Human assaults on the environment, though mischievous, are pinpricks compared to forces of the magnitude nature is accustomed to resisting.

Environmental impacts are blown out of proportion – They are easy to bounce back from compared to natural forces

Gordon '95 (Richard, Professor of mineral economics at Pennsylvania State University, "Ecorealism Exposed," <http://object.cato.org/sites/cato.org/files/serials/files/regulation/1995/7/v18n3-9.pdf>)

-We do not endorse Gordon's use of gendered language

Easterbrook's argument is that although environmental problems deserve attention, the environmental movement has exaggerated the threats and ignored evidence of improvement. His discontent causes him to adopt and incessantly employ the pejoratively intended (and irritating) shorthand "enviros" to describe the leading environmental organizations and their admirers. He proposes-and overuses-an equally infelicitous alternative phrase, "ecorealism," that seems to mean that most environmental initiatives can be justified by more moderate arguments. Given the mass, range, and defects of the book, any review of reasonable length must be selective. Easterbrook's critique begins with an overview of environmentalism from a global perspective. He then turns to a much longer (almost 500- page) survey of many specific environmental issues. The overview section is a shorter, more devastating criticism, but it is also more speculative than the survey of specific issues. In essence, the overview argument is that human impacts on the environment are minor, easily correctable influences on a world

affected by far more powerful forces. That is a more penetrating criticism than typically appears in works expressing skepticism about environmentalism. Easterbrook notes that ~~man~~humankind's effects on nature long predate industrialization or the white colonization of America, but still have had only minor impacts. We are then reminded of the vast, often highly destructive changes that occur naturally and the recuperative power of natural systems.

The environment is resilient and recovers quickly

McDermott 9 [Mat, Editor for Business and Energy sections; Master Degree from NYU's Center for Global Affairs in environment and energy policy, "Good News: Most Ecosystems Can Recover in One Lifetime from Human-Induced or Natural Disturbance"; <http://www.treehugger.com/natural-sciences/good-news-most-ecosystems-can-recover-in-one-lifetime-from-human-induced-or-natural-disturbance.html>)]

There's a reason the phrase "let nature take its course" exists: New research done at the Yale University School of Forestry & Environmental Science reinforces the idea that ecosystems are quiet resilient and can rebound from pollution and environmental degradation. Published in the journal PLoS ONE, the study shows that most damaged ecosystems worldwide can recover within a single lifetime, if the source of pollution is removed and restoration work done. The analysis found that on average forest ecosystems can recover in 42 years, while it takes only about 10 years for the ocean bottom to recover. If an area has seen multiple, interactive disturbances, it can take on average 56 years for recovery. In general, most ecosystems take longer to recover from human-induced disturbances than from natural events, such as hurricanes. To reach these recovery averages, the researchers looked at data from peer-reviewed studies over the past 100 years on the rate of ecosystem recovery once the source of pollution was removed. Interestingly, the researchers found that it appears that the rate at which an ecosystem recovers may be independent of its degraded condition: Aquatic systems may recover more quickly than, say, a forest, because the species and organisms that live in that ecosystem turn over more rapidly than in the forest. As to what this all means, Oswald Schmitz, professor of ecology at Yale and report co-author, says that this analysis shows that an increased effort to restore damaged ecosystems is justified, and that: Restoration could become a more important tool in the management portfolio of conservation organizations that are entrusted to protect habitats on landscapes. We recognize that humankind has and will continue to actively domesticate nature to meet its own needs. The message of our paper is that recovery is possible and can be rapid for many ecosystems, giving much hope for a transition to sustainable management of global ecosystem

Ecosystem collapse won't cause human extinction

Raudsepp-Hearne et al. 10 (Ciarra, PhD in the Department of Geography, "Untangling the Environmentalist's Paradox: Why Is Human Well-being Increasing as Ecosystem Services Degrade?"; <http://www.aibs.org/bioscience-press-releases/resources/Raudsepp-Hearne.pdf>)

Although many people expect ecosystem degradation to have a negative impact on human well-being, this measure appears to be increasing even as provision of ecosystem services declines. From George Perkins Marsh's *Man and Nature* in 1864 to today (Daily 1997), scientists have described how the deterioration of the many services provided by nature, such as food, climate regulation, and recreational areas, is endangering human well-being. However, the Millennium Ecosystem Assessment (MA), a comprehensive study of the world's resources, found that declines in the majority of ecosystem services assessed have been accompanied by steady gains in human well-being at the global scale (MA 2005). We argue that to understand this apparent paradox, we need to better understand the ways in which ecosystem services are important for human well-being, and also whether human well-being can continue to rise in the future despite projected continued declines in ecosystem services. In this article, we summarize the roots of the paradox and assess evidence relating to alternative explanations of the conflicting trends in ecosystem services and human well-being. The environmentalist's expectation could be articulated as: "Ecological degradation and simplification will be followed by a decline in the provision of ecosystem services, leading to a decline in human well-being." Supporters of this hypothesis cite evidence of unsustainable rates of resource consumption, which in the past have had severe impacts on human well-being, even causing the collapse of civilizations (e.g., Diamond 2005). Analyses of the global ecological footprint have suggested that since 1980, humanity's footprint has exceeded the amount of resources that can be sustainably produced by Earth (Wackernagel et al. 2002). Although the risk of local and regional societies collapsing as a result of ecological degradation is much reduced by globalization and trade, the environmentalist's expectation remains: Depletion of ecosystem services translates into fewer benefits for humans, and therefore lower net human well-being than would be possible under better ecological management. By focusing on ecosystem services—the benefits that humans obtain from ecosystems—the MA set out specifically to identify and assess the links between ecosystems and human well-being (MA 2005). The MA assessed ecosystem services in four categories: (1) provisioning services, such as food, water, and forest products; (2) regulating services, which modulate changes in climate and regulate floods, disease, waste, and water quality; (3) cultural services, which comprise recreational, aesthetic, and spiritual benefits; and (4) supporting services, such as soil formation, photosynthesis, and nutrient cycling (MA 2003). Approximately 60% (15 of 24) of the ecosystem services assessed by the MA were found to be in decline. Most of the declining services were regulating and supporting services, whereas the majority of expanding ecosystem services were provisioning services, such as crops, livestock, and fish aquaculture (table 1). At the same time, consumption of more than 80% of the assessed services was found to be increasing, across all categories. In other words, the use of most ecosystem services is increasing at the same time that Earth's capacity to provide these services is decreasing. The MA conceptual framework encapsulated the environmentalist's expectation, suggesting tight feedbacks between ecosystem services and human well-being. However, the assessment found that aggregate human well-being grew steadily over the past 50 years, in part because of the rapid conversion of ecosystems to meet human demand for food, fiber, and fuel (figure 1; MA 2005). The MA defined human well-being with five components: basic materials, health, security, good social relations, and freedom of choice and actions, where freedom of choice and actions is expected to emerge from the other components of well-being. Although the MA investigated each of the five components of well-being at some scales and in relation to some ecosystem services, the assessment of global trends in human well-being relied on the human

development index (HDI) because of a lack of other data. The HDI is an aggregate measure of life expectancy, literacy, educational attainment, and per capita GDP (gross domestic product) that does not capture all five components of well-being (Anand and Sen 1992).

AT: Environment Impact – Invisible Threshold

No environment invisible threshold – new technology allows us to revive extinct species

Ridley 12 (Matt, 2007 Davis Award winner for the History of Science, "Reversing extinction", <http://www.rationaloptimist.com/blog/reversing-extinction.aspx>)

The fruit of a narrow-leaved campion, buried in permafrost by a ground squirrel 32,000 years ago on the banks of the Kolyma river in Siberia, has been coaxed into growing into a new plant, which then successfully set seed itself in a Moscow laboratory. Although this plant species was not extinct, inch by inch scientists seem to be closing in on the outrageous goal of bringing a species back from the dead. I don't expect to live to see a herd of resurrected mammoths roaming the Siberian steppe, but I think my grandchildren just might. The mammoth is the best candidate for resurrection mainly because flash-frozen ones with well-preserved tissues are regularly found in the Siberian permafrost. Occasionally these have been fresh enough to tempt scientists to cook and eat them, usually with disappointing results. Just last week a Chinese paleontologist in Canada, Xing Lida, filmed himself frying and eating what he said was a small mammoth steak. Cells from such carcasses have been recovered, encouraging a rivalry between Japanese and Russian scientists to be the first to revive one of these huge, elephant-like mammals by cloning. Four years ago the mammoth genome was sequenced, so we at least now know the genetic recipe. The news of the resurrected flower does, apparently, remove one obstacle. After 32,000 years the plant's DNA had not been so damaged by natural radioactivity in the soil as to make it unviable, which is a surprise. Mammoth carcasses are often much younger - the youngest, on Wrangel Island, being about 4,700 years old, contemporary with the Pharaohs. So the DNA should be in even better shape. However, plants are much better at cloning themselves from any old cutting. Coaxing an elephant cell into becoming an embryo is not at all easy; though, as Dolly the sheep showed, not impossible. To do the same for a mammoth cell would be harder still. And then there is the problem of how to get the embryo to grow. Implanting it into the womb of an Indian elephant (its closest living relative) is the best bet, but experiments with implanting rare embryos into other species' wombs have been mostly unsuccessful. For example, a rare form of wild ox, the gaur, was going to have its embryos reared in cattle wombs, but it did not work. So do not book the Siberian mammoth safari trip just yet. Equally, don't bet against it eventually coming off. Which other species might follow? One that only recently went extinct (last seen in 1936) is the marsupial carnivore called the thylacine, or "Tasmanian tiger". A few years ago, genes from a dead thylacine were injected into a mouse and "expressed" in its tissue. The great auk, the dodo and other creatures that died out before the invention of refrigeration are going to be much harder to revive. Perhaps fortunately, Neanderthals, dead for 28,000 years, unfrozen and not very closely related to their likely surrogate parent (you and me), would be harder still, though their DNA sequence is now known. And as for the dinosaurs - 65 million years dead - forget it. Although come to think of it, re-engineering a chicken until it looks like a dinosaur cannot be ruled out, once people learn to play genetics well enough. The real significance of the Siberian flower, though, is that it makes future extinctions potentially reversible. So long as we can flash-freeze seeds and tissues from threatened species (a disused mine in a frozen mountain in Spitsbergen already holds a seedbank of rare plant varieties), then we can give posterity the chance to resurrect them. Combine this with the

news that extinction rates, at least of birds and mammals, have been falling in recent decades, and there are grounds for a glimmer of ecological optimism. The great spasm of extinction caused by humans - mainly when we spread our rats, weeds and bugs to oceanic islands - may be coming to an end. Far more significant than the reversal of extinction, however, is the revival of wild ecosystems. Ecologists are finding that wild habitats can be put back together more easily than they thought. A marine reserve off Mexico is now teeming with large fish again. Yellowstone Park's ecological revival following the introduction of the wolf is remarkable: by cutting the numbers of elk, wolves have brought back aspen trees and long grass and hence beavers, rodents and hawks. In Costa Rica, a rainforest rich in tree species is now thriving on what was, in 1993, exhausted farmland. Once a canopy of sun-loving trees was planted, hundreds of other tree species moved in naturally. One commentator says: "The accepted belief is that once destroyed, tropical rainforests could never be restored. But is that really the case or just a myth?" Environmentalists will worry that such optimism breeds complacency about habitat destruction. But it might instead breed ambition to restore habitats and revive rare species. Over the past 50 years, agricultural yields have risen and, in real terms, food prices have fallen, with the result that marginal land has been released from growing food worldwide. Forest cover has increased in most of Europe and North America; nature reserves have expanded even in the tropics. So here's an image of the future. With much of the world's meat grown, brain-free and legless, in factories, and much of its fruit and vegetables in multi-storey urban farms lit with cheap fusion power, there will again be vast steppes, savannahs, prairies and rain forests, teeming with herds of wild game. Perhaps even a few woolly mammoths among them.

AT: Resource Wars

Empirics and studies are conclusive – resource wars don't happen

Salehyn 07 [Idean, Professor of Political Science at the University of North Texas, "The New Myth About Climate Change Corrupt, tyrannical governments—not changes in the Earth's climate—will be to blame for the coming resource wars.", http://www.foreignpolicy.com/articles/2007/08/13/the_new_myth_about_climate_change]

First, aside from a few anecdotes, there is little systematic empirical evidence that resource scarcity and changing environmental conditions lead to conflict. In fact, several studies have shown that an abundance of natural resources is more likely to contribute to conflict. Moreover, even as the planet has warmed, the number of civil wars and insurgencies has decreased dramatically. Data collected by researchers at Uppsala University and the International Peace Research Institute, Oslo shows a steep decline in the number of armed conflicts around the world. Between 1989 and 2002, some 100 armed conflicts came to an end, including the wars in Mozambique, Nicaragua, and Cambodia. If global warming causes conflict, we should not be witnessing this downward trend. Furthermore, if famine and drought led to the crisis in Darfur, why have scores of environmental catastrophes failed to set off armed conflict elsewhere? For instance, the U.N. World Food Programme warns that 5 million people in Malawi have been experiencing chronic food shortages for several years. But famine-wracked Malawi has yet to experience a major civil war. Similarly, the Asian tsunami in 2004 killed hundreds of thousands of people, generated millions of environmental refugees, and led to severe shortages of shelter, food, clean water, and electricity. Yet the tsunami, one of the most extreme catastrophes in recent history, did not lead to an outbreak of resource wars. Clearly then, there is much more to armed conflict than resource scarcity and natural disasters.

Environmental degradation and resource scarcity has empirically shown little to no relation with incentivizing conflict

Goldstone 02 [Jack, professor of public policy at George Mason University, "Population and Security: How Demographic Change Can Lead to Violent Conflict.", JOURNAL OF INTERNATIONAL AFFAIRS, Fall2002, Vol. 56, p. 123]

For example, Wenche Hauge and Tanja Ellingsen, in the most comprehensive global test of the environmental-scarcity-leads-to-violence hypothesis with recent data (1980–92), found that while deforestation, land degradation and low freshwater availability were positively correlated with the incidence of civil war and armed conflict, the magnitude of their effects was tiny. By themselves, these factors raised the probability of civil war by 0.5 to under 1.5 percent. These factors did have a slightly higher impact on the probability of lesser kinds of armed conflict (causing increases in the chances of such conflict by from 4 percent to 8 percent); but their influence paled compared to the impact of such traditional risk factors as poverty, regime type and current and prior political instability. In addition, Günther Baechler's extensive study of the relationships between environmental change and violent conflict found that while environmental degradation could be a background or triggering factor in ethnic

or political conflicts, most such conflicts were local and peacefully resolved by government regulation or negotiations. Whether or not such conflicts “pass[ed] the threshold of violence definitely depends on sociopolitical factors and not on the degree of environmental degradation as such.” A third study, undertaken by an academic Task Force on State Failure sponsored by the US governmenty deliberately sought environmental causes for a wide range of violent conflict events, including authoritarian coups, revolutionary wars, ethnic wars and genocides. However, trade, no direct impact of environmental variables could be found.

Resource conflicts settled by negotiation and compromise, not war

Goldstone 02 [Jack, professor of public policy at George Mason University, “Population and Security: How Demographic Change Can Lead to Violent Conflict.”, JOURNAL OF INTERNATIONAL AFFAIRS, Fall2002, Vol. 56, p. 123]

Should we therefore dismiss the environment as a cause of conflict? No, although I believe we can be free of the fear that environmental decay will unleash wars and revolutions across the globe. Rather, what research has shown is that although environmental issues do cause international and domestic conflicts, they are of the kind that are generally settled by negotiation and compromise and do not lead to taking up arms. The reason for that is straightforward. Where the problem faced by two groups, or two nations, is over the degradation or depletion of an environmental resource, war neither solves the problem (it cannot make more of the resource) nor is it an economically efficient way to redistribute the resource (the costs of war almost invariably far outweigh the cost of gaining alternative resources or paying more for a share of the resource). For example, if two nations have a conflict over sharing river water—such as India and Bangladesh over the Ganges, Israel and Jordan over the river Jordan or Hungary and Slovakia over the Danube they may threaten violence but in fact are most likely to produce non-violent resolution through negotiation or arbitration rather than war (and indeed all of these conflicts led to treaties or international arbitration. The reason is that for one party to insist on all the water would in fact be a casus belli; and to risk a war to simply increase one’s access to water is economically foolhardy. Throughout the world, the main use of freshwater (over three-quarters) is for irrigation to produce food. A reduction in water can be compensated either by adopting more efficient means of irrigation (drip rather than ditch); by switching to less water-intensive crops (dry grains rather than rice; tree crops rather than grains); or by importing food rather than producing it. All of these steps, though costly, are far, far, less costly than armed conflict. Thus for both the country with the ability to take more water and the country dependent on downstream flows, the issue will be how to use and negotiate use of the resource most efficiently; resort to war would inevitably be more costly than any gains that could be made from increased access to the resource. No nations have ever gone to war strictly over access to water; nor are any likely to do so in the future.

AT: Resource Wars – Doesn't escalate

On the low chance a resource war breaks out, it stays as an internal conflict

Kahl 02 [Colin H., PhD and Associate Professor in Georgetown University, , INTERNATIONAL AFFAIRS, Fall 2002, p. 257]

There is less contemporary debate over the prospects for resource wars between countries. With the possible exception of potential conflicts over oil and fresh water, both neo-Malthusians and neo-classical economists view international resource wars as much less likely than internal wars. See, for example, Thomas F. Homer-Dixon, *Environment, Scarcity, and Violence* (Princeton, NJ: Princeton University Press, 1999) pp. 138-41; and Daniel H. Deudney, "Environmental Security: A Critique," in Daniel H. Deudney and Richard A. Matthew, *Contested Grounds* (Albany, N.Y.: State University of New York Press, 1999) pp. 202–210.

AT: Disease Impact

Disease doesn't cause extinction – new studies prove species resistance as a biological function

Amherst College, 8/25/10, Faculty Stories, "Disease Likely Not a Common Cause of Species Extinction, New Amherst Study Finds",
<<https://www.amherst.edu/aboutamherst/news/faculty/node/222637>>

Challenging the widespread belief that rare and endangered plants and animals are unhealthy, a new study has found they in fact harbor a lower number and diversity of disease-causing parasites than non-threatened, close relatives of the same family, according to Amherst College biology professor Michael Hood and his research team. The dark spores of anther smut on *Silene alba*. "We still have much more to study to fully understand this discovery, but this certainly contradicts the widely held notion that disease is a major accelerant of species decline," said Hood of the group's findings, which were published by the journal *Oikos* on its website. "Combined with the loss of habitat, it is probably other 'extinction vortex' factors—such as loss of genetic diversity or disruption of reproduction processes—that cause many species to die out, not disease." Using information from the collections in natural history museums around the world, the U.S. Department of Agriculture databases and their own field work, Hood, former student Amanda K. Gibson '08 and postdoctoral fellow Jorge Mena-Ali analyzed data from more than 42,000 flowering plants in the *Silene* genus for the destructive "anther smut" fungus. Anther smut, said Hood, is a model disease to study, because it is easy to see—it replaces the plant's pollen with dark fungal spores—and because it is widely distributed in natural plant communities. In addition, it is harmless to humans and agriculture and safe for Hood and his team to handle. The group's major finding was surprising: Naturally occurring anther smut disease was significantly less frequent in threatened species than in non-threatened species of *Silene*. What's more, looking across all endangered U.S. plant species, the team found fewer pathogens and parasites, making endangered species as a group less diseased overall.

Infectious diseases can't cause extinction – population density mitigates virulence through resistance

Wynne Parry, 2/2/11, Live Science Staff Writer, "Article: Theory About Mammals and Fungus Explains Bat Plague", <<http://www.livescience.com/11705-theory-mammals-fungus-explains-bat-plague.html>>

Even highly virulent infectious disease does not cause extinctions – because as population density decreases, so does transmission, and the remaining individuals are more resistant. In addition, at the end of the Cretaceous, dinosaurs weren't the only ones to be decimated. Marine animals were affected, as were many species of flowering plant, according to Douglas Robertson, of the Cooperative Institute for Research in Environmental Sciences at the University of Colorado. "It is not even vaguely plausible that all these extinctions, let alone just the various dinosaur species extinctions, were all caused by some pathogen," Robertson wrote in an e-mail.

AT: Food Scarcity Impact

Food scarcity doesn't cause conflict because the third world doesn't have the resources to go to war

Miles, 76 [Rufus E., Writer that was nominated for the National Book Award for Contemporary Thought, *Awakening from the American Dream: The Social and Political Limits to Growth*, Universe Books New York, 1967]

It is commonly believed that massive famine conditions not adequately relieved by food shipments from the developed world will bring on large-scale international wars between the "have-not" nations and the "haves"—in other words, starving people will do anything as a last resort to stay alive, including organized attack upon those who have food. This assertion, upon examination, seems to have little or no evidence or logic to support it. The poor nations have very little military capability. They are separated from the modernized and wealthy nations by thousands of miles. They have no navies worthy of name, no means of transporting armies over great distances, and generally limited air power. There is no conceivable way they could use conventional military means to obtain more food than they could obtain through diplomacy—an amount that will almost surely be insufficient. There remains only one other way starving nations might possibly apply sufficient leverage on the well-to-do nations—especially the United States since it is the richest of all and has the most food—and that is nuclear blackmail. Conceivably, an activist group within a nation suffering from severe famine might threaten to blow up a large segment of New York or Washington by detonating a smuggled atomic bomb if the United States did not agree to ship large amounts of food. Richard Falk, Robert Heilbroner, and others have discussed nuclear blackmail against the United States as more than a long-shot possibility during the remainder of the 20th century, not merely to obtain food, but to achieve a transfer of wealth. It seems difficult to imagine how such blackmail could achieve its intended purpose. Much more likely, it seems, would be nuclear explosions of "suitcase bombs" by terrorists as acts of overwhelming frustration and hostility with no necessary expectation that a compensating benefit would result for any nation. It is for this very reason, as I discussed in Chapter VIII, that such a strong alarm has been sounded concerning the prospect of proliferating nuclear reactors—especially breeder reactors—around the globe from which plutonium could readily be extracted to make such bombs.

The water war hypothesis is outdated and historically inaccurate - nations turn to cooperation more than conflict

Deen 7 [Thalif, Inter Press Service News Agency [<http://ipsnews.net/news.asp?idnews=34465>], Title: "Water Wars" a Myth, Say Experts]

"Despite the potential problem, history has demonstrated that cooperation, rather than conflict, is likely in shared basins," UNESCO concludes. The Stockholm International Water Institute (SIWI) says that 10- to 20-year-old arguments about conflict over water are still being recycled. "Such arguments ignore massive amounts of recent research which shows that water-scarce states that share a water body tend to find cooperative solutions rather than enter into violent conflict," the institute says. SIWI says that during the entire "intifada" -- the ongoing Palestinian uprising against Israel in the occupied territories of West Bank and Gaza -- the only thing on which the two warring parties continued to cooperate at a basic level was their shared waters. "Thus, rather than reaching for arguments for the 'water war hypotheses,' the facts seem to support the idea that water is a uniting force and a potential source of peace rather than violent conflict." SIWI said. Ghosh, co-author of the UNDP study, pointed out several agreements which were "models of cooperation", including the Indus Waters Treaty, the Israel-Jordan accord, the Senegal River Development Organisation and the

Mekong River Commission. A study sponsored by the Washington-based Woodrow Wilson International Centre for Scholars points that **despite newspaper headlines screaming "water wars are coming!", these apocalyptic warnings fly in the face of history. "No nations have gone to war specifically over water resources for thousands of years. International water disputes -- even among fierce enemies -- are resolved peacefully, even as conflicts erupt over other issues."** it says. The study also points out instances of cooperation between riparian nations -- countries or provinces bordering the same river -- that outnumbered conflicts by more than two to one between 1945 and 1999. Why? "**Because water is so important, nations cannot afford to fight over it. Instead, water fuels greater interdependence. By coming together to jointly manage their shared water resources, countries can build trust and prevent conflict,**" argues the study, jointly co-authored by Aaron Wolf, Annika Kramer, Alexander Carius and Geoffrey Dabelko.

No water wars – Malthus is wrong

Allouche 11 [Jeremy, Institute of Development Studies, UK, January 2011, "The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global tradestar, open," Food Policy, Volume 36, Supplement 1, January 2011, Pages S3-S8, <http://www.sciencedirect.com/science/article/pii/S0306919210001272>]

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change and greater inputs of capital have dramatically increased labour productivity in agriculture. More generally, the neo-Malthusian view has suffered because during the last two centuries humankind has breached many resource barriers that seemed unchallengeable.

Util Bad

Util limits our ability to have a clear sense of values and goals

Freyfogle, 93 [Eric T., Professor and Swanlund Chair at the University of Illinois at Urbana-Champaign, Justice and the Earth: Images for our Planetary Survival, The Free Press, 84]

According to utilitarian thinking, our environmental problem has come about because we have made mistakes in calculating the best way for us to live. We have eroded our soil, exterminated species, and polluted our streams, all because we have miscalculated the net consequences-by overstating the good, understating the bad, or both. At a superficial level utilitarian thinking has a great deal of appeal. It tells us that we need to look closely into the consequences of our conduct and make sure that the net effects are as good as they can be. We've undoubtedly calculated poorly in the past, and a closer look could well lead to better, more sensitive decisions. To understand the value of utilitarianism, however, we need to keep aware of its rather considerable limits. One of the problems with utilitarian thinking is that it can quickly get us bogged down in very complicated calculations. In order to determine the rightness or wrongness of an action, we need first to identify its consequences. 'This undertaking, however, often requires a great deal of knowledge, far more in many instances than we have or are likely ever to possess. We uncovered this problem when looking at the externalities image that economists offer. We can throw an object into the swirling physical world of motion and energy and very soon lose all track of its indirect effects. We fill a wetland and put in a factory: who can enumerate all the consequences? When we plow the prairie and put in wheat, who knows all that will happen? Indeed, can I even know fully what the effects will be if I plant a birch in my front yard instead of a hickory? At its best, utilitarian theory would function like a large, magic computer, one with sufficient calculating power to make even the most complex calculations quickly, one with an underlying data base that includes not just the entire realm of human knowledge but vast amounts that remain unknown to us as well. We do not, of course, have a computer like this, nor are we likely to develop one. And even if we did, one risk of utilitarianism would remain: this is, given its appetite for facts and figures, it could (and does) encourage us to cast off our intuitive sense of right and wrong and rely solely on long chains of facts and logic in deciding what to do. We spot a factory belching fumes skyward and must pause before we criticize. Without the magic calculator, who knows what is right or wrong? We sense trouble, but maybe our calculations are simply incomplete. We need more information and must sit still until we get it. Part of the job of this magic computer would be to help figure out when a consequence is good and when it is not. Utilitarians do this now by figuring out whether a consequence does or does not add to aggregate human good (whether defined in terms of happiness, the satisfaction of human preferences, or in other ways). But this calculation proves challenging, even if we accept the standard of measure. When Robert Ciampitti fills his wetland, his happiness and the happiness of those who move into his new houses will go up. But there is human unhappiness as well that comes about because of the wetland loss and the ecological damage that it brings. Because it is spread widely and thinly in time and space, this unhappiness will be hard to trace and aggregate. So we are left with the question-is the transformation from wetland to houses a good consequence or a bad one? Another important uncertainty in our calculations lies in the discount rate-the rate at which we discount future harms before we compare them with present-day gains. If we fill the wetland today, the benefits will come soon; many of the costs will be much delayed. As we noted in discussing economic images, one of the most grave problems in protecting the environment is that commonly used discount rates are all sufficiently high that the future-even as little as twenty or thirty years out-s-counts for almost nothing. In using the utilitarian's magic calculator we will want, in all likelihood, to program in a discount rate; the calculator itself cannot help us pick one. We must decide for ourselves how much we want to value future healthful planetary life and somehow incorporate that valuation into our calculations. Perhaps the most important limit of utilitarianism is that, like the economists' free market, this line of thinking is morally neutral in environmental terms. Utilitarianism seeks to give people the most of what they want. If people want to live in a healthy natural environment, it can help them achieve that. If people are made happy by soiling and consuming the Earth, the magic calculator can help at that as well. Although these limitations on utilitarianism are all important, the cost-benefit thinking inherent in utilitarian-ism will certainly be a part of any good ethical approach to planetary health. Before using it, however, we need a clear sense of values and goals, a clear vision or image of what we want to achieve in terms of lasting land health. Once we gain a vision of sustainable life, we can use the calculator, programmed as well as we can, to help work out the details, to add up as best we can the positive and negative impacts of alternative acts and help choose the best one. Even the most healthful images of life on earth will supply only an outline of the good life; well aimed by a sense of planetary health, utilitarian thinking can help flesh out the needed details.

Utilitarianism is inherently flawed – logic of Nazism

Peikoff, 82 [Leonard, former professor of Philosophy at New York University, *The Ominous Parallels*, pp. 119]

“The greatest good for the greatest number” is one of the most vicious slogans ever foisted on humanity. **This slogan has no concrete, specific meaning. There is no way to interpret it benevolently,** but a great many ways in which it can be used to justify the most vicious actions. What is the definition of “the good” in this slogan? None, except: whatever is good for the greatest number. **Who, in any particular issue, decides what is good for the greatest number? Why, the greatest number. If you consider this moral, you would have to approve of the following examples, which are exact applications of this slogan in practice: fifty-one percent of humanity enslaving the other forty-nine; nine hungry cannibals eating the tenth one; a lynching mob murdering a man whom they consider dangerous to the community. There were seventy million Germans in Germany and six hundred thousand Jews. The greatest number (the Germans) supported the Nazi government which told them that their greatest good would be served by exterminating the smaller number (the Jews) and grabbing their property. This was the horror achieved in practice by a vicious slogan accepted in theory. But, you might say, the majority in all these examples did not achieve any real good for itself either? No. It didn’t. Because “the good” is not determined by counting numbers and is not achieved by the sacrifice of anyone to anyone.**

Utilitarianism is manipulated to justify any atrocity – it condones mass slaughter and results in nuclear conflict

Holt 95 [Jim, Commentator and writer who reports about philosophy and politics, New York Times, “Morality, Reduced To Arithmetic,”]

Can the deliberate massacre of innocent people ever be condoned? The atomic bombs dropped on Hiroshima and Nagasaki on Aug. 6 and 9, 1945, resulted in the deaths of 120,000 to 250,000 Japanese by incineration and radiation poisoning. Although a small fraction of the victims were soldiers, the great majority were noncombatants – women, children, the aged. Among the justifications that have been put forward for President Harry Truman’s decision to use the bomb, only one is worth taking seriously -- that it saved lives. The alternative, the reasoning goes, was to launch an invasion. Truman claimed in his memoirs that this would have cost another half a million American lives. Winston Churchill put the figure at a million. Revisionist historians have cast doubt on such numbers. Wartime documents suggest that military planners expected around 50,000 American combat deaths in an invasion. Still, when Japanese casualties, military and civilian, are taken into account, the overall invasion death toll on both sides would surely have ended up surpassing that from Hiroshima and Nagasaki. Scholars will continue to argue over whether there were other, less catastrophic ways to force Tokyo to surrender. But given the fierce obstinacy of the Japanese militarists, Truman and his advisers had some grounds for believing that nothing short of a full-scale invasion or the annihilation of a big city with an apocalyptic new weapon would have succeeded. Suppose they were right. Would this prospect have justified the intentional mass killing of the people of Hiroshima and Nagasaki? In the debate over the question, participants on both sides have been playing the numbers game. Estimate the hypothetical number of lives saved by the bombings, then add up the actual lives lost. If the first number exceeds the second, then Truman did the right thing; if the reverse, it was wrong to have dropped the bombs. That is one

approach to the matter -- the utilitarian approach. According to utilitarianism, a form of moral reasoning that arose in the 19th century, the goodness or evil of an action is determined solely by its consequences. If somehow you can save 10 lives by boiling a baby, go ahead and boil that baby. There is, however, an older ethical tradition, one rooted in Judeo-Christian theology, that takes a quite different view. The gist of it is expressed by St. Paul's condemnation of those who say, "Let us do evil, that good may come." Some actions, this tradition holds, can never be justified by their consequences; they are absolutely forbidden. It is always wrong to boil a baby even if lives are saved thereby. Applying this absolutist morality to war can be tricky. When enemy soldiers are trying to enslave or kill us, the principle of self-defense permits us to kill them (though not to slaughter them once they are taken prisoner). But what of those who back them? During World War II, propagandists made much of the "indivisibility" of modern warfare: the idea was that since the enemy nation's entire economic and social strength was deployed behind its military forces, the whole population was a legitimate target for obliteration. "There are no civilians in Japan," declared an intelligence officer of the Fifth Air Force shortly before the Hiroshima bombing, a time when the Japanese were popularly depicted as vermin worthy of extermination. The boundary between combatant and noncombatant can be fuzzy, but the distinction is not meaningless, as the case of small children makes clear. Yet is wartime killing of those who are not trying to harm us always tantamount to murder? When naval dockyards, munitions factories and supply lines are bombed, civilian carnage is inevitable. The absolutist moral tradition acknowledges this by a principle known as double effect: although it is always wrong to kill innocents deliberately, it is sometimes permissible to attack a military target knowing some noncombatants will die as a side effect. The doctrine of double effect might even justify bombing a hospital where Hitler is lying ill. It does not, however, apply to Hiroshima and Nagasaki. Transformed into hostages by the technology of aerial bombardment, the people of those cities were intentionally executed en masse to send a message of terror to the rulers of Japan. The practice of ordering the massacre of civilians to bring the enemy to heel scarcely began with Truman. Nor did the bomb result in casualties of a new order of magnitude. The earlier bombing of Tokyo by incendiary weapons killed some 100,000 people. What Hiroshima and Nagasaki did mark, by the unprecedented need for rationalization they presented, was the triumph of utilitarian thinking in the conduct of war. The conventional code of noncombatant immunity -- a product of several centuries of ethical progress among nations, which had been formalized by an international commission in the 1920's in the Hague -- was swept away. A simpler axiom took its place: since war is hell, any means necessary may be used to end, in Churchill's words, "the vast indefinite butchery." It is a moral calculus that, for all its logical consistency, offends our deep-seated intuitions about the sanctity of life -- our conviction that a person is always to be treated as an end, never as a means. Left up to the warmakers, moreover, utilitarian calculations are susceptible to bad-faith reasoning: tinker with the numbers enough and virtually any atrocity can be excused in the national interest. In January, the world commemorated the 50th anniversary of the liberation of Auschwitz, where mass slaughter was committed as an end in itself -- the ultimate evil. The moral nature of Hiroshima is ambiguous by contrast. Yet in the postwar era, when governments do not hesitate to treat the massacre of civilians as just another strategic option, the bomb's sinister legacy is plain: it has inured us to the idea of reducing innocents to instruments and morality to arithmetic.

Utilitarianism bad-Gives an individual too much power

Neider, 12 [Mark, Assistant Professor in the Department of Psychology at the University of Central Florida, "Why Utilitarianism Does Not Work" <http://liberty-rationality.blogspot.com/2012/01/why-utilitarianism-does-not-work.html>]

It only takes one firm counter-example to disprove any theory, or at least send it back for retooling. In this post **I will attempt to give a number of examples that beyond a doubt show that utilitarianism can lead to very undesirable results and therefore should be rejected as a complete decision making model.** My first scenario requires a simple assumption that people assign wildly different values to many different things. As such, **following a utilitarian decision model may result in many decisions being made by the people who care the most.** In fact, **utilitarianism rewards the emotionally unstable. A person to whom everything is a life or death decision is weighted far more heavily than a person who takes everything in stride and makes the best of it. This is a perverse incentive system,** and to me enough to disprove utilitarianism. **Taking utilitarian thought to the extreme, one can imagine a situation where a minority becomes a slave to the majority. In fact, if a small number of people were able to be happy in spite of being enslaved, the utilitarian would almost be compelled to enslave them.** While I would say that happiness in spite of misfortune is a virtue, utilitarianism punishes it. Utilitarianism is also a huge threat to Constitutional rights. While almost all of us believe in freedom of speech, we do not realize the threat that majority rule poses to this and all basic rights. Many will object to the speech of others, but in order to have true freedom of speech, all forms must be protected. If a majority were asked to vote against allowing racist speech, I would guess they would. In this way freedom of speech and in a similar fashion a great many other freedoms are eroded. **If we believe in majority rule, then the majority has all of the power and could use it at the expense of the few. We better watch out, because majority rule can be a slippery slope of oppressing the minority.**

Utilitarianism bad- takes value away from human life

Moreland, 9 [J.P, Ph.D. in Philosophy, "Ethics Theories: Utilitarianism Vs. Deontological Ethics", <http://www.equip.org/article/ethics-theories-utilitarianism-vs-deontological-ethics/>]

There are two major ethics theories that attempt to specify and justify moral rules and principles: utilitarianism and deontological ethics. Utilitarianism (also called consequentialism) is a moral theory developed and refined in the modern world in the writings of Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873). There are several varieties of utilitarianism. But basically, a utilitarian approach to morality implies that no moral act (e.g., an act of stealing) or rule (e.g., "Keep your promises") is intrinsically right or wrong. Rather, the rightness or wrongness of an act or rule is solely a matter of the overall nonmoral good (e.g., pleasure, happiness, health, knowledge, or satisfaction of individual desire) produced in the consequences of doing that act or following that rule. In sum, **according to utilitarianism, morality is a matter of the nonmoral good produced that results from moral actions and rules, and moral duty is instrumental, not intrinsic. Morality is a means to some other end; it is in no way an end in itself. Space does not allow for a detailed critique of utilitarianism here. Suffice it to say that the majority of moral philosophers and theologians have found it defective. One main problem is that utilitarianism, if adopted, justifies as morally appropriate things that are clearly immoral. For example, utilitarianism can be used to justify punishing an innocent man or enslaving a small group of people if such acts produce a maximization of consequences.** But these acts are clearly immoral regardless of how fruitful they might be for the greatest number. For this and other reasons, many thinkers have advocated a second type of moral theory, deontological ethics. Deontological ethics is in keeping with Scripture, natural moral law, and intuitions from common sense. The word "deontological" comes from the Greek word deon which means "binding duty." Deontological ethics has at least three important features. First, duty should be done for duty's sake. **The rightness or wrongness of an act or rule is, at least in part, a matter of the intrinsic moral features of that kind of act or rule. For example, acts of lying, promise breaking, or murder are intrinsically wrong and we have a duty not to do these things. This does not mean that consequences of acts are not relevant for assessing those acts.** For example, a doctor may have a duty to benefit a patient, and he or she may need to know what medical consequences would result from various treatments in order to determine what would and would not benefit the patient. But consequences are not what make the act right, as is the case with utilitarianism. Rather, at best, consequences help us determine which action is more in keeping with what is already our duty. Consequences help us find what is our duty, they are not what make something our duty. Second, **humans should be treated as objects of intrinsic moral value; that is, as ends in themselves and never as a mere means to some other end (say, overall happiness or**

welfare). As we will see in Part Two, this notion is very difficult to justify if one abandons the theological doctrine of man being made in the image of God. **Nevertheless, justified or unjustified, deontological ethics imply that humans are ends in themselves with intrinsic value.** Third, **a moral principle is a categorical imperative that is universalizable; that is, it must be applicable for everyone who is in the same moral situation.** Moral statements do not say, "If you want to maximize pleasure vs. pain in this instance, then do such and such." Rather, moral statements are imperatives or commands that hold for all examples of the type of act in consideration, such as truth telling. Moral statements say, "keep your promises," "do not murder," and so forth.

Utilitarianism Bad-too demanding for regular people

Berthald, 14 [Daniel, Professor of Philosophy at Bard college, "Why I Am Not a Utilitarian"
<http://blog.practicaethics.ox.ac.uk/2014/11/why-i-am-not-a-utilitarian/>]

Utilitarianism is a widely despised, denigrated and misunderstood **moral theory**. Kant himself described it as a morality fit only for English shopkeepers. (Kant had much loftier aspirations of entering his own "noumenal" world.) The adjective "utilitarian" now has negative connotations like "Machiavellian". **It is associated with "the end justifies the means" or using people as a mere means or failing to respect human dignity, etc.** For example, consider the following negative uses of "utilitarian." "Don't be so utilitarian." "That is a really utilitarian way to think about it." **To say someone is behaving in a utilitarian manner is to say something derogatory about their behaviour. When Jeremy Bentham introduced utilitarianism in the 1700s, it was a radical, revisionary and welcome new moral theory. Its core was human equality: each is to count for one and none for more than one. Until that point, princes counted for more than paupers.** But utilitarians such as Bentham argued that every person's well-being and life counted equally. The right act is the act which maximises well-being, impartially considered. The basic idea of utilitarianism is straightforward – the common currency of ethics is human well-being. What matters to each of us is how our lives go. **Morality is about treating everyone equally, that is, considering their well-being equally. Utilitarianism had its heyday until about 50 years ago when it started to be pushed aside for neoKantian, feminist and virtue theories.** There has been a resurgence of interest in the last decade following the pioneering work of Joshua Greene which was used to suggest that utilitarians made moral decisions in a more rational deliberative manner. To test whether people are utilitarians or not, Greene used an old dilemma first described by Philippa Foot called the "trolley dilemma". This has become a cottage industry of its own (see Dave Edmond's recent book "Would You Kill the Fat Man"). One of Greene's (and other recent researchers') prime tests of whether you are a utilitarian is whether you think it is right to push a fat man in front of a trolley to stop it and save 5 workers' lives who are further down the track. In a paper just out yesterday, Guy Kahane, Jim Everett, Brian Earp, Miguel Farias and I present data that suggest that this decision alone needn't really reflect a utilitarian psychology, but rather can reflect psychopathic and egoist tendencies. **People have reported such an association with psychopathy before. We are thus adding to an existing literature, and although the correlation is fairly strong and significant, of course not everyone saying you should push the fat man will be higher on psychopathy – that is just one factor.** Conversely, and more importantly, we found that people who tended to think that the fat man should be pushed to his death to save five did not, in more familiar contexts, show any great altruist concern for the greater good of all, or more willing to make sacrifices to prevent great harm to distant others. Here is a quote from the discussion from an earlier draft: **"A great deal of recent research has focused on hypothetical moral dilemmas in which one person needs to be sacrificed in order to save the lives of a greater number. It is widely assumed that these far-fetched sacrificial scenarios can shed new light on the fundamental opposition between utilitarian and non-utilitarian approaches to ethics** (Greene et al. 2004; Greene, 2008; Singer, 2005). **However, such sacrificial dilemmas are merely one context in which utilitarian considerations happen to conflict with opposing moral views** (Kahane & Shackel, 2011). To the extent that 'utilitarian' judgments in sacrificial dilemmas express concern for the greater good—that is, the utilitarian aim of impartially maximizing aggregate welfare—then we would expect such judgments to be associated with judgments and attitudes that clearly express such concern in other moral contexts. **The set of studies presented here directly tested this prediction by investigating the relationship between so-called 'utilitarian' judgments in classical sacrificial dilemmas and a genuine, impartial concern for the greater good. Across four experiments**

employing a wide range of measures and investigations of attitudes, behavior and moral judgments, we repeatedly found that this prediction was not borne out: a tendency to endorse the violent sacrifice of one person in order to save a greater number was not (or even negatively) associated with paradigmatic markers of utilitarian concern for the greater good. These included identification with humanity as a whole; donation to charities that help people in need in other countries; judgments about our moral obligations to help children in need in developing countries, and to prevent animal suffering and harm to future generations; and an impartial approach to morality that does not privilege the interests of oneself, one's family, or one's country over the greater good. **This lack of association remained even when the utilitarian justification for such views was made explicit and unequivocal.** By contrast, **many** (though not all) **of these markers of concern for the greater good were inter-correlated.** In fact, responses designated as 'utilitarian' in the current literature were strongly associated with traits, attitudes and moral judgments (primary psychopathy, rational egoism, and a lenient attitude toward clear moral transgressions) that are diametrically opposed to the impartial concern for the greater good that is at the heart of utilitarian ethics" As we argue, **Utilitarianism is a comprehensive moral doctrine with wide ranging impact. In fact it is very demanding. Few people if any have ever been anything like a perfect utilitarian. It would require donating one of your kidneys to a perfect stranger. It would require sacrificing your life, family and sleep to the level that enabled you to maximise the well-being of others.** Because you could improve the lives of so many, so much, utilitarianism requires enormous sacrifices. People have donated large parts of their wealth and even a kidney, but this still does not approach the sacrifice required by Utilitarianism. **For these reasons, one criticism of utilitarianism is that it is too demanding.** Bernard Williams, a famous critic of Utilitarianism, once infuriated Dick Hare, a modern father of Utilitarianism, in a TV interview by asking him, **"If a plane had crashed and you could only rescue your own child or two other people's children, which would you rescue?" Utilitarians should rescue the two strangers rather than their own child. People think I am a utilitarian but I am not. I, like nearly everyone else, find Utilitarianism to be too demanding.** I try to live my life according to "easy rescue consequentialism" – you should perform those acts which are at small cost to you and which benefit others greatly. Peter Singer, the greatest modern utilitarian, in fact appeals to this principle to capture people's emotions – his most famous example is that of a small child drowning in a pond. **You could save the child's life by just getting your shoes wet. He argues morality requires that you rescue the child. But this is merely an easy rescue. Utilitarianism requires that you sacrifice your life to provide organs to save 7 or 8 lives.** Easy rescue consequentialism is, by contrast, a relaxed but useful moral doctrine. I was discussing the Trolley type dilemmas with my wife. She said that the right thing to do was to throw yourself in front of the trolley to save the 5 people. That is clearly what utilitarians would do, but not psychopaths or egoists. What about ordinary people? They had a range of utilitarian tendencies that often came apart. **For example, our study did use one dilemma that involved self-sacrifice** (it's reported in the supp. materials.). **The majority of ordinary people they should sacrifice themselves** (whether or not they actually would) but think it's wrong to push the fat man. When my wife suggested the right answer to the Trolley dilemma was to sacrifice yourself, I objected that this was too demanding. You should experience great but temporary pain to save the five, perhaps lose a finger but not your whole life to save the five. That would be a difficult, not easy rescue. Her reply, which has shaken my moral world, was, "But surely the right thing to do is to sacrifice your life for the five others." **After all, if morality is meant to be impartial, perhaps the right thing to do is to be utilitarians. It is just that we are too selfish and self-absorbed. Indeed, if morality is impartial, both I and the folk have intuitions which are difficult to justify.** I have argued that it is right to sacrifice the one to save the five, but easy rescue consequentialism suggests I should not sacrifice my life to save the five. If morality is impartial, it should follow that it is also wrong to sacrifice the one to save the five. Likewise, the folk believe it is right to sacrifice their own life, but wrong to sacrifice the fat man. Again, these should be symmetrical if morality is impartial. Either it is right to sacrifice both yourself and the fat man, or it is wrong. Morality has no eye to who is involved in a moral dilemma. Perhaps another great utilitarian philosopher, Henry Sidgwick, has a solution to this apparent dilemma. Sidgwick argued that there are two reasons for action that can conflict: Prudence and Morality. Prudence is about what is good for you (self-interest) and Morality is about what is good for everyone, impartially considered. Sidgwick argued that there was no clear way balance these against each other. In my case, I appear to be giving greater weight to Prudence than to Morality. The folk, on the other hand, appear to give greater weight to Morality, though they may have a non-consequentialist view of morality. At any rate I won't be sacrificing my own life for the 5 on the track. But maybe I am just not as moral as I could be. As Peter Singer once said, it is not as if morality should be easy. Perhaps we very often fail to do what morality requires. **Maybe the reason I am not a utilitarian is that I am just not good enough.**

Util Bad – AT: Future Generations

It's unreasonable to bring future generations into Utilitarian calculus

Freyfogle, 93 [Eric T., Professor and Swanlund Chair at the University of Illinois at Urbana-Champaign, Justice and the Earth: Images for our Planetary Survival, The Free Press, 85-86]

If the animal rights rhetoric tends at first to put us off, the rhetoric that we hear about duties to future generations is likely to have an opposite effect. Talk of future generations strikes responsive chords, for many people hold a strong sense that we should leave the Earth in good condition for those who come later. The image of future generations, depending on us to do what is right, is a powerful and moving one, perhaps the most forceful in the arsenal. Future generations can attract our moral interest whatever method we use in the ethics-building task. If we think in utilitarian terms, we can expand our calculations to consider the utility of those who will come after us. If we think in intrinsic-worth terms, we can include future humans in the favored circle, or at least create for them a separate category among the morally worthy. If our ethics scheme is rooted more heavily in intuitions and sentiments, we can easily sense the rightness of offering to our descendants a clean and healthy place to call home. Serious philosophers, however, have encountered grave troubles incorporating future generations into their complex calculations. We cannot talk to those not born and therefore cannot hear their preferences. There is no one to speak for them and hence to enforce their entitlements. Another problem is that as we look further ahead to generation after generation, we quickly reach the point where the unborn vastly outnumber the living, and the total preferences of the living slip into insignificance. In a numbers game like the one utilitarians play, this is a special cause for alarm. For the living to count in a rights-based scheme, we must weigh the interests of future generations less heavily, perhaps on some scale that discounts their interests more severely the further we progress into the future. But if future generations are less important than the living, who is to say how much less? A third problem—probably the most worrisome for most philosophers—is that what we do on Earth today will inevitably affect the identities and preferences of those who come later. What we leave behind will in some degree condition who they are, what they expect and what they want. If we leave behind beautiful wilderness areas, they will likely value them; if we destroy the wilderness (so the argument goes), future generations might value it very little. If future generations all grow up in crowded urban areas full of noise and congestion, they may or may not attach value to open spaces, quiet, and privacy; because we don't know whether they will, we should not worry about the matter today. The last problem is one that will likely strike non-philosophers as exaggerated, one that stems from a slavish search for accuracy in a calculation that is inevitably based on guesswork. Future generations will be happier, surely, if we leave them more species and wild habitats rather than fewer, to say nothing of clean air and water. Wilderness areas will always inspire and move those who visit them, and quiet, serenity, and privacy will never become mere fads. We cannot prove these assumptions, of course, but they seem as true and right as any other element in our logical construct. We may not be able to look after special or unusual needs that future humans might have, but we can take into account the needs that have been common to all humans up to this point.

Human Rights Outweighs

Human Rights are of the utmost importance and must take priority

Woods 10 [Kerri (lecturer in political theory at the University of Leeds), Human Rights and Environmental Sustainability, pp 129-132, December 20th 2010]

Ophuls, writing in 1974, predicted 'the inevitable coming of scarcity to societies predicated on abundance', and with this, 'almost equally inevitable, will be the end of political democracy and a drastic reduction in personal liberty' (Ophuls 1974, p. 47). Ophuls has been understood as claiming that we can either have democracy and individual freedom, or we can have sustainability, but we cannot have both. Pursuing both would lead to the destruction of the environment to the degree where scarcity caused societal breakdown and a return to authoritarianism as a matter of necessity. Taking a similarly apocalyptic tone, Hardin laments 'the tragedy of freedom in a commons' (Hardin 2005, p. 28). The freedom he has in mind is mostly economic, and, in particular, procreative freedom. In this regard, he specifically attacks the UDHR right to found a family, which is proclaimed in Article 16.1. Writing much later, Beckerman argues that, rather than trying to predict future environmental demands and protect resources accordingly, 'our most important obligation to future generations is to bequeath to them a "decent society" in which there is respect for basic human rights' (Beckerman 2000, p. 22). The detail of the argument put forward by Ophuls and Hardin is not quite the apology for environmental authoritarianism that has sometimes been presented. Neither embraces authoritarian government as a good way to live. Rather, they both hold that an absence of individual moral responsibility makes authoritarianism necessary. Indeed, Hardin states that 'The only kind of coercion I recommend is mutual coercion, mutually agreed upon by the majority of the people affected' (Hardin 2005, p. 34). It is Hardin's and Ophuls's pessimism about the likelihood of self-motivated social change and the advent of a morally driven environmental citizenry that leads them to conclude that authoritarianism's, if not desirable, certainly inevitable. The arguments regarding democracy and citizenship discussed in the previous chapter suggest a greater degree of optimism among more contemporary green theorists. Nevertheless, it is worth considering the argument that either environmental sustainability or human rights should be prioritized, looking firstly at the idea that the former should be prioritized over the latter. What this might mean in practice is that democratic rights to elect representatives who would have a say in deciding environmental policies might be waived, or the right to protest against unwanted policies might be denied both in terms of freedom of speech and of association, or perhaps it would become acceptable for governments to detain without charge or trial individuals thought likely to impede environmental sustainability in some way. Would this deliver environmental sustainability? Perhaps, if governments were led by environmental philosopher-kings, but I suspect that few environmental activists would feel confident in surrendering the means of holding governments to account on environmental policy. Just as human rights can rest on a consensus underpinned by power (see Chapter 3), so too can a particular model of sustainability reflect power relations, and serve to entrench disparities in power. Martinez Alier's (2002) work on 'the environmentalism of the poor' suggests that defending the civil and political rights of marginalized groups is key to protecting the environment. His work shows that an important part of the conflict over how sustainability should be conceptualized is a conflict over terms of value. The relevant question is, therefore, 'who has the power to impose particular languages of valuation?' (Martinez-Alier 2002, p. viii). For example, we can see an exclusionary tendency at work in the powerful consensus around the idea of environmental sustainability as environmental preservation that prevailed in the 1980s and 1990s. This resulted in the creation of wildlife parks which secured the habitats of endangered species, but also justified the exclusion and displacement of indigenous populations from their lands, on the grounds that these people did not conform to an externally determined notion of environmentally appropriate behavior (O'Neill 2007). In such circumstances, claims to use of the land that do not rest on preserving it as a wilderness space have been excluded because wilderness preservation has been determined to be the appropriate way of valuing the land in question. John O'Neill (2007) compares this prioritization of one set of values over another with the logic of colonialism, also justified with reference to externally determined standards. The emphasis on inclusiveness in the green literature on deliberative democracy and citizenship runs counter to this exclusive tendency. But what this example suggests is that human rights can provide important safeguards against a particular conception of environmental sustainability being imposed to the disadvantage of some groups. For ecocentrists, of course, human rights represent a competing and antithetical language of valuation to environmentalist discourses. But the critical approach to human rights pursued here suggests that this need not be the case. Models of inclusive citizenship, whereby individuals are said to have rights that follow the contours of risk, or of ecological footprints, suggest the possibility of individual (or perhaps community) rights against foreign governments. These rights, I noted, were problematic, in that they might compromise rights to self-determination, which, in view of the possibility of 'environmental colonialism', seem also to be important. One possible solution to such conflicts is suggested in the idea of 'appropriateness' as to the level of political decision making, which further calls into question the norm of state sovereignty. Human rights have also been said to represent a challenge to the sovereignty-based international order (Donnelly 2003), yet to date states have mostly been unwilling to challenge the sovereign authority of governments in the name of

humanitarian intervention. Indeed many regard the contemporary international human rights regime as being embedded firmly within the sovereignty-based international order. A crucial element of the response to these criticisms is to note that human rights are neither fixed nor given. Alternatives to the contemporary human rights regime might better facilitate environmental sustainability. In this regard, a number of greens have proposed the idea of environmental human rights. If Jack Donnelly (2007) is correct in arguing that human rights are necessary tools for protecting human dignity, then it seems plausible to suggest that a new model of human rights ought to take account of contemporary threats to human dignity. It follows that if my argument regarding the environmental impact of economic globalization is valid, then an adequate theory of human rights would be one that could take account of the environmental threats to human dignity. In short, there would seem to be a need for environmental human rights. A number of scholars make reference to the idea of environmental human rights. Within the field of human rights Stammers (1999) identifies environmental human rights, along with women's rights, as one of the areas in which there is debate about how the International Bill of Rights should be extended, while Anthony J. Langlois (2001) speculates on the possibility of there being a human right to an adequate environment'.

Rights absolute – can't infringe on one person's rights to increase well-being of others.

Gewirth 94 [Alan, professor of philosophy at the University of Chicago, "Are There Any Absolute Rights?" Absolutism and its Consequentialist Critics, pg: 137-138]

Ought Abrams to torture his mother to death in order to prevent the threatened nuclear catastrophe? Might he not merely pretend to torture his mother, so that she could then be safely hidden while the hunt for the gang members continued? Entirely apart from the fact that the gang could easily pierce this deception, the main objection to the very raising of such questions is the moral one that they seem to hold open the possibility of acquiescing and participating in an unspeakably evil project. To inflict such extreme harm on one's mother would be an ultimate act of betrayal; in performing or even contemplating the performance of such an action the son would lose all self-respect and would regard his life as no longer worth living. A mother's right not to be tortured to death by her own son is beyond any compromise. It is absolute. This absoluteness may be analyzed in several different interrelated dimensions, all stemming from the supreme principle of morality. The principle requires respect for the rights of all persons to the necessary conditions of human action, and this includes respect for the persons themselves as having the rational capacity to reflect on their purposes and to control their behaviour in the light of such reflection. The principle hence prohibits using any person merely as a means to the well-being of other persons. For a son to torture his mother to death even to protect the lives of others would be an extreme violation of this principle and hence of these rights, as would any attempt by others to force such an action. For this reason, the concept appropriate to it is not merely 'wrong' but such others as 'despicable', 'dishonorable', 'base', 'monstrous'. In the scale of moral modalities, such concepts function as the contrary extremes of concepts like the supererogatory. What is supererogatory is not merely good or right but goes beyond these in various ways; it includes saintly and heroic actions whose moral merit surpasses what is strictly required of agents. In parallel fashion, what is base, dishonourable or despicable is not merely bad or wrong but goes beyond these in moral demerit since it subverts even the minimal worth or dignity both of its agent and of its recipient and hence, the basic presuppositions of morality itself. Just as the supererogatory is superlatively good, so the despicable is superlatively evil and diabolic, and its moral wrongness is so rotten that a morally decent person will not even consider doing it. This is but another way of saying that the rights it would violate must remain absolute.

AT: Rights Malthus D.A- michigan7

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Even if environmental collapse dooms human rights, authoritarianism is not the solution

De Schutter '12 (Olivier De Schutter Tuesday 24 April 2012 03.00 EDT UN Special Rapporteur on the right to food Olivier De Schutter (LL.M., Harvard University ; Ph.D., University of Louvain (UCL)), the UN Special Rapporteur on the right to food since May 2008, is a Professor at the Catholic University of Louvain and at the College of Europe (Natolin). He is also a Member of the Global Law School Faculty at New York University and is Visiting Professor at Columbia University. April
<http://www.theguardian.com/environment/2012/apr/24/climate-change-human-rights-issue> // 6-27-15 // MC)

Global climate-change talks often resemble the scene of a traffic accident. Multiple voices shout each other down in a bid to tell their own version of events. What is the real damage, how quickly must it be repaired, and who should foot the bill? But the real concern is not that the debate is congested and gridlocked; it is that the current clamour masks a deeper failing, namely to identify an honest starting point. In Prosperity Without Growth, the economist Tim Jackson convincingly expounds the myth of "absolute decoupling" of emissions from economic growth. The growth of emissions can be slowed, relative to the growth rate of the economy. However, emissions cannot conceivably be stalled or reversed while the economy continues to expand, however great the carbon-saving technologies of the coming years. If our political processes cannot conceive of a non-growth future, and yet a fundamental rethink of growth is the only honest starting point for the fight against climate change, then those political processes are clearly not fit for purpose. Does this mean that democracy has failed, and must be sacrificed for authoritarian solutions? The solution may in fact be the polar opposite. A system where failing governance procedures are forced to think long-term does not necessarily require anti-democratic "climate tzars". Instead, this revolution can be hyper-democratic and guided by human rights. Climate change represents an enormous threat to a whole host of human rights: the right to food, the right to water and sanitation, the right to development. There is therefore huge scope for human rights courts and non-judicial human rights bodies to treat climate change as the immediate threat to human rights that it is. Such bodies could therefore take government policy to task when it is too short-sighted, too unambitious, or too narrowly focused on its own constituents at the expense of those elsewhere. Fossil fuel mining, deforestation, the disturbance of carbon sinks, and the degradation of the oceans are developments that can be blocked on human rights grounds. Human rights bodies can, and must, increasingly play this reactive role at the local level, in order to ward off the multitude of developments that simultaneously violate human rights and aggravate climate change. But that will not suffice. They must also become proactive and holistic in warding off human rights violations, and by extension, the advance of climate change at the global level. Where human rights deficits are detected, governments are required to put monitoring systems in place. They must also improve coordination within government, encourage the participation of all stakeholders – especially the most vulnerable – and define the responsibilities of institutions and set deadlines by which the human right in question must be met. In short, they must adopt multi-year strategies towards the fulfilment of human rights and increase the political cost of not moving fast enough. This approach is, in fact, also ideal for tackling climate change...

Soviet Union proves authoritarianism fails- corruption and resentful public mean environmental goals cannot be met

Humphrey 7 (Mathew Humphrey is a professor at the University of Nottingham. Ecological Politics And Democratic Theory: the Challenge to the Deliberative Ideal. London: Routledge, 2007. Page 140)

For all that the problems with which eco-authoritarians struggled were and remain real, the faith they placed in an authoritarian state to resolve these problems was surely misguided. Whilst the inferior ecological record of non- democratic states in itself proves nothing (how many of these states actually prioritised environmental goals?), the ability of a state to impose its 'green will' on an unwilling and resentful public who see their taken-for-granted freedoms being curtailed is questionable, in the absence of a monstrous architecture of green totalitarianism. Authoritarian states have often not been good at achieving those policy goals that they have prioritised, as the forlorn ambition of the Soviet Union to outstrip the productive capacity of the capitalist West testifies. There is no obvious reason to expect an authoritarian green state to be better than the Soviet Union at overcoming the internal divisions, inefficiencies, corruption, and perverse incentives that plague such states.

Democracy more sustainable than authoritarianism- transition not inevitable

Davis 15 (Davis, Michael C has an LLM from Yale and teaches at the University of Hong Kong. "East Asia After the Crisis: Human Rights, Constitutionalism, and State Reform." Human Rights Quarterly 26.1 (2004): 126-51. ProQuest. Web. 29 June 2015.)

In assessing the debates over political and economic reform, it becomes apparent that constitutionalism has a central role to play. Studies in the political economy literature appear to verify that regime type ultimately matters in the achievement of economic development goals.⁹⁶ While authoritarianism with proper developmental institutions can do reasonably well at early-stage development, this is not invariably so. Furthermore, as economic development proceeds the developmental potential of the authoritarian model may be exhausted. Recent studies have shown that the developmental achievement of authoritarian regimes in East Asia is not uniformly positive. Latent costs are just now being appreciated. In addition to the deficiencies of authoritarian practices in respect to democracy, human rights, and the rule of law, there have also been high levels of corruption. Corruption appears to be a consequence of both early predatory practices and a lack of transparency, and subsequent incapacity of authoritarian regimes to respond to the interests that economic development creates. Rent-seeking evolves from a top-down predatory behavior in the authoritarian period when the state is strong, to a bottom-up predatory behavior in the early stages of democracy as business becomes stronger and the state weaker. Corruption may serve as a substitute for adequate state institutions. Democratic consolidation will aim to curb corruption by affording greater transparency and stable institutions for checks and balances. Greater dispersal and open competition in the society should accompany this consolidation. Local institutions shape investor confidence. Either extreme concentrations of power or extreme dispersal appears to have worked poorly; the former is too volatile and the latter too rigid. Liberal constitutionalism, including democracy, human rights and the rule of law, appears to provide the tools to engender the degree of public engagement and political reliability needed for sustained development. Finding the proper institutional balance is by no means an easy task. The constitutional fundamentals are essential. Minimally maintaining the protections embodied in human rights and the rule of law is important to achieving transparency and accountability, while sustaining confidence in political and legal institutions. Constitutional institutions must be shaped to the

local condition. This reality is demonstrated by the varied consequences of importing similar institutions into different countries. Constitutional systems deeply influenced by the American model work very differently in Japan, the Philippines, and the United States. Getting the fit just right is the challenge of local politics.

Authoritarianism and the power grab causes ACCELERATION of environmental crises

Carter, 13, professor of philosophy

(Alan, [A Radical Green Political Theory](https://books.google.com/books?id=1DxdAgAAQBAJ&pg=PA25&lpg=PA25&dq=ophuls+environment+authoritarianism&source=bl&ots=r7M8u_gAt8&sig=-U8c8U6ONL2oLY-yA-zTKeAMqgc&hl=en&sa=X&ei=jq1LVaWpBYq_sAWju4HgBw&ved=0CCgQ6AEwBA#v=onepage&q=%22given%20the%20justified%22&f=false) pg 5-6 Routledge publishing,
https://books.google.com/books?id=1DxdAgAAQBAJ&pg=PA25&lpg=PA25&dq=ophuls+environment+authoritarianism&source=bl&ots=r7M8u_gAt8&sig=-U8c8U6ONL2oLY-yA-zTKeAMqgc&hl=en&sa=X&ei=jq1LVaWpBYq_sAWju4HgBw&ved=0CCgQ6AEwBA#v=onepage&q=%22given%20the%20justified%22&f=false)

If we are to stand up to such a serious environmental threat as many insist we currently face, and if we need to respond to it quickly, isn't some highly authoritarian, centralized state that can enforce strict environmental policies the obvious solution? At its most attractive, eco-authoritarianism presents itself as a form of benevolent dictatorship - an environmentally benevolent dictatorship, as it were. Unfortunately, as obvious a solution as eco-authoritarianism appears to be, its flaws seem equally obvious. As with any benevolent dictatorship, how can it be guaranteed that it will remain benevolent? It is difficult to see how whatever structures empower an authoritarian, centralized leadership to exercise power effectively will, at the same time, inhibit exercises of that power which take a non-benevolent form; unless it is the people themselves who constrain such a leadership. But then, why is a leader necessary in the first place? If a leader is necessary, it must be because he or she has real power, and now can its exercise be guaranteed to remain benevolent? Even if a particular leader does turn out to be genuinely benevolent, even if he or she is not corrupted by the exercise of power or the need to retain it. How can it be guaranteed that those who inherit his or her position will be equally benevolent? Hierarchical structures, by their very nature, seem to make it easy for the most competitive, most ruthless and least caring to attain power. Moreover, the centralized exercise of authoritarian rule is an ever-attractive goal for would-be usurpers, whose vision is usually less pure than that of those whom they usurp, as the history of many coups can be argued to attest to. In short, all of the arguments tinted have been rehearsed against ostensibly benevolent dictatorships appear equally pertinent to environmentally benevolent ones. If an autocrat wished to use his or her power to protect the environment, the structures which enabled that power to be exercised could, presumably, just as easily be used by his or her successors to degrade the planet further, or even at an accelerated rate, for their short-term or localized enjoyment. In fact, there is a powerful argument that can be deployed which seems to establish that any authoritarian response to the mounting environmental crises will accelerate them rather than provide a solution. But because of the theoretical assumptions underpinning that argument, it will have to wait until Chapter 6 before being presented, and until Chapter 7 before being deployed against eco-authoritarianism. Suffice it to say that we already have some reason to think that an effective long term response to the ecological threat which environmentalists claim to have identified would require an alternative political theory to that propounded by eco-authoritarians 2.2

Eco-Authoritarian problems are resolved by expanding democracy, not abolishing of it

Humphrey 7 (Mathew Humphrey is a professor at the University of Nottingham. Ecological Politics And Democratic Theory: the Challenge to the Deliberative Ideal. London: Routledge, 2007. Page 11)

Knowledge of eco-authoritarian literature is essential for understanding what came in its wake, which was, to a large degree, a reaction to the anti-democratic despair that the survivalists expressed. I want to emphasise in this chapter elements of this literature which give it continuing relevance today. One

such element is the specific analysis of democracy that underpinned the politics of eco-authoritarianism. Whilst the authoritarian solutions suggested in this literature are widely criticised, the conception of democracy that underpinned the (often reluctant) advocacy of non-democratic politics is less frequently considered. As we shall see, there was a strong Schumpeterian strain to the eco-authoritarians' understanding of democracy. In particular, the view that ordinary citizens are politically incompetent, especially at times of crisis, was deeply held. In this regard I want to draw an important distinction between the eco-authoritarian analysis of the relationship between ecological problems and democracy on the one hand, and their prescriptive political solutions on the other. I will argue that in many respects the analysis of the problems of collective action involved in environmental politics is accurate and well-judged,1 but that the conclusions that were drawn from it were certainly not the only logically compelling ones. In fact they were conclusions that were more likely to compound the problems than resolve them. The questions that the survivalists raise are difficult and profound, but it will be the ultimate argument of this book that these problems show the need for more, and more radical forms, of democracy rather than less of it.

Authoritarianism's racial and patriarchal structure promotes structural violence in the form of gendered violence and racial profiling- Hungary proves

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<https://www.opendemocracy.net/5050/heather-mcrobie/it-takes-broken-bones-authoritarianism-and-violence-against-women-in-hungary> // 6-26-15 // MC)

Authoritarianism is never good news for women – as citizens or as the structurally more marginalised gender – and Hungary's continued shift away from democracy and upholding human rights under the right-wing Fidesz government is mirrored by its regressive backsliding on gender equality. Last week, Hungarian feminist groups spoke out to condemn a public service announcement made by a Hungarian police department that blamed women for 'inviting' sexual violence. In a shockingly misguided attempt to mark the International Day for the Elimination of Violence against Women, the video showed young women drinking, dancing and flirting before cutting to what looked like the aftermath of a sexual assault. The video ended with the warning "it's your responsibility", implying that women invite sexual violence through 'irresponsibility'. Compounding the erroneous messages the Hungarian public are given on violence against women, another Hungarian police department issued a statement last week on 'rape prevention' that claimed "flirting by young women can often elicit violence." This isn't the first time in recent years that Hungarian officials and government departments have communicated victim-blaming messages on the subject of violence against women, erroneously shifting the blame away from the responsibility of the perpetrator. In 2012, MP Istvan Varga, from the ruling Fidesz party claimed that domestic violence could be solved if women fulfilled their natural role and gave birth to several children. (The "logic" being that if women fulfilled their societal duty and reproduced, their partners would respect them more and therefore stop beating them). The popular protests and campaigns by Hungarian feminist groups in the face of this statement were part of what pushed the parliament to agree to legally demarcate domestic violence as a specific offence in the new criminal code. Previously, abusers could only be prosecuted for individual acts of assault and there was no legal recognition of the wider violence and oppression of abusive relationships. However, an extensive Human Rights Watch report in

November 2013, 'Unless Blood Flows', documented both the gaps in the new legal provisions for domestic violence, and the inadequate implementation of existing laws and lack of funding and provisions for violence against women. It pointed both to the lack of political will to address violence against women, and to entrenched patriarchal norms as barriers to combatting violence against women and achieving gender equality in both the private and public spheres. Hungarian women's rights organisations pointed out that, although the rates of domestic violence and violence against women are in keeping with the (lamentable) European average, Hungary lagged behind other European countries in terms of both legal and societal recognition of this abuse: "it takes broken bones" for a case of domestic violence to be brought to court, both preventing catching domestic violence at an earlier stage (in light of the fact that domestic abuse often operates on an escalating dynamic) and sending a message that it is not taken seriously by legal and governmental institutions. Screenshot of 2014 'anti-rape' video made by Hungarian police. The Fidesz party spent the last four years gutting independent media and social provisions, and won a second term by a landslide in the elections of April this year, in which the far-right, anti-immigrant and anti-Semitic Jobbik party also won 20% of the votes. Fidesz has brought with it a plethora of bizarre and reactionary policies and statements from government officials, most recently the widely-protested proposed Internet tax. And the right-wing discourse dominating politics weaves into it a regressive construction of gender relations, in which Fidesz and other right-wing political voices trade on the concept of "family values" in which women are reduced solely to their supposedly 'natural' role as mothers and submissive wives. Such a conception of gender relations constructed by right-wing authoritarianism and exclusivist nationalism – in which women are seen as mere vessels for childbearing and subordinate units within the all-important traditional "family – delegates women to the 'private sphere' whilst giving men dominance within both the public and the private spheres. In such a conception, domestic violence becomes a matter both of "no-one else's business" and "she was probably asking for it." One instance of violence against women did, however, become a public issue – when last November Fidesz politician Jozsef Balogh admitted to beating his wife, yet refused to resign from public office. Hungary's chief prosecutor found that Mr Balogh's wife had been struck in the face with "more than medium force", dragged by her hair, and suffered facial fractures after being assaulted by her husband when the couple returned home from a wedding party. Although Mr Balogh was expelled from the Fidesz party in the wake of public outcry over his violence, his behaviour seemed not far removed from the official message communicated by the government: the patriarchal family with its dominating male 'head' is all-important, and domestic violence is a private matter which concerns neither society nor government. The continued lack of government funding for domestic violence shelters – and the victim-blaming "public service announcements" – communicate the same message, that violence against women is both a trivial and a private matter for which the abused can be blamed. Hungary's right-ward shift and slide away from liberal democracy is bad news for women, not because liberal democracy "guarantees" the decline of violence against women (the cases of several Scandinavian countries show that even high levels of "gender equity" in public life, and gender-sensitive welfare provisions, can coexist with high levels of domestic violence and violence against women in the private sphere) but because, under the current prevailing ideology in Hungary women are sidelined as all structurally marginalised groups are sidelined – if not targeted. Over the same period as the rise of Fidesz and the far-right Jobbik party, Hungary has slipped down the World Economic Forum's ranking on gender-equity, from 55th place in 2006 to 93 in 2014 (although the number of ranked countries expanded from 115 to 142 in the same period). The alarming rise (or resurgence) of anti-Semitism and anti-Roma sentiment shows the corrosive right-wing discourse eating at Hungary's society as anyone

who occupies the marginal position – as an ethnic minority, or immigrant, or on the grounds of their gender or sexual orientation – is sidelined, demonised and targeted, as if in a Nietzschean reading of social order enacting a sociopathic mindset in which the structurally weaker are punished for “being weak”. The public service announcement telling women “it is your responsibility” to prevent sexual assault by 'not flirting and drinking' is in keeping with the regressive worldview of rightwing discourse swirling in Hungarian political life, with its fetishisation of the patriarchal family and its increasing persecution of minorities and the structurally disadvantaged. In such a climate, violence against women is both a “private” issue of the exalted family-unit and a “natural” situation in which the dominant enacts its will on the disadvantaged. And so the structural and social violence the Hungarian state is waging upon its marginalised is enacted again, as if in aftershock, over and over upon the bodies of women.

squo cap solves warming – tech developments

Starck, PhD, Feb 2015, (Walter, "The Climate Scam's Meltdown" Ausmarine 37.4: 26-27. Proquest. search.proquest.com/docview/1666284048?pq-origsite=gscholar)

Capitalism will find a way With or without any agreement or government initiatives, economics, technological developments and demographic changes will in due course **inevitably reduce the demand for fossil fuels and replace them with other and cleaner sources of energy.** Thorium- and fusion-reactor developments are showing increasing promise of providing effectively unlimited cheap and clean energy within a few decades. For domestic use, solar voltaic technology is beginning to become competitive with mains electricity, with further gains in cost effectiveness near certain in the near future. Major advances in storage technology are also well underway and expected to become Commercially available within a few years. Better, cheaper solar technology to power homes and vehicles is likely to drive the beginning of mass uptake within a decade. This will be impelled by cost effectiveness, with subsidies unnecessary. Indeed, such support risks doing more harm than good if it diverts development and uptake from the best and most efficient technologies emerging from a complex, rapidly changing and impossible-to-predict scientific frontier.

There is no impact to warming- trends prove no disasters

Kreutzer 3/31

(David Kreutzer [the senior research fellow in energy economics and climate change at The Heritage Foundation's Center for Data Analysis], 3/31/15, "Five Myths About Extreme Weather and Global Warming," The Daily Signal, dailysignal.com/2014/03/31/five-myths-extreme-weather-global-warming/, MX)

There is broad (though not unanimous) agreement, even among skeptic scientists, that the earth has warmed moderately over the past 60 years and that some portion of that warming can be attributed to anthropogenic carbon dioxide emissions. However, despite the hoopla surrounding the recent report on the economic impacts of global warming from the U.N.'s Intergovernmental Panel on Climate Change (IPCC), there is no consensus that temperatures are increasing at an accelerating rate or that we are headed to a climate catastrophe. In fact, far from increasing at an accelerating rate, the best measures of world average temperatures indicate that there has been no significant warming for the past 15 years—something that the IPCC's climate models are unable to explain. Perhaps frustrated by the climate's unwillingness to follow the global-warming script, the hard-core advocates for costly, energy-killing programs now point to every weather event as the wages of carbon-emitting sins. However, the numbers tell a different

story: Upward trends for extreme weather events just aren't there. Myth #1: Hurricanes are becoming more frequent. Even the IPCC notes there is no trend over the past 100 years. Here's what the IPCC says in its latest science report: Current data sets indicate no significant observed trends in global tropical cyclone frequency over the past century and it remains uncertain whether any reported long-term increases in tropical cyclone frequency are robust, after accounting for past changes in observing capabilities.... No robust trends in annual numbers of tropical storms, hurricanes and major hurricanes counts have been identified over the past 100 years in the North Atlantic basin. [Emphasis added.] Some people will make a big deal about an increase in North Atlantic hurricanes since the 1970s. As the IPCC chart below (Panel b) shows, the 1970s had the lowest frequency of landfalling hurricanes in the past 100 years. Hurricane Sandy seems to be an argument in a class by itself. It should be noted that Sandy became an extratropical cyclone before it made landfall. Here is what the IPCC says about historical trends in extratropical cyclones: "In summary, confidence in large scale changes in the intensity of extreme extratropical cyclones since 1900 is low." Also, data from the National Oceanic and Atmospheric Administration (NOAA) covering the years 1851—2004 show that hurricanes made a direct hit on New York State about every 13 years on average. Over the period, there were a total of 12 hurricanes that made landfall along the New York coastline. Five of them were major hurricanes. Myth #2: Tornadoes are becoming more common. The experts at the National Climatic Data Center (part of NOAA) say: To better understand the variability and trend in tornado frequency in the United States, the total number of EF-1 and stronger, as well as strong to violent tornadoes (EF-3 to EF-5 category on the Enhanced Fujita scale) can be analyzed. These tornadoes would have likely been reported even during the decades before Doppler radar use became widespread and practices resulted in increasing tornado reports. The bar charts below indicate there has been little trend in the frequency of the stronger tornadoes over the past 55 years. [Emphasis added.] That is, once we account for the apparent increase in tornado counts that are due to much improved technology for identifying them, tornadoes occur no more frequently now than in the past. Even more striking is the history of F3 and stronger tornadoes (shown below), which were even less likely to be missed before Doppler radar. That trend is actually down compared to the 1955–1975 period: Myth #3: Droughts are becoming more frequent and more severe. In the recent science report, even the IPCC finds little evidence to support the myth regarding droughts, and it backs off from its support in a previous report. Here is a quote from the AR5: In summary, the current assessment concludes that there is not enough evidence at present to suggest more than low confidence in a global-scale observed trend in drought or dryness (lack of rainfall) since the middle of the 20th century, owing to lack of direct observations, geographical inconsistencies in the trends, and dependencies of inferred trends on the index choice. Based on updated studies, AR4 conclusions regarding global increasing trends in drought since the 1970s were probably overstated. Myth #4: Floods are becoming more frequent and severe. The IPCC's science report states, In summary, there continues to be a lack of evidence and thus low confidence regarding the sign of trend in the magnitude and/or frequency of floods on a global scale. For the U.S., the story is the same. Some places will always be drier and some wetter in comparison to an earlier period. However, for the U.S. overall, there has been no trend. The chart below of the Palmer Hydraulic Drought Index (PHDI) shows no trend for increasing droughts (represented by bars with negative values). From 1930 to 1941, the PHDI was consistently negative and set annual records that have not been matched.

N/U- Democracy Solves Now

Squo Solves

Environmental authoritarianism isn't uniquely key in solving ecocide, status quo can solve with the right efforts.

White, 10 (Micah, Senior editor at Adbusters and an award-winning activist, "An alternative to the new wave of ecofascism", <http://www.theguardian.com/commentisfree/cif-green/2010/sep/16/authoritarianism-ecofascism-alternative>)

Environmentalism is currently marketed as a luxury brand for guilty consumers. The prevailing assumption is that a fundamental lifestyle change is unnecessary: being green means paying extra for organic produce and driving a hybrid. The incumbent political regime remains in power and the same corporations provide new "green" goods; the underlying consumerist ideology is unquestioned. This brand of environmentalism only emboldens ecofascists who rightly claim that shopping green can never stop the ecological crisis. And yet, **ecofascists are wrong to suggest that the suspension of democracy is the only alternative. Humanity can avert climate catastrophe without accepting ecological tyranny. However, this will take an immediate, drastic reduction of our consumption. This requires the trust that the majority of people would voluntarily reduce their standard of living once the forces that induce consumerism are overcome.** The future of environmentalism is in liberating humanity from the compulsion to consume. Rampant, earth-destroying consumption is the norm in the west largely because our imaginations are pillaged by any corporation with an advertising budget. From birth, we are assaulted by thousands of commercial messages each day whose single mantra is "buy". Silencing this refrain is the revolutionary alternative to ecological fascism. It is a revolution which is already budding and is marked by three synergetic campaigns: the criminalisation of advertising, the revocation of corporate power and the downshifting of the global economy. In São Paulo, the seventh largest city in the world, outdoor advertising has been banned. Meanwhile, artists in New York City and Toronto are launching blitzkrieg attacks on billboards, replacing commercials with art. Their efforts have put one visual polluter out of business. Grassroots organisers in the US are pushing for an amendment to the constitution that will end corporate personhood while others are fighting to revive the possibility of death penalties for corporations. The second international conference on degrowth economics met recently in Barcelona. In Ithaca, New York a local, time-based currency is thriving. Buy Nothing Day campaign is celebrated in dozens of nations and now Adbusters is upping the ante with a call for seven days of carnivalesque rebellion against consumerism this November. And, most important of all, across the world everyday people are silently, unceremoniously and intentionally spending less and living more. Authoritarian environmentalists fail to imagine a world without advertising, so they dream of putting democracy "on hold". In Linkola's dystopian vision, the resources of the state are mobilised to clamp down on individual liberty. **But there is no need to suspend democracy if it is returned to the people. Democratic, anti-fascist environmentalism means marshalling the strength of humanity to suppress corporations. Only by silencing the consumerist forces will both climate catastrophe and ecological tyranny be averted. Yes, western consumption will be substantially reduced. But it will be done voluntarily and joyously.**

Democracy solves better than Authoritarianism

***Eco-Authoritarian problems are resolved by expanding democracy, not abolishing of it**

Humphrey 7 (Mathew Humphrey is a professor at the University of Nottingham. Ecological Politics And Democratic Theory: the Challenge to the Deliberative Ideal. London: Routledge, 2007. Page 11)

Knowledge of eco-authoritarian literature is essential for understanding what came in its wake, which was, to a large degree, a reaction to the anti-democratic despair that the survivalists expressed. I want to emphasise in this chapter elements of this literature which give it continuing relevance today. One such element is the specific analysis of democracy that underpinned the politics of eco-authoritarianism. Whilst the authoritarian solutions suggested in this literature are widely criticised, the conception of democracy that underpinned the (often reluctant) advocacy of non-democratic politics is less frequently considered. As we shall see, there was a strong Schumpeterian strain to the eco-authoritarians' understanding of democracy. In particular, the view that ordinary citizens are politically incompetent, especially at times of crisis, was deeply held. In this regard I want to draw an important distinction between the eco-authoritarian analysis of the relationship between ecological problems and democracy on the one hand, and their prescriptive political solutions on the other. I will argue that in many respects the analysis of the problems of collective action involved in environmental politics is accurate and well-judged,¹ but that the conclusions that were drawn from it were certainly not the only logically compelling ones. In fact they were conclusions that were more likely to compound the problems than resolve them. The questions that the survivalists raise are difficult and profound, but it will be the ultimate argument of this book that these problems show the need for more, and more radical forms, of democracy rather than less of it.

Democracies are key to solving climate change- environmentalists movements lead to legislation

Carbonell and Allison 15 (Joel Carbonell and Juliann Allison both have PhD's from the University of California Los Angeles. "Democracy And State Environmental Commitment To International Environmental Treaties." International Environmental Agreements: Politics, Law & Economics 15.2 (2015): 79-104. GreenFILE. Web. 26 June 2015.

In light of the democratic institutional argument, Midlarsky (1998) identifies five democratic influences on environmental policy-making (Midlarsky 1998, 344): 1. "In contrast to authoritarian states, democracies respect individual rights. Thus, environmentalists are able to freely market their ideas and transform them into environmental legislation. 2. Democratic governments are inherently more responsive to their citizenry. 3. Freely flowing information in democracies allows for a form of political learning. 4. Democratic states tend to cooperate with each other within international environmental agencies. 5. Because all democracies also have free-market economies, businesses in the marketplace can be subject both to environmental incentives and sanctions," (Midlarsky 1998, 344). These five environmental characteristics of democracy parallel the current liberal institutional measures of democracy identified by Freedom House, such as freedom of speech, competitive elections, protections of human rights, freedoms of media and assembly (see Methodology section for operational definition

of democracy through Freedom House Methodology on Civil Liberties and Political Rights measures, Freedom House 2000).

Liberalism cannot exist without democracy

Plattner '98 (Marc F. Marc F. Plattner is founding coeditor of the Journal of Democracy, vice-president for research and studies at the National Endowment for Democracy (NED), and co-chair of the Research Council of the International Forum for Democratic Studies. NED's director of program from 1984 to 1989. During the 2002–2003 academic year, he was a visiting professor at the Robert Schuman Centre for Advanced Studies at the European University Institute in Florence, Italy. Fellow at the National Humanities Center in Research Triangle Park, North Carolina; advisor on Economic and Social Affairs at the United States Mission to the United Nations ; program officer at the Century Foundation; and managing editor of the Public Interest, a quarterly journal on public policy. Graduated Summa Cum Laude at Yale University and received his Ph.D. in government from Cornell University, where his principal area of study was political philosophy. He is the author of Democracy Without Borders? Global Challenges to Liberal Democracy (2008) and Rousseau's State of Nature (1979), a study of the political thought of Jean Jacques Rousseau. His articles on a wide range of international and public policy issues have appeared in numerous books and journals. Democratization and Authoritarianism in the Arab World (2014); Will China Democratize? (2013, also with Andrew J. Nathan); Democracy in East Asia: A New Century (2013, also with Yun-Han Chu); Liberation Technology; and Poverty, Inequality, and Democracy (2012, also with Francis Fukuyama).[// 6-26-15// MC](https://www.foreignaffairs.com/articles/1998-03-01/liberalism-and-democracy-cant-have-one-without-other))

Today the two strands of liberal democracy, interwoven in the Western political fabric, are coming apart in the rest of the world. Democracy is flourishing; constitutional liberalism is not." Drawing upon this distinction, Zakaria recommends that Western policymakers not only increase their efforts to foster constitutional liberalism but diminish their support for elections, and suggests that "liberal autocracies" are preferable to illiberal democracies. DECONSTRUCTING DEMOCRACY The basic distinction made by all these authors is both valid and important. Liberal democracy-which is what most people mean today when they speak of democracy-is indeed an interweaving of two different elements, one democratic in a stricter sense and the other liberal. As its etymological derivation suggests, the most basic meaning of the word "democracy" is the rule of the people. As the rule of the many, it is distinguished from monarchy (the rule of one person), aristocracy (the rule of the best), and oligarchy (the rule of the few). In the modern world, where the sheer size of states has rendered impossible the direct democracy once practiced by some ancient republics, the election of legislative representatives and other public officials is the chief mechanism by which the people exercise their rule. Today it is further presumed that democracy implies virtually universal adult suffrage and eligibility to run for office. Elections, then, are regarded as embodying the popular or majoritarian aspect of contemporary liberal democracy. The word "liberal" in the phrase liberal democracy refers not to the matter of who rules but to the matter of how that rule is exercised. Above all, it implies that government is limited in its powers and its modes of acting. It is limited first by the rule of law, and especially by a fundamental law or constitution, but ultimately it is limited by the rights of the individual. The idea of natural or inalienable rights, which today are most commonly called "human rights," originated with liberalism. The primacy of individual rights means that the protection of the private sphere, along with the plurality and diversity of ends that people seek in their pursuit of happiness, is a key element of a liberal political order. The fact that democracy and liberalism are not inseparably linked is proven by the historical existence both of nonliberal democracies and of liberal nondemocracies. The democracies of the ancient world, although their citizens were incomparably more involved in governing themselves than we are today, did not provide freedom of speech or religion, protection of private property, or constitutional government.

AT: Democracy = enviro destruction

History shows democracies solve environmental problems and cooperate with environmental treaties better than authoritarian regimes

Wilks-Heeg 14 (Stuart Wilks-Heeg has a PhD and works at the University of Liverpool. "The politics of sustainability: Democracy and the Limits of Policy Action." H. Atkinson and R. Wade (eds) (2014) *The Challenge of Sustainability: Linking Politics, Learning and Education*, Bristol: Policy Press. www.academia.edu/6264139/The_Politics_of_Sustainability_Democracy_and_the_Limits_of_Policy_Action_2014_) *Neumayer has a PhD from the University of London

Political theory is one thing. But do democracies ever live up to the ideal type put forward by Payne? Evidence on the benefits of democracy for environmental outcomes is mixed (Winslow, 2005; Li and Reuveny, 2006; Ward, 2008), but certainly strong enough to confirm that democracies generally outperform non-democracies in environmental protection. An array of quantitative studies have identified that democracy has a positive effect with respect to a range of environmental policy commitments and outcomes. Neumayer (2002, p 155) finds that democracy is positively associated with making environmental data available and with ensuring a higher percentage of land is subject to special environmental protection. Both Torras and Boyce (1998) and Barrett and Graddy (2000) find that higher levels of political and civil rights lead to lower levels of air and water pollution. Harbaugh et al. (2002) and Gleditsch and Svedrup (2002) produce similar findings with regard to the positive effect of democracy on, respectively, sulphur dioxide and carbon dioxide emissions. Li and Reuveny (2006) reaffirm these findings with respect to sulphur dioxide and carbon dioxide, as well as finding that democracy is associated with lower levels of organic water pollution, deforestation and land degradation. There is also evidence to suggest that democracies play a more constructive role in attempts to forge international cooperation to tackle cross-border environmental problems. Gleditsch and Sverdrup (2002) find a positive correlation between democracy and the ratification of environmental treaties. Similarly, Neumayer (2002) finds that, among both developed and less developed countries, there is strong evidence that democracies are more likely to sign and ratify environmental agreements, take part in multilateral environmental organisations. With regard to international cooperation generally, it has also been demonstrated that democracies rarely, if ever, go to war with one another (Dorussen and Ward, 2008; Inglehart and Welzel, 2009).

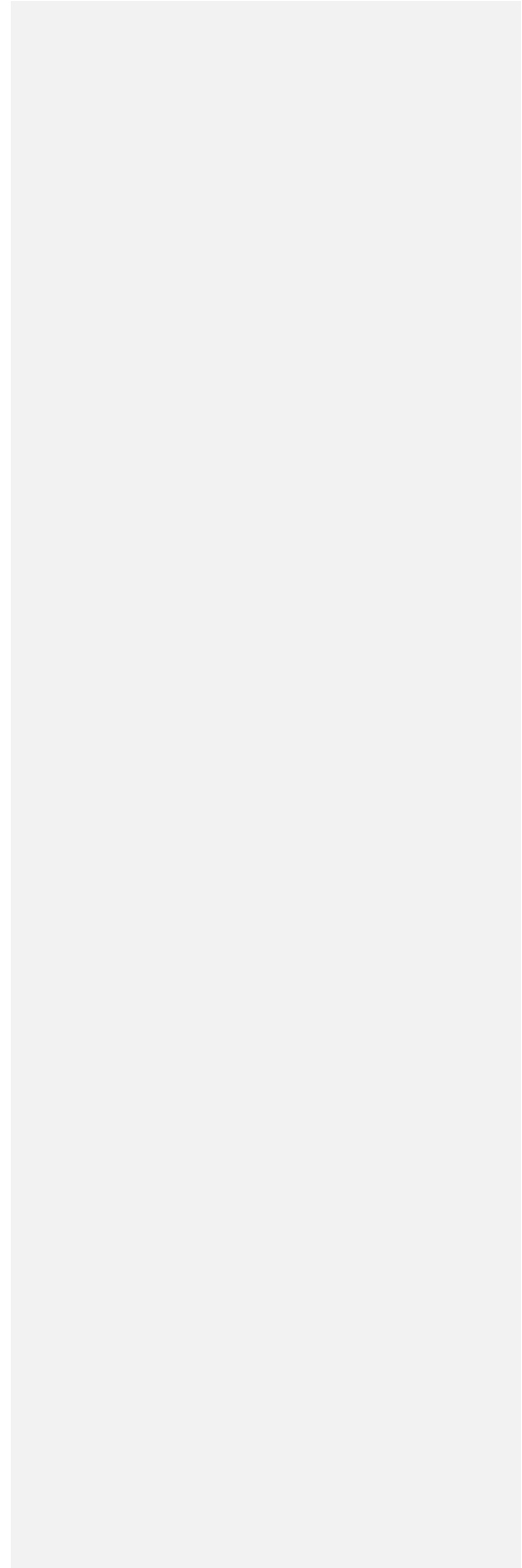
And international environmental treaties effectively change state behavior

Carbonell and Allison 15 (Joel Carbonell and Juliann Allison both have PhD's from the University of California Los Angeles. "Democracy And State Environmental Commitment To International Environmental Treaties." *International Environmental Agreements: Politics, Law & Economics* 15.2 (2015): 79-104. GreenFILE. Web. 26 June 2015.

First, the traditional international institutional argument that formal international organizations affect state environmental commitment and compliance is supported in the two-stage simultaneous equation model. The empirical results indicate that countries that are members of international environmental organizations are more likely to comply with international environmental treaties and agreements. These international environmental organizations matter in shaping state behavior toward international environmental protection; here, international environmental institutions may be able to compel and

constrain states through resource distribution, technology transfer, rules enforcement, information sharing, and reduction in pollution control costs to facilitate state commitment and compliance behaviors

Authoritarianism fails



Power Abuse

***Soviet Union proves authoritarianism fails- corruption and resentful public mean environmental goals cannot be met**

Humphrey 7 (Mathew Humphrey is a professor at the University of Nottingham. Ecological Politics And Democratic Theory: the Challenge to the Deliberative Ideal. London: Routledge, 2007. Page 140)

For all that the problems with which eco-authoritarians struggled were and remain real, the faith they placed in an authoritarian state to resolve these problems was surely misguided. Whilst the inferior ecological record of non- democratic states in itself proves nothing (how many of these states actually prioritised environmental goals?), the ability of a state to impose its 'green will' on an unwilling and resentful public who see their taken-for-granted freedoms being curtailed is questionable, in the absence of a monstrous architecture of green totalitarianism. Authoritarian states have often not been good at achieving those policy goals that they have prioritised, as the forlorn ambition of the Soviet Union to outstrip the productive capacity of the capitalist West testifies. There is no obvious reason to expect an authoritarian green state to be better than the Soviet Union at overcoming the internal divisions, inefficiencies, corruption, and perverse incentives that plague such states.

Threshold for power abuse in eco-authoritarian societies high

Shahar '15, (Dan Coby, PhD student in the University of Arizona's Department of Philosophy and a fellow at the Arizona Center for the Philosophy of Freedom. www.ericademon.co.uk/EV/papers/Shahar.pdf // 6-25-15//))

Traditionally, critics of authoritarianism have worried that unrestrained power granted to government officials could fall into the wrong hands, resulting in a serious potential for tyrannical despotism.⁵³ Despotism is obviously problematic due to the harms it typically generates for citizens living under its rule, but in the current context we may also worry that a despotic regime would end up neglecting to prioritize environmental protection, thereby failing to ameliorate the crisis that would have motivated the shift toward authoritarianism in the first place. In order to avoid this problem, Eco-Authoritarians would need to provide reason to think that following their prescriptions would mean putting our collective futures not into the hands of injurious despots but rather into those of administrators who possess both the capacity to address an impending environmental crisis effectively and the motivation 53 Locke 1764 [1689]: Bk. II, ch. 19; Hume, 1987 [1741]; Madison, 2001 [1788]. to do so. This challenge has two interrelated aspects: first, it must be shown that a capable and benevolent "eco-elite" could be generated in the first place to rule over our society; and second, it must be shown that a system of rule by "eco-elites" could be effectively perpetuated over a long period of time. To my knowledge, the only contemporary Eco-Authoritarians who have taken up this challenge are also the most extreme proponents of the view: David Shearman and Joseph Wayne Smith. In The Climate Change Challenge and the Failure of Democracy, Shearman and Smith contend that successful Eco-Authoritarianism would require leaders of a caliber far higher than we find in contemporary society, and that producing such leaders would require a radically different system of education. This new system would be built around superior "real universities" that would purportedly "train holistic thinkers in all of the arts and sciences necessary for tough decision making that the environmental crisis confronts us with."⁵⁴ The products would be "true public intellectuals with knowledge well grounded in ecology,"⁵⁵ who would be charged

with preserving “remnants of our civilization when the great collapse comes” as “the new priesthood of the new dark age.”⁵⁶ Perhaps unsurprisingly, the authors give only sketchy details on exactly how “real universities” would achieve these felicitous results. Their main proposals in *The Climate Change Challenge* and *The Failure of Democracy* seem limited to focusing scholarly research on problems that are important to human well-being,⁵⁷ expanding the role of information sharing among the intellectual community,⁵⁸ and accelerating the development of programs in environmental studies.⁵⁹ Although many of these proposals seem reasonable and even attractive, they hardly seem like the sorts of revolutionary changes that would equip ⁵⁴ Shearman and Smith, 2007: 133. ⁵⁵ Ibid.: 133-134. ⁵⁶ Ibid.: 152. ⁵⁷ Ibid.: 143-147. ⁵⁸ Ibid.: 147-149. ⁵⁹ Ibid.: 151. This theme is developed further in Smith et al., 2007: 152-170. graduating students with the capacities and motivations needed to effectively rule over complex modern societies. Even if a capable and benevolent eco-elite could be produced, a further hurdle for Eco-Authoritarianism would involve demonstrating that the quality of elite rule could be maintained over time. Shearman and Smith do not take up this aspect of the issue in a substantive way, and to my knowledge neither does any other contemporary EcoAuthoritarian. But the challenge of sustaining a capable and benevolent ruling class over time is a notoriously difficult one for an authoritarian regime to overcome. As the eco-anarchist philosopher Alan Carter has quite reasonably worried: Even if a particular leader does turn out to be genuinely benevolent, even if he or she is not corrupted by the exercise of power or the need to retain power, how can it be guaranteed that those who inherit his or her position will be equally benevolent? Hierarchical structures, by their very nature, make it easy for the most competitive, most ruthless and least caring to attain power. Moreover, the centralized exercise of authoritarian rule is an ever-attractive goal for would-be usurpers, whose vision is usually less pure than those whom they usurp, as the history of many coups attests to.⁶⁰ At the very least, it seems that Eco-Authoritarians owe us some account of how their proposed regimes could predictably avoid corruption over time.

Authoritarianism fails – environmental leaders will never give up their power

Woods, PhD 10 [lecturer of political theory at Leeds]

(Kerri, January, Human Rights and Environmental Sustainability, Edward Elgar publishing, p 129-130)

Nevertheless, it is worth considering the argument that either environmental sustainability or human rights should be prioritized, looking firstly at the idea that the former should be prioritized over the latter. What this might mean in practice is that democratic rights to elect representatives who would have a say in deciding environmental policies might be waived, or the right to protest against unwanted policies might be denied both in terms of freedom of speech and of association, or perhaps it would become acceptable for governments to detain without charge or trial individuals thought likely to impede environmental sustainability in some way. Would this deliver environmental sustainability? Perhaps, if governments were led by environmental philosopher-kings, but I suspect that few environmental activists would feel confident in surrendering the means of holding governments to account on environmental policy.

Authoritarianism only works on the small scale- large states have too many levels of administration and prioritize the economy

Ortmann 9 (Dr. Stephan Ortmann has a PhD in Political Science. "Environmental Governance under Authoritarian Rule: Singapore and China" September 25 2009. *Vergleichende K dtatur- Und Extremismusforschung*. p. 19

www.academia.edu/1000215/Environmental_Governance_under_Authoritarian_Rule_Singapore_and_China)

In summary, while an authoritarian model of environmental protection can work in a small place with a committed leadership, it is very unlikely that such a model would work in much greater states with multiple levels of administration. Generally speaking, liberal democracy, despite its problems, has a much better chance of conducting sound environmental governance. That is due to the fact that even a technocratic regime such as Singapore is primarily motivated by economic concerns and not the environment. It is therefore unlikely that environmental concerns will trump in authoritarian regimes when they are in opposition to economic goals.

Authoritarianism False

Popular pressure gets tanked by eco-authoritarian reliance on false claims

Lewis '14 (Martin W., October 9th, 2014 Martin W. Lewis has taught college-level geography for 20 years, and is currently a senior lecturer at Stanford University. Source: <http://www.geocurrents.info/about/martin-lewis#ixzz3eO80OzAT> www.geocurrents.info/physical-geography/eco-authoritarian-catastrophism-dismal-deluded-vision-naomi-oreskes-erik-m-conway // 6-28-15 // MC)

As with so many other hot-button debates, the climate change controversy leaves me repelled by the clamoring extremists on both sides. Global-warming denialists, as some are aptly called, regard the scientific establishment with such contempt that they abandon the realm of reason. In comment after comment posted on on-line articles and blogs, self-styled skeptics insist that carbon dioxide is such a scant component of the atmosphere that it could not possibly play any climatic role, while castigating mainstream climatologists as malevolent conspirators dedicated to destroying civilization. Yet on the equally aptly named alarmist side of the divide, reasonable concerns often yield to dismal fantasies of the type so elegantly described by Pascal Bruckner in The Fanaticism of the Apocalypse, upheld by exaggeration to the point of absurdity. More alarmingly, climate activism seems to be veering in an unabashedly authoritarian direction. In such a heated atmosphere, evenhanded positions are at the risk of being flooded out by a rising sea of mutual invective and misinformation. This essay addresses only one side of this spectrum, that of the doomsayers who think we must forsake democracy and throttle our freedoms if we are to avoid a planetary catastrophe. Although it may seem paradoxical, my focus on the green extreme stems precisely from my conviction that anthropogenic climate change is a huge problem that demands determined action. Yet a sizable contingent of eco-radicals, I am convinced, consistently discredit this cause. By insisting that devastating climate change is only a few years away, they will probably undermine the movement's public support, given the vastly more likely chance that warming will be gradual and punctuated. By engaging in mendacious reporting and misleading argumentation, they provide ample ammunition for their conspiracy-minded opponents. And by championing illiberal politics, they betray the public good that they ostensibly champion. It is a sad day indeed when an icon of liberalism such as Robert Kennedy Jr. can plausibly be deemed an "aspiring tyrant" for wanting to punish global-warming deniers.

Transition Impossible

the neg's dichotomy of democracy and totalitarianism is utopian and totalizing –fails

Bluhdorn, Phd, 12 [Reader in Politics/Political Sociology at the University of Bath]

(Ingolfur, December 13, Friedrich Ebert Stiftung Sustainability "Opening the discursive arena - struggling for an innovative debate" www.fes-sustainability.org/en/nachhaltigkeit-und-demokratie/democracy-and-sustainability)

Common questions which, in addition to the ones cited at the beginning of this essay, figure prominently in the current debate include: How does the eco-political performance of democratic systems compare to that of authoritarian systems? Will our democratic systems collapse under the pressure of the environmental crisis? May the achievement of sustainability necessitate a change of political regime? Like those cited earlier, these questions make a range of implicit assumptions which are themselves not subjected to any critical enquiry. They **pre-structure the debate** in ways that, from the outset, preclude certain lines of investigation. For example, such questions, in a simplifying and generalising manner, juxtapose democratic and authoritarian systems. However, given that both democratic and autocratic systems come in a large variety of shapes and that, furthermore, contemporary democracies are, as outlined above, rapidly acquiring expertocratic-authoritarian features, while authoritarian systems like China are experimenting with strategies of decentralisation and local empowerment, such a simplistic binary distinction is manifestly unhelpful – if not outright ideological. It ignores factual political developments and instead focuses public attention on a **hypothetical alternative**. In fact, if there is any truth in the diagnosis of a post-political condition, democratic and autocratic modes of government might find themselves located on the same side of the new cleavage between the political formulation and implementation of competing visions of societal organisation and development and the purely managerial execution of systemic imperatives which are non-negotiable, self-legitimizing and allow for no alternative. In any case, the alleged choice between democratic and authoritarian policy approaches does not occur in practical day-to-day politics. And given that in eco-political matters democratic and autocratic forms of government both have a frighteningly poor performance record, ecologists may feel they are being offered the choice between a rock and a hard place.

These observations also raise doubts about the ever renewed academic efforts to compare the eco-political performance of democratic systems to that of autocracies. Prima facie, these efforts are triggered by demands for eco-authoritarian policy approaches which some environmentalists had already articulated in the 1970s and which have regularly been reiterated ever since. Studies undertaking such comparisons commonly specify a number of performance indicators (e.g. resource preservation, land use, biodiversity protection, renewable energy), undertake an elaborate comparative analysis and then, more or less predictably, come to the conclusion that claims about the eco-political effectiveness of authoritarian policy approaches are unfounded and that democratic systems, whilst displaying undeniable weaknesses, are performing better than non-democratic systems. However, such studies not only run into problems regarding the factual hybridisation of democracy and its assumed counterpart, but their eco-political confirmation of the Churchill Hypothesis may, as indicated above,

also not be particularly helpful, if the sustainability crisis is really becoming as alarmingly acute as many have suggested. Moreover, such comparisons are problematic in that they cannot easily account for the massive externalisation of ecological as well as social costs (e.g. relocation of energy- and resource-intensive industries) which in the era of global interconnectedness is endemic – and which is an integral part of western (democratic) strategies of ecological modernisation. Thus one may wonder what exactly such comparisons between democratic and non-democracy systems actually achieve. More than anything they may serve to provide reassurance that western capitalist democratic post-industrial societies are, at least in principle, on the right track, and just need to fine-tune their democratic institutions and policy instruments so as to fully realise the untapped sustainability-potentials of the established order.

Turn- Authoritarianism hurts enviro

Transition to authoritarianism bad

***Authoritarianism and the power grab causes ACCELERATION of environmental crises**

Carter, 13, professor of philosophy

(Alan, A Radical Green Political Theory pg 5-6 Routledge publishing,

[https://books.google.com/books?id=1DxdAgAAQBAJ&pg=PA25&lpg=PA25&dq=ophuls+environment+authoritarianism&source=bl&ots=r7M8u_gAt8&sig=-U8c8U6ONL2oLY-yA-](https://books.google.com/books?id=1DxdAgAAQBAJ&pg=PA25&lpg=PA25&dq=ophuls+environment+authoritarianism&source=bl&ots=r7M8u_gAt8&sig=-U8c8U6ONL2oLY-yA-zTKeAMqgc&hl=en&sa=X&ei=jq1LVaWpBYq_sAWju4HgBw&ved=0CCgQ6AEwBA#v=onepage&q=%22given%20the%20justified%22&f=false)

[zTKeAMqgc&hl=en&sa=X&ei=jq1LVaWpBYq_sAWju4HgBw&ved=0CCgQ6AEwBA#v=onepage&q=%22given%20the%20justified%22&f=false](https://books.google.com/books?id=1DxdAgAAQBAJ&pg=PA25&lpg=PA25&dq=ophuls+environment+authoritarianism&source=bl&ots=r7M8u_gAt8&sig=-U8c8U6ONL2oLY-yA-zTKeAMqgc&hl=en&sa=X&ei=jq1LVaWpBYq_sAWju4HgBw&ved=0CCgQ6AEwBA#v=onepage&q=%22given%20the%20justified%22&f=false))

If we are to stand up to such a serious environmental threat as many insist we currently face, and if we need to respond to it quickly, isn't some highly authoritarian, centralized state that can enforce strict environmental policies the obvious solution? At its most attractive, eco-authoritarianism presents itself as a form of benevolent dictatorship - an environmentally benevolent dictatorship, as it were. Unfortunately, as obvious a solution as eco-authoritarianism appears to be, its flaws seem equally obvious. As with any benevolent dictatorship, how can it be guaranteed that it will remain benevolent? It is difficult to see how whatever structures empower an authoritarian, centralized leadership to exercise power effectively will, at the same time, inhibit exercises of that power which take a non-benevolent form; unless it is the people themselves who constrain such a leadership. But then, why is a leader necessary in the first place? If a leader is necessary, it must be because he or she has real power, and now can its exercise be guaranteed to remain benevolent? Even if a particular leader does turn out to be genuinely benevolent, even if he or she is not corrupted by the exercise of power or the need to retain it. How can it be guaranteed that those who inherit his or her position will be equally benevolent? Hierarchical structures, by their very nature, seem to make it easy for the most competitive, most ruthless and least caring to attain power. Moreover, the centralized exercise of authoritarian rule is an ever-attractive goal for would-be usurpers, whose vision is usually less pure than that of those whom they usurp, as the history of many coups can be argued to attest to. In short, all of the arguments that have been rehearsed against ostensibly benevolent dictatorships appear equally pertinent to environmentally benevolent ones. If an autocrat wished to use his or her power to protect the environment, the structures which enabled that power to be exercised could, presumably, just as easily be used by his or her successors to degrade the planet further, or even at an accelerated rate, for their short-term or localized enjoyment. In fact, there is a powerful argument that can be deployed which seems to establish that any authoritarian response to the mounting environmental crises will accelerate them rather than provide a solution. But because of the theoretical assumptions underpinning that argument, it will have to wait until Chapter 6 before being presented, and until Chapter 7 before being deployed against eco-authoritarianism. Suffice it to say that we already have some reason to think that an effective long term response to the ecological threat which environmentalists claim to have identified would require an alternative political theory to that propounded by eco-authoritarians 2.2

AT: Rights=Enviro destruction

Human rights are key to combatting climate change

Cameron and Limon 12 (Edward Cameron and Marc Limon. "Restoring The Climate By Realizing Rights: The Role Of The International Human Rights System." Review Of European Community & International Environmental Law 21.3 (2012): 204-219. Academic Search Complete. Weeb. 28 June 2015.)

As a result, for many years, this approach represented a high-risk and often unwelcome strategy. However, five years on from the Male' Declaration, the tables have turned. Professor Daniel Magraw, former President of the Center for International Law and one of the earliest proponents of the link between human rights and climate change, has said that when this nexus was first mooted 'people laughed at the very thought; but no one is laughing now'.¹⁶ Today human rights are seen as a legitimate and powerful element of a wider climate change regime complex, stretching across a wide range of multilateral processes.¹⁷ Rather than being shunned, the succession of Human Rights Council resolutions, the explosion of academic and civil society output on this issue, and the increasing call to human rights norms within the UNFCCC suggest that human rights is increasingly viewed as a potentially transformational part of tackling the climate challenge.¹⁸ The climate justice narrative has become a powerful advocacy tool for civil society organizations and vulnerable countries, which is helping to evolve our analysis of socioecological thresholds and is enhancing political processes both internationally and domestically to better account for the experience of vulnerable populations.

Authoritarianism worse- violence

Structural Violence

***Authoritarianism's racial and patriarchal structure promotes structural violence in the form of gendered violence and racial profiling- Hungary proves**

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<https://www.opendemocracy.net/5050/heather-mcrobie/it-takes-broken-bones-authoritarianism-and-violence-against-women-in-hungary//6-26-15//MC>

Authoritarianism is never good news for women – as citizens or as the structurally more marginalised gender – and Hungary's continued shift away from democracy and upholding human rights under the right-wing Fidesz government is mirrored by its regressive backsliding on gender equality. Last week, Hungarian feminist groups spoke out to condemn a public service announcement made by a Hungarian police department that blamed women for 'inviting' sexual violence. In a shockingly misguided attempt to mark the International Day for the Elimination of Violence against Women, the video showed young women drinking, dancing and flirting before cutting to what looked like the aftermath of a sexual assault. The video ended with the warning "it's your responsibility", implying that women invite sexual violence through 'irresponsibility'. Compounding the erroneous messages the Hungarian public are given on violence against women, another Hungarian police department issued a statement last week on 'rape prevention' that claimed "flirting by young women can often elicit violence." This isn't the first time in recent years that Hungarian officials and government departments have communicated victim-blaming messages on the subject of violence against women, erroneously shifting the blame away from the responsibility of the perpetrator. In 2012, MP Istvan Varga, from the ruling Fidesz party claimed that domestic violence could be solved if women fulfilled their natural role and gave birth to several children. (The "logic" being that if women fulfilled their societal duty and reproduced, their partners would respect them more and therefore stop beating them). The popular protests and campaigns by Hungarian feminist groups in the face of this statement were part of what pushed the parliament to agree to legally demarcate domestic violence as a specific offence in the new criminal code. Previously, abusers could only be prosecuted for individual acts of assault and there was no legal recognition of the wider violence and oppression of abusive relationships. However, an extensive Human Rights Watch report in November 2013, 'Unless Blood Flows', documented both the gaps in the new legal provisions for domestic violence, and the inadequate implementation of existing laws and lack of funding and provisions for violence against women. It pointed both to the lack of political will to address violence against women, and to entrenched patriarchal norms as barriers to combatting violence against women and achieving gender equality in both the private and public spheres. Hungarian women's rights organisations pointed out that, although the rates of domestic violence and violence against women are in keeping with the (lamentable) European average, Hungary lagged behind other European countries in terms of both legal and societal recognition of this abuse: "it takes broken bones" for a case of domestic violence to be brought to court, both preventing catching domestic violence at an earlier stage (in light of the fact that domestic abuse often operates on an escalating dynamic) and sending a message that it is not taken seriously by legal and governmental institutions. Screenshot of 2014 'anti-rape' video made by Hungarian police. The Fidesz party spent the last four years gutting independent media and social provisions, and won a second term by a landslide in the elections of April this year, in which the far-

right, anti-immigrant and anti-Semitic Jobbik party also won 20% of the votes. Fidesz has brought with it a plethora of bizarre and reactionary policies and statements from government officials, most recently the widely-protested proposed Internet tax. And the right-wing discourse dominating politics weaves into it a regressive construction of gender relations, in which Fidesz and other right-wing political voices trade on the concept of “family values” in which women are reduced solely to their supposedly ‘natural’ role as mothers and submissive wives. Such a conception of gender relations constructed by right-wing authoritarianism and exclusivist nationalism – in which women are seen as mere vessels for childbearing and subordinate units within the all-important traditional “family – delegates women to the ‘private sphere’ whilst giving men dominance within both the public and the private spheres. In such a conception, domestic violence becomes a matter both of “no-one else’s business” and “she was probably asking for it.” One instance of violence against women did, however, become a public issue – when last November Fidesz politician Jozsef Balogh admitted to beating his wife, yet refused to resign from public office. Hungary’s chief prosecutor found that Mr Balogh’s wife had been struck in the face with “more than medium force”, dragged by her hair, and suffered facial fractures after being assaulted by her husband when the couple returned home from a wedding party. Although Mr Balogh was expelled from the Fidesz party in the wake of public outcry over his violence, his behaviour seemed not far removed from the official message communicated by the government: the patriarchal family with its dominating male ‘head’ is all-important, and domestic violence is a private matter which concerns neither society nor government. The continued lack of government funding for domestic violence shelters – and the victim-blaming “public service announcements” – communicate the same message, that violence against women is both a trivial and a private matter for which the abused can be blamed. Hungary’s right-ward shift and slide away from liberal democracy is bad news for women, not because liberal democracy “guarantees” the decline of violence against women (the cases of several Scandinavian countries show that even high levels of “gender equity” in public life, and gender-sensitive welfare provisions, can coexist with high levels of domestic violence and violence against women in the private sphere) but because, under the current prevailing ideology in Hungary women are sidelined as all structurally marginalised groups are sidelined – if not targeted. Over the same period as the rise of Fidesz and the far-right Jobbik party, Hungary has slipped down the World Economic Forum’s ranking on gender-equity, from 55th place in 2006 to 93 in 2014 (although the number of ranked countries expanded from 115 to 142 in the same period). The alarming rise (or resurgence) of anti-Semitism and anti-Roma sentiment shows the corrosive right-wing discourse eating at Hungary’s society as anyone who occupies the marginal position – as an ethnic minority, or immigrant, or on the grounds of their gender or sexual orientation – is sidelined, demonised and targeted, as if in a Nietzschean reading of social order enacting a sociopathic mindset in which the structurally weaker are punished for “being weak”. The public service announcement telling women “it is your responsibility” to prevent sexual assault by ‘not flirting and drinking’ is in keeping with the regressive worldview of rightwing discourse swirling in Hungarian political life, with its fetishisation of the patriarchal family and its increasing persecution of minorities and the structurally disadvantaged. In such a climate, violence against women is both a “private” issue of the exalted family-unit and a “natural” situation in which the dominant enacts its will on the disadvantaged. And so the structural and social violence the Hungarian state is waging upon its marginalised is enacted again, as if in aftershock, over and over upon the bodies of women.

Authoritarian governmental practices promote violence against vestiges of its social contract – including minorities, women, and people in poverty

Giroux '15 (Henry A., Global TV Network Chair Professor at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professor at Ryerson University
www.counterpunch.org/2015/03/30/terrorism-violence-and-the-culture-of-madness/ // 6-26-15 // MC)

George Orwell's nightmarish vision of a totalitarian society casts a dark shadow over the United States. The consequences can be seen clearly in the ongoing and ruthless assault on the social state, workers, unions, higher education, students, poor minorities and any vestige of the social contract. Free market policies, values, and practices with their emphasis on the privatization of public wealth, the elimination of social protections, and the deregulation of economic activity now shape practically every commanding political and economic institution in the United States. Public spheres that once offered at least the glimmer of progressive ideas, enlightened social policies, non-commodified values, and critical dialogue and exchange have been increasingly militarized—or replaced by private spaces and corporate settings whose ultimate fidelity is to increasing profit margins. Citizenship is now subsumed by the national security state and a cult of secrecy, organized and reinforced by the constant mobilization of fear and insecurity designed to produce a form of ethical tranquilization and a paralyzing level of social infantilism. Chris Hedges crystalizes this premise in arguing that Americans now live in a society in which "violence is the habitual response by the state to every dilemma," legitimizing war as a permanent feature of society and violence as the organizing principle of politics.[1] Under such circumstances, malevolent modes of rationality now impose the values of a militarized neoliberal regime on everyone, shattering viable modes of agency, solidarity, and hope. Amid the bleakness and despair, the discourses of militarism, danger and war now fuel a war on terrorism "that represents the negation of politics—since all interaction is reduced to a test of military strength war brings death and destruction, not only to the adversary but also to one's side, and without distinguishing between guilty and innocent."[2]

Authoritarian ecological practices make the government vulnerable to racist, right-wing policies – empirics

Zimmerman '14 (Michael E., June 3, 2014 Michael E. Zimmerman is Professor of Philosophy and Director of the Center for Humanities and the Arts at CU, Boulder.
www.colorado.edu/philosophy/paper_zimmerman_ecofascism.pdf // 6-28-15 // MC)

Some environmentalists regard the takings issue as spurious, whereas others agree that it has some merit. Almost all environmentalists, however, claim that the charge of ecofascism is the ludicrous creation of anti-environmental corporations and extractive industries. Even though this evaluation may be accurate, I argue that the threat of ecofascism cannot be dismissed out of hand. True, ecofascism is unlikely to occur in the United States any time soon, but environmentalists need to be aware that ecofascism was a component of German National Socialism, and that even today neo-fascists and members of far right-wing groups in Europe and the United States put to dark uses concepts drawn from the environmental movement. Twenty years ago, far right-wing groups in Germany were already linking their anti-immigrationist platform to the mainstream concern about the environmental impacts of human population growth and population density. These days, even mainstream German politicians link immigration to environmental concerns, only now in the context of the renewal of anti-Semitism.² Far

right-wing groups in the United States have begun to tie public concern about urban sprawl and environmental pollution to immigrants from countries that 2 allegedly fail to respect the natural environment. In the current global situation, environmentalists should continue to promote their agenda, but should also be prepared to dissociate themselves from those who might exploit aspects of it for their own ends. Before beginning my discussion of ecofascism, let me make some comments about how I depict positions on the political spectrum. I distinguish between right-wing and far right-wing. Ron Arnold's political views are right-wing, insofar as he strongly endorses limited government and affirms the primacy of individual liberty. His views on these point are consistent with neo-classical liberalism, which is often described as "conservatism" these days, and which is to be distinguished from the "welfare" liberalism that most people now identify as liberalism. The latter favors some state intervention to level the playing field and to provide a safety net for people with economic and social problems. Most Americans, including welfare liberals, have strong commitments to some variety of individualism, and most Americans also support a significant role for government in many domains of life. Despite what right-wing commentators like Arnold may say, there is not a strong left-wing presence in American politics, if left-wing is understood to mean socialist or communist. Far right-wingers demand that the state take very strong measures to save "the people" from alleged danger. Upon taking power, far right-wingers would "temporarily" suspend constitutional freedoms in order to have a free hand to destroy "the enemy within." Limited individual "freedom" may eventually be restored, but only to those who are sufficiently like those who are in power. Whereas American right-wing individualists are suspicious of the state and its coercive powers, many far right-wingers seek to use such powers to suppress or eradicate those whose politics, economic status, race, class, religion, or national origin are regarded as unacceptably "different." The far right-wing becomes fascist when it describes the state itself in semi-religious terms, for example, as the life-giving organism whose organs are constituted by the people. The fascist state controls everything; individuals have no status apart from what the state permits. In requiring that individuals sacrifice their own "selfish" interests for the higher interests of the social 3 whole, fascism is similar to communism. This similarity explains why someone like Ron Arnold describes radical environmentalists now as communists, now as ecofascists.

Nuclear War

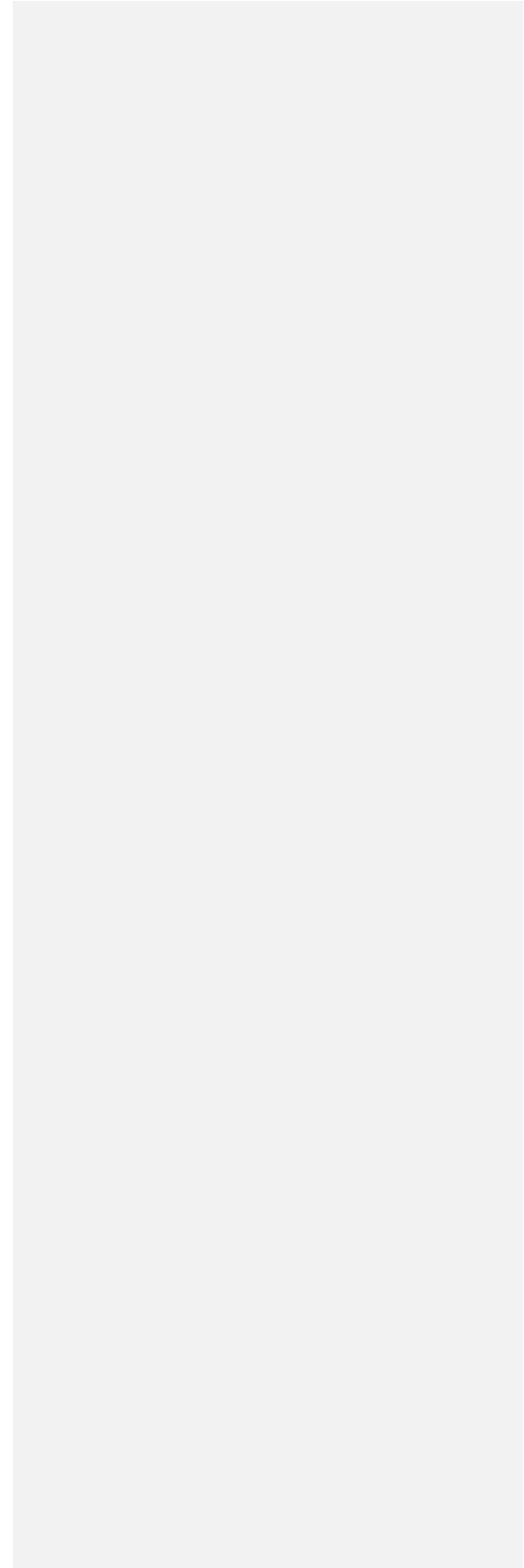
Authoritarian leaders lash out with nukes.

Holdorf, 10 (Polly M. Holdorf, MA in International Security and a BA in International Studies, **Limited Nuclear War in the 21st Century**, http://csis.org/files/publication/110916_Holdorf.pdf)

There are four specific objectives that nuclear-armed regional adversaries might seek to achieve through the use of nuclear weapons. They might seek to deter the United States from intervening in a conflict or projecting military power into the region by threatening escalation. If the United States is not deterred by threats of escalation, the adversary might consider using its nuclear weapons to limit or defeat U.S. military operations. The adversary might seek to intimidate U.S. allies or friends within the region, or to split regional political coalitions apart. Certainly the adversary would attempt to limit U.S. objectives in the confrontation and try to dissuade the United States from seeking to impose regime change. For authoritarian or despotic leaders, nuclear weapons may be seen as a means of survival. These types of leaders may be preoccupied with the survival not just of their regimes, but of their own personal survival. Regional adversaries facing a confrontation with the United States would know beyond any doubt that they faced an opponent with vastly superior military forces and resources. Adversarial leaders may not be prepared to face the disastrous consequences of a military defeat, particularly one that would result in their removal from power. Such leaders may feel that their only hope for survival would be to attempt to stave off, or at least delay, a defeat by employing a nuclear weapon against U.S. forces. It is also possible that an adversary, knowing that it cannot and will not prevail, may wish to “go out with a bang”; or they may wish to be remembered as the leader who stood up to the United States by utilizing nuclear weapons. A number of factors exist that could serve as catalysts for future nuclear use. Latent conflicts within a regional setting could ignite and nuclear threats may be signaled by one or both sides in order to influence the opposing states’ actions. A nuclear state on the verge of losing a conventional war might employ its nuclear weapons in order to avert defeat. Small nuclear states which harbor feelings of isolation (such as North Korea) could perceive the actions of others as threatening and therefore be intimidated into employing nuclear weapons as a means to protect their interests. Traditional means of deterrence may not work the same way between small states as they did with the United States and the Soviet Union during the Cold War. Strategic discourse between two small nuclear-armed states may be lacking, thus elevating the prospect for the collapse of deterrence at the regional level. Small nuclear states may have flawed or incomplete intelligence regarding their relative positions in a conflict. A misperception regarding an adversary’s intentions could compel a country to conduct a preemptive strike on the opponent’s nuclear arsenal or conventional military forces. There is also the possibility that a small nuclear armed state may have a deficient command and control structure, increasing the risk of an accidental or unauthorized nuclear launch. The use of nuclear weapons in a regional setting could support a range of objectives including coercion, war termination, regime preservation or even revenge. Some states could view the use of nuclear weapons as a means-of-last resort, while others may view them as the only viable means to alter the status quo or to remedy a deteriorating regional security situation. In some circumstances a state may view the use of nuclear weapons as the best, or the “least bad,” option available to them. The fear of regime change may be a compelling reason for a nuclear-armed regional adversary to consider employing nuclear weapons during a conflict. For leaders who are concerned about their ability to remain in power in the event of a

war with a superiorly armed adversary, nuclear weapons could be viewed as a valuable tool to have in their arsenal. "If an attack by a U.S.-led coalition would pose a significant threat to your regime and your nation cannot afford conventional forces capable of deterring or defeating such an attack, you may regard nuclear weapons as the answer." One can be certain that the overthrow of the Taliban in 2001 and Saddam Hussein in 2003 are still very fresh, particularly in the minds of the Iranian and North Korean regimes. These regimes are also aware that they have been identified as security threats to the United States.

AT: Warming Impact



No Impact

***squo cap solves warming – tech developments**

Starck, PhD, Feb 2015, (Walter, "The Climate Scam's Meltdown" Ausmarine 37.4: 26-27. Proquest. search.proquest.com/docview/1666284048?pq-origsite=gscholar)

Capitalism will find a way With or without any agreement or government initiatives, economics, technological developments and demographic changes will in due course inevitably reduce the demand for fossil fuels and replace them with other and cleaner sources of energy. Thorium- and fusion-reactor developments are showing increasing promise of providing effectively unlimited cheap and clean energy within a few decades. For domestic use, solar voltaic technology is beginning to become competitive with mains electricity, with further gains in cost effectiveness near certain in the near future. Major advances in storage technology are also well underway and expected to become Commercially available within a few years. Better, cheaper solar technology to power homes and vehicles is likely to drive the beginning of mass uptake within a decade. This will be impelled by cost effectiveness, with subsidies unnecessary. Indeed, such support risks doing more harm than good if it diverts development and uptake from the best and most efficient technologies emerging from a complex, rapidly changing and impossible-to-predict scientific frontier.

***There is no impact to warming- trends prove no disasters**

Kreutzer 3/31

(David Kreutzer [the senior research fellow in energy economics and climate change at The Heritage Foundation's Center for Data Analysis], 3/31/15, "Five Myths About Extreme Weather and Global Warming," The Daily Signal, dailysignal.com/2014/03/31/five-myths-extreme-weather-global-warming/, MX)

There is broad (though not unanimous) agreement, even among skeptic scientists, that the earth has warmed moderately over the past 60 years and that some portion of that warming can be attributed to anthropogenic carbon dioxide emissions. However, despite the hoopla surrounding the recent report on the economic impacts of global warming from the U.N.'s

Intergovernmental Panel on Climate Change (IPCC), there is no consensus that temperatures are increasing at an accelerating rate or that we are headed to a climate catastrophe. In fact, far from increasing at an accelerating rate, the best measures of world average temperatures indicate that there has been no significant warming for the past 15 years—something that the IPCC's climate models are unable to explain. Perhaps frustrated by the climate's unwillingness to follow the global-warming script, the hard-core advocates for costly, energy-killing programs now point to every weather event as the wages of carbon-emitting sins. However, the numbers tell a different story: Upward trends for extreme weather events just aren't there. Myth #1: Hurricanes are becoming more frequent. Even the IPCC

notes there is no trend over the past 100 years. Here's what the IPCC says in its latest science report: Current data sets indicate no significant observed trends in global tropical cyclone frequency over the past century and it remains uncertain whether any reported long-term increases in tropical cyclone frequency are robust, after accounting for past changes in observing capabilities.... No robust trends in annual numbers of tropical storms, hurricanes and major hurricanes counts have been identified over the past 100 years in the North Atlantic basin. [Emphasis added.] Some people will make a big deal about an increase in North Atlantic hurricanes since the 1970s. As the IPCC chart below (Panel b) shows, the 1970s had the lowest frequency of landfalling hurricanes in the past 100 years. Hurricane Sandy seems to be an argument in a class by itself. It should be noted that Sandy became an extratropical cyclone before it made landfall. Here is what the IPCC says about historical trends in extratropical cyclones: "In summary, confidence in large scale changes in the intensity of extreme extratropical cyclones since 1900 is low." Also, data from the National Oceanic and Atmospheric Administration (NOAA) covering the years 1851—2004 show that hurricanes made a direct hit on New York State about every 13 years on average. Over the period, there were a total of 12 hurricanes that made landfall along the New York coastline. Five of them were major hurricanes. Myth #2: Tornadoes are becoming more common. The experts at the National Climatic Data Center (part of NOAA) say: To better understand the variability and trend in tornado frequency in the United States, the total number of EF-1 and stronger, as well as strong to violent tornadoes (EF-3 to EF-5 category on the Enhanced Fujita scale) can be analyzed. These tornadoes would have likely been reported even during the decades before Doppler radar use became widespread and practices resulted in increasing tornado reports. The bar charts below indicate there has been little trend in the frequency of the stronger tornadoes over the past 55 years. [Emphasis added.] That is, once we account for the apparent increase in tornado counts that are due to much improved technology for identifying them, tornadoes occur no more frequently now than in the past. Even more striking is the history of F3 and stronger tornadoes (shown below), which were even less likely to be missed before Doppler radar. That trend is actually down compared to the 1955–1975 period: Myth #3: Droughts are becoming more frequent and more severe. In the recent science report, even the IPCC finds little evidence to support

the myth regarding droughts, and it backs off from its support in a previous report. Here is a quote from the AR5: In summary, the current assessment concludes that there is not enough evidence at present to suggest more than low confidence in a global-scale observed trend in drought or dryness (lack of rainfall) since the middle of the 20th century, owing to lack of direct observations, geographical inconsistencies in the trends, and dependencies of inferred trends on the index choice. Based on updated studies, AR4 conclusions regarding global increasing trends in drought since the 1970s were probably overstated. Myth #4: Floods are becoming more frequent and severe. The IPCC's science report states, "In summary, there continues to be a lack of evidence and thus low confidence regarding the sign of trend in the magnitude and/or frequency of floods on a global scale." For the U.S., the story is the same. Some places will always be drier and some wetter in comparison to an earlier period. However, for the U.S. overall, there has been no trend. The chart below of the Palmer Hydrologic Drought Index (PHDI) shows no trend for increasing droughts (represented by bars with negative values). From 1930 to 1941, the PHDI was consistently negative and set annual records that have not been matched.

Newest study shows that warming predictions are greatly exaggerated - erroneous feedback assumptions Woollaston 1/21

(Victoria Woollaston [Deputy Science and Technology Editor], 1/21/15, "Is climate change really that dangerous? Predictions are 'very greatly exaggerated', claims study," Daily Mail, www.dailymail.co.uk/sciencetech/article-2920311/Is-climate-change-really-dangerous-Predictions-greatly-exaggerated-claims-study.html, MX)

Since 1990, scientists have used complex models to predict how climate change and manmade greenhouse emissions will affect the world. But a team of experts - including an astrophysicist, statistician, and geography professor - has claimed these models 'very greatly exaggerate' the effects of global warming. Using a simpler, solar-based model, the researchers arrived at figures that are more than half those previously predicted. The paper, "Why models run hot: results from an irreducibly simple climate model", was written by Lord Christopher Monckton of Brenchley, astrophysicist and geoscientist Willie Soon, Professor of Geography at the University of Delaware David Legates, and statistician Dr Matt Briggs. It has been peer reviewed and is published in the journal Science Bulletin. Mathematical equations used for large climate model typically require supercomputers that perform calculations quickly - some make more than 80 million calculations an hour. Sophisticated climate models take into account the amounts of animals and plants, or biosphere, the hydrosphere's oceans and other bodies of water, sea ice and ice sheets in the cryosphere, and the geosphere, that measures tectonic variations such as volcanic eruptions and moving continents. By comparison, the team's simple model looked at temperatures caused by so-called anthropogenic radiative forcings and consequent 'temperature feedbacks' over a given timeframe. Anthropogenic radiative forcings, put simply, are measured by the difference between the amount of sunlight absorbed by Earth, and the energy that is radiated back to space. A temperature feedback is created by albedo - the amount of shortwave radiation from solar energy reflected by Earth. Ice and snow is highly reflective, so has a high albedo, for example. This means the majority of sunlight that hits snow is sent back towards space. When ice and snow melts, as temperatures rise, the darker soil or grass lowers the albedo. This increases the ground's temperature, causing more snow to melt, leading to a further rise in temperature. Temperature feedbacks can also be affected by water vapour and cloud cover. Both of these measurements can be used to suggest global temperatures, radiation and energy levels in the atmosphere and the Earth. The researchers tested their so-called 'simple' model and its global warming predictions against the complex models used by climate scientists. In particular, those complex models involved in the UN and World Meteorological Organization's (WMO) Intergovernmental Panel on Climate Change (IPCC) report. They also compared their predictions against real-world temperature changes. The paper claims that the measured, real-world rate of global warming over the past 25 years, equivalent to less than 1.4° C per century, is 'half the IPCC's central prediction in 1990." In 1990, the UN's climate panel predicted with 'substantial confidence' that the world would warm at twice the rate that has been observed since. According to the study, another error made by the complex climate models, include the assumption that 'temperature feedbacks' would double or triple direct manmade greenhouse warming. The simple model instead found that feedbacks could reduce warming. Also, modellers are said to have failed to cut their estimate of global warming in line with a new, lower feedback estimate from the IPCC. They still predict 3.3°C of warming per CO2 doubling, when on this ground alone they should only be predicting 2.2°C - about half from direct warming and half from feedbacks,' said the researchers. "Though the complex models say there is 0.6°C manmade warming "in the pipeline" even if we stop emitting greenhouse gases, the simple model - confirmed by almost two decades without any significant global warming - shows there is no committed but unrealised manmade warming still to come." Once these errors are corrected, the researchers predict that the most likely global warming in response to a doubling of CO2 is not 3.3°C, but 1°C or less. And, even if all available fossil fuels were burned, less than 2.2°C warming would result, they claim. Author Dr Willie Soon, an solar physicist at the Harvard-Smithsonian Centre for Astrophysics, said: "Our work suggests that man's influence on climate may have been much overstated." "The role of the sun has been undervalued. Our model helps to present a more balanced view." "A high-school student with a pocket scientific calculator can now use this model and obtain credible

estimates of global warming simply and quickly, as well as acquiring a better understanding of how climate sensitivity is determined,' added statistician and co-author Dr Matt Briggs. As a statistician, I know the value of keeping things simple and the dangers in thinking that more complex models are necessarily better. 'Once people can understand how climate sensitivity is determined, they will realise how little evidence for alarm there is.' While Lord Monckton said: 'Our irreducibly simple climate model does not replace more complex models, but it does expose major errors and exaggerations in those models. 'For instance, take away the erroneous assumption that strongly net-positive feedback triples the rate of manmade global warming and the imagined climate crisis vanishes.'

Climate activism is filled with non-factual rhetoric- there is no real impact Heartland Institute 3/13

(The Heartland Institute, 3/13/15, "Naomi Klein Showcases What's Wrong With Climate Alarmism," https://www.heartland.org/sites/default/files/ier-naomi_klein_showcases_whats_wrong_with_climate_alarmism.pdf, MX)

In an extended essay for the Guardian excerpted from her new book, Naomi Klein showcases everything wrong with climate activism. First, she slings out a string of dire warnings that are preposterous, going far beyond what the "consensus science" of the latest IPCC report says. Then, after terrifying her readers with bogus warnings, Klein then calls for massive government action on the scale of the "Marshall Plan" in order to achieve all sorts of progressive goals, including a more equal society. Klein's essay shows that she too—just like outgoing IPCC chief Rajendra Pachauri—views climate activism not merely as a scientific endeavor, but as a secular religion. Naomi Klein's Preposterous Warnings Here are some examples of the absurd rhetoric in Klein's essay: Faced with a crisis that threatens our survival as a species, our entire culture is continuing to do the very thing that caused the crisis... [T]he global economy is juggling the ante from conventional sources of fossil fuels to even dirtier and more dangerous versions – bitumen from the Alberta tar sands, oil from deepwater drilling, gas from hydraulic fracturing (fracking), coal from detonated mountains, and so on. Meanwhile, each supercharged natural disaster produces new irony laden snapshots of a climate increasingly inhospitable to the very industries most responsible for its warming. Like the 2013 historic floods in Calgary that forced the head offices of the oil companies mining the Alberta tar sands to go... Or the drought that hit the Mississippi river one year earlier, pushing water levels so low that barges loaded with oil and coal were unable to move for days... Living with this kind of cognitive dissonance is simply part of being alive in this jarring moment in his tory, when a crisis we have been studiously ignoring is hitting us in the face – and yet we are doubling down on the stuff that is causing the crisis in the first place... [W]e look but try to be hyper-rational about it ("dollar for dollar it's more efficient to focus on economic development than climate change, since wealth is the best protection from weather extremes") – as if having a few more dollars will make much difference when your city is underwater... We know that if we continue on our current path of allowing emissions to rise year after year, climate change will change everything about our world. Major cities will very likely drown, ancient cultures will be swallowed by the seas, and there is a very high chance that our children will spend a great deal of their lives fleeing and recovering from vicious storms and extreme droughts. [Bold added.] I hope I don't have to even argue that our species, Homo sapiens is not threatened by climate change in even the most extreme scenarios studied in the literature. Yes, it is theoretically possible that runaway climate change could wipe out our species, just as it's theoretically possible that emitting radio waves will alert hostile aliens to our presence and lead to the destruction of humanity. That is hardly an argument for banning radios. Regarding sea level rise, the latest IPCC report (the Fifth Assessment Report or AR5) says that in a business-as-usual scenario—meaning governments don't take drastic new measures to restrict carbon dioxide emissions—concludes that the likely sea level rise by the year 2100 will be between 26 and 82 centimeters. It is true that some experts warn policymakers that they should prepare for a "worst case" scenario of 190 centimeters. But these outcomes are hardly a given, contrary to Naomi Klein's casual references to major cities being underwater. And even in those circumstances—again contrary to Klein—many analysts think the rational thing to do would be to continue using efficient, affordable energy in order to develop these coastal regions and fortify them against rising sea levels. Remember, the type of drastic emission cutbacks Klein has in mind would literally cost the world many trillions of dollars in forfeited economic output. That estimate comes not from skeptical groups who are pro-business, but rather from William Nordhaus's own modeling. (See the "abatement costs" of various policies in Table 4 of my journal article here.) Humanity is very resourceful and can do a lot with many trillions of dollars and 85 years to prepare, especially if we're talking about what even the IPCC's own computer models consider to be an unlikely threat. Regarding extreme weather events, here too the actual published science doesn't support Klein's rhetoric. As I explained in this previous IER post, the latest IPCC report doesn't support the claims that many current extreme weather events are due to manmade climate change. Here are some excerpts from the IPCC's Working Group I (AR5) report: "Overall, the most robust global changes in climate extremes are seen in measures of daily temperature, including to some extent, heat waves. Precipitation extremes also appear to be increasing, but there is large spatial variability." There is limited evidence of changes in extremes associated with other climate variables since the mid-20th century. Current datasets indicate no significant observed trends in global tropical cyclone frequency over the past century ... No robust trends in annual numbers of tropical storms, hurricanes and major hurricanes counts have been identified over the past 100 years in the North Atlantic basin." "In summary, there continues to be a lack of evidence and thus low confidence regarding the sign of trend in the magnitude and/or frequency of floods on a global scale." "In summary, there is low confidence in observed trends in small-scale severe weather phenomena such as hail and thunderstorms because of historical data inhomogeneities and inadequacies in monitoring systems." "In summary, the current assessment concludes that there is not enough evidence at

present to suggest more than low confidence in a global-scale observed trend in drought or dryness (lack of rainfall since the middle of the 20th century..." Finally, regarding Klein's claims that our children will be threatened by the ravages of climate change: She is apparently unaware that according to one of the three climate models selected by the Obama Administration to estimate the "social cost of carbon," manmade global warming will confer net benefits on humanity through the year 2065 or so.[1] (See my treatment of Claim #3 in this earlier IER post for the details.) I don't know how old Klein's children are, but I can say that one of the leading computer models predicts that my son will be around 60 years old at the point when human carbon dioxide emissions stop helping humanity on net and turn into a nuisance. Is the general public getting this aspect of the "consensus science" on climate change? Would the average person have any idea that one of the Obama Administration's own computer models contains this prediction? Klein Reveals the Real Driver of Climate Alarmism Later in her essay, Klein unwittingly reveals why she is so unconcerned with the actual facts, and instead relies on over-the-top rhetoric to scare her readers into action. Just look at these amazing quotations:

Data Manipulation

The warming pause is real -don't trust other research - it manipulates data Lott 6/10

(Maxim Lott [Writer for FoxNews.com and producer for John Stossel], 6/10/15, "Climate scientists criticize government paper that erases 'pause' in warming," Fox News, www.foxnews.com/science/2015/06/10/climate-scientists-criticize-government-paper-that-erases-pause-in-warming/, MX)

Until last week, government data on climate change indicated that the Earth has warmed over the last century, but that the warming slowed dramatically and even stopped at points over the last 17 years. But a paper released May 28 by researchers at the National Oceanic and Atmospheric Administration has readjusted the data in a way that makes the reduction in warming disappear, indicating a steady increase in temperature instead. But the study's readjusted data conflict with many other climate measurements, including data taken by satellites, and some climate scientists aren't buying the new claim. "While I'm sure this latest analysis from NOAA will be regarded as politically useful for the Obama administration, I don't regard it as a particularly useful contribution to our scientific understanding of what is going on," Judith Curry, a climate science professor at Georgia Tech, wrote in a response to the study. And in an interview, Curry told FoxNews.com that the adjusted data doesn't match other independent measures of temperature. "The new NOAA dataset disagrees with a UK dataset, which is generally regarded as the gold standard for global sea surface temperature datasets," she said. "The new dataset also disagrees with ARGO buoys and satellite analyses." The NOAA paper, produced by a team of researchers led by Tom Karl, director of the agency's National Climatic Data Center, found most of its new warming trend by adjusting past measurements of sea temperatures. Global ocean temperatures are estimated both by thousands of commercial ships, which record the temperature of the water entering their engines, and by thousands of buoys – flotation devices that sit in the water for years. The buoys tend to get cooler temperature readings than the ships, likely because ships' engines warm the water. Meanwhile, in recent years, buoys have become increasingly common. The result, Karl says, is that even if the world's oceans are warming, the unadjusted data may show it not to be warming because more and more buoys are being used instead of ships. So Karl's team adjusted the buoy data to make them line up with the ship data. They also double-checked their work by making sure that the readjusted buoy readings matched ships' recordings of nighttime air temperatures. The paper came out last week, and there has not been time for skeptical scientists to independently check the adjustments, but some are questioning it because of how much the adjusted data vary from other independent measurements. First, it disagrees with the readings of more than 3,000 "ARGO buoys," which are specifically designed to float around the ocean and measure temperature. Some scientists view their data as the most reliable. The ARGO buoy data do not show much warming in surface temperature since they were introduced in 2003. But Karl's team left them out of their analysis, saying that they have multiple issues, including lack of measurements near the Arctic. In an email, Karl told FoxNews.com that the ARGO buoy readings may be added to his data "if scientific methods can be found to line up these two types of temperatures together ... (of course after correcting the systematic offsets) ... This is part of the cumulative and progressive scientific process." Karl's study also clashes with satellite measurements. Since 1979, NOAA satellites have estimated the temperature of Earth's atmosphere. They show almost no warming in recent years and closely match the surface data before Karl's adjustments. The satellite data is compiled by two separate sets of researchers, whose results match each other closely. One team that compiles the data includes Climate Professors John Christy and Roy Spencer at the University of Alabama in Huntsville, both of whom question Karl's adjusted data. "The study is one more example that you can get any answer you want when the thermometer data errors are larger than the global warming signal you are looking for," Spencer told FoxNews.com.

Scientists manipulate data to suit their "trends" Tracinski 6/8

(Robert Tracinski [a senior writer at The Federalist. He studied philosophy at the University of Chicago and for more than 20 years has written about politics, markets, and foreign policy], 6/8/15, "Global Warming: The Theory that Predicts Nothing and Explains Everything," The Federalist, thefederalist.com/2015/06/08/global-warming-the-theory-that-predicts-nothing-and-explains-everything/, MX)

A lot of us have been pointing out one of the big problems with the global warming theory: a long plateau in global temperatures since about 1998. Most significantly, this leveling off was not predicted by the theory, and observed temperatures have been below the lowest end of the range predicted by all of the computerized climate models. So what to do if your theory doesn't fit the data? Why, change the

data, of course! Hence a blockbuster new report: a new analysis of temperature data since 1998 “adjusts” the numbers and magically finds that there was no plateau after all. The warming just continued. Starting in at least early 2013, a number of scientific and public commentators have suggested that the rate of recent global warming has slowed or even stopped. The phenomena has been variably termed a “pause,” a “slowdown,” and a “hiatus.”... But as a team of federal scientists report today in the prestigious journal Science, there may not have been any “pause” at all. The researchers from the National Oceanic and Atmospheric Administration’s National Centers for Environmental Information (NCEI) adjusted their data on land and ocean temperatures to address “residual data biases that affect a variety of measurements, such as those taken by ships over the oceans. And they found that “newly corrected and updated global surface temperature data from NOAA’s NCEI do not support the notion of a global warming ‘hiatus.’” How convenient. It’s so convenient that they’re signaling for everyone else to get on board. One question raised by the research is whether other global temperature datasets will see similar adjustments. One, kept by the Hadley Center of the UK Met Office, appears to support the global warming “hiatus” narrative—but then, so did NOAA’s dataset up until now. Before this update, we were the slowest rate of warming,” said Karl. “And with the update now, we’re the leaders of the pack. So as other people make updates, they may end up adjusting upwards as well.”

This is going to be the new party line. “Hiatus”? What hiatus? Who are you going to believe, our adjustments or your lying thermometers? The new adjustments are suspiciously convenient, of course. Anyone who is touting a theory that isn’t being borne out by the evidence and suddenly tells you he’s analyzed the data and by golly, what do you know, suddenly it does support his theory—well, he should be met with more than a little skepticism. If we look, we find some big problems. The most important data adjustments by far are in ocean temperature measurements. But anyone who has been following this debate will notice something about the time period for which the adjustments were made. This is a time in which the measurement of ocean temperatures has vastly improved in coverage and accuracy as a whole new set of scientific buoys has come online. So why would this data need such drastic “correcting”? As climatologist Judith Curry puts it: The greatest changes in the new NOAA surface temperature analysis is to the ocean temperatures since 1998. This seems rather ironic, since this is the period where there is the greatest coverage of data with the highest quality of measurements—ARGO buoys and satellites don’t show a warming trend. Nevertheless, the NOAA team finds a substantial increase in the ocean surface temperature anomaly trend since 1998. NOAA corrected the ocean temperature measurements to be more consistent with a previous set of measurements. But those older measurements were known to be a problem. Scientists relied on measurements from merchant vessels, which had slowly switched from measuring water in buckets dipped over the side to measuring it on its way through intake ports for cooling the ship’s engines. But that meant that water temperatures were more likely to be increased by contact with the ship, producing an artificial warming. Hence the objection made by Patrick Michaels, Richard Lindzen, and Chip Knappenberger: As has been acknowledged by numerous scientists, the engine intake data are clearly contaminated by heat conduction from the engine itself, and as such, never intended for scientific use. On the other hand, environmental monitoring is the specific purpose of the buoys. Adjusting good data upward to match bad data seems questionable. That’s putting it mildly. They also point to another big change in the adjusted data: projecting far northern land temperatures out to cover gaps in measurement over the Arctic Ocean. Yet the land temperatures are likely to be significantly warmer than the ocean temperatures. I realize the warmists are desperate, but they might not have thought through the overall effect of this new “adjustment” push. We’ve been told to take very, very seriously the objective data showing global warming is real and is happening—and then they announce that the data has been totally changed post hoc. This is meant to shore up the theory, but it actually calls the data into question. Anthony Watts, one of the chief questioners of past “adjustments,” points out that to make the pause disappear, they didn’t just increase temperatures since 1998. They also adjusted downward the temperatures immediately before that. Starting from a lower base of temperature makes the “adjusted” increase look even bigger. That’s a pattern that invariably shows up in all these adjustments: the past is always adjusted downward to make it cooler, the present upward to make it warmer—an amazing coincidence that guarantees a warming trend. All of this fits into a wider pattern: the global warming theory has been awful at making predictions about the data ahead of time. But it has been great at going backward retroactively reinterpreting the data and retrofitting the theory to mesh with it. A line I saw from one commenter, I can’t remember where (update: it was David Burge), has been rattling around in my head: “once again, the theory that predicts nothing explains everything.” There is an important difference between prediction before the fact and explanation after the fact. Prediction requires that you lay down a marker about what the data ought to be, to be consistent with your theory, before you actually know what it is. That’s something that’s very hard to get right. If your theory is going to be able to consistently predict data before it is gathered, it has got to be pretty darned good. Global warming theories have a wretched track record at making predictions. But explanations of data after the fact are a lot easier. As they say, hindsight is 20/20. It’s a lot easier to tweak your theory to make it a better fit to the data, or in this case, to tweak the way the data is measured and analyzed in order to make it better fit your theory. And then you proclaim how amazing it is that your theory “explains” the data. The whole political cause of global warming is based on the theory’s claim to make predictions before the fact. If this difference between prediction and explanation seems merely technical, remember that the whole political cause of global warming is based on the theory’s claim to make predictions before the fact—way before the fact, projecting temperatures for the next century. We’re supposed to base the whole organization of our civilization, at a cost of many trillions of dollars, on those ultra-long-term predictions. So exulting that they can readjust the data for the last few years to jibe with their theory after the fact is not exactly the reassurance we need. Anyone with the slightest familiarity with science ought to be immediately skeptical of this new claim, so naturally mainstream media “science reporters” repeat it with complete credulity and even pre-emptively inoculate us against the sin of doubt. The Washington Post

report/press-release-transcription has a nice little passive-aggressive twist, sneering that "The details of the data adjustments quickly get complicated—and will surely be where global warming doubters focus their criticism." Those global warming doubters, always finding something to kvetch about! What are you gonna do? Worse, the Post ends by passing along a criticism of mainstream scientists for even discussing the global warming pause before now. Harvard science historian Naomi Oreskes recently co-authored a paper depicting research on the "hiatus" as a case study in how scientists had allowed a "seepage" of climate skeptic argumentation to affect the formal scientific literature. Of the new NOAA study, she said in an e-mail: "I hope the scientific community will do a bit of soul searching about how they got pulled into this framework, which was clearly a contrarian construction from the start." Remember that everybody's data was showing a plateau in global temperatures, and many of the studies focused on this were attempting to uphold the global warming theory in the face of that evidence. Yet now some of the theory's own supporters are going to be thrown under the bus for showing too much faith in the data and too little faith in the cause. They will get the message stated bluntly by

Oreskes: science must never be contaminated by skepticism. That gives us a pretty good idea of what is going on here. Because any field where people say this sort of thing is by that very fact not a field of science any longer.

climate change is a scam – alarmists are unqualified and self interested

Starck, PhD, Feb 2015, (Walter, "The Climate Scam's Meltdown" Ausmarine 37.4: 26-27. Proquest. search.proquest.com/docview/1666284048?pq-origsite=gscholar)

"A conspiracy does not require secret planning"

An argument is often made that the climate-change threat must be real because a conspiracy involving an overwhelming majority of the world's scientists is simply not credible. This is disingenuous in that the climate threat, as exemplified by the IPCC's scare machine, is far from representing a scientific consensus, even a majority. Global scientific opinion on this matter is highly mixed with the alarmist position concentrated in Europe and the Anglosphere. Even here thousands of dissenters exist, including many highly qualified and respected researchers with very relevant expertise. The core alarmist proponents only comprise a few dozen, mostly third-rate, academics whose scientific reputations are minimal outside of climate alarmism. They co-opted the niche, little known interdisciplinary field of climatology, proclaimed themselves to be the world authorities, declared a global crisis, received lavish funding to research it and gained global attention. They have been aided and abetted by sundry fellow travellers who see advantage for various other agendas. A conspiracy does not require secret planning. It can be implemented just as easily with a wink and a nod when the aims and methods are apparent to all the participants. It is time to recognise the climate scam for what it is: a conspiracy to defraud on a monumental scale. Although climate itself is presenting its irrefutable opposing argument, failed prophets never willingly concede defeat until their mouths are stopped with the dust of reality. In this instance gob-stopping reality seems likely to take the form of severe winter weather leading to a widespread collapse of electrical power in an overloaded grid suffering from underinvestment, malinvestment, restraints and neglect. All these stem from years of misguided climate policies. Until the crunch comes, the rent-seekers and their useful idiots in the press will rant and rage without pause, their livelihoods and careers hanging on their ability to perpetuate the hoax they foisted on the rest of us. As so often, Shakespeare said it best: "A tale, told by an idiot, full of sound and fury, signifying nothing."

Doesn't Justify authoritarianism

Using warming to justify authoritarianism encourages additional denial Oreskes 6/16

(Naomi Oreskes [professor of the history of science and affiliated professor of earth and planetary sciences at Harvard University], 6/16/15, "The Hoax of Climate Denial," Huffington Post, www.huffingtonpost.com/naomi-oreskes/the-hoax-of-climate-denial_b_7595154.html, MX)

Many Republicans resist accepting the overwhelming scientific evidence of climate change because they fear it will be used as an excuse to expand big government. Here's what should give them pause: by delaying action on reducing global carbon emissions for more than two decades, we have already significantly increased the likelihood that disruptive global warming will lead to the kinds of government interventions they most fear and seek to avoid. Climate change is, in fact, already causing an increase in the sorts of extreme weather events – particularly floods, extreme droughts, and heat waves – that almost always result in large-scale government responses. The longer we wait, the more massive the required intervention will be. In the future, as the devastating effects of climate change unfold here in the United States, natural disasters will result in a greater reliance on government -- especially the federal government. (Of course, our grandchildren will not call them "natural" disasters, because they will know all too well who caused them.) What this means is that the work climate deniers are now doing only helps ensure that we will be less ready for the full impact of climate change, which means greater government interventions to come. Put another way, climate deniers are now playing a crucial role in creating the nightmare they most fear. They are guaranteeing the very future they claim to want to avoid. And not just at home. As climate change unfolds around the globe, climate disasters will give undemocratic forces the justification they seek to commandeer resources, declare martial law, interfere with the market economy, and suspend democratic processes. This means that Americans who care about political freedom shouldn't hold back when it comes to supporting climate scientists and acting to prevent the threats they have so clearly and fulsomely documented.

Warming is a rationalization for authoritarianism Trujillo 4/30

(Aaron Trujillo, 4/30/15, [Writer], "Will: 'Global Warming Is Socialism by the Back Door'," The Daily Signal, dailysignal.com/2014/04/30/will-global-warming-socialism-back-door/, MX)

George Will said recently global warming is socialism by the back door. In an interview with The Daily Caller's Jamie Weinstein, Will points out that progressives use warming to rationalize "more and more power in Washington" to "micromanage the lives of the American people—our shower heads, our toilets, our bathtubs, our garden hoses." Watch:

Political lies

Global warming is a liberal lie - they're all commies McFarlane 6/19

(Bonnie McFarlane, 6/19/15, [Totally serious standup comedian], "Global warming is totally a lie liberals tell to distract us from their commie agendas," The Guardian, www.theguardian.com/environment/commentisfree/2015/jun/19/global-warming-lie-liberals-tell-distract-us, MX)

Everybody is talking about global warming. Clearly, it's got a great publicist. My guess is it's the same one that Amy Schumer uses. However, unlike Schumer – whom I have on good authority is real – Global Warming is a big fat lie. Now, before you spit out your fair trade coffee and start yelling about carbon emissions, let me assure you that this is not a conclusion that came easily to me. I thought about it a lot. Just this morning I was in the shower for a good two hours debating the pros and cons of dating someone with a giant global footprint. Once the water went cold and I dried myself off with a hair dryer, I knew I had my answer. This so-called "environmental Armageddon" is a fictitious construction cooked up by the left so we'll spend all our time (or at least a half hour a week) changing out our light bulbs and flattening cardboard and completely overlooking their pinko/commie/socialist agendas.

I'm on to you, liberals! You're trying to be heroes to humanity. You want everyone to pat you on the back and say, "Oh, look who saved the planet!" Well, I have news for you. The planet doesn't need saving. After all, it's been around for almost 2,000 years. It was fine before you got here, and it'll be fine after the apocalypse destroys most of humankind for the sins of homosexuality and shellfish consumption. God hates Shrimp Scampi, but He doesn't seem to have a problem with littering. (Leviticus 10:10) I wish people would stop incessantly asking, "Don't we care what kind of planet we're going to leave our children?" First of all, I'm pretty sure any child psychologist would agree that leaving a whole planet to a kid is an appalling idea. I wouldn't dream of spoiling my daughter with an entire planet. You don't have to give your kids the world; just spend some time with them once in a while. That's what they really want. That, and a Mercedes SUV for their sweet 16. I wish scientists would stop blaming us humans for causing global warming. This is patently false, since global warming is not real! If the fact that we've just experienced the coldest spring on record isn't enough to sway you, I've got other anecdotal evidence that should be plenty convincing. For example: my sister went to Greenland and never saw any polar bears stranded on tiny ice floes. In fact, my sister didn't see any live polar bears at all, so there. But the most telling sign that global warming is not an actual threat is this: the Republican presidential candidates aren't trying to scare us with the prospect that we're all doomed to die from toxic air and scorching temperatures. And Republican presidential candidates love scaring the public. It's their passion. If they could put a gun to each of our heads individually and say, "Vote for me or else you die", I think they would. That's why, despite the numerous scientific claims and all those hockey-stick graphs showing the sharp rise in temperatures, I don't think there's any truth to this whole global warming thing. At the very least, the declarations are exaggerated and we have nothing to worry about for at least a decade.

Climate change is a fraud

Starck, PhD, Feb 2015, (Walter, "The Climate Scam's Meltdown" Ausmarine 37.4: 26-27. Proquest. search.proquest.com/docview/1666284048?pq-origsite=gscholar)

The rent-seekers, opportunists, third-rate academics, carbon-market scam artists and peddlers of catastrophic prophecy can see the alarmist bubble deflating, so they're trying harder than ever to sustain the scare. Problem is, Mother Nature isn't cooperating. This doesn't mean the climate change "debate" will stop, the news media will cease reporting weather as a dire threat, or that the true believers will no longer be obsessed by it. However, the ultimate arbiter, climate itself, has made clear its decision by ceasing to warm for over 18 years. Despite the ongoing use of fossil fuels, a proclaimed 95 per cent certainty of 97 per cent of scientists and Jhg high-poyyered projections of the world's most advanced climate models, the climate has refused to pay the slightest heed. Contrary to all the confidence and* predictions of alleged experts, storms are no more intense nor frequent, while droughts, floods and sea levels have declined to confirm alarmists' barely concealed hopes of disasters.

The simple fact is that the alleged experts and their high-powered models were wrong. The climate has ceased to warm and, with little or no greenhouse warming, the entire theory of Catastrophic Anthropogenic Global Warming (CAGW), aka Climate Change (CC), aka Global Warming, aka Extreme Weather, is left with no basis. "All who disagreed were deemed to be fools" The debate over CC has been unique in the history of science in that its proponents have largely abandoned the primacy of evidence and openly declared methodology in favour of self-proclaimed authority backed by their own confidential methods and models. It is also unique in that the alarmists refuse to directly address their arguments, preferring to ignore, censor and personally denigrate them. In a few instances in the early part of the public debate, the proponents attempted direct debate with their critics but came away looking decidedly second-best and they soon refused any further direct discussion. With no convincing answers to the uncertainties and conflicting evidence raised by their opponents they simply chose to ignore them, declare the váence "settled" and anoint themselves as the only experts. All who disagreed were deemed to be fools, knaves and/or in the pay and pocket of Big Energy. With a naive and compliant news media steeped in the same politically correct, left wing academic indoctrination as the researchers, the latter enjoyed a near monopoly on favourable news coverage. Self-serving publicity releases were regurgitated undigested? beneath the by-lines of environmental "reporters", who eagerly reduced themselves to unquestioning stenographers. Yet even as the alarmists' received kidglove treatment in the mainstream media, the Internet has been a very different story. Not only did the climate alarmists have no advantage online, the thinking public was increasingly looking to the Web as their primary source for news. This digital realm was outside any particular control or influence, open to the airing of opposing argument and evidence. It was also a forum for the exposure of malpractice, regularly producing exposés that would shatter the façade of scientific expertise and propriety the alarmists had erected around themselves. Think here of how Wattsupwiththat demolished the charlatan Michael Mann and his infamous hockey stick, and the Climategate emails revealed the lengths professional warmists are prepared to go in order to silence sceptics, not least by debasing the conventions of the peer-review process. Fiddling the temperature record In retreat, climate alarmists are now trying to deny the lack of warming while 3 fiddling the temperature record in an effort to "prove* it is continuing. Their ever-more imaginative explanations - the heat is hiding at the bottom of the ocean; trade winds are skewing sea-temperature readings - increasingly smack of desperation. Making matters worse for the alarmists, there is increasing evidence that the global climate has not only ceased to warm but may || actually be starting to cool. Severe, often! record-breaking* winter, weather demanding J more and more undeclared "adjustments" | to the temperature record are being! exposed. Overwhelmingly these serve to (fa reduce past temperatures and increase more^K . recent ones without which the lack of warpiav would be mör&rtwtous1*^

AT: Util

Focus on environmental util doesn't solve alt causes to inequality – sole focus fails

Davidson, 6-4-15, [faculty member in the science department at the Universiteit van Amsterdam] (Marc D. "Climate Change and the ethics of discounting" WIREs Climate Change, Wiley Online Library, onlinelibrary.wiley.com/doi/10.1002/wcc.347/full)

A common criticism of the utilitarian approach is that it would be **overdemanding** to treat other people's happiness as being fully on par with one's own and would alienate people from their personal projects and commitments (see e.g., Ref [50]; Ref [69], p. 277; Ref [70]; see Ref[71] for a defense of the demands of utilitarianism). If applied across the board in intergenerational policy making, i.e., beyond climate policy as well, it would require governments to tax away present consumption to the benefit of future consumption; see e.g., Refs [7, 41, 72-75]; Ref [26], p. 155; Ref [76], p. 47. If applied across the board in intra-generational policy, utilitarianism would require a **massive redistribution** from the currently **rich** to the currently **poor**. However, if the utilitarian approach is restricted to climate policy, it may be queried whether such an approach is coherent (see e.g., Ref [9], p. 230). The objection is not that utilitarianism does not correspond to revealed public preferences, an objection refuted in the section on the prescriptive-descriptive debate, but that it is incoherent if the same government advocates fundamentally different moral principles in different policy areas.

AT: Transition Inevitable

***Democracy more sustainable than authoritarianism- transition not inevitable**

Davis 15 (Davis, Michael C has an LLM from Yale and teaches at the University of Hong Kong. "East Asia After the Crisis: Human Rights, Constitutionalism, and State Reform." Human Rights Quarterly 26.1 (2004): 126-51. ProQuest. Web. 29 June 2015.)

In assessing the debates over political and economic reform, it becomes apparent that constitutionalism has a central role to play. Studies in the political economy literature appear to verify that regime type ultimately matters in the achievement of economic development goals.⁹⁶ While authoritarianism with proper developmental institutions can do reasonably well at early-stage development, this is not invariably so. Furthermore, as economic development proceeds the developmental potential of the authoritarian model may be exhausted. Recent studies have shown that the developmental achievement of authoritarian regimes in East Asia is not uniformly positive. Latent costs are just now being appreciated. In addition to the deficiencies of authoritarian practices in respect to democracy, human rights, and the rule of law, there have also been high levels of corruption. Corruption appears to be a consequence of both early predatory practices and a lack of transparency, and subsequent incapacity of authoritarian regimes to respond to the interests that economic development creates. Rent-seeking evolves from a top-down predatory behavior in the authoritarian period when the state is strong, to a bottom-up predatory behavior in the early stages of democracy as business becomes stronger and the state weaker. Corruption may serve as a substitute for adequate state institutions. Democratic consolidation will aim to curb corruption by affording greater transparency and stable institutions for checks and balances. Greater dispersal and open competition in the society should accompany this consolidation. Local institutions shape investor confidence. Either extreme concentrations of power or extreme dispersal appears to have worked poorly; the former is too volatile and the latter too rigid. Liberal constitutionalism, including democracy, human rights and the rule of law, appears to provide the tools to engender the degree of public engagement and political reliability needed for sustained development. Finding the proper institutional balance is by no means an easy task. The constitutional fundamentals are essential. Minimally maintaining the protections embodied in human rights and the rule of law is important to achieving transparency and accountability, while sustaining confidence in political and legal institutions. Constitutional institutions must be shaped to the local condition. This reality is demonstrated by the varied consequences of importing similar institutions into different countries. Constitutional systems deeply influenced by the American model work very differently in Japan, the Philippines, and the United States. Getting the fit just right is the challenge of local politics.

Democracy inevitable- More sustainable than authoritarian regimes

Slater and Bennis 90 (Philip Slater and Warren Bennis "Democracy is Inevitable" Harvard Business review. THE SEPTEMBER–OCTOBER 1990 ISSUE.

Democracy has been so widely embraced not because of some vague yearning for human rights but because under certain conditions it is a more "efficient" form of social organization. (Our concept of

efficiency includes the ability to survive and prosper.) It is not accidental that those nations of the world that have endured longest under conditions of relative wealth and stability are democratic, while authoritarian regimes have, with few exceptions, either crumbled or eked out a precarious and backward existence. Despite this evidence, even so acute a statesman as Adlai Stevenson argued in a New York Times article on November 4, 1962, that the goals of the Communists are different from ours. "They are interested in power," he said, "we in community. With such fundamentally different aims, how is it possible to compare communism and democracy in terms of efficiency?" Democracy (whether capitalistic or socialistic is not at issue here) is the only system that can successfully cope with the changing demands of contemporary civilization. We are not necessarily endorsing democracy as such; one might reasonably argue that industrial civilization is pernicious and should be abolished. We suggest merely that given a desire to survive in this civilization, democracy is the most effective means to this end.

Democracy is the only system capable of adapting to change- that makes it sustainable

Slater and Bennis 90 (Philip Slater and Warren Bennis "Democracy is Inevitable" Harvard Business review. THE SEPTEMBER–OCTOBER 1990 ISSUE.

And here we come to the point. For the spirit of inquiry, the foundation of science, to grow and flourish, there must be a democratic environment. Science encourages a political view that is egalitarian, pluralistic, liberal. It accentuates freedom of opinion and dissent. It is against all forms of totalitarianism, dogma, mechanization, and blind obedience. As a prominent social psychologist has pointed out, "Men have asked for freedom, justice, and respect precisely as science has spread among them." 2 In short, the only way organizations can ensure a scientific attitude is to provide the democratic social conditions where one can flourish. In other words, democracy in industry is not an idealistic conception but a hard necessity in those areas where change is ever present and creative scientific enterprise must be nourished. For democracy is the only system of organization that is compatible with perpetual change.

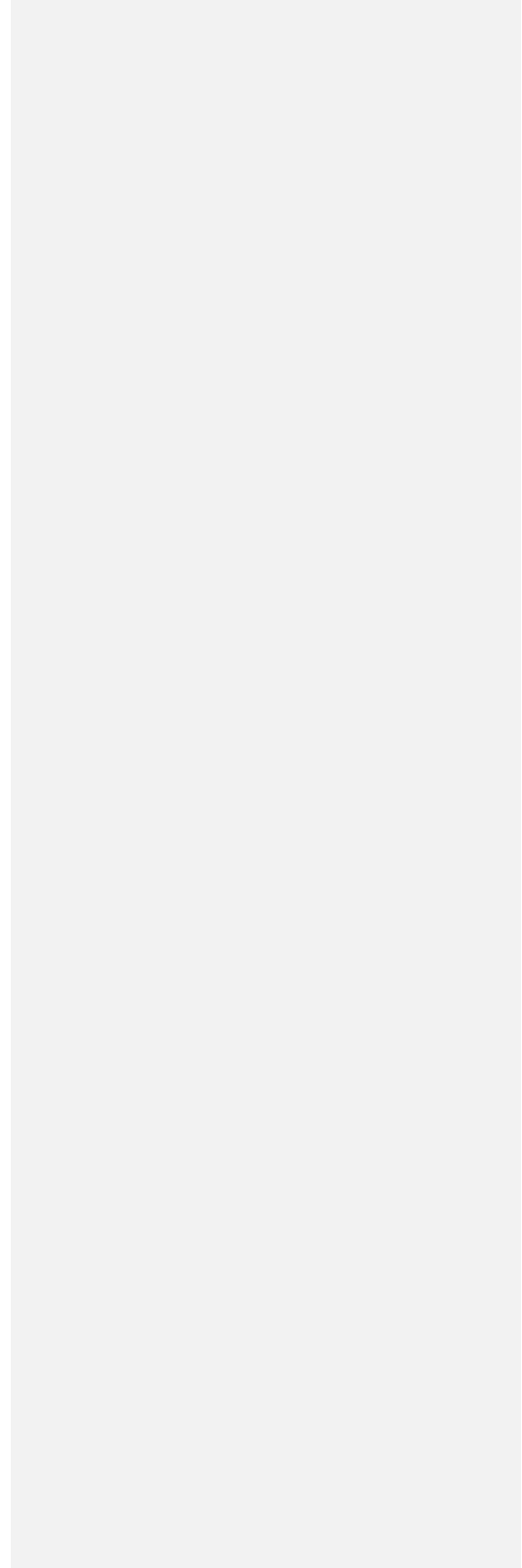
Democracy is the most sustainable- history proves- if we choose to stay committed, it will expand over the next century

Diamon 3 (Diamond, Larry. "Universal Democracy?" Policy Review.119 (2003): 3. ProQuest. Web. 29 June 2015.)

The fully global triumph of democracy is far from inevitable, yet it has never been more attainable. If we manage to sustain the process of global economic integration and growth while making freedom at least an important priority in our diplomacy, aid, and other international engagements, democracy will continue to expand in the world. History has proven that it is the **best form of government.** Gradually, more countries will become democratic while fewer revert to dictatorship. If we retain our power, reshape our strategy, and **sustain our commitment,** eventually - not in the next decade, but certainly by mid-century - every country in the world can be democratic.

AT: Terrorism

Top Shelf



2AC frontline

Empirically false – 215 program once temporarily ENDED. That didn't cause the disad – neither will the Aff.

Globe and Mail '15

Globe editorial – “The end of US ‘bulk telephony collection,’ and the lessons for Canada” - The Globe and Mail - Jun. 14, 2015 - <http://www.theglobeandmail.com/globe-debate/editorials/the-end-of-us-bulk-telephony-collection-and-the-lessons-for-canada/article24948261/>

For a few days, there was a happily yawning gap in the U.S. National Security Agency's ability to surveil American citizens. Congress could not agree on how – or whether – to renew the section of the foolishly named Patriot Act that had allowed the government to scoop up and hold all the metadata (identifying both callers and addressees) of all cellphone calls in the U.S. The Foreign Intelligence Surveillance Court would then grant or, at least sometimes, not grant, access to the actual contents of the conversations – in other words, a search warrant. The upshot – under the new U.S.A. Freedom Act (officially, the “Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015”) – is that phone companies, not the NSA and the FBI, will record and store all the metadata for all phone calls. Those agencies will no longer be able to get at that kind of data at will, indiscriminately. The security agencies will have to apply to the FISC court for metadata, too. That's progress, though FISC may be a bit of a rubber stamp. There is, by the way, no sign that terrorists attacked the United States in the unsurveilled interval between the Patriot Act section and the Freedom Act.

US losing the war on terror

Miller '15

Internally quoting Director of National Intelligence James R. Clapper Jr. - Greg Miller - Intelligence reporter for the Washington Post; former national security correspondent for the Los Angeles Times and co-author of The Interrogators: Inside the Secret War against al Qaeda - “In campaign against terrorism, U.S. enters period of pessimism and gloom” – Washington Post - March 7 - http://www.washingtonpost.com/world/national-security/in-campaign-against-terrorism-us-enters-period-of-pessimism-and-gloom/2015/03/07/ca980380-c1bc-11e4-ad5c-3b8ce89f1b89_story.html

In congressional testimony recently, Director of National Intelligence James R. Clapper Jr. went beyond the usual litany of threats to say that terrorism trend lines were worse “than at any other point in history.” Maj. Gen. Michael Nagata, commander of U.S. Special Operations forces in the Middle East, told participants on a counter-terrorism strategy call that he regarded the Islamic State as a greater menace than al-Qaeda ever was. Speaking at a New York police terrorism conference, Michael Morell, former deputy director of the CIA, said he had come to doubt that he would live to see the end of al-Qaeda and its spawn. “This is long term,” he said. “My children's generation and my grandchildren's generation will still be fighting this fight.” The assessments reflect a pessimism that has descended on the U.S. counterterrorism community over the past year amid a series of discouraging developments. Among them are the growth of the Islamic State, the ongoing influx of foreign fighters into Syria, the collapse of the U.S.-backed government in Yemen and the downward spiral of Libya's security situation. The latest complication came Saturday, when the terrorist group Boko Haram in Nigeria carried out a series of suicide bombings and reportedly declared its allegiance to the Islamic State. Unlike the waves of anxiety that accompanied the emergence of new terrorist plots over the past decade, the latest shift in mood seems more deep-seated. U.S. officials depict a bewildering landscape in which al-Qaeda and the brand of Islamist militancy it inspired have not only survived 14 years of intense counterterrorism operations but have also spread. Officials emphasize that their campaign has accomplished critical goals. In particular, most officials and experts now see the risk of a Sept. 11-scale attack as infinitesimal, beyond the reach of al-Qaeda and its scattered affiliates. Still, the adjusted outlook contrasts sharply with the surge of optimism that followed the killing of Osama bin Laden in 2011 and the dawn of the Arab Spring, which was initially seen as a political awakening across the Middle East that might render al-Qaeda and its archaic ideology irrelevant. Within months of bin Laden's death, then-Defense Secretary Leon E. Panetta said he was convinced “that we're within reach of strategically defeating al-

Qaeda." President Obama echoed that view in subsequent years by saying that al-Qaeda was on "a path to defeat" and, more recently, that the then-nascent Islamic State was analogous to a junior varsity sports team. Such **upbeat characterizations have all but evaporated.**

Turn – Arab-American coop:

- mass surveillance kills law enforcement coop with US-Arab Americans – that's key to check terror.

Risen '14

(Internally quoting Vanda Felbab-Brown, a senior fellow on foreign policy at the Brookings Institution. Tom Risen is a reporter for U.S. News & World Report. "Racial Profiling Reported in NSA, FBI Surveillance" - U.S. News & World Report - July 9, 2014 - <http://www.usnews.com/news/articles/2014/07/09/racial-profiling-reported-in-nsa-fbi-surveillance>)

The National Security Agency and the FBI have reportedly been overzealous trying to prevent terrorist attacks to the point that anti-Islamic racism in those agencies led to the surveillance of prominent Muslim-Americans revealing a culture of racial profiling and broad latitude for spying on U.S. citizens. An NSA document leaked by former agency contractor Edward Snowden to reporter Glenn Greenwald shows 202 Americans targeted among the approximately 7,485 email addresses monitored between 2002 and 2008, Greenwald's news service The Intercept reports. To monitor Americans, government agencies must first make the case to the Foreign Intelligence Surveillance Court that there is probable cause that the targets are terrorist agents, foreign spies or "are or may be" abetting sabotage, espionage or terrorism. Despite this filter The Intercept identified five Muslim-Americans with high public profile including civil rights leaders, academics, lawyers and a political candidate. Racial profiling of Muslims by security officers has been a controversy since the terrorist attacks of 2001 spiked fears about al-Qaida trainees preparing more attacks. The New York Police Department has disbanded its unit that mapped New York's Muslim communities that designated surveillance of mosques as "terrorism enterprise investigations" after pressure from the Justice Department about aggressive monitoring by police. A 2005 FBI memo about surveillance procedures featured in The Intercept story uses a fake name "Mohammed Raghead" for the agency staff exercise. This latest report about email surveillance of successful Muslim-Americans is akin to "McCarthyism" that fed paranoia about communist spies during the Cold War, says Reza Aslan, a professor at the University of California, Riverside. **The notion that these five upstanding American citizens, all of them prominent public individuals, represent a threat to the U.S. for no other reason than their religion is an embarrassment to the FBI** and an affront to the constitution," Aslan says. **There is a risk of radicalization among citizens Americans,** evidenced by some who have gone to fight jihads in Syria and Somalia, but mass shootings carried out by U.S. citizens of various racial backgrounds occurs much more often, **says Vanda Felbab-Brown, a senior fellow on foreign policy at the Brookings Institution.** Since 1982, there have been at least 70 mass shootings across the U.S. **We have seen very little domestic terrorism in the U.S.,** Felbab-Brown says. **This lack of terrorism is due in part to the willingness of the Islamic community to cooperate with law enforcement to identify possible radical threats** out of gratitude that the U.S. is a stable, secure country compared with the Middle East, she says. **That could go sour if law enforcement becomes too aggressive, too extreme,** she says.

The turn's unique – relations are low now. We also control the vital internal link: Ramirez '4

(et al; Deborah A. Ramirez, Professor of Law at Northeastern University. She holds a JD from Harvard University, "Developing partnerships between law enforcement and American Muslim, Arab, and Sikh communities: a promising practices guide" (2004). Partnering for Prevention & Community Safety Initiative Publications. Paper 4. <http://hdl.handle.net/2047/d20004127>)

For all these reasons, in a post-September 11th world, **it is critical for law enforcement and the Muslim, Arab, and Sikh communities in this country to strengthen their relationships.** Historically, **these relationships have not existed in any significant way.** Prior to September 11th, law enforcement primarily focused their community policing efforts on other communities of color – Latinos, Asians, African-Americans, etc. Similarly, hate crime enforcement efforts mostly focused on crimes against the gay community, Jews, Latinos, Asians and African-Americans. Consequently few state, local or federal law enforcement agencies had any significant contact with the Arab, Muslim, or Sikh communities prior to September of 2001. It is the premise of the Partnering for Prevention and Community Safety Initiative that **Americans will only truly be safe from terrorist attacks when law**

enforcement agencies adopts a strategy focused on building trust and strengthening relationships with the Muslim, Arab, and Sikh communities. This paradigm is not only more consistent with our constitutional ideals, it also represents our best hope for securing our homeland.

Current surveillance techniques are unsuccessful – ISIS is beginning to evade them

Dale 14 (Helle Dale, a senior fellow in public diplomacy focusing on US outreach to foreign countries, published on the Daily Signal, "ISIS Is Getting Smarter About Avoiding U.S. Surveillance," <http://dailysignal.com/2014/11/21/isis-getting-smarter-avoiding-u-s-surveillance/>, November 21st, 2014) aj

Social media can be a double-edged sword for terrorists groups such as ISIS, a fact that its leadership appears to be aware of. According to recent reports, the group's top cadre has curtailed electronic communications, hoping to shrink its footprint and exposure to western intelligence agencies. A terrorist group of the 21st century, ISIS is adept at the use of social media, producing "cruelly effective" propaganda, as retired Marine Corps Gen. John Allen has put it. Yet, that same propaganda also has provided a wealth of information for the U.S. and other governments. As reported by The Daily Beast's Shane Harris, who cited U.S. intelligence sources, ISIS is changing its "communications strategy." It is encrypting its electronic communications, limiting its online presence and using services that delete messages as soon as they are sent. Its top cadre uses couriers rather than electronic devices to deliver orders, making them elusive in the U.S.-led surveillance campaign. As human intelligence is hardly available on the ground, especially in Syria, and the number of unmanned drones is limited, cyber surveillance has been a key tool in the fight against ISIS. Yet, although ISIS leadership may be wise to its cyber vulnerabilities, its followers are not as easy to control in the electronic sphere. The group disseminates its grisly propaganda on social media, and its thousands of followers and recruits continue to post pictures and information on their social media accounts. According to reports by communications expert James Farwell published by the London-based Institute for International Strategic Studies, "advances in technology may eventually leave the group vulnerable to cyber attacks, similar to those reportedly urged by U.S. intelligence sources to intercept and seize funds controlled by Mexican drug cartels." Communications strategy must be a critical component in combatting this latest form of violent Islamism, which itself uses propaganda so effectively to magnify its own image of invulnerability. Most effectively, writes Farwell, would be a message that shows the opposite, that the United States and its allies are powerful and determined to win. (Though unfortunately that has hardly been forthcoming yet.) Communications strategy is currently in the hands of Rick Stengel, undersecretary of state for public diplomacy. Stengel recently attended a meeting with Arab nations in Kuwait to discuss precisely this issue and encourage their participation in the communications battle. It is clear though, as Farwell writes, that information warfare should be seamless with military tactics, allowing Gen. Allen to coordinate the resources of the whole of the U.S. government. Strategic communication is as important today as at any time during the Iraq and Afghan wars.

No link – targeted warrants, which plan allows, solve the terror disad just as well.

Wyden '14

(et al; This amicus brief issued by three US Senators - Ron Wyden, Mark Udall and Martin Heinrich. Wyden and Udall sat on the Senate Select Committee on Intelligence and had access to the meta-data program. "BRIEF FOR AMICI CURIAE SENATOR RON WYDEN, SENATOR MARK UDALL, AND SENATOR MARTIN HEINRICH IN SUPPORT OF PLAINTIFF-APPELLANT, URGING REVERSAL OF THE DISTRICT COURT" – Amicus Brief for *Smith v. Obama* – before the United States Ninth Circuit Court of Appeals - Appeal from the United States District Court District of Idaho The Honorable B. Lynn Winmill, Chief District Judge, Presiding Case No. 2:13-cv-00257-BLW – Sept 9th, 2014 – This Amicus Brief was prepared by CHARLES S. SIMS from the law firm PROSKAUER ROSE LLP. Amici" means "friend of the court" and – in this context - is legal reference to Wyden, Udall, etc. This pdf can be obtained at: <https://www.eff.org/document/wyden-udall-heinrich-smith-amicus>)

As members of the Senate Select Committee on Intelligence, amici Senators Wyden and Udall have for years participated in the oversight of government surveillance conducted under the Patriot Act that they knew would astonish most Americans. They sought to warn the public about those activities as best they could without disclosing classified information. They also co-sponsored an amendment to the Patriot Act's reauthorization that sought to address the problem of government officials "secretly reinterpret[ing] public laws and statutes" and "describ[ing] the execution of these laws in a way that misinforms or misleads the public." See 157 Cong. Rec. S3360 (daily ed. May 25, 2011) (introducing SA 384 to S. 990, 112th Cong. § 3 (2011)); see also 157 Cong. Rec. S3386 (daily ed. May 26, 2011) (statement of Sen. Wyden) ("The fact is anyone can read the plain text of the PATRIOT Act. Yet many Members of Congress have no idea how the law is being secretly interpreted by the executive branch."); 157 Cong. Rec. S3258 (daily ed. May 24, 2011) (statement of Sen. Udall) ("Congress is granting powers to the executive branch that lead to abuse, and, frankly, shield the executive branch from accountability"). Now that the government's bulk call-records program has been documented and exposed, the executive branch has retreated from frequently repeated claims about its necessity and expressed an intent to end government bulk collection under section 215. Press Release, FACT SHEET: The Administration's Proposal for Ending the Section 215 Bulk Telephony Metadata Program (Mar. 27, 2014), <http://www.whitehouse.gov/the-press-office/2014/03/27/fact-sheet-administration-s-proposal-ending-section-215-bulk-telephony-m> ("White House Press Release"). While Senators Udall, Heinrich and Wyden broadly support a policy aimed at ending the government's indiscriminate collection of telephony metadata, they share a concern that there is no plan to suspend the bulk collection of Americans' phone records in the absence of new legislation, which is not necessarily imminent. Meanwhile, the government continues to defend its bulk call-record collection program vigorously against statutory and constitutional challenges in the courts. Amici submit this brief to respond to the government's argument that its collection of bulk call records is necessary to defend the nation against terrorist attacks. Amici make one central point: as members of the committee charged with overseeing the National Security Agency's surveillance, amici have reviewed this surveillance extensively and have seen no evidence that the bulk collection of Americans' phone records has provided any intelligence of value that could not have been gathered through means that caused far less harm to the privacy interests of millions of Americans. The government has at its disposal a number of authorities that allow it to obtain the call records of suspected terrorists and those in contact with suspected terrorists. It appears to amici that these more targeted authorities could have been used to obtain the information that the government has publicly claimed was crucial in a few important counterterrorism cases.

USA Freedom Act n/u the DA

Shear 6/4 (Michael Shear – White House correspondent, NYTimes, "In Pushing for Revised Surveillance Program, Obama Strikes His Own Balance" http://www.nytimes.com/2015/06/04/us/winning-surveillance-limits-obama-makes-program-own.html?ref=topics&_r=0) // CW

Mr. Obama entered the Oval Office with what he called "a healthy skepticism" about the system of surveillance at his command. But Ms. Monaco said that, in part because of his often grim daily intelligence briefing, the president was also "very, very focused on the threats" to Americans. "He weighs the balance every day," she said. The compromise on collections of telephone records may end up being too restrictive for the president's counterterrorism professionals, as some Republicans predict. Or, as others vehemently insisted in congressional debate during the past week, it may leave in place too much surveillance that can intrude on the lives of innocent Americans. Either way, Mr. Obama's signature on the law late Tuesday night ensures that he will deliver to the next president a method of hunting for terrorist threats despite widespread privacy concerns that emerged after Edward J. Snowden, a former N.S.A. contractor, revealed the existence of the telephone program. "He owned it in 2009," said Michael V. Hayden, a former N.S.A. director under President George W. Bush, who oversaw the surveillance programs for years. "He just didn't want anyone to know he owned it." Jameel Jaffer, the deputy legal director of the American Civil Liberties Union, called the USA Freedom Act "a step forward in some respects," but "a very small step forward." He said his organization would continue to demand that the president and Congress scale back other government surveillance programs. "Obama has been presented with this choice: Are you going to defend these programs or are you going to change them?" Mr. Jaffer said. "Thus far, we haven't seen a lot of evidence that the president is willing to spend political capital changing those programs." In the case of the telephone program, Mr. Obama's preferred compromise was originally the brainchild of his N.S.A. officials, who embraced it as a way to satisfy the public's privacy concerns without losing the agency's ability to conduct surveillance more

broadly. In the lead-up to last week's congressional showdown, Mr. Obama and his national security team insisted that broad surveillance powers were vital to tracking terrorist threats, while admitting that the new approach to data collection would not harm that effort.

Bioterror risk is low and wouldn't kill many people anyway.

Keller 13

(Rebecca, 7 March 2013, Analyst at Stratfor, "Bioterrorism and the Pandemic Potential," Stratfor, <http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential>)

The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact.

Terrorist can't obtain and correctly deploy bioweapons

Ouagrham-Gormley 14

Sonia Ben Ouagrham-Gormley is Assistant Professor of Public and International Affairs at George Mason University. She worked for a decade at the Monterey Institute for International Studies. She was for two years research director of the James Martin Center for Nonproliferation Studies office in Kazakhstan and was founding editor of the International Export Control Observer, Cornell University Press, November 2014, "Barriers to Bioweapons", <http://www.cornellpress.cornell.edu/book/?GCOI=80140100857780>

In both the popular imagination and among lawmakers and national security experts, there exists the belief that with sufficient motivation and material resources, states or terrorist groups can produce bioweapons easily, cheaply, and successfully. In Barriers to Bioweapons, Sonia Ben Ouagrham-Gormley challenges this perception by showing that bioweapons development is a difficult, protracted, and expensive endeavor, rarely achieving the expected results whatever the magnitude of investment. Her findings are based on extensive interviews she conducted with former U.S. and Soviet-era bioweapons scientists and on careful analysis of archival data and other historical documents related to various state and

terrorist bioweapons programs. Bioweapons development relies on **living organisms** that **are sensitive to their environment** and **handling conditions, and therefore behave unpredictably. These features place a greater premium on specialized knowledge.** Ben Ouagrham-Gormley posits that **lack of access to** such **intellectual capital constitutes the greatest barrier to the making of bioweapons.** She integrates theories drawn from economics, the sociology of science, organization, and management with her empirical research. The resulting theoretical framework rests on the idea that the pace and success of a bioweapons development program can be measured by its ability to ensure the creation and transfer of scientific and technical knowledge. **The specific organizational, managerial, social, political, and economic conditions necessary for success are difficult to achieve, particularly in covert programs where the need to prevent detection imposes** managerial and organizational **conditions that conflict with knowledge production.**

1AR – US losing the war on terror now

() US is losing the war on terror – current strategy has increased ISIS recruitment

Bucci '15

(Steven, director of the Allison Center for Foreign Policy Studies – Heritage Foundation, "The White House Is Not Being Serious About Defeating ISIS", , 6/16/'15 <http://dailysignal.com//2015/06/16/the-white-house-is-not-being-serious-about-defeating-isis/>)

Secretary of Defense Ashton Carter and Martin Dempsey, chairman of the Joint Chiefs of Staff, could be in for a rough ride when they go before the House Armed Services Committee this week to explain the Obama administration's strategy toward Iraq. There is a widespread and growing criticism that the "No Boots on the Ground Plus Light Airstrikes" approach has failed to drive ISIS back from its gains in Iraq and has enabled the radical Islamist terror group to achieve record recruiting. The administration is under pressure to change its failing strategy for Iraq and to at least articulate a more effective approach. So far, President Obama has refused to go beyond the use of trainers (no combat role), some equipping and air support seemingly disconnected from the local actions on the ground. There is a responsible middle ground between the fairly "thin" investment made by Obama and a full reinvasion of Iraq, and some in Congress are ready to explore that. The Heritage Foundation has outlined one such approach, modeled on the successful operations in Afghanistan from late 2001 through early 2002. Heritage has called for embedding American and allied Special Operations forces with local ground units (Iraqi, Kurdish, and eventually Syrian), supported by heavy airpower controlled by the Special Operations embeds. This model drove the Taliban from power and has the potential to do the same to ISIS. Instead, ISIS continues to take territory, including Ramadi last month. The limited U.S. air campaign and the 3,100 non-combat advisers have done little to slow its march. The terrorists have been stopped in some areas, but not all, and very few towns have been "liberated." They now recruit from across the Muslim World, including the West. And until America summons the will to defeat them, they will continue to win the propaganda war. Much more must be done. Last week, the administration approved 450 more advisers, but it essentially doubled down on the current failed plan. The new advisers still are prohibited from combat operations or from being embedded with frontline units. This is not a game changer, and in fact only 50 of the 450 are advisers. The others will provide logistical support and security for the 50. Clearly, the administration is not being serious about defeating ISIS. The White House spokesman even has tried to portray this fight as solely an Iraqi issue, rather than the threat to U.S. national interests it truly is. ISIS is pushing the entire region toward a potentially disastrous Sunni-vs.-Shia conflagration as well as greatly increasing transnational terrorism.

Current US measures have been ineffective in halting ISIS threat

Engel 6/16 (Pamela Engel - reporter for Business Insider, 6/16/15, "ISIS is gaining momentum in the worst possible way" <http://www.businessinsider.com/isis-is-gaining-momentum-in-the-worst-possible-way-2015-60> // CW

In the year since the Islamic State militant group tore through the Middle East and took control of Iraq's second-largest city, the US has been scrambling to come up with an effective strategy to defeat the militants. Meanwhile, the Islamic State (also known as ISIS, ISIL, or Daesh) is winning by successfully settling in as Iraq and Syria crumble. "A year after the Islamic State seized Mosul, and 10 months after the United States and its allies launched a campaign of airstrikes against it, the jihadist group continues to dig in, stitching itself deeper into the fabric of the communities it controls," Ben Hubbard of The New York Times reports. The Times, citing interviews with residents, notes that ISIS is offering reliable, if harsh, security; providing jobs in decimated economies; and projecting a rare sense of order in a region overwhelmed by conflict." And by doing so, the group is increasingly winning over reluctant civilians. "It is not our life, all the violence and fighting and death," a laborer from Raqqa told The Times. "But they got rid of the tyranny of the Arab rulers." As ISIS further entrenches itself in the areas it controls, it is

becoming clear that the US isn't anywhere close to eliminating the group. 'They've clearly got the best battle plan' After a US general insisted in December that ISIS was on the defensive, the militants seized Ramadi, the provincial capital of the Sunni-dominated Anbar province, successfully crippling Iraqi security forces that significantly outnumbered ISIS fighters. The group then went on to take Palmyra, a strategically and historically significant town in Syria, from the regime of Syrian dictator Bashar Assad. "People inside D.C. are hanging on to the myth that ISIS isn't that good, but they're missing that what ISIS has done shows an extraordinary capability to conduct integrated military operations," Christopher Harmer, a senior naval analyst at the Institute for the Study of War, told Business Insider. Harmer noted that ISIS has proved it can coordinate military activity across multiple fronts, moving fighters within and between Syria and Iraq, transporting vehicles across borders, sharing expertise in how to build improvised explosive devices, and coordinating even small battles from the top down. "They've clearly got the best battle plan, and nobody that's fighting against them has a logical plan on how to defeat them." Harmer said. "It is beyond obvious to any observer of what's happening that ISIS' strategy is clearly more effective than the American strategy to defeat it." The Soufan Group said in a note this week that three key assumptions the Obama administration had modeled its anti-ISIS strategy around had not held up very well over the past year. The Iraqi army is still incapable of beating back ISIS and retaking Mosul, the Shia-dominated government in Baghdad has been reluctant to arm and train Sunni fighters in Iraq out of fear they will later rise up against Baghdad, and the US hasn't been able to effectively counter ISIS' online propaganda that lures thousands of foreign fighters into the group's ranks.

Obama's expansion of the US strategy won't solve ISIS

Engel 6/16 (Pamela Engel - reporter for Business Insider, 6/16/15, "ISIS is gaining momentum in the worst possible way" <http://www.businessinsider.com/isis-is-gaining-momentum-in-the-worst-possible-way-2015-60> // CW

'Baghdad and Iran are opposed to us training Sunnis' President Barack Obama recently announced an expansion of the US strategy in the Middle East, pledging to send 450 more troops to Iraq in a push to train the country's battered security forces to retake Ramadi. But Michael Pregent, a terrorism analyst and former US Army intelligence officer in Iraq, told Business Insider earlier this week why this strategy was most likely doomed to fail. He recently wrote that while the Obama administration is correct to think that arming and training Sunnis to defend their own territory is the only viable way to beat back advances by ISIS, a Sunni extremist group, the political situation in Baghdad (not to mention Syria) is obstructing the plan. The Shia-led government in Baghdad is vetting the recruits who want to join the Iraqi security forces, and it has been looking for any connections to Sunni political leaders and Baathists who formerly supported dictator Saddam Hussein. Iran, which is contributing Shiite militias to the ground fight against ISIS while engaging in negotiations with the US over a nuclear deal, also opposes the arming of Iraqi Sunnis. Sunnis crossing a bridge on the outskirts of Baghdad on May 24. "You can send more American advisers, but until they're training Sunnis, they're not going to make a difference in the fight against ISIS," Pregent told Business Insider. "Baghdad and Iran are opposed to us training Sunnis, and the president cares about the nuke deal." Obama acknowledged earlier this week that the US did not have a "complete strategy" to beat ISIS. This is especially clear when looking at Syria. Assad's regime is staunchly backed by Iran and largely ignored by the Obama administration while

Obama pursues a "once in a lifetime opportunity" to finalize a nuclear deal with Iran. The US-led anti-ISIS coalition has been carrying out airstrikes in Iraq and Syria and training Iraqi security forces, but this hasn't been enough to win the ground fight against the militants.

1AR – “Turn – Arab-American coop”

Coop with Arab-American communities is key to solving the war on terror.

Ramirez ‘4

(et al; Deborah A. Ramirez, Professor of Law at Northeastern University. She holds a JD from Harvard University, "Developing partnerships between law enforcement and American Muslim, Arab, and Sikh communities: a promising practices guide" (2004). Partnering for Prevention & Community Safety Initiative Publications. Paper 4. <http://hdl.handle.net/2047/d20004127>)

At the same time law enforcement recognized that **the tools used prior to September 11th were inadequate** to the new post-September 11th task. Although traditional investigative tools had been useful in achieving a quick and thorough response to September 11th, **law enforcement needed enhanced tools to effectively prevent future acts of terror.** Specifically, September 11th reinforced the idea that for law enforcement agencies to effectively prevent future acts of terrorism, **it would require the cooperation and assistance of the American Muslim, Arab, and Sikh communities. Embedded within these communities are the linguistic skills, information, and cultural insights necessary to assist law enforcement in its efforts to identify suspicious behavior. In order to have access to these critical tools** and information, **law enforcement recognized the need to build the bridges** required for effective communication with these groups.

Arab-American coop is significantly hampered by federal intelligence gathering

Achtenberg ‘14

(et al; Roberta Achtenberg - currently serves as a Commissioner on the United States Commission on Civil Rights. She served as Assistant Secretary of the U.S. Department of Housing and Urban Development, becoming the first openly lesbian or gay public official in the United States whose appointment to a federal position was confirmed by the United States Senate. U.S. COMMISSION ON CIVIL RIGHTS – “FEDERAL CIVIL RIGHTS ENGAGEMENT WITH ARAB AND MUSLIM AMERICAN COMMUNITIES - POST 9/11” – September – available via google search)

The **goals of constructive “partnership” engagement and “aggressive” intelligence gathering are prone to work at cross purposes.** As the Commission found, “[f]ederal programs which intertwine civil rights protections with other policy and legal priorities undermine efforts to reduce prejudice and discrimination against American Arabs and Muslims.”² The Commission also identified as a Key Issue the fact that **investigatory/enforcement techniques used by some federal agencies have had excessive overlap with those same agencies’ community engagement activities. This has made numerous Arab and Muslim Americans feel that they were being harassed and denied civil rights, and for some, lessened their trust in the very federal agencies that were in part supposed to be protecting them.**

The turn’s unique – federal policy hampers this coop now.

Waxman ‘9

Matthew C. Waxman - Associate Professor, Columbia Law School; Member of the Hoover Institution Task Force on National Security and Law; Adjunct Senior Fellow, Council on Foreign Relations – “Police and National Security: American Local Law Enforcement and Counterterrorism After 9/11” - JOURNAL OF NATIONAL SECURITY LAW & POLICY - Vol. 3:377 - http://jnslp.com/wp-content/uploads/2010/08/09_Waxman-Master-12-7-09-.pdf

In general, this means that federal coordination efforts and offers of assistance to state and local agencies can alter local police priorities from what the local political “market” might produce, but only to a point. **A key question** is what **happens when federal national security priorities are too greatly misaligned from local political preferences.** Some of the **consequences of misalignment are illustrated in** two frequently cited **examples of local-federal tension in combating terrorism**: Detroit’s response to federal requests to interview certain immigrants, and Portland, Oregon’s withdrawal from the FBI’s regional JTTF. In November 2001, **the Justice Department requested that local police departments assist in interviewing** 5,000 foreign **men of Middle Eastern origin** residing in their communities **to determine whether any** of them posed a terrorist threat or **had useful information about possible terrorists.** **The Detroit Police Chief** and local officials **worried** that **these interviews** might violate of state law and **could alienate Arab-Americans. They therefore refused to participate in the federal initiative.**⁷⁸ In 2005, Portland became the first city to remove its law enforcement agencies from the FBI-led JTTF. Key members of the city government worried that the JTTF’s surveillance activities might, while complying with federal law, not meet more stringent state law standards despite FBI assurances. Nor, due to secrecy rules, could city government leaders oversee whether city police officers participating in the JTTF were abiding by agreed-upon guidelines.⁷⁹ In both Detroit and Portland, pressures stemming from local accountability systems forced municipal agencies to opt out of the federal effort.⁸⁰ **The Detroit greater metropolitan area is home to an especially large Arab-American community. Arab-American leaders voiced concern about the interview initiative, and the local police had worked hard over recent years to build a relationship of trust with the Arab-American community, a relationship the police feared could fray as a result of heavyhanded federal efforts.**⁸¹ Portland, is an area known for its generally liberal orientation (in 2003 the city council publicly criticized and called for major changes in the USA PATRIOT Act, enacted by Congress soon after September 11 to expand domestic law enforcement and intelligence powers), and city officials were probably particularly sensitive about aggressive federal counterterrorism efforts after a Portland-area lawyer and convert to Islam was erroneously linked by the FBI to terrorist bombings in Madrid.

1AR – targeted warrants solve just as well

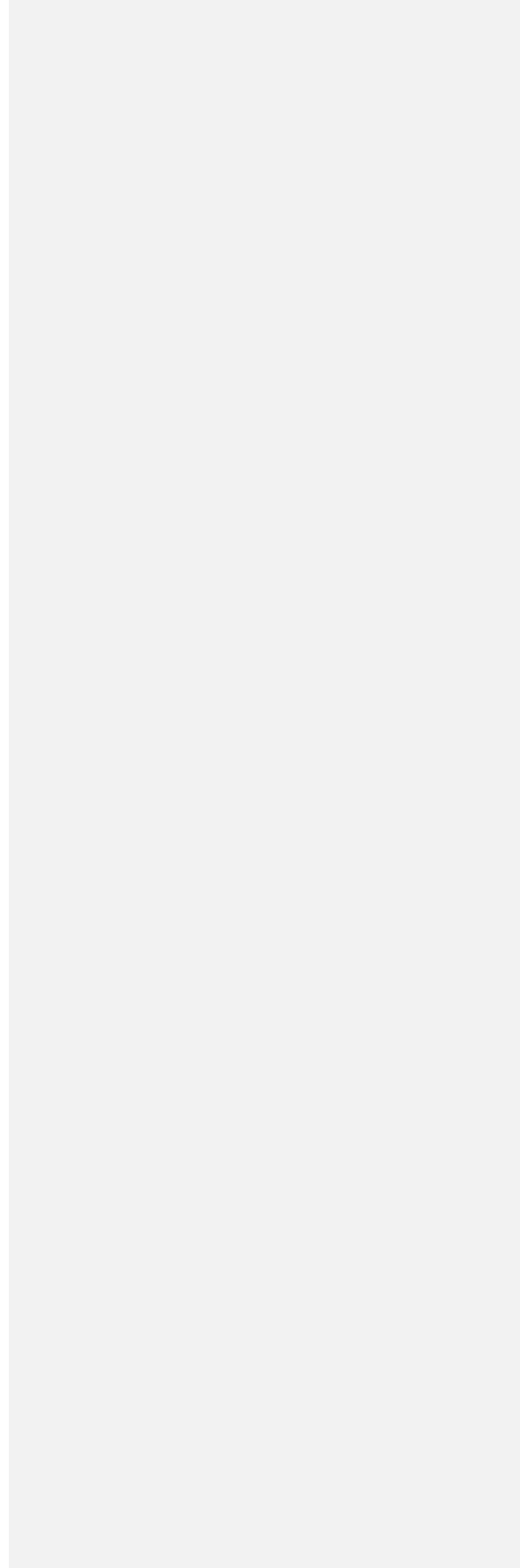
Even if the info's useful – it doesn't have to be collected in bulk". Targeted and narrow alternatives solve their link.

Wyden '14

(et al; This amicus brief issued by three US Senators - Ron Wyden, Mark Udall and Martin Heinrich. Wyden and Udall sat on the Senate Select Committee on Intelligence and had access to the meta-data program. "BRIEF FOR AMICI CURIAE SENATOR RON WYDEN, SENATOR MARK UDALL, AND SENATOR MARTIN HEINRICH IN SUPPORT OF PLAINTIFF-APPELLANT, URGING REVERSAL OF THE DISTRICT COURT" – Amicus Brief for *Smith v. Obama* – before the United States Ninth Circuit Court of Appeals - Appeal from the United States District Court District of Idaho The Honorable B. Lynn Winmill, Chief District Judge, Presiding Case No. 2:13-cv-00257-BLW – Sept 9th, 2014 – This Amicus Brief was prepared by CHARLES S. SIMS from the law firm PROSKAUER ROSE LLP. Continues to Footnote #6 – no text omitted. Amici" means "friend of the court" and – in this context - is legal reference to Wyden, Udall, etc. This pdf can be obtained at: <https://www.eff.org/document/wyden-udall-heinrich-smith-amicus>)

The government possesses a number of legal authorities with which it may obtain the call records of suspected terrorists and those in contact with suspected terrorists. Amici have consistently argued that the bulk phone-records program needlessly tramples on Americans' privacy rights, particularly in light of the authorities available to the government that can also be used to acquire call records of suspected terrorists and those in contact with suspected terrorists in a targeted manner. See Press Release, Sen. Martin Heinrich, Udall, Heinrich Back Effort To End Dragnet Collection of Phone Data & Add Meaningful Oversight of Surveillance Programs (Oct. 29, 2013), <http://1.usa.gov/182XcHE>; Press Release, Sen. Mark Udall, Surveillance Reform Package Ends Bulk Collection of Phone Records, Creates Constitutional Advocate for Secret Court (Sept. 25, 2013), <http://1.usa.gov/1bBGLku> ("Udall Reform Release"). Even the valid claims by intelligence officials about certain useful information obtained through the bulk phone records program fail to explain why the government could not have simply obtained this information directly from phone companies using more calibrated legal instruments. A number of legal authorities would have allowed the government to do so. For example, the Stored Communications Act permit, the government to obtain precisely the same call records that are now acquired through bulk collection under section 215 when they are "relevant and material to an ongoing criminal investigation." 18 U.S.C. § 2703 (d) Individualized orders for phone records, as opposed to orders authorizing bulk collection, can also be obtained under section 215. 50 U.S.C. § 1861. National security letters, which do not require a court order, can also be used by the government to obtain call records for intelligence purposes. See 18 U.S.C. § 2709. The government can also acquire telephony metadata on a real-time basis by obtaining orders from either regular federal courts or the FISC for the installation of pen registers or trap-and-trace devices. See 18 U.S.C. §§ 3122, 3125; 50 U.S.C. § 1842. And the government may also seek call records using standard criminal warrants based on probable cause. See 18 U.S.C. § 2703 (c)(A); Fed. R. Crim. P. 17(c). The government can use many of these authorities without any more evidence than what is currently required to use the bulk phone-records database, with less impact on the privacy interests of innocent Americans.

Turns



Cooperation Turn 2.0

Turn — Community Cooperation.

A) Surveillance creates support for terrorism and undermines investigations — it stigmatizes Muslim communities and undermines global credibility.

El-Said 15 — Hamid El-Said, Professor of International Relations at Manchester Metropolitan University, Advisor to the UN Counter-Terrorism Task Force, Ph.D. in Political Economy from the University of Jordan, BSc in Business and Demographic Studies from the University of Jordan, M.A. in Middle Eastern Studies from the University of London, M.A. in Development Studies from the University of Manchester, 2015 (“In Defence of Soft Power: Why a “War” on Terror Will Never Win,” *The New Statesman*, February 4th, accessible online at <http://www.newstatesman.com/politics/2015/02/defence-soft-power-why-war-terror-will-never-win>, accessed on 6-17-15)

Although the EU and UN’s “soft” approaches, which called for “addressing the conditions conducive to the spread of terrorism” in the first place, held great potential, they were watered down by the continued prevalence of hard military approach worldwide. The United States, for instance, has never bought into the “soft” approach and continued to follow a military strategy, despite noticeable change in terminology. As a report by the Bipartisan Policy Center’s National Security Preparedness Group concluded in 2001, the US government has shown little interest in “soft” counter radicalisation and de-radicalisation policies.

This is despite the fact that home-grown terrorism has become more prominent in America. The American government has also ironically been active in promoting “soft” de-radicalisation programmes abroad (such as in Afghanistan and Iraq), as well as the establishment of several regional centres and forums allegedly aimed at countering the global rise in violent extremism through “soft” power. This contradiction has undermined the credibility of the US as a genuine leader of, and believer in, the role of “soft” power in countering violent extremism, including the upholding of the rule of law, freedom of expression, and respect for human rights.

Even globally, the “soft” power approach remains the exception, not the rule. A report by the United Nations Counter Terrorism Implementation Task Force in late 2009 showed that no more than 30 out of 192 UN Member States injected some form of “soft” powers into their counter terrorism strategies. The rest continue to rely on a kinetic approach that is only capable of creating more hostilities and antagonism. Many of those countries are close allies of the US in its so-called war on terror.

Neither in Europe nor in North America did de-radicalisation (an extensive form of rehabilitation of violent extremist detainees) receive sufficient attention. The practice has been either to “deport” the “terrorists” or to detain them “forever” in individual cells. The value of rehabilitating the detainees to prepare them for peaceful reintegration into their societies with a minimum risk was lost. Many academics and observers, including the author, have repeatedly warned that the benefits of effective de-radicalisation policies go beyond prison bars to affect the whole community from whence the detainees came. No heed was paid. The upshot has been the kind of attacks that we recently experienced in Paris and Copenhagen, both of which were accomplished by former un-rehabilitated convicts.

Europe and America however showed more interest in counter radicalisation policies that seek to stem the rise of violent extremism at a societal level. Such policies included, among others, community engagement and community policing. Rather than “winning hearts and minds” by solving problems and showing interest, these were intelligence-led, causing them to be perceived by most Muslims as no more than spying-tools targeting their communities. This undermined trust between Muslim communities and the police, a prerequisite for successful collaboration and effective community engagement in countering radicalisation in society.

As a report by the Equality and Human Rights Commission Research concluded, counter radicalisation measures have turned “Muslims [into] . . . the new suspect community.” This, the report added, has stigmatised whole Muslim communities, fuelled resentment and even bolstered “support for terrorist movements.”

It is against this background that the recent rise in Islamophobia in Europe and North America should be understood. Islamophobia is reflected in an alarming increase in anti-Islamism in Western societies and rise in fatal attacks against Muslims, which hardly receive the attention they deserve from the Western media, and state officials, especially when compared to incidents when the victims are Westerners and the perpetrators are “Muslims”.

Some Western countries have recently ramped up security measures in response to some terrorist acts. This will neither make us safer nor answer the important, still unanswered question of what led some individuals to choose a nihilistic view of life in Western societies. Arresting somebody or cancelling his or her passports will also not prevent new attacks, nor will it explain why such attacks were attempted in the first place. As Rep. Tulsi Gabbard (D.-Hawaii), and an Iraq combat veteran, stated: “This war cannot be won, this enemy and threat cannot be defeated unless we understand what’s driving them, what is their ideology.” That we have not done.

In sum, despite the much talked about role of “soft” counter de-radicalisation policies in countering violent extremism, such policies have never been given a genuine opportunity to succeed. It is not surprising therefore that the main aim of the current White House summit, which is taking place in Washington DC between 18-20 March, is to combat violent extremism through the “search for strategies that go beyond only military action for countering terrorists”. Let’s hope that the summit will provide an opportunity to reverse our misguided military approach to countering the phenomenon of “terrorism”. Although it is doubtful.

B) Muslim reporting is key to stopping terrorism — they provide critical intel for counter-terrorism.

Esman 11 — Abigail Esman, contributor to Forbes with 20 years’ experience writing for national and international magazines including Salon.com, Vogue, Esquire, and more, 2011 (“Should New York Muslims Cooperate With the Police - Or With The Terrorists?,” *Forbes*, November 21st, accessible online at <http://www.forbes.com/sites/abigailsman/2011/11/21/should-new-york-muslims-cooperate-with-the-police-or-with-the-terrorists/2/>, accessed on 6-17-15)

There is a lot behind terrorism cases that police cannot disclose for fear of revealing investigative techniques or intelligence sources.

The truth is, much of what counterterrorism officials have learned over the years has been gleaned from members of the Muslim community who have spoken out to expose radicalism in their midst.

(According to the Chattanooga Times Press, "A recent study by North Carolina's Triangle Center on Terrorism and Homeland Security credited tips from Muslim Americans with thwarting 48 of 120 terrorism cases allegedly involving Muslim Americans over the past 10 years.") Without their assistance, our safety is far less certain.

But that is exactly what Muslim activists now urge fellow Muslims to do: resist cooperation with law enforcement, putting national security greatly at risk. According to the AP, at a "Know your Rights" session for Muslims based on the recent allegations, Ramzi Kassem, a professor of law (of all things!) at the City University of New York, advised, "Most of the time it's a fishing expedition, so the safest thing you can do for yourself, your family, and for your community, is not to answer."

Not to answer? If you see something, keep your mouth shut? It is safer, if you know that there is a good chance someone in your community plans to set off a bomb in Times Square, or near your own place of business, or your child's school, or your father's office in Manhattan, to say nothing? Is he kidding?

Apparently not. And this is what he and CAIR and others are entreating their fellow Muslims to do. Stand by the ummah, the Muslim community. Defend even the terrorists. Know where your loyalty stands.

Frightening stuff.

Certainly these are tender issues. But the fact is, we face, now, quandaries and threats our founding fathers couldn't possibly have imagined. It's been only ten years since the World Trade Center attacks, which, in the grand scheme of history, isn't very long. We are clearly still stumbling here, and likely will be for a while yet, with reconciling balances between security and freedom, and ten years simply is not enough time for us to resolve the conflicts that exist between them.

1AR — Key to Counter-Terror

Mass surveillance kills law enforcement cooperation with US-Arab Americans – that’s key to check terror.

Risen 14 — Tom Risen, Reporter for U.S. News & World Report — Internally quoting Vanda Felbab-Brown, Senior Fellow in the Center for 21st Century Security and Intelligence at the Brookings Institute, 2014 (“Racial Profiling Reported in NSA, FBI Surveillance,” *U.S. News & World Report*, July 9th, accessible online at <http://www.usnews.com/news/articles/2014/07/09/racial-profiling-reported-in-nsa-fbi-surveillance>, accessed on 6-17-15)

The National Security Agency and the FBI have reportedly been overzealous trying to prevent terrorist attacks to the point that anti-Islamic racism in those agencies led to the surveillance of prominent Muslim-Americans, revealing a culture of racial profiling and broad latitude for spying on U.S. citizens.

An NSA document leaked by former agency contractor Edward Snowden to reporter Glenn Greenwald shows 202 Americans targeted among the approximately 7,485 email addresses monitored between 2002 and 2008, Greenwald’s news service The Intercept reports.

To monitor Americans, government agencies must first make the case to the Foreign Intelligence Surveillance Court that there is probable cause that the targets are terrorist agents, foreign spies or “are or may be” abetting sabotage, espionage or terrorism. Despite this filter The Intercept identified five Muslim-Americans with high public profile including civil rights leaders, academics, lawyers and a political candidate.

Racial profiling of Muslims by security officers has been a controversy since the terrorist attacks of 2001 spiked fears about al-Qaida trainees preparing more attacks. The New York Police Department has disbanded its unit that mapped New York’s Muslim communities that designated surveillance of mosques as “terrorism enterprise investigations” after pressure from the Justice Department about aggressive monitoring by police.

A 2005 FBI memo about surveillance procedures featured in The Intercept story uses a fake name “Mohammed Raghead” for the agency staff exercise. This latest report about email surveillance of successful Muslim-Americans is akin to “McCarthyism” that fed paranoia about communist spies during the Cold War, says Reza Aslan, a professor at the University of California, Riverside.

“The notion that these five upstanding American citizens, all of them prominent public individuals, represent a threat to the U.S. for no other reason than their religion is an embarrassment to the FBI and an affront to the constitution,” Aslan says.

There is a risk of radicalization among citizens Americans, evidenced by some who have gone to fight jihads in Syria and Somalia, but mass shootings carried out by U.S. citizens of various racial backgrounds occurs much more often, says Vanda Felbab-Brown, a senior fellow on foreign policy at the Brookings Institution. Since 1982, there have been at least 70 mass shootings across the U.S.

“We have seen very little domestic terrorism in the U.S.,” Felbab-Brown says.

This lack of terrorism is due in part to the willingness of the Islamic community to cooperate with law enforcement to identify possible radical threats, out of gratitude that the U.S. is a stable, secure country compared with the Middle East, she says.

1AR — Kills Cooperation

Surveillance creates hostility that undermines investigations — targeted surveillance undermines community cooperation.

Argomaniz and Lynch 15 — Orla Lynch, Professor of International Relations at the The Handa Centre for the Study of Terrorism and Political Violence at the University of St. Andrews — Javier Argomaniz, Lecturer in International Relations at St. Andrews University, 2015 (“Victims of Counter-Terrorism,” *International Perspectives on Terrorist Victimisation: An Interdisciplinary Approach*, Published by Palgrave MacMillan, ISBN: 9781137347114, pgs. 235-236)

Loss of Community Intelligence and Reduced Cooperation from Muslim Communities

Another significant problem for the NYPD as a result of its targeted counter-terrorism programme has been the increased reluctance of Muslim community members to work with police, including reduced willingness to provide community intelligence and cooperate with investigations of terrorism and day-to-day crimes. Numerous post-9/11 empirical studies of Muslim communities have now documented the negative impact of measures on cooperation and the flow of community intelligence to police (Spalek et al., 2009; Huq et al., 2011a; Huq et al., 2011b; Choudhury and Fenwick, 2011). Because police rely on public cooperation and community-generated information to solve crimes, a decline in Muslim community cooperation is detrimental from the perspective of police effectiveness. Post-9/11 empirical studies of Muslim communities in New York and the United Kingdom show that communities are much more willing to provide tips and community intelligence when they trust police and view police activities as fair (Spalek et al., 2009; Tyler et al., 2010; Tyler, 2011; Huq et al., 2011a; Huq et al., 2011b). Conversely, where Muslim communities do not trust police and do not see their actions as fair, these studies show that community members become much less inclined to report crimes, cooperate with police investigations and provide tips that might aid criminal or terrorism investigations (Spalek et al., 2009; Tyler et al., 2010; Huq et al., 2011a; Huq et al., 2011b).

In New York City, the post-9/11 downward spiral of distrust between Muslim American communities and the NYPD has led to reduced Muslim community cooperation, community tips and other community intelligence (Associated Press, 2011). Rights group Human Rights Watch asserts that the NYPD's counter-terrorism programme targeting Muslim communities “is likely to have a negative impact on cooperation from members of affected communities who will have reason to view law enforcement officials with suspicion” (Human Rights Watch, 2012). Indeed, unease about the NYPD's counter-terrorism programme has led some Muslim American leaders to advise community members not to cooperate with police. Khader Abuassab, for example, a leader of the Arab-American Civic Organization in Paterson, New Jersey, has said: “I would tell people not to cooperate. I can't promise people they will be safe or not be spied on again” (Adely, 2012). Similarly, Ramzi Kassem, a law professor at City University of New York, has suggested non-cooperation, arguing that because the NYPD often conducts 'fishing expeditions' when contacting Muslim community members, 'the safest thing you can do for yourself, your family and for your community, is not to answer' (Associated Press, 2011). And even law enforcement officials have warned of the negative consequences where Muslim community members reduce cooperation in criminal and terrorism investigations.

They Say: “Takes Advantage of Muslim Communities”

Efforts can be genuine — the first step is curtailing surveillance.

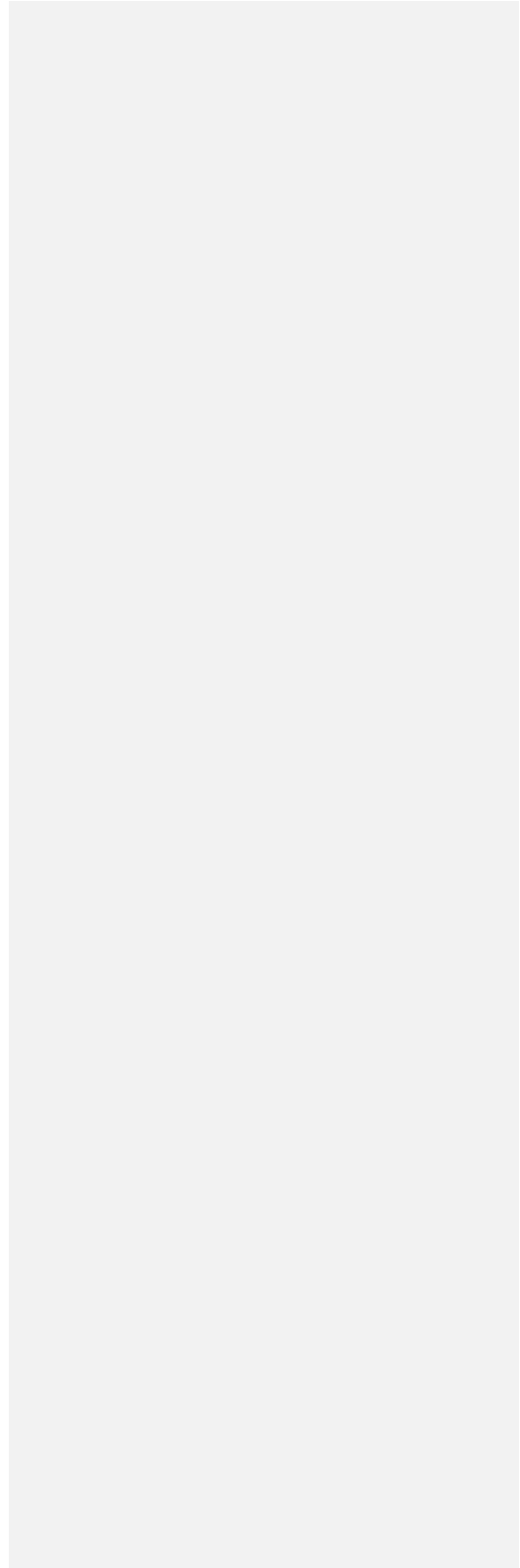
Argomaniz and Lynch 15 — Orla Lynch, Professor of International Relations at the The Handa Centre for the Study of Terrorism and Political Violence at the University of St. Andrews — Javier Argomaniz, Lecturer in International Relations at St. Andrews University, 2015 (“Victims of Counter-Terrorism,” *International Perspectives on Terrorist Victimisation: An Interdisciplinary Approach*, Published by Palgrave MacMillan, ISBN: 9781137347114, pgs. 239-240)

A second challenge to local police implementation of soft power counter-terrorism approaches is the negative perceptions from Muslim communities. Some critics argue that soft power counter-terrorism efforts to gain the trust of Muslim communities are inevitably exploitative and inauthentic (Kundnani, 2009; Muslim American Civil Liberties Coalition, 2013). Critics argue that soft power counter-terrorism approaches with Muslim communities are simply a veneer for the hard power approaches already being carried out by police (Kundnani, 2009). Other scholars, however, offer a more nuanced criticism, recognizing the importance of both hard and soft power measures in counter-terrorism (Quinlan et al., 2013).

One practical question is whether local police have the ability to engage in hard power approaches to identify, disrupt and deter al-Qaeda-inspired terrorism threats while simultaneously engaging in soft power approaches with Muslim communities like voluntary community engagement and law enforcement-community partnership (Spalek et al., 2011; Quinlan et al., 2013). Given some of the practical challenges of balancing these contrasting approaches, one solution discussed in intelligence circles is for local police to focus primarily on engaging in soft power approaches with Muslim communities, while intelligence services and federal policing agencies primarily focus on engaging in hard power approaches to disrupt al-Qaeda-inspired terrorism threats (Marks, 2010). Such an approach would remove many counter-terrorism covert intelligence-gathering powers from local police like the NYPD, which would be extremely difficult to achieve politically.

Challenges to the implementation of soft power counter-terrorism approaches in Muslim communities notwithstanding, at the end of the day, local policing agencies like the NYPD are more effective in terrorism prevention over the long term if they can implement soft power measures without exploiting Muslim communities (Spalek et al., 2011; Choudhury and Fenwick, 2011; Quinlan et al., 2013). By building voluntary trust and cooperation with Muslim communities, local police like the NYPD can achieve desirable terrorism prevention benefits without many of the negative consequences associated with hard power approaches discussed throughout this chapter. Indeed, it is by now clear that an NYPD counter-terrorism approach which exclusively relies on hard power tactics is not only outdated, but also harmful both to Muslim communities and the NYPD.

AT: Rollback



Generic

No rollback — no increase in fear and the public doesn't trust the government. Boston bombing proves.

Hayes 13 — Danny Hayes, associate professor of political science at George Washington University, focusing on political communication and political behavior; co-author of *Influence from Abroad*, a book about Americans' views toward U.S. foreign policy, 2013 ("Why the Boston Marathon bombing won't erode civil liberties," Wonkblog, The Washington Post, April 28th, Available Online at <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/04/28/why-the-boston-maraton-bombing-wont-erode-civil-liberties/>, Accessed 06-21-2013)

From the moment that Boston bombing suspect Dzhokhar Tsarnaev was pulled out of a boat in Watertown, Mass., the debate over civil liberties and domestic anti-terrorism policies, largely dormant in recent years, was reignited.

Noting that "the homeland is the battlefield," Sen. Lindsey Graham (R-S.C.) urged the Obama administration to designate Tsarnaev, an American citizen, as an enemy combatant. Civil liberties groups then objected when authorities decided not to read Miranda rights to the Boston Marathon bombing suspect, invoking a public safety exception. Speculation also arose that police might now find it easier to persuade the public to support the use of surveillance technology and domestic drones. "After Boston," Ryan Gallagher wrote this week in Slate, "the balance in the struggle between privacy and security may swing back in their favor."

But research conducted shortly after 9/11, combined with some recent polling data, suggests that Americans may be unlikely to trade civil liberties for a greater sense of security as a result of the bombing. That's because the attack hasn't made the public significantly more fearful of future domestic terrorism, and because trust in government is low.

After 9/11, concern over terrorism skyrocketed. In a Gallup survey fielded in the days before the attack, less than one-half of one percent of Americans said terrorism was the country's most important problem. But in October 2001, 46 percent did. These worries boosted support for legislation, such as the USA PATRIOT Act, that expanded law enforcement's power to investigate suspected terrorism, even as those measures were criticized for eroding civil liberties protections.

In a survey conducted between November 2001 and January 2002, political scientists Darren Davis and Brian Silver designed a series of questions to explore the tradeoffs between security and civil liberties. They began by asking people whether they agreed more with the statement that "in order to curb terrorism in this country, it will be necessary to give up some civil liberties" or that "we should preserve our freedoms above all, even if there remains some risk of terrorism." Forty-five percent of Americans chose the first option, indicating a willingness to give up some freedoms in exchange for greater security.

When respondents were asked about the tradeoffs involving specific measures, there was wide variation. Davis and Silver found that very few Americans — eight percent — believed that the government should have the power to investigate people who participate in nonviolent protests. And just 18 percent said they supported racial profiling. But when asked, for instance, whether they agreed that "high school teachers have the right to criticize America's policies toward terrorism" or that "high

school teachers should defend America's policies in order to promote loyalty to our country," 60 percent said teachers should back the government.

Perhaps not surprisingly, the biggest influence on whether people were willing to offer pro-security over pro-civil liberties responses was their fear of a second attack. Respondents who believed another terrorist act was imminent were more likely to support tradeoffs in favor of security. Importantly, Davis and Silver found that the relationship was strongest among people who expressed high levels of political trust: People who believe the government typically does the right thing and who were fearful of another terrorist attack were the most willing to relinquish civil liberties protections.

Those findings are consistent with a series of studies by Stanley Feldman, Leonie Huddy and their colleagues at Stony Brook University. In one survey conducted between October 2001 and March 2002, the researchers found that 86 percent of Americans said they were "very" or "somewhat" concerned about another domestic terrorist act. The greater the concern, the more likely respondents were to support the use of government-issued ID cards and allowing authorities to monitor phone calls and e-mail.

But in contrast to 9/11, polling since the Boston Marathon suggests that the bombing has made Americans only slightly more fearful of future terrorist attacks than they were beforehand. Fifty-eight percent of respondents in a Pew poll conducted April 18-21 said they were "very" or "somewhat" worried about another attack on the United States. That was no higher, however, than when the same question was asked in November 2010. And it was significantly lower than the 71 percent who said they were worried in October 2001.

A slightly different question in a Washington Post poll taken April 17-18 found that 69 percent of Americans said that the possibility of a major terrorist attack worried them either "a great deal" or "somewhat." That figure was only a few percentage points higher than when the same question was asked in 2007 and 2008.

In addition, political trust is lower today than it was in 2001, when public confidence in government rose sharply after the terrorist attacks. If Davis and Silver's findings are correct, then greater skepticism of government – produced in part by the struggling economy – should limit the public's willingness to give law enforcement more latitude.

Ultimately, the scope of the Boston tragedy was smaller than 9/11, which could help explain its limited effect on the public. It may also be that because Americans believe terrorist attacks are now a fundamental part of life in the United States, any single event will have a more muted effect on public opinion. And because the Tsarnaev brothers have not been connected to any known terrorist organizations, Americans may feel less under siege than they did when al-Qaeda and Osama bin Laden were identified as the perpetrators of the 2001 attacks.

Regardless of the reason, all of this suggests that policymakers are likely to face a more difficult task than they did after 9/11 in persuading the public to support additional security measures that infringe on Americans' freedoms.

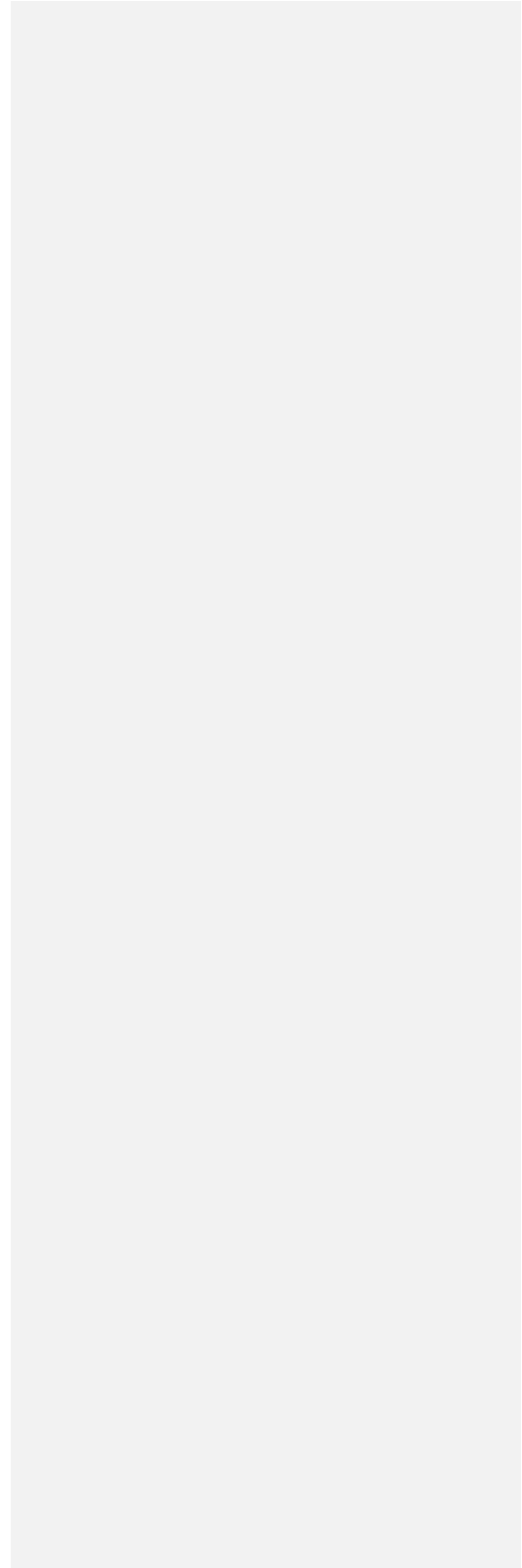
AT: Ratchet Effect

The ratchet effect is unproven.

Givens 13 – Austen D. Givens, a PhD student in the Department of Political Economy at King’s College London, 2013 (“The NSA Surveillance Controversy, How the Ratchet Effect can Impact Anti-Terrorism Laws,” Harvard Law School National Security Journal, July 2nd, available online at <http://harvardnsj.org/2013/07/the-nsa-surveillance-controversy-how-the-ratchet-effect-can-impact-anti-terrorism-laws/>, accessed 6/19/15, J.L.)

The ratchet effect is a unidirectional change in some legal variable that can become entrenched over time, setting in motion a process that can then repeat itself indefinitely.[1] For example, some scholars argued that anti-terrorism laws tend to erode civil liberties and establish a new baseline of legal “normalcy” from which further extraordinary measures spring in future crises.[2] This process is consistent with the ratchet effect, for it suggests a “stickiness” in anti-terrorism laws that makes it harder to scale back or reverse their provisions. Each new baseline of legal normalcy represents a new launching pad for additional future anti-terrorism measures. There is not universal consensus on whether or not the ratchet effect is real, nor on how powerful it may be. Posner and Vermeule call ratchet effect explanations “methodologically suspect.”[3] They note that accounts of the ratchet effect often ring hollow, for they “fail to supply an explanation of such a process...and if there is such a mechanism [to cause the ratchet effect].

No Link



Freedom Act

Domestic Surveillance isn't k2 curtail terrorism – USA Freedom Act proves

Christopher 6/1 (Tommy Christopher - White House Correspondent and Political Analyst “Don't Blame Rand Paul For Our Next Terrorist Attack” <http://thedailybanter.com/2015/06/dont-blame-rand-paul-for-our-next-terrorist-attack/>) // CW

The hysteria over the NSA's bulk collection of telephone metadata climaxed this weekend with a last-ditch effort to extend provisions of the Patriot Act that expired at midnight on Sunday. That effort was primarily, and vocally, blocked by Senator Rand Paul (R-KY), who correctly note that the United States can fight terrorism without collecting data on all Americans' phone calls, but also opposes the USA Freedom Act bill that reforms that program. Along the way, Paul took the extraordinary step of accusing his opponents of secretly wishing for a terrorist attack: “Some of them, I think, secretly want there to be an attack on the United States so they can blame it on me. One of the people in the media, the other day, came up to me and said, ‘oh, when there's a great attack, aren't you going to feel guilty you caused this attack?’ It's like the people who attack us are responsible for attacks on us. Do we blame the police chief for the attack of the Boston bombers? The thing is that there can be attacks even if we use the constitution, but there have been attacks while collecting your bulk data. So the ones who say when an attack occurs it's going to be all your fault, are any of them willing to accept the blame, we have bulk collection now, are any of them willing to accept the blame for the Boston bombing, for the recent shooting in Garland? No, but they'll be the first to point fingers and say, ‘Oh, yeah it's all your fault, we never should have given up on this great program.’” Paul has a point, because without a terrorist attack to blame on him, how can his presidential juggernaut be stopped? Personally, I'm secretly rooting for the Rapture to occur next summer, so the Democrats can take back the House and the Senate. At Monday's White House daily briefing, Daily Mail White House Correspondent Francesca Chambers shopped Paul's remarks to Press Secretary Josh Earnest, whose response was noteworthy for what it didn't say: It's possible that Earnest didn't understand the question even on second reading, but Chambers didn't stutter, and Earnest most certainly did not say that Rand Paul, or anyone else who blocked these provisions, should not be blamed for some future terrorist attack. Twisted egotism aside, Paul is right that if there is another terrorist attack, there will be blame. Rand Paul will certainly be a major recipient of that blame, but Earnest seems perfectly happy to spread that out to all of the Republicans in the Senate. With regard to the Patriot Act provisions, Earnest is absolutely right. Rand Paul blocking extension of the Patriot Act has nothing to do with the failure of the USA Freedom Act, which was opposed by 42 Republicans and Angus King, and which would reform the NSA program with an idea that has been kicking around for several years. More broadly, these are the facts of life of politics, and the only thing Rand Paul is doing here is diverting some of the blame that would otherwise have gone to, and will certainly still be heaped on, President Obama. Practically speaking, though, I don't buy that anything in the Patriot Act, or the almost-as-derpily-named USA Freedom Act, is so crucial to our safety that its absence will invite catastrophe. Fox's Kevin Corke astutely asked Earnest if his reluctance to say that Americans are less safe today is an indication that these programs really aren't all that crucial (Earnest punted).

Freedom Act doesn't solve terror attacks

Nelson 6/2 (Steven Nelson, a reporter at U.S. News & World Report, “Senate Passes Freedom Act, Ending Patriot Act Provision Lapse,” <http://www.usnews.com/news/articles/2015/06/02/senate-passes-freedom-act-ending-patriot-act-provision-lapse>) aj

The phone-record collection began under President George W. Bush, with administration attorneys persuading the Foreign Intelligence Surveillance Court that Section 215 allowed the dragnet. When whistleblower Edward Snowden exposed the program in June 2013 by leaking one of the court's orders, Patriot Act author Rep. James Sensenbrenner, R-Wis., insisted his law did not authorize the collection. Sensenbrenner was instrumental in passing the Freedom Act. Obama, who once supported and for years oversaw the secret bulk call record collection, pivoted in early 2014 after two executive branch review panels found the program was not essential to preventing terror attacks. He urged lawmakers to end the program, but declined to make the change himself. Officials have identified no terror attack prevented solely by the call record program, and the most significant publicly cited success is the detection of a California taxi driver who sent money to a Somali terror group. Jameel Jaffer, American Civil Liberties Union deputy legal director, said the Freedom Act is "the most important surveillance reform bill since 1978, and its passage is an indication that Americans are no longer willing to give the intelligence agencies a blank check." The ACLU was publicly neutral on the bill. "Still, no one should mistake this bill for comprehensive reform," Jaffer said in a statement. "The bill leaves many of the government's most intrusive and overbroad surveillance powers untouched, and it makes only very modest adjustments to disclosure and transparency requirements." Snowden, speaking via video feed with Amnesty International UK interviewers shortly before the vote, said the Freedom Act was "a first step and an important step" and heralded the phone program's demise as a significant victory in pushing back on government claims to need enhanced powers. The bill does not include some popular reforms, such as a ban on "backdoor" searches of American Internet records, which passed the House by a veto-proof majority last year. Though many privacy advocates and organizations are celebrating passage of the Freedom Act, its success threatens lawsuits from the ACLU and others that seek not only an end of the program but also a landmark Supreme Court ruling expending privacy rights to information shared by customers with companies. The government currently considers such information fair game for taking without a warrant. Last month, a panel of the U.S. Court of Appeals for the 2nd Circuit ruled in favor of the ACLU, finding the collection is not authorized by Section 215. The appeals judges did not answer claims that it violates First, Fourth and Fifth Amendment rights. In December 2013, however, U.S. District Judge Richard Leon ruled in a separate lawsuit the "almost Orwellian" program almost certainly violates the Fourth Amendment. Appeals judges in the ACLU case and several legal experts on mootness say legislation ending the collection puts the privacy lawsuits at risk of dismissal. The Freedom Act reauthorizes without alteration the other two provisions that temporarily expired. One provision, allowing tracking of "lone wolf" targets not associated with a terror group, has never been used. The other allows "roving wiretaps" of sometimes unnamed targets who communicate with multiple devices. The Freedom Act does not revise some of the most significant legal authorities the government uses to conduct surveillance, such as Section 702 of the Foreign Intelligence Surveillance Act, which is used for vast Internet surveillance, and Executive Order 12333, which governs collection of intelligence overseas and, according to whistleblower John Napier Tye, could be used to override many congressional reforms without court oversight. Section 702 will expire without congressional reauthorization in 2017.

Data Collection

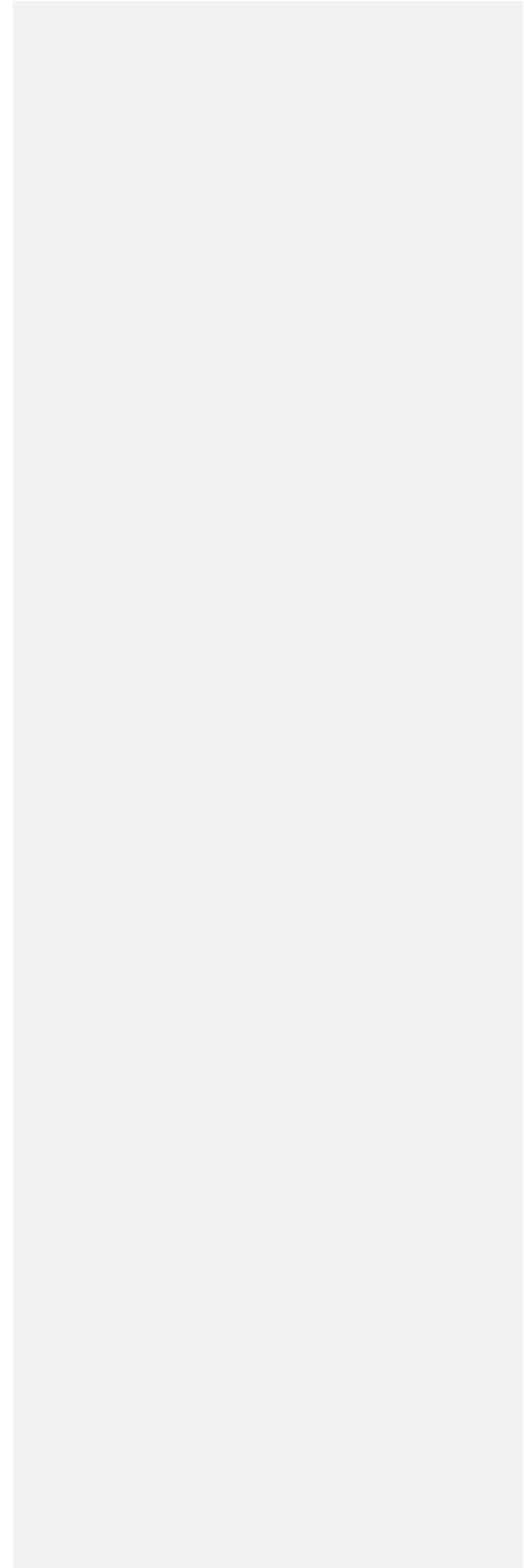
Domestic data mining and metadata solve foreign terror intelligence

Ahmed 14 (Nafeez, British author, investigative journalist, and international security scholar, "How the Pentagon Exploits ISIS to Kill Surveillance Reform and Re-Occupy Iraq," Counterpunch Weekend Edition September 26th-28th, <http://www.counterpunch.org/2014/09/26/how-the-pentagon-exploits-isis-to-kill-surveillance-reform-and-re-occupy-iraq/>) aj

If Minerva research is not really about addressing a non-existent gap in assessing threats in the Middle East, what is it about? According to Fitzgerald, as reported by Tucker: "In contrast to data-mining system development or intelligence analysis, Minerva-funded basic research uses rigorous methodology to investigate the 'why' and 'how' of phenomena such as influence, conflict escalation and societal resilience." The reality is different. As my detailed investigation showed, including my interviews with senior US intelligence experts, **Minerva is attempting to develop new tools capable of assessing social movements through a wide range of variables many of which can be derived from data-mining of social media posts, as well as from analysis of private metadata – all informed by sociological modeling with input from subject-area social science experts.** Contrary to Fitzgerald's statement to Tucker, and to information on the Minerva website, private Minerva email communications I disclosed in the Guardian showed that the data-mining research pursued at Arizona State University would be used by the Pentagon "to develop capabilities that are deliverable quickly" in the form of "models and tools that can be integrated with operations." Prof Steve Corman, a principal investigator for the ASU project on 'radical and counter radical Muslim discourses', told his ASU research staff that the Pentagon is looking to "feed results" into "applications." He advised them to shape research results "so they [DoD] can clearly see their application for tools that can be taken to the field."

AT: terror Impacts

Impact = Hype



2AC

Terror threat assessments are biased.

Zenko, Douglas Dillon Fellow – Center for Preventive Action @ CFR, 2/25/14

(Michael, "When Terrorism (That Never Happened) Made Headlines in Sochi," Foreign Policy)

In the lead-up to the Winter Olympics, a fear-mongering media merely listened to alarmist policymakers and privileged the aspirational statements of marginalized terrorist groups. By irresponsibly providing little context for such threatening language, the media conditioned citizens to assume that violent attacks against innocent people were a near certainty.

It all started on Jan. 19, when Vilayat Dagestan, an affiliate of insurgent group Ansar al-Sunna, released a video statement in which two Islamist militants announced an intention to carry out jihadi attacks throughout Russia and promised a "present" for Russian President Vladimir Putin at the Olympics. This video came three weeks after two suicide attacks at a train station and on a trolley bus -- 400 miles from the Olympic Village in Volgograd -- that collectively killed 34 and injured up to 104.

Congressional members, purportedly relying on classified briefings, subsequently made the case that Sochi was not at all secure. Rep. Mike Rogers, chair of the House Permanent Select Committee on Intelligence, said "We can only hope that they'll find those individuals before they're able to penetrate any of the rings. And I don't believe that the terrorists think they have ... to have a terrorist attack on a particular venue. They just have to have some disruptive event somewhere." Rep. Peter King warned: "I cannot give [U.S. athletes] 100 percent guarantee. The fact is that these are going to be very much threatened Olympics." Rep. Michael McCaul, chair of the House Homeland Security Committee, even went so far as to say that canceling the games should have been considered, saying, "I think there's a high degree of probability that something will detonate, something will go off." The list of policymakers goes on. In short, they chose sound bites over a balanced communication of the risks posed to Americans traveling to Sochi.

News reports repeated and amplified this narrative by warning about the proliferation of "black widows," women seeking revenge for husbands or family members killed by security forces: "Urgent Search for 'Black Widow' Suicide Bomber, May Be Already in Sochi" was one headline. During the six months leading up to the opening ceremony, the New York Times ran 72 articles about the Olympics that mentioned the threat of terrorism. USA Today reported that most of the major sponsors of the Winter Games had prepared "ads of compassion and support that could air following any incidents of terrorism." Unsurprisingly, in a CNN/ORC poll conducted during the week prior to the opening ceremony, 57 percent of Americans surveyed believed that a terrorist attack of some sort was likely at the Olympics.

Politicians and the media could have handled this more responsibly by communicating not only the probability of a terrorist attack at Sochi, but by reporting the true extent of terrorism throughout Russia.

Historically, Russia has suffered greatly from terrorism. In the 20-year period between 1992 and 2012, the country ranked seventh in the world for total terrorist attacks and related deaths, according to the

National Consortium for the Study of Terrorism and Responses to Terrorism. However, this statistic does not reveal the whole story of terrorism in Russia or the threat posed in Sochi specifically.

The group also reports that Russia was not among the top 10 countries for total attacks in 2012. Moreover, the frequency of attacks decreased during the first half of 2013, and fewer than 50 percent of these resulted in one or more fatalities. (Data is not yet available for all of 2013.) Since 1992, more than 70 percent of attacks have occurred in Chechnya, Dagestan, and Ingushetia, and only eight attacks -- fewer than 0.5 percent -- have taken place in Krasnodar Krai, where Sochi is located. Moreover, while it is estimated that Chechen groups carried out 17 percent of the attacks between 1992 and 2012, the remaining attacks were carried out by other active groups in Russia. According to the Russian government, half of terrorist incidents in 2012 targeted local law enforcement and security forces, not civilians.

Thus, while a terrorist attack is always a possibility in Russia -- as well as in the 80 other countries where terrorism is present -- an attack against civilians in Sochi was always highly unlikely.

Moreover, congressional leaders could have pointed out that Chechen militant groups are losers. All three respected data sets that evaluate the successes of terrorist organizations found that Chechen groups largely failed to achieve their political or territorial objectives. What Vilayat Dagestan achieved by releasing a video was instant credibility, and the sort of free promotional airtime that is invaluable.

In 1975, terrorism scholar Brian Jenkins observed, "Terrorists want a lot of people watching, not a lot of people dead." The media obviously needs people watching or reading, no matter what the issue. Inflating the probability and severity of terrorism is unfortunately a reliable way to achieve this. Thankfully, there were no terrorism incidents during the Winter Olympics. But with the World Cup kicking off in 107 days in Brazil, the media has plenty of time to yet again worry about the worst outcomes and emphasize the (implausible) potential threats to increase viewership.

1AR

Terror isn't a war-level threat.

Diab 15 – Robert Diab is an Assistant Professor in the Faculty of Law at Thompson Rivers University, and specializes in Canadian and US national security law, criminal, and constitutional law, author of *The Harbinger Theory: How the Post-9/11 Emergency Became Permanent and the Case for Reform*, 2015 (“Has ISIS become the new pretext for curtailing our civil liberties?,” Oxford University Press’s Academic Insights for the Thinking World, June 1st, available online at <http://blog.oup.com/2015/06/isis-new-pretext-curtailing-civil-liberties/>, accessed 6/21/2015, J.L.)

A series of measures put in place in the years following 9/11 have now become a fixture of Western government: mass warrantless surveillance, longer periods of detention without charge, and greater state secrecy without accountability. The United States finds itself at the vanguard of this movement with its embrace of executive authority to carry out targeted killing of its own citizens. Many of these measures arose in part as an over-reaction to the threat of al Qaeda. But they were also due in part to a plausible concern that terrorism had come to pose a threat of a much greater magnitude than was previously thought possible. For many, terrorism had become closer in nature to war than to crime, justifying a host of invasive measures. Almost 15 years later, the continuing argument for those measures rests on the belief that terrorism still poses a threat tantamount to war. In the wake of recent attacks in Paris, Ottawa, and Sydney, governments have sought to make this argument by linking the threat of domestic terrorism to ISIS. The link is necessary because ISIS is now the only entity capable of serving as a plausible basis for the claim that jihadist terrorism continues to be potentially war-like in scale. The need to see terrorism on this scale to justify extraordinary measures points to an earlier shift in perceptions of terror. Prior to 9/11, terror on domestic soil was seen as a criminal act, regardless of its scale. Conventional prosecutions followed the Oklahoma City and Air India bombings, and earlier events involving the IRA and other political groups. After 9/11, terrorism in much of the West came to be understood in terms of what can be called the harbinger theory. This was a belief that 9/11 was not an anomaly in the history of terrorism, but the harbinger of a new order of terror — one in which future attacks on the part of al Qaeda or an analogous group would soon occur in a major Western city on a similar or greater scale, possibly involving weapons of mass destruction. It now seemed plausible that terrorism could involve tens or hundreds of thousand of casualties, even millions, the threat was comparable to war. As a consequence, for Dershowitz, Posner, and others, the conventional limits on state power in constitutional and human rights were no longer tenable. In the United States, the harbinger theory still forms a crucial basis for national security policy. Following the Snowden revelations, for example, President Obama defended the continuing use of bulk metadata surveillance by asserting: “the men and women at the NSA know that if another 9/11 or massive cyberattack occurs, they will be asked by Congress and the media why they failed to connect the dots.” A bill before Congress purporting to overhaul the Patriot Act has been lauded for ending bulk data collection by the NSA. But to appease concerns about “another 9/11,” it will retain the practice of bulk data collection by shifting it to third parties. The evidence of domestic terrorism in Western nations in recent years runs directly contrary to the harbinger theory. As Mueller and Stewart and others have shown, the future of terrorism is likely to be more like the pre-9/11 past: lone-wolves or small, disparate groups with more limited capabilities. Recent attacks in Paris, Ottawa, and Sydney confirm this. One of the principals in the Charlie Hebdo killings had received training from an al Qaeda affiliate in Yemen in 2011, but little more. The men involved in the Ottawa and Sydney events were known to police and acted alone. Security. CCO

via Pixabay. Security. CCO via Pixabay. Yet, in keeping with the harbinger theory, governments have been quick to draw a connection between recent terror and ISIS, a large transnational entity with greater capacity. In the wake of the attack on Parliament, Canada's Prime Minister Stephen Harper asserted: "The international jihadist movement has declared war..." The epicenter of the threat is the "entire jihadist army that is now occupying large parts of Iraq and Syria." The US and French governments have also tied ISIS to the prospect of further domestic terror, ignoring ample evidence that ISIS is, as Ahmed Rashid put it, "not waging a war against the West." Despite the tenuousness of a link to ISIS, Canada, France, and Australia have sought to justify significant new measures in light of it. Canada's bill C-51 gives security intelligence service the unprecedented power to seek a warrant to breach any Charter right — not only those protecting against unreasonable search and seizure — if believed to be necessary to thwart a terror plot. France is debating a mass surveillance bill, while Australia will likely adopt a law that strips terror suspects of citizenship. In each case we have to ask: What will the new powers accomplish? Would they have prevented attacks in Sydney, Ottawa, or Paris? Looking back, it's hard to see how. Even with full surveillance, it would likely have been impossible to know how far along the path of radicalization certain individuals were prepared to go, until they got there. Yet by maintaining the perception of domestic terrorism as part of a larger war, questions of cause and effect become moot, and de facto emergency powers persist.

Terror-threat discourse is based in irrational fear sustained by corporate and government profit

Greenwald 12

(Glenn, JD in Constitutional Law and recipient of the first annual I.F. Stone Award for Independent Journalism and winner of the 2010 Online Journalism Association Award and author of three New York Times Bestselling books and named as one of the 25 most influential political commentators in the nation, "The sham "terrorism expert" industry" Aug 15, 2012, Salon)

Shortly prior to the start of the London Olympics, there was an outburst of hysteria over the failure to provide sufficient security against Terrorism, but as Harvard Professor Stephen Walt noted yesterday in Foreign Policy, this was all driven, as usual, by severe exaggerations of the threat: "Well, surprise, surprise. Not only was there no terrorist attack, the Games themselves came off rather well." Walt then urges this lesson be learned:

[W]e continue to over-react to the "terrorist threat." Here I recommend you read John Mueller and Mark G. Stewart's The Terrorism Delusion: America's Overwrought Response to September 11, in the latest issue of International Security. Mueller and Stewart analyze 50 cases of supposed "Islamic terrorist plots" against the United States, and show how virtually all of the perpetrators were (in their words) "incompetent, ineffective, unintelligent, idiotic, ignorant, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational and foolish." They quote former Glenn Carle, former deputy national intelligence officer for transnational threats saying "we must see jihadists for the small, lethal, disjointed and miserable opponents that they are," noting further that al Qaeda's "capabilities are far inferior to its desires."

In the next paragraph, Walt essentially makes clear why this lesson will not be learned: namely, because **there are too many American interests vested in the perpetuation of this irrational fear:**

Mueller and Stewart estimate that expenditures on domestic homeland security (i.e., not counting the wars in Iraq or Afghanistan) have increased by more than \$1 trillion since 9/11, even though the annual risk of dying in a domestic terrorist attack is about 1 in 3.5 million. Using conservative assumptions and conventional risk-assessment methodology, they estimate that for these expenditures to be cost-effective “they would have had to deter, prevent, foil or protect against 333 very large attacks that would otherwise have been successful every year.” Finally, they worry that **this exaggerated sense of danger has now been “internalized”**: even when politicians and “terrorism experts” aren’t hyping the danger, the public still sees the threat as large and imminent. As they conclude:

... Americans seems to have internalized their anxiety about terrorism, and politicians and policymakers have come to believe that they can defy it only at their own peril. **Concern about appearing to be soft on terrorism has replaced concern about seeming to be soft on communism**, a phenomenon that lasted far longer than the dramatic that generated it ... **This** extraordinarily **exaggerated and delusional response may prove to be perpetual**.”

Which is another way of saying that you should be prepared to keep standing in those pleasant and efficient TSA lines for the rest of your life, and to keep paying for far-flung foreign interventions designed to “root out” those nasty jihadis.

Many of the benefits from keeping Terrorism fear levels high are obvious. **Private corporations suck up** massive amounts of **Homeland Security cash as long as that fear persists, while government officials** in the National Security and Surveillance State **can claim unlimited powers, and operate with unlimited secrecy and no accountability**. In sum, **the private and public entities that shape government policy and drive political discourse profit far too much in numerous ways** to allow rational considerations of the Terror threat.

Terror threat-discourse is based in flawed scholarship driven by profit – it shuts down rational thought and political debate in favor of horrible atrocities

Greenwald 12

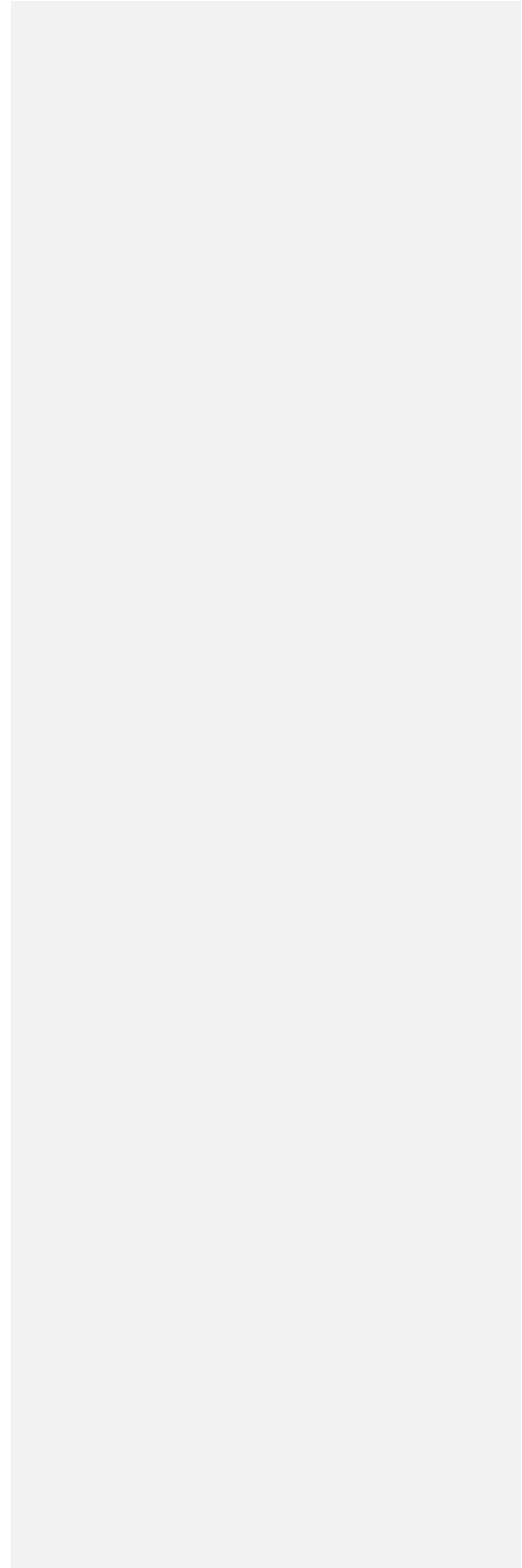
(Glenn, JD in Constitutional Law and recipient of the first annual I.F. Stone Award for Independent Journalism and winner of the 2010 Online Journalism Association Award and author of three New York Times Bestselling books and named as one of the 25 most influential political commentators in the nation, “The sham “terrorism expert” industry” Aug 15, 2012, Salon)

In a recently published journal article in International Security, entitled “The Terrorism Delusion,” **Professors John Mueller and Mark G. Stewart** (cited by Walt) **extensively document what a fraud the concept of “Terrorism” has become over the last decade**. Specifically, **“the exaggerations of the threat presented by terrorism and then on the distortions of perspective these exaggerations have inspired—distortions that have in turn inspired a determined and expensive quest to ferret out, and even to create, the nearly nonexistent.”**

Richard Jackson is a Professor at the The National Centre for Peace and Conflict Studies in New Zealand. He has written volumes on the fraud of “terrorism expertise” and the propagandistic purpose of this field of discipline. He has documented that most self-proclaimed “terrorism experts” simply ignore the primary cause of the violence they claim to study: “most terrorism scholars, politicians and the media don’t seem to ‘know’ that terrorism is most often caused by military intervention overseas, and not religion, radicalization, insanity, ideology, poverty or such like” — even though “the Pentagon has known it for years.” In one article entitled “10 Things More Likely to Kill You Than Terrorism,” he notes that “The chances of you dying in a terrorist attack are in the range of 1 in 80,000, or about the same chance of being killed by a meteor,” and that bathtubs, vending machines, and lightning all pose a greater risk of death.

In a book critiquing the “terrorism expert” field, Jackson argued that “most of what is accepted as well-founded ‘knowledge’ in terrorism studies is, in fact, highly debatable and unstable.” He therefore scorns almost four decades of so-called Terrorism scholarship as “based on a series of ‘virulent myths’, ‘half-truths’ and contested claims” that are plainly “biased towards Western state priorities.” To Jackson, terrorism is “a social fact rather than a brute fact” and “does not exist outside of the definitions and practices which seek to enclose it, including those of the terrorism studies field.” In sum, it means whatever the wielder of the term wants it to mean: something that cannot be the subject of legitimate “expertise.” * * * * * There is no term more potent in our political discourse and legal landscape than “Terrorism.” It shuts down every rational thought process and political debate the minute it is uttered. It justifies torture (we have to get information from the Terrorists); due-process-free-assassinations even of our own citizens (Obama has to kill the Terrorists); and rampant secrecy (the Government can’t disclose what it’s doing or have courts rule on its legality because the Terrorists will learn of it), and it sends people to prison for decades (material supporters of Terrorism). It is a telling paradox indeed that this central, all-justifying word is simultaneously the most meaningless and therefore the most manipulated. It is, as I have noted before, a word that simultaneously means nothing yet justifies everything. Indeed, that’s the point: it is such a useful concept precisely because it’s so malleable, because it means whatever those with power to shape discourse want it to mean. And no faction has helped this process along as much as the group of self-proclaimed “terrorism experts” that has attached itself to think tanks, academia, and media outlets. They enable pure political propaganda to masquerade as objective fact, shining brightly with the veneer of scholarly rigor. The industry itself is a fraud, as are those who profit from and within it.

Terror = No Extinction



2AC

Terror's not existential --- their ev is rhetoric

Mearsheimer 11 (2/16, John, the R. Wendell Harrison Distinguished Service Professor of Political Science and the co-director of the Program on International Security Policy at the University of Chicago and PhD in Political Science from Cornell University, "Imperial by Design," Published in the Jan-Feb Issue of the National Interest, <http://nationalinterest.org/article/imperial-by-design-4576?page=2>, pg. 4, DA: 2/2/2011//JLENART)

In the aftermath of 9/11, terrorism was described as an existential threat. President Bush emphasized that virtually every terrorist group on the planet—including those that had no beef with Washington—was our enemy and had to be eliminated if we hoped to win what became known as the global war on terror (GWOT). The administration also maintained that states like Iran, Iraq and Syria were not only actively supporting terrorist organizations but were also likely to provide terrorists with weapons of mass destruction (WMD). Thus, it was imperative for the United States to target these rogue states if it hoped to win the GWOT—or what some neoconservatives like Norman Podhoretz called World War IV. Indeed, Bush said that any country which "continues to harbor or support terrorism will be regarded by the United States as a hostile regime." Finally, the administration claimed that it was relatively easy for groups like al-Qaeda to infiltrate and strike the homeland, and that we should expect more disasters like 9/11 in the near future. The greatest danger for sure would be a WMD attack against a major American city. This assessment of America's terrorism problem was flawed on every count. It was threat inflation of the highest order. It made no sense to declare war against groups that were not trying to harm the United States. They were not our enemies; and going after all terrorist organizations would greatly complicate the daunting task of eliminating those groups that did have us in their crosshairs. In addition, there was no alliance between the so-called rogue states and al-Qaeda. In fact, Iran and Syria cooperated with Washington after 9/11 to help quash Osama bin Laden and his cohorts. Although the Bush administration and the neoconservatives repeatedly asserted that there was a genuine connection between Saddam Hussein and al-Qaeda, they never produced evidence to back up their claim for the simple reason that it did not exist. The fact is that states have strong incentives to distrust terrorist groups, in part because they might turn on them someday, but also because countries cannot control what terrorist organizations do, and they may do something that gets their patrons into serious trouble. This is why there is hardly any chance that a rogue state will give a nuclear weapon to terrorists. That regime's leaders could never be sure that they would not be blamed and punished for a terrorist group's actions. Nor could they be certain that the United States or Israel would not incinerate them if either country merely suspected that they had provided terrorists with the ability to carry out a WMD attack. A nuclear handoff, therefore, is not a serious threat. When you get down to it, there is only a remote possibility that terrorists will get hold of an atomic bomb. The most likely way it would happen is if there were political chaos in a nuclear-armed state, and terrorists or their friends were able to take advantage of the ensuing confusion to snatch a loose nuclear weapon. But even then, there are additional obstacles to overcome: some countries keep their weapons disassembled, detonating one is not easy and it would be difficult to transport the device without being detected. Moreover, other countries would have powerful incentives to work with Washington to find the weapon before it could be used. The obvious implication is that we should work with other states to improve nuclear security, so as to make this slim possibility even more unlikely. Finally, the ability of terrorists to strike the American homeland has been blown out of all proportion. In the nine years since 9/11, government officials and terrorist experts have issued countless warnings that another major attack on American soil is probable—even imminent. But this is simply not the case. The only attempts we have seen are a few failed solo attacks by individuals with links to al-Qaeda like the "shoe bomber," who attempted to blow up an American Airlines flight from Paris to Miami in December 2001, and the "underwear bomber," who tried to blow up a Northwest Airlines flight from Amsterdam to Detroit in December 2009. So, we do have a terrorism problem, but it is hardly an

existential threat in fact, it is a minor threat. Perhaps the scope of the challenge is best captured by Ohio State political scientist John Mueller's telling comment that "the number of Americans killed by international terrorism since the late 1960s . . . is about the same as the number killed over the same period by lightning, or by accident-causing deer, or by severe allergic reactions to peanuts."

1AR

This is common sense

Buchanan, Analyst – MSNBC, 9/21/'7

(Patrick, http://www.realclearpolitics.com/articles/2007/09/is_terrorism_a_mortal_threat.html)

Terrorism, said Powell, is not a mortal threat to America. "What is the greatest threat facing us now?" Powell asked. "People will say it's terrorism. But are there any terrorists in the world who can change the American way of life or our political system? No. Can they knock down a building? Yes. Can they kill somebody? Yes. But can they change us? No. Only we can change ourselves. So what is the great threat we are facing?" History and common sense teach that Powell speaks truth. Since 9-11, 100,000 Americans have been murdered -- as many as we lost in Vietnam, Korea and Iraq combined. Yet, not one of these murders was the work of an Islamic terrorist, and all of them, terrible as they are, did not imperil the survival of our republic. Terrorists can blow up our buildings, assassinate our leaders, and bomb our malls and stadiums. They cannot destroy us. Assume the worst. Terrorists smuggle an atom bomb into New York harbor or into Washington, D.C., and detonate it. Horrible and horrifying as that would be -- perhaps 100,000 dead and wounded -- it would not mean the end of the United States. It would more likely mean the end of Iran, or whatever nation at which the United States chose to direct its rage and retribution. Consider. Between 1942 and 1945, Germany and Japan, nations not one-tenth the size of the United States, saw their cities firebombed, and their soldiers and civilians slaughtered in the millions. Japan lost an empire. Germany lost a third of its territory. Both were put under military occupation. Yet, 15 years later, Germany and Japan were the second and third most prosperous nations on Earth, the dynamos of their respective continents, Europe and Asia. Powell's point is not that terrorism is not a threat. It is that the terror threat must be seen in perspective, that we ought not frighten ourselves to death with our own propaganda, that we cannot allow fear of terror to monopolize our every waking hour or cause us to give up our freedom. For all the blather of a restored caliphate, the "Islamofascists," as the neocons call them, cannot create or run a modern state, or pose a mortal threat to America. The GNP of the entire Arab world is not equal to Spain's. Oil aside, its exports are equal to Finland's.

Not an existential risk – threats declining

Burke, The Guardian, '13 [Jason Burke, The Guardian, 1/28/13, "Al-Qaida: how great is the terrorism threat to the west now?" <http://www.guardian.co.uk/world/2013/jan/29/al-qaida-terrorism-threat-west>, accessed 7/11/13, JTF]

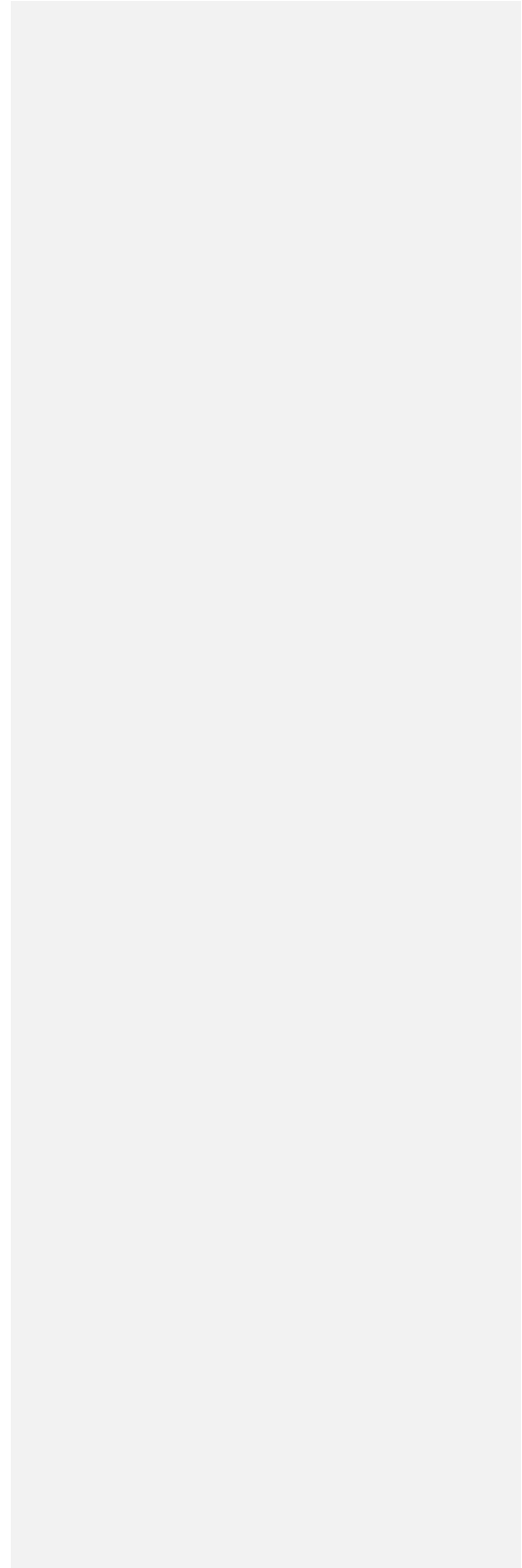
Of course a threat remains. But the big attacks – those that could potentially pose something a little closer to "an existential threat" – are unlikely. These would need to be in a major European or US city or involve at least one passenger jet. If British intelligence, despite having a team devoted for months to checking and rechecking every possible potential lead, could not come up with a single credible threat to the London Olympics last year and their US counterparts were confident enough to declare a similar lack of immediate danger during the recent presidential campaign, it appears fair to assume that bombs in London or New York are a fairly distant prospect for the moment. The biggest threat to airplanes comes from a single highly proficient bombmaker in the Yemen.

Seriously

Cassidy 13 (John, 22 April 2013, Staff Writer – New Yorker, cites John Muller—Professor of Political Science at Ohio State University, “AFTER BOSTON, A FEW FACTS ABOUT TERRORISM,” <http://www.newyorker.com/online/blogs/johncassidy/2013/04/after-boston-a-few-facts-about-terrorism.html>)

According to “Terrorism Since 9/11: The American Cases,” a new book edited by John Mueller, a political scientist at Ohio State University, since the World Trade Center attacks there have been fifty-two alleged Islamic plots to stage attacks on American soil or on planes bound for the United States. If Boston is added to the list, the total is fifty-three. Most of these plots **only got to the stage of talking** (often with disguised federal agents) **before the authorities broke them up**, but some went further than that, **and a few—all shootings rather than bombings—led to fatalities**. At Los Angeles International Airport, in 2002, an Egyptian national filled with a hatred of Israel killed two people at the El Al ticket counter. At a Little Rock military recruitment center, in 2009, an American convert to Islam killed a soldier. The same year, at Ford Hood, in Texas, the U.S. Army major Nidal Malik Hasan, a military psychiatrist, killed thirteen people. In total, **sixteen people were killed in these attacks**. Adding the three fatalities in **Boston, the total comes to nineteen**. As with the Boston killings, each of these murders robbed a person of his or her life and left a family devastated. But **compared to other types of violent deaths, the numbers are small**. In 2010, to take a year at random, **there were 11,078 firearm homicides in the United States, and 19,392 firearm suicides**. In the same year, **there were 544 homicides by suffocation and 89 by fire, plus 79 intentional poisonings and 52 intentional drownings**. Statistically speaking, people in America had a **higher chance of being killed by malaria than by terrorists**. (These figures come from the Centers for Disease Control.) The **small number of successful attacks on the United States reflects the country’s geographic isolation and the efforts of domestic law-enforcement authorities**, but it also demonstrates the **decline of Al Qaeda in the face of a prolonged U.S. military onslaught**. “We have Al Qaeda core in the crosshairs—and they know it,” Matthew Olsen, the director of the National Counterterrorism Center, which the Bush Administration set up, **said in a speech last year**. “Bin Laden knew it when he complained of ‘disaster after disaster’ in the documents seized from his compound. In short, the intelligence picture shows that Al Qaeda core is a shadow of its former self.” In the past few years, **the number of terrorist attacks worldwide has been steadily declining, and so has the number of terrorism fatalities**. In 2007, according to a report from the Counterterrorism Center, **there were 14,415 terrorist attacks** of all kinds around the globe, **which resulted in 22,720 deaths**. In 2011, the most recent year for which figures are available, **there were 10,283 attacks, and 12,533 deaths**. (Much of the decline is accounted for by the changing situation in one country, Iraq, where the number of attacks declined from 6,210 in 2007 to 2,265 in 2011.)

No retaliation



2AC

Public won't demand retaliation – even if they do they'll demand we establish guilty targets first

Smith and Herron 5, *Professor, University of Oklahoma, * University of Oklahoma Norman Campus, (Hank C. Jenkins-Smith, Ph.D., and Kerry G., "United States Public Response to Terrorism: Fault Lines or Bedrock?" Review of Policy Research 22.5 (2005): 599-623, <http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=hjsmith>)

Our final contrasting set of expectations relates to the degree to which the public will support or demand retribution against terrorists and supporting states. Here our data show that support for using conventional United States military force to retaliate against terrorists initially averaged above midscale, but did not reach a high level of demand for military action. Initial support declined significantly across all demographic and belief categories by the time of our survey in 2002. Furthermore, panelists both in 2001 and 2002 preferred that high levels of certainty about culpability (above 8.5 on a scale from zero to ten) be established before taking military action. Again, we find the weight of evidence supporting revisionist expectations of public opinion.

Overall, these results are inconsistent with the contention that highly charged events will result in volatile and unstructured responses among mass publics that prove problematic for policy processes. The initial response to the terrorist strikes demonstrated a broad and consistent shift in public assessments toward a greater perceived threat from terrorism, and greater willingness to support policies to reduce that threat. But even in the highly charged context of such a serious attack on the American homeland, the overall public response was quite measured. On average, the public showed very little propensity to undermine speech protections, and initial willingness to engage in military retaliation moderated significantly over the following year.

Perhaps most interesting is that the greatest propensity to change beliefs between 2001 and 2002 was evident among the best-educated and wealthiest of our respondents— hardly the expected source of volatility, but in this case they may have represented the leading edge of belief constraints reasserting their influence in the first year following 9/11. This post-9/11 change also reflected an increasing delineation of policy preferences by ideological and partisan positions. Put differently, those whose beliefs changed the most in the year between surveys also were those with the greatest access to and facility with information (the richest, best educated), and the nature of the changes was entirely consistent with a structured and coherent pattern of public beliefs. Overall, we find these patterns to be quite reassuring, and consistent with the general findings of the revisionist theorists of public opinion. Our data suggest that while United States public opinion may exhibit some fault lines in times of crises, it remains securely anchored in bedrock beliefs.

1AR

No retaliation – forensics fails

Erwin and Magnuson 9 (Sandra I. Erwin, editor of National Defense Magazine, Stew Magnuson, journalist and former foreign correspondent, 7 Deadly Myths About Weapons of Terror, June, <http://www.nationaldefensemagazine.org/archive/2009/June/Pages/7Deadly.aspx>)

Under the nightmare scenario of a nuclear bomb exploding in a U.S. city, the implied assumption is that the nation's leaders would immediately be able to fire back. That would be the case under the Cold War rules of nuclear retaliation, but the situation is far more complicated when nuclear attacks are perpetrated by non-state actors such as terrorist organizations. Unless the weapon is delivered by a missile, immediate retaliation is not realistic, experts said. It could take weeks or months to figure out where the nuclear materials came from or how the explosive device was built. No state or terrorist group would choose to launch a nuclear weapon by missile because we would know the origin, said Evan Montgomery, of the Center for Strategic and Budgetary Assessments. The more likely means to execute a nuclear attack would be to smuggle the materials and build the bomb on U.S. soil, or steal a bomb and somehow manage to bring it into the United States. Either way, U.S. nuclear experts may not be able to quickly determine the origin of the weapon once it's detonated. Forensics can take weeks or months, said Charles Blair, director of the Center for Terrorism and Intelligence Studies and co-author of a recently published book titled, "Jihadists and Weapons of Mass Destruction." "None of the systems we have now are very quick," he said. "Government officials and the public would have to be willing to wait a while before we retaliate." Nuclear forensics usually is based on fallout and debris. Within hours, U.S. authorities could determine that it was a nuclear explosion. It would take up to a couple of days to determine if there was uranium, plutonium or a mix of the two in the weapon. It's known that eight nations have plutonium bombs, and six others have enough plutonium to build a bomb. If there were a nuclear explosion of a plutonium based weapon, it could be traced to one of 14 countries. With uranium-based weapons, it's more complicated. There are 40 countries that have enough uranium to build at least one bomb. That would take longer to track, said Blair. "You can take debris samples and compare them against known tests. You can within several weeks trace the design to known designs." Nuclear forensics would be far easier if there were a single global database that listed all known methods of creating uranium or plutonium, and catalogued the weapon designs, Blair said. But such a database is unlikely to ever materialize. States prefer to not reveal information about the fissile materials they use or their methods for constructing a weapon. The world's largest nuclear powers, the United States and Russia, both go to great lengths to protect their top secret data on the isotopic composition of their weapons grade plutonium. Even for the United States it's been a challenge to keep track of its own plutonium. Ola Dahlman, a nuclear physicist and advisor to the Swedish Ministry of Foreign Affairs, said there is one cubic meter of plutonium that the United States cannot account for. "Nobody is really concerned," he told National Defense. "But it shows how hard it is to keep track of things." Because plutonium is not a naturally occurring substance, it can only be made in reactors. Identifying the origin in this case would be somewhat easier because reactors have identifiable signatures. With uranium weapons the situation gets more complex because experts would have to figure out how it was enriched. "It doesn't leave many traces," said Blair. Considering how many nuclear

weapons still exist on the planet, it may be shocking to many that nuclear forensics is a vanishing science in the United States. The nation currently has only 40 to 45 scientists who are nuclear forensics experts working at national laboratories, said Blair. “Most are pretty old and will be dying soon.” Only seven universities in the United States offer graduate degrees in radiochemistry, which is one of the primary drivers of nuclear forensics, says Blair. Of those seven programs, four are staffed by just one faculty member. “The U.S. doesn’t really have the brainpower right now to really attack this,” said Blair. It’s also worth noting that no single U.S. government agency is entirely responsible for nuclear attribution. The Department of Homeland Security’s Domestic Nuclear Detection Office comes the closest. It operates a nuclear forensic center that coordinates the work of seven agencies. But the lines of responsibility are blurred, Blair said. If an attack occurred, the FBI would probably step in right away to investigate but the national labs would want to preserve the evidence untouched so they could collect debris, Blair said. There would be turf battles within the government, which would complicate the forensics work.

Multiple options besides nuclear retal—they’re more likely

Neely 13 (Meghan, research intern for the Project on Nuclear Issues, 21 March 2013, “Doubting Deterrence of Nuclear Terrorism,” CSIS, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism>)

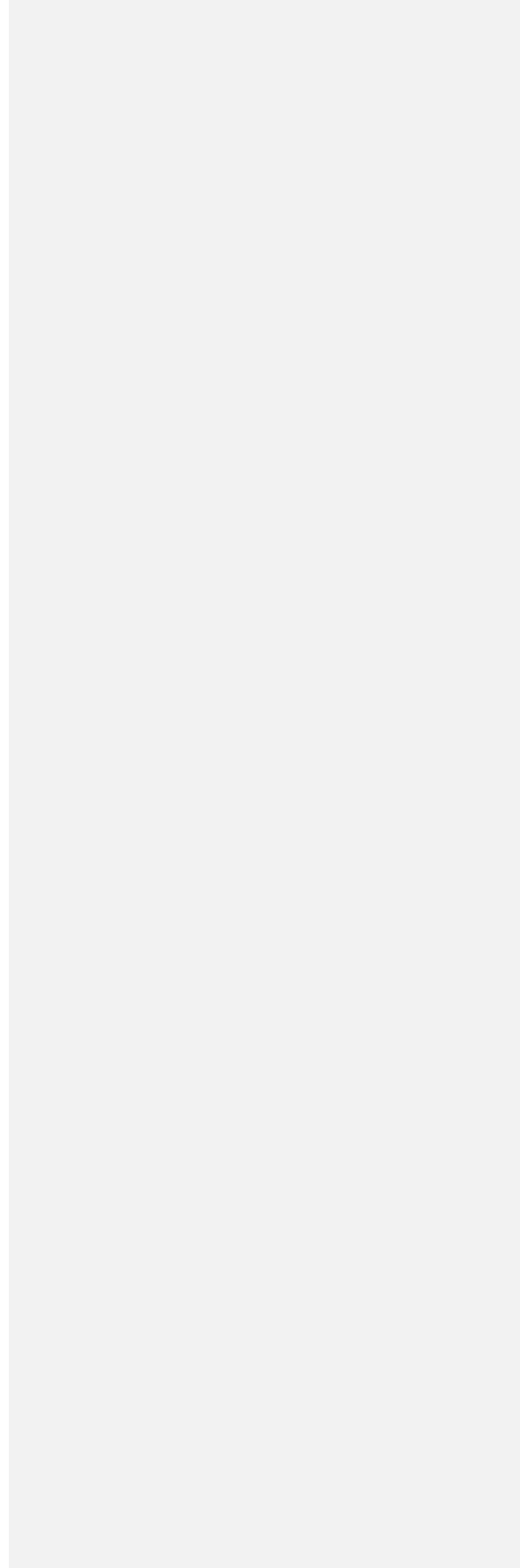
Yet, let’s think about the series of events that would play out if a terrorist organization detonated a weapon in the United States. Let’s assume forensics confirmed the weapon’s origin, and let’s assume, for argument’s sake, that country was Pakistan. Would the United States then retaliate with a nuclear strike? If a nuclear attack occurs within the next four years (a reasonable length of time for such predictions concerning current international and domestic politics), it seems unlikely. Why? First, there’s the problem of time. Though nuclear forensics is useful, it takes time to analyze the data and determine the country of origin. Any justified response upon a state sponsor would not be swift. Second, even if the United States proved the country of origin, it would then be difficult to determine that Pakistan willingly and intentionally sponsored nuclear terrorism. If Pakistan did, then nuclear retaliation might be justified. However, if Pakistan did not, nuclear retaliation over unsecured nuclear materials would be a disproportionate response and potentially further detrimental. Should the United States launch a nuclear strike at Pakistan, Islamabad could see this as an initial hostility by the United States, and respond adversely. An obvious choice, given current tensions in South Asia, is for Pakistan to retaliate against a U.S. nuclear launch on its territory by initiating conflict with India, which could turn nuclear and increase the exchanges of nuclear weapons. Hence, it seems more likely that, after the international outrage at a terrorist group’s nuclear detonation, the United States would attempt to stop the bleeding without a nuclear strike. Instead, some choices might include deploying forces to track down those that supported the suicide terrorists that detonated the weapon, pressuring Pakistan to exert its sovereignty over fringe regions such as the Federally Administered Tribal Areas, and increasing the number of drone strikes in Waziristan. Given the initial attack, such measures might understandably seem more of a concession than the retaliation called for by deterrence models, even more so by the American public.

Extremely low threshold for this argument---any doubt holds back a strike

Neely 13 (Meghan, research intern for the Project on Nuclear Issues, 21 March 2013, “Doubting Deterrence of Nuclear Terrorism,” CSIS, <http://csis.org/blog/doubting-deterrence-nuclear-terrorism>)

Instead, I question the presumed American response that is promulgated by deterrence advocates. By looking at possibilities for a U.S. response to nuclear terrorism, a situation in which we assume that deterrence has failed, we cast doubt on the likelihood of a U.S. retaliatory nuclear strike and hence cast doubt on the credibility of a U.S. retaliatory nuclear strike as a deterrent. Would the United States launch a nuclear weapon now unless it was sure of another state's intentional sponsorship of nuclear terrorism? **Any reasonable doubt** of sponsorship might **stay the United States' nuclear hand**. Given the opaqueness of countries' intentions, **reasonable doubt** over sponsorship is **inevitable** to some degree. Other countries are probably aware of U.S. hesitance in response to terrorists' use of nuclear weapons. If this thought experiment is true, then the communication required for credible retaliatory strikes under deterrence of nuclear terrorism is missing.

Electric Grid



2AC

It's impossible to take out the grid.

Perera 14 – David Perera, a cybersecurity reporter for POLITICO Pro, author of “Inside Guide to the Federal IT Market, 2014 (“U.S. grid safe from large-scale attack, experts say,” POLITICO Pro, September 10th, available online at <http://www.politico.com/story/2014/09/power-grid-safety-110815.html#ixzz3dkDaEAQ9>, accessed 6/21/2015, J.L.)

The specter of a large-scale, destructive attack on the U.S. power grid is at the center of much strategic thinking about cybersecurity. For years, Americans have been warned by a bevy of would-be Cassandras in Congress, the administration and the press that hackers are poised to shut it down. But in fact, the half-dozen security experts interviewed for this article agreed it's virtually impossible for an online-only attack to cause a widespread or prolonged outage of the North American power grid. Even laying the groundwork for such a cyber operation could qualify as an act of war against the U.S. — a line that few nation-state-backed hacker crews would wish to cross.

Continue Reading Text Size --reset Latest on POLITICO Longtime Rep. Phil Crane dies at 84 Cantor: Obama 'incendiary' on immigration Obama's big trade moment Obama: 'The buck stops right here' Airstrikes target ISIL leaders in Iraq DWS pledges party review None denied that determined hackers could penetrate the networks of bulk power providers. But there's a huge gap between that and causing a civilization-ending sustained outage of the grid. Electrical-grid hacking scenarios mostly overlook the engineering expertise necessary to intentionally cause harm to the grid, say experts knowledgeable about the power generators and high voltage transmission entities that constitute the backbone of the grid — what's called the bulk power system. There's also the enormity of the grid and diversity of its equipment to consider. "The grid is designed to lose utilities all the time," said Patrick Miller, founder and director of the Energy Sector Security Consortium. "I'm not trying to trivialize the situation, but you're not really able to cause this nationwide cascading failure for any extended duration of time," he added. "It's just not possible." ICS security in a nutshell Controlling the boilers, fans, valves and switches and other mechanical devices that turn raw inputs and high-voltage transmission into flip-of-a-switch electricity is a class of computers known as industrial control systems. Supervisory Control and Data Acquisition Systems, or SCADA, is a type of ICS. ICSs aren't general purpose computers like desktops. At the level of direct control over electromechanical processes — via a device often classified as a Programmable Logic Controller — 55 is mainly done in specialized languages on obscure operating systems. Even just accessing a PLC requires particular software. Hiding malware in field devices is difficult to impossible. Many of the devices "aren't running multi-thread, multi-tasking operations like our laptops," noted Chris Blask, chair of the Industrial Control System Information Sharing and Analysis Center. And penetration is just a starting point. "Just hacking into the system, and even taking complete control of a computer or crashing a bunch of computers, won't necessarily bring down the bulk electric system," said Dale Peterson, founder of Digital Bond, an industrial control system cybersecurity consultancy. For example, hackers could cause a SCADA system to crash, causing grid operators to lose system visibility — decidedly not a good thing. But the grid doesn't need the SCADA system to continue operating. "There has to be an understanding that simply taking out the cyber assets doesn't cause a blackout," Peterson said. What Project Aurora proved Exhibit A in the cyber-Cassandra's arsenal is Project Aurora, a Homeland Security Department test undertaken in 2007 at the Idaho National Laboratory. The object was to hack a working, 2.25-megawatt, grid-connected diesel power generator. Seeing on CNN the resulting grainy video of smoke pouring from the jolting 27-ton machine was the moment that convinced many their worst fears could come true. Seven years later, however, Project Aurora's status as a thunderclap of warning has been undermined by questions about the test and its real-life applicability. "That was a contrived test in a contrived environment," said Miller, also a former Western Electricity Coordinating Council manager of audits and investigation. The Aurora attack consisted of rapidly opening and closing circuit breakers, knocking the generator out of phase with the grid — a state that engineers have long known causes physical damage through accumulation of excessive torque inside the generator's spinning parts. Even at the time, the odds of an Aurora attack occurring in the wild were very low, said

David Whitehead, vice president of research and development at Schweitzer Engineering Laboratories, a power relay manufacturer. Whitehead participated in a mitigation working group formed after the test. "There were a lot of ideal conditions that had to be in place before the actual rapid cycling and opening of a circuit breaker could occur," he said. "For it to work, all the stars have to line up." An Aurora attack is possible, he allowed — but "the probability of it happening in my lifetime is pretty small." Of course, it's perfectly possible that other cyber-physical attacks await discovery. "I think it would be naive to think that there are no more," said Perry Pederson, a former DHS Control Systems Security Program director who oversaw the test. But even the possible existence of additional vulnerabilities doesn't necessarily mean the grid is highly vulnerable. "I tend to think the grid is a little more robust than what we give it credit for. It's not quite so fragile," he added. Is the grid rigged? Undergirding the widespread perception of a power system fragile to hackers' touch is a belief that foreign states have already penetrated the grid system and left behind malware ready for activation at any time. It's a statement that pushes the envelope of technical and geopolitical realities — although it's not impossible. "I think the U.S. is doing it, I assume Russia is doing it, I assume China is doing it," said Peterson, also a former National Security Agency official, although not here claiming any direct knowledge. No such implanted code has been discovered, he acknowledged — at least, "not that I'm aware of, and it might not exist." Planting power-grid malware, as opposed to hacking for purposes of reconnaissance, also "comes too close, and may even cross, a threshold that no one has been willing to cross," asserted cybersecurity strategic thinker Jim Lewis. The electric grid will be a target for cyberattack during a future conflict, he said in a 2010 paper — but governments also have international norms of behavior to consider, and planting malware in a foreign nation's grid could be considered an act of war. Terror groups aren't bound by international norms nor necessarily deterred by U.S. military might. But absence of an attack against the grid to date suggests to many that they lack of the ability to launch one.

1AR

Grid attacks fail – symmetrical and asymmetrical warfare, too tech dependent, and institutional resistance

Blash 3 [Lt. Col. Edmund C. Blash, USAR, military intelligence officer currently serving with U.S. Central Command in support of operations Enduring Freedom and Noble Eagle, May 2003, "Network-Centric Warfare Requires A Closer Look"
http://www.afcea.org/signal/articles/templates/SIGNAL_Article_Template.asp?articleid=234&zoneid=62 SS]

An antagonist employing a mathematical, symmetrical battle match can still overwhelm superior technology. This poses a problem to the United States' ability to interdict militarily in the future in southwest Asia where the military's order of battle, logistics and technology will be severely tested.

Doctrinal breakthroughs are manifested and proven when operational commanders take advantage of developed or emerging technologies and use them to their operational advantage. Germany's use of wireless radios, tanks, air power, motorized infantry and artillery in the Blitzkrieg is an example of this principle. The U.S. Army's Training and Doctrine Command is key to future combat developments to a certain degree, yet the operational commanders will be key to its implementation and execution on the battlefield. **Successful use of information age technology for warfare is predicated on maintaining the strengths of previous ages of development: agricultural, maritime, industrial, aeronautical and electrical. The United States does not maintain hegemony in all of these infrastructure areas, and a weakness or deficiency in any area will impact another infrastructure area, including the information infrastructure.** The comparison between civilian and military use of emerging technologies is too simplistically insufficient in scope to serve as a viable measurement. The extrapolation of network and information age commercial applications does not readily equate with either the capabilities, complexities, variables or functions that military units will face in the future dynamic battlespace. **To a large degree, network-centric warfare is fires, sensor and information oriented; yet the tenets of mass, speed and maneuver are eclipsed.** Survivability now shifts and is engineered through distributed modularity, not an inherent platform. System and platform independence is eliminated under the concept. Consequently, if the system is defeated, sensor or fire platforms are compromised. **In network-centric warfare, technology has become a substitute for sufficient, rapid logistical support. For the past 150 years, the national logistics base has been the premise to fight and win all of the United States' wars and engagements. There is no proof that technology alone will suffice for a weak or insufficient logistical capability.** In addition, **network-centric warfare is not optimized for asymmetric warfare. Rather, it is optimized for a lighter logistical "tail" component.** While this is fine for some forms of warfare, it is not optimal for others. **The concept of network-centric warfare has additional shortcomings. It is still inherently vulnerable to the mathematical concept of warfare. Throw enough assets and chaos at the network, and it becomes vulnerable to enemy exploitation. Network-centric warfare will require a new type of combat leader, one who can master technology and information then make rapid and correct decisions. There may be a bureaucratic inertia against the concept's implementation and its optimal implementation once it is fielded in its objective configuration. Institutional resistance has often terminated viable programs in the past.**

FERC preventing cyber-attacks in the squo

Savaenije 3/24/14 (Davide Savenije – senior editor, “Could terrorists really black out the power grid?” UtilityDrive <http://www.utilitydive.com/news/could-terrorists-really-black-out-the-power-grid/241192/>)
// CW

Earlier this month, FERC directed the North American Electric Reliability Corporation (NERC) to develop reliability standards requiring bulk-power system owners and operators to address risks due to physical security threats and vulnerabilities. The new standards will target specific facilities that if damaged could lead to blackouts or other major problems. But some, like FERC Commissioner John Norris, are worried that FERC may be overreacting. “My concern is that we don’t shift our focus and our resources,” Norris said. “The rush to do this seems to be based on a very incomplete set of facts about what happened.” The National Academy of Sciences (NAS) has other ideas. In its report prepared for Homeland Security on terrorism and the grid, the academy noted that high-voltage transformers, like the 17 that were shot up at the PG&E substation, are of particular concern. These transformers are massive, hard to move and usually custom built. NAS recommends the U.S. make and store a set of universal transformers that could be used in emergencies. “There are probably less than 100 critical high voltage substations on our grid in this country that need to be protected from a physical attack,” former FERC Chairman Jon Wellinohoff told the Wall Street Journal. “It is neither a monumental task, nor is it an inordinate sum of money that would be required to do so.” In November, NERC held a two-day exercise to see if the grid could withstand a massive physical and cyber attack. There were more than 2,000 participants from across North America, more than twice as many as the previous exercise. No one has publicly revealed detailed results from the exercise.

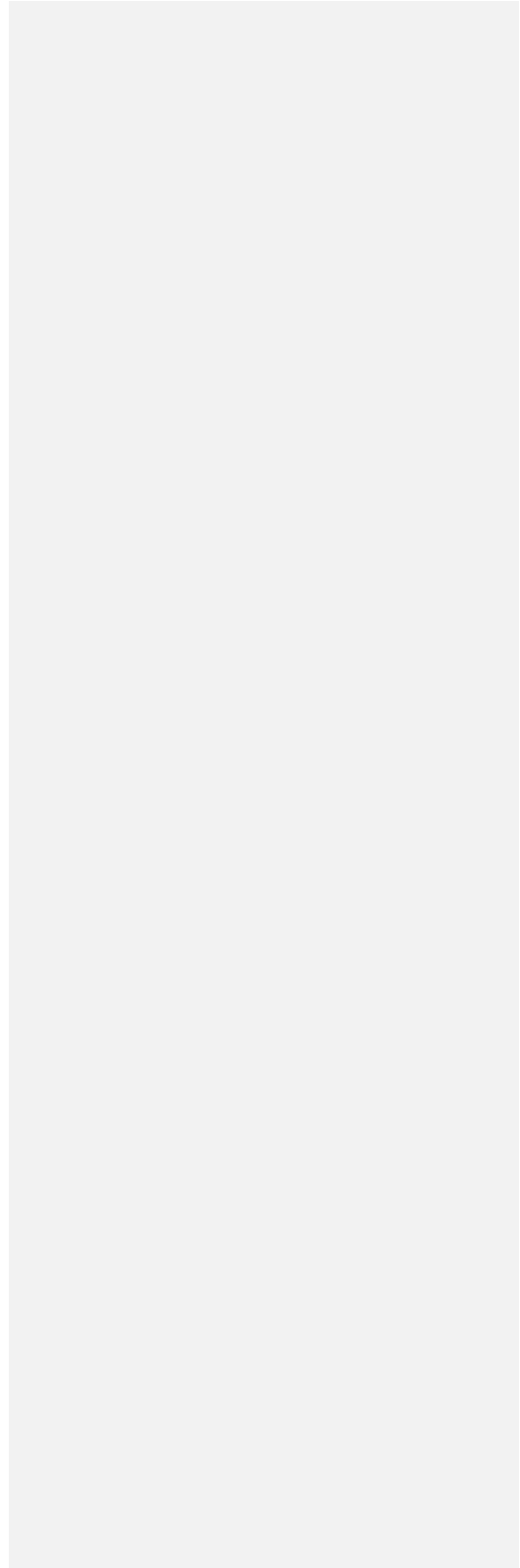
Squo solves - utilities working to prevent cyber terror

David 14 (Javier David – CNBC's weekend homepage editor. He joined the site as a writer in 2012, covering energy, markets and general business/financial topics. Prior to CNBC, he covered foreign exchange and macroeconomics for Dow Jones and The Wall Street Journal, where he on occasion covered top Federal Reserve officials. He got his first start in journalism reporting on Forex/macro, capital markets and corporate governance at Reuters, also covering global policymakers, 9/11/14, “Protecting America's power grid: Calls for action” CNBC, <http://www.cnbc.com/id/101992466>) // CW

For their part, utilities and regulators insist they are on the case, especially in the wake of two separate physical breaches at a Pacific Gas & Electric (PG&E) Silicon Valley substation that have heightened security fears within the industry. A PG&E spokesman told CNBC that the utility company plans to spend \$100 million over the next three years “to enhance security at our critical facilities.” The Energy Policy Act of 2005 granted the Federal Energy Regulatory Commission (FERC) responsibility to work in tandem with power companies to improve the grid's reliability, and enforce standards to keep the power flowing in the event of any contingency. In response to an inquiry from CNBC, Cheryl LeFleur of FERC said her agency “works continuously with the electric industry to assess and respond to the threats posed by physical attacks, cyber-intrusions, and severe weather,” using mandates and voluntary initiatives. “I look at any vector of attack as troublesome,” said Scott Aaronson, senior director of national security policy at the Edison Electric Institute, the association for all publicly traded electric companies. “Given that you have all digital equipment helping to operate the grid ... all threats are taken very seriously,” Aaronson said in an interview. “But if you mandate a 10-foot wall, our adversaries will try to bring a 12-foot ladder.” However, he said that grid security has been on the industry's radar “for decades”—despite

headlines that have only recently given the subject of technological breaches more attention. "Our standards on cybersecurity were first drafted in 2007, before the urge to follow the shiniest object or Chicken Little with movie-script scenarios," he said. "We're making sure people get the right intelligence at the right time, and that threats are mitigated in near-real time," he said, even as he acknowledged utilities aren't "pretending we can protect everyone from everything."

Nuclear terrorism



2AC

No risk of nuclear terrorism Mearsheimer 14

John Mearsheimer, IR Prof at UChicago, National Interest, January 2, 2014, "America Unhinged", <http://nationalinterest.org/article/america-unhinged-9639?page=show>

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it **is a minor threat**. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.

What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but **the chances of that happening are virtually nil**. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.

Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, **is not a serious threat**. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

1AR

No scenario for nuclear terror---consensus of experts

Matt **Fay '13**, PhD student in the history department at Temple University, has a Bachelor's degree in Political Science from St. Xavier University and a Master's in International Relations and Conflict Resolution with a minor in Transnational Security Studies from American Military University, 7/18/13, "The Ever-Shrinking Odds of Nuclear Terrorism",
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For over a decade now, one of the most oft-repeated threats raised by policymakers—the one that in many ways justified the invasion of Iraq—has been that of nuclear terrorism. Officials in both the Bush and Obama administrations, including the presidents themselves, have raised the specter of the atomic terrorist. But beyond mere rhetoric, how likely is a nuclear terrorist attack really? While pessimistic estimates about America's ability to avoid a nuclear terrorist attack became something of a cottage industry following the September 11th attacks, a number of scholars in recent years have pushed back against this trend. Frank Gavin has put post-9/11 fears of nuclear terrorism into historical context (pdf) and argued against the prevailing alarmism. Anne Stenersen of the Norwegian Defence Research Establishment has challenged the idea that al Qaeda was ever bound and determined to acquire a nuclear weapon. John Mueller ridiculed the notion of nuclear terrorism in his book Atomic Obsessions and highlighted the numerous steps a terrorist group would need to take—all of which would have to be successful—in order to procure, deliver, and detonate an atomic weapon. And in his excellent, and exceedingly even-handed, treatment of the subject, On Nuclear Terrorism, Michael Levi outlined the difficulties terrorists would face building their own nuclear weapon and discussed how a "system of systems" could be developed to interdict potential materials smuggled into the United States—citing a "Murphy's law of nuclear terrorism" that could possibly dissuade terrorists from even trying in the first place. But what about the possibility that a rogue state could transfer a nuclear weapon to a terrorist group? That was ostensibly why the United States deposed Saddam Hussein's regime: fear he would turnover one of his hypothetical nuclear weapons for al Qaeda to use. Enter into this discussion Keir Lieber and Daryl Press and their article in the most recent edition of International Security, "Why States Won't Give Nuclear Weapons to Terrorists." Lieber and Press have been writing on nuclear issues for just shy of a decade—doing innovative, if controversial work on American nuclear strategy. However, I believe this is their first venture into the debate over nuclear terrorism. And while others, such as Mueller, have argued that states are unlikely to transfer nuclear weapons to terrorists, this article is the first to tackle the subject with an empirical analysis. The title of their article nicely sums up their argument: states will not turn over nuclear weapons terrorists. To back up this claim, Lieber and Press attack the idea that states will transfer nuclear weapons to terrorists because terrorists operate of absent a "return address." Based on an examination of attribution following conventional terrorist attacks, the authors conclude: Neither a terror group nor a state sponsor would remain anonymous after a nuclear attack. We draw this conclusion on the basis of four main findings. First, data on a decade of terrorist incidents reveal a strong positive relationship between the number of fatalities caused in a terror attack and the likelihood of attribution. Roughly three-quarters of the attacks that kill 100 people or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the U.S. homeland or the territory of a major U.S. ally—97 percent (thirty-six of thirty-seven) for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult: few countries sponsor terrorism; few terrorist groups have state sponsors; each sponsor terrorist group has few sponsors (typically one); and only one country that sponsors terrorism, has nuclear weapons or enough fissile material to manufacture a weapon. In sum, attribution of nuclear terror incidents would be easier than is typically suggested, and passing weapons to terrorists would not offer countries escape from the constraints of deterrence. From this analysis, Lieber and Press draw two major implications for U.S. foreign policy: claims that it is impossible to attribute nuclear terrorism to particular groups or potential states sponsors undermines deterrence; and fear of states transferring nuclear weapons to terrorist groups, by itself, does not justify extreme measures to prevent nuclear proliferation. This is a key point. While there are other reasons nuclear proliferation is undesirable, fears of nuclear terrorism have been used to justify a wide-range of policies—up to, and including, military action. Put in its proper perspective however—given the difficulty in constructing and transporting a nuclear device and the improbability of state transfer—nuclear terrorism hardly warrants the type of exertions many alarmist assessments indicate it should.

Zero risk of acquisition – miniaturization and enrichment are too difficult – even Al Qaeda sucks at it after years of trying

Khan, 13

Adnan Khan 9-13-2013; lecturer on political and Islamic issues. The initial founder and editor-in-chief of The Revolution Observer. Debunking the Myths of Nuclear Terrorism
<http://www.revolutionobserver.com/2013/09/debunking-myths-of-nuclear-terrorism.html>

Contrary to their popular portrayal in Hollywood, nuclear bombs are actually both difficult to manufacture and challenging to effectively deploy, making it virtually impossible for terrorist groups to acquire them. Nuclear devices initiate nuclear chain reactions, and these reactions generate roughly a million times more energy than comparable chemical reactions. The enrichment of Uranium is probably the most complex aspect of building a nuclear device; It presents numerous challenges for any nation in developing a nuclear programme. The concept requires separating a heavier isotope (atoms of the same element having a different number of neutrons) of uranium from a lighter isotope of uranium in order to enrich or purify the stock to higher than 80% of U235 - sufficient for use in weapons. Achieving this separation on a suitably refined level differentiated by only a few subatomic particles is an extremely complicated process. A series of centrifuges carry out the delicate task of separating isotopes, these are finely tuned machine components, able to spin at high speeds while fully containing and separating highly corrosive gas. It is the combination of appropriate calibration and rotational speed that allow for enrichment to take place, low-quality bearings just would not do the job. Thereafter fabricating fissile material and developing either a gun-type device or implosion device is a process only 9-10 nations in the world have accomplished. South Africa has since renounced it, whilst North Korea is still working on it.[2] Today nuclear warheads sit in missiles and this would be another challenge any nation would face, i.e. delivering a bomb to its intended target. The components of the bomb that actually initiate a nuclear explosion must be miniaturized in order to be placed in a missile. Modern missiles are smaller than a human being weighing only a few hundred pounds. Actually getting a warhead down to this size is no simple exercise, it requires, among other things, precision manufacturing, exceptional quality control and a good understanding of nuclear physics. All of this would be after decades of testing to ensure detonation upon delivery. Building a Nuclear weapon requires a comprehensive commitment from any nation for its national resources to be deployed in such a manner. It is not just about one facility, it needs an industrial base. A nuclear program requires long term facilities, which are very energy intensive, years of experimentation, fissionable material and high grade industrial machinery. All of this is beyond most countries let alone terrorist groups. In the case of al Qaeda, even after immense security, sanctuary and financial backing they have been unable to produce a crude nuclear device in any meaningful way.

No risk of nuclear terror

Mueller 10 (John, professor of political science at Ohio State, Calming Our Nuclear Jitters, Issues in Science and Technology, Winter, <http://www.issues.org/26.2/mueller.html>)

Politicians of all stripes preach to an anxious, appreciative, and very numerous choir when they, like President Obama, proclaim atomic terrorism to be “the most immediate and extreme threat to global security.” It is the problem that, according to Defense Secretary Robert Gates, currently keeps every senior leader awake at night. This is hardly a new anxiety. In 1946, atomic bomb maker J. Robert Oppenheimer ominously warned that if three or four men could smuggle in units for an atomic bomb, they could blow up New York. This was an early expression of a pattern of dramatic risk inflation that

has persisted throughout the nuclear age. In fact, although expanding fires and fallout might increase the effective destructive radius, the blast of a Hiroshima-size device would “blow up” about 1% of the city’s area—a tragedy, of course, but not the same as one 100 times greater. In the early 1970s, nuclear physicist Theodore Taylor proclaimed the atomic terrorist problem to be “immediate,” explaining at length “how comparatively easy it would be to steal nuclear material and step by step make it into a bomb.” At the time he thought it was already too late to “prevent the making of a few bombs, here and there, now and then,” or “in another ten or fifteen years, it will be too late.” Three decades after Taylor, we continue to wait for terrorists to carry out their “easy” task. In contrast to these predictions, terrorist groups seem to have exhibited only limited desire and even less progress in going atomic. This may be because, after brief exploration of the possible routes, they, unlike generations of alarmists, have discovered that the tremendous effort required is scarcely likely to be successful. The most plausible route for terrorists, according to most experts, would be to manufacture an atomic device themselves from purloined fissile material (plutonium or, more likely, highly enriched uranium). This task, however, remains a daunting one, requiring that a considerable series of difficult hurdles be conquered and in sequence. Outright armed theft of fissile material is exceedingly unlikely not only because of the resistance of guards, but because chase would be immediate. A more promising approach would be to corrupt insiders to smuggle out the required substances. However, this requires the terrorists to pay off a host of greedy confederates, including brokers and money-transmitters, any one of whom could turn on them or, either out of guile or incompetence, furnish them with stuff that is useless. Insiders might also consider the possibility that once the heist was accomplished, the terrorists would, as analyst Brian Jenkins none too delicately puts it, “have every incentive to cover their trail, beginning with eliminating their confederates.” If terrorists were somehow successful at obtaining a sufficient mass of relevant material, they would then probably have to transport it a long distance over unfamiliar terrain and probably while being pursued by security forces. Crossing international borders would be facilitated by following established smuggling routes, but these are not as chaotic as they appear and are often under the watch of suspicious and careful criminal regulators. If border personnel became suspicious of the commodity being smuggled, some of them might find it in their interest to disrupt passage, perhaps to collect the bounteous reward money that would probably be offered by alarmed governments once the uranium theft had been discovered. Once outside the country with their precious booty, terrorists would need to set up a large and well-equipped machine shop to manufacture a bomb and then to populate it with a very select team of highly skilled scientists, technicians, machinists, and administrators. The group would have to be assembled and retained for the monumental task while no consequential suspicions were generated among friends, family, and police about their curious and sudden absence from normal pursuits back home. Members of the bomb-building team would also have to be utterly devoted to the cause, of course, and they would have to be willing to put their lives and certainly their careers at high risk, because after their bomb was discovered or exploded they would probably become the targets of an intense worldwide dragnet operation. Some observers have insisted that it would be easy for terrorists to assemble a crude bomb if they could get enough fissile material. But Christoph Wirz and Emmanuel Egger, two senior physicists in charge of nuclear issues at Switzerland’s Spiez Laboratory, bluntly conclude that the task “could hardly be accomplished by a subnational group.” They point out that precise blueprints are required, not just sketches and general ideas, and that even with a good blueprint the terrorist group would most certainly be forced to redesign. They also stress that the work is difficult, dangerous, and extremely exacting, and that the technical requirements in several fields verge on the unfeasible. Stephen Younger, former director of

nuclear weapons research at Los Alamos Laboratories, has made a similar argument, pointing out that uranium is “exceptionally difficult to machine” whereas “plutonium is one of the most complex metals ever discovered, a material whose basic properties are sensitive to exactly how it is processed.” Stressing the “daunting problems associated with material purity, machining, and a host of other issues,” Younger concludes, “to think that a terrorist group, working in isolation with an unreliable supply of electricity and little access to tools and supplies” could fabricate a bomb “is farfetched at best.” Under the best circumstances, the process of making a bomb could take months or even a year or more, which would, of course, have to be carried out in utter secrecy. In addition, people in the area, including criminals, may observe with increasing curiosity and puzzlement the constant coming and going of technicians unlikely to be locals. If the effort to build a bomb was successful, the finished product, weighing a ton or more, would then have to be transported to and smuggled into the relevant target country where it would have to be received by collaborators who are at once totally dedicated and technically proficient at handling, maintaining, detonating, and perhaps assembling the weapon after it arrives. The financial costs of this extensive and extended operation could easily become monumental. There would be expensive equipment to buy, smuggle, and set up and people to pay or pay off. Some operatives might work for free out of utter dedication to the cause, but the vast conspiracy also requires the subversion of a considerable array of criminals and opportunists, each of whom has every incentive to push the price for cooperation as high as possible. Any criminals competent and capable enough to be effective allies are also likely to be both smart enough to see boundless opportunities for extortion and psychologically equipped by their profession to be willing to exploit them. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if with great difficulty, overcome each obstacle and that doing so in each case is “not impossible.” But although it may not be impossible to surmount each individual step, the likelihood that a group could surmount a series of them quickly becomes vanishingly small. Table 1 attempts to catalogue the barriers that must be overcome under the scenario considered most likely to be successful. In contemplating the task before them, would-be atomic terrorists would effectively be required to go through an exercise that looks much like this. If and when they do, they will undoubtedly conclude that their prospects are daunting and accordingly uninspiring or even terminally dispiriting. It is possible to calculate the chances for success. Adopting probability estimates that purposely and heavily bias the case in the terrorists’ favor—for example, assuming the terrorists have a 50% chance of overcoming each of the 20 obstacles—the chances that a concerted effort would be successful comes out to be less than one in a million. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds that they will be able to pull off the deed drop to one in well over three billion. Other routes would-be terrorists might take to acquire a bomb are even more problematic. They are unlikely to be given or sold a bomb by a generous like-minded nuclear state for delivery abroad because the risk would be high, even for a country led by extremists, that the bomb (and its source) would be discovered even before delivery or that it would be exploded in a manner and on a target the donor would not approve, including on the donor itself. Another concern would be that the terrorist group might be infiltrated by foreign intelligence. The terrorist group might also seek to steal or illicitly purchase a “loose nuke” somewhere. However, it seems probable that none exist. All governments have an intense interest in controlling any weapons on their territory because of fears that they might become the primary target. Moreover, as technology has developed, finished bombs have been outfitted with devices that trigger a non-nuclear explosion that destroys the bomb if it is tampered with. And there are other security techniques: Bombs can be kept disassembled with the component parts

stored in separate high-security vaults, and a process can be set up in which two people and multiple codes are required not only to use the bomb but to store, maintain, and deploy it. As Younger points out, “only a few people in the world have the knowledge to cause an unauthorized detonation of a nuclear weapon.” There could be dangers in the chaos that would emerge if a nuclear state were to utterly collapse; Pakistan is frequently cited in this context and sometimes North Korea as well. However, even under such conditions, nuclear weapons would probably remain under heavy guard by people who know that a purloined bomb might be used in their own territory. They would still have locks and, in the case of Pakistan, the weapons would be disassembled. The al Qaeda factor The degree to which al Qaeda, the only terrorist group that seems to want to target the United States, has pursued or even has much interest in a nuclear weapon may have been exaggerated. The 9/11 Commission stated that “al Qaeda has tried to acquire or make nuclear weapons for at least ten years,” but the only substantial evidence it supplies comes from an episode that is supposed to have taken place about 1993 in Sudan, when al Qaeda members may have sought to purchase some uranium that turned out to be bogus. Information about this supposed venture apparently comes entirely from Jamal al Fadl, who defected from al Qaeda in 1996 after being caught stealing \$110,000 from the organization. Others, including the man who allegedly purchased the uranium, assert that although there were various other scams taking place at the time that may have served as grist for Fadl, the uranium episode never happened. As a key indication of al Qaeda’s desire to obtain atomic weapons, many have focused on a set of conversations in Afghanistan in August 2001 that two Pakistani nuclear scientists reportedly had with Osama bin Laden and three other al Qaeda officials. Pakistani intelligence officers characterize the discussions as “academic” in nature. It seems that the discussion was wide-ranging and rudimentary and that the scientists provided no material or specific plans. Moreover, the scientists probably were incapable of providing truly helpful information because their expertise was not in bomb design but in the processing of fissile material, which is almost certainly beyond the capacities of a nonstate group. Kalid Sheikh Mohammed, the apparent planner of the 9/11 attacks, reportedly says that al Qaeda’s bomb efforts never went beyond searching the Internet. After the fall of the Taliban in 2001, technical experts from the CIA and the Department of Energy examined documents and other information that were uncovered by intelligence agencies and the media in Afghanistan. They uncovered no credible information that al Qaeda had obtained fissile material or acquired a nuclear weapon. Moreover, they found no evidence of any radioactive material suitable for weapons. They did uncover, however, a “nuclear-related” document discussing “openly available concepts about the nuclear fuel cycle and some weapons-related issues.” Just a day or two before al Qaeda was to flee from Afghanistan in 2001, bin Laden supposedly told a Pakistani journalist, “If the United States uses chemical or nuclear weapons against us, we might respond with chemical and nuclear weapons. We possess these weapons as a deterrent.” Given the military pressure that they were then under and taking into account the evidence of the primitive or more probably nonexistent nature of al Qaeda’s nuclear program, the reported assertions, although unsettling, appear at best to be a desperate bluff. Bin Laden has made statements about nuclear weapons a few other times. Some of these pronouncements can be seen to be threatening, but they are rather coy and indirect, indicating perhaps something of an interest, but not acknowledging a capability. And as terrorism specialist Louise Richardson observes, Statements claiming a right to possess nuclear weapons have been misinterpreted as expressing a determination to use them. This in turn has fed the exaggeration of the threat we face.” Norwegian researcher Anne Stenersen concluded after an exhaustive study of available materials that, although “it is likely that al Qaeda central has considered the option of using non-conventional weapons,” there is “little evidence

that such ideas ever developed into actual plans, or that they were given any kind of priority at the expense of more traditional types of terrorist attacks.” She also notes that information on an al Qaeda computer left behind in Afghanistan in 2001 indicates that only \$2,000 to \$4,000 was earmarked for weapons of mass destruction research and that the money was mainly for very crude work on chemical weapons. Today, the key portions of al Qaeda central may well total only a few hundred people, apparently assisting the Taliban’s distinctly separate, far larger, and very troublesome insurgency in Afghanistan. Beyond this tiny band, there are thousands of sympathizers and would-be jihadists spread around the globe. They mainly connect in Internet chat rooms, engage in radicalizing conversations, and variously dare each other to actually do something. Any “threat,” particularly to the West, appears, then, principally to derive from self-selected people, often isolated from each other, who fantasize about performing dire deeds. From time to time some of these people, or ones closer to al Qaeda central, actually manage to do some harm. And occasionally, they may even be able to pull off something large, such as 9/11. But in most cases, their capacities and schemes, or alleged schemes, seem to be far less dangerous than initial press reports vividly, even hysterically, suggest. Most important for present purposes, however, is that any notion that al Qaeda has the capacity to acquire nuclear weapons, even if it wanted to, looks farfetched in the extreme. It is also noteworthy that, although there have been plenty of terrorist attacks in the world since 2001, all have relied on conventional destructive methods. For the most part, terrorists seem to be heeding the advice found in a memo on an al Qaeda laptop seized in Pakistan in 2004: “Make use of that which is available ... rather than waste valuable time becoming despondent over that which is not within your reach.” In fact, history consistently demonstrates that terrorists prefer weapons that they know and understand, not new, exotic ones. Glenn Carle, a 23-year CIA veteran and once its deputy intelligence officer for transnational threats, warns, “We must not take fright at the specter our leaders have exaggerated. In fact, we must see jihadists for the small, lethal, disjointed, and miserable opponents that they are.” al Qaeda, he says, has only a handful of individuals capable of planning, organizing, and leading a terrorist organization, and although the group has threatened attacks with nuclear weapons, “its capabilities are far inferior to its desires.” Policy alternatives The purpose here has not been to argue that policies designed to inconvenience the atomic terrorist are necessarily unneeded or unwise. Rather, in contrast with the many who insist that atomic terrorism under current conditions is rather likely— indeed, exceedingly likely—to come about, I have contended that it is hugely unlikely. However, it is important to consider not only the likelihood that an event will take place, but also its consequences. Therefore, one must be concerned about catastrophic events even if their probability is small, and efforts to reduce that likelihood even further may well be justified. At some point, however, probabilities become so low that, even for catastrophic events, it may make sense to ignore them or at least put them on the back burner; in short, the risk becomes acceptable. For example, the British could at any time attack the United States with their submarine-launched missiles and kill millions of Americans, far more than even the most monumentally gifted and lucky terrorist group. Yet the risk that this potential calamity might take place evokes little concern; essentially it is an acceptable risk. Meanwhile, Russia, with whom the United States has a rather strained relationship, could at any time do vastly more damage with its nuclear weapons, a fully imaginable calamity that is substantially ignored. In constructing what he calls “a case for fear,” Cass Sunstein, a scholar and current Obama administration official, has pointed out that if there is a yearly probability of 1 in 100,000 that terrorists could launch a nuclear or massive biological attack, the risk would cumulate to 1 in 10,000 over 10 years and to 1 in 5,000 over 20. These odds, he suggests, are “not the most comforting.” Comfort, of course, lies in the viscera of those to be

comforted, and, as he suggests, many would probably have difficulty settling down with odds like that. But there must be some point at which the concerns even of these people would ease. Just perhaps it is at one of the levels suggested above: one in a million or one in three billion per attempt.

It's too hard – groups will use other methods

Weiss 15 – Leonard Weiss is a visiting scholar at the Center for International Security and Cooperation at Stanford University, USA, and a member of the National Advisory Board of the Center for Arms Control and Non-Proliferation in Washington, DC. For more than two decades, he was staff director of the US Senate Committee on Governmental Affairs and its Subcommittee on Energy and Nuclear Proliferation, during which time he wrote major legislation on nuclear nonproliferation and led investigations of nuclear programs of other countries. He is a former professor of applied mathematics and engineering at Brown University and the University of Maryland, “On fear and nuclear terrorism,” Bulletin of the Atomic Scientists, Vol. 71(2) 75–87

The bottom line on the risk of
nuclear terrorism

There is clearly some risk of nuclear terrorism via theft of weapons, **but the risk is low**, and a successful theft of a nuclear weapon would likely require a team of insiders working within an otherwise highly secure environment. There is also some risk that a nuclear-armed country might use a terrorist group to launch a nuclear attack on an adversary. **This possibility is also of low probability**, because the sponsor country would almost inevitably risk nuclear annihilation itself. Finally, a terrorist group might try to design and build its own weapon, possibly with the help of disaffected persons from a weapon state who might provide them with nuclear know-how and/or materials. Given all the steps needed to achieve a weapon that is workable with high probability—without being discovered and without suffering an accident—this scenario is also fraught with risk for the terrorists. As a result, **terrorists are much more likely to try to achieve their aims using conventional weapons**, which are cheaper, safer, and technically more reliable. Thus, while no one can discount completely the acquisition by a terrorist group of a nuclear explosive weapon, such an event appears to be of very low probability over the next decade at least, and can be made still lower using techniques or policies that do not require constitutionally problematic steps by the federal government or an optional war whose death rate could match or exceed what the terrorists are capable of. **There is a tendency on the part of security policy advocates to hype security threats to obtain support for their desired policy outcomes.** They are free to do so in a democratic society, and most come by their advocacy through genuine conviction that a real security threat is receiving insufficient attention. But there is now enough evidence of how such advocacy has been distorted for the purpose of overcoming political opposition to policies stemming from ideology that careful public exposure and examination of data on claimed threats should be part of any such debate. Until this happens, the most appropriate attitude toward claimed threats of nuclear terrorism, especially when accompanied by advocacy of policies intruding on individual freedom, should be one of skepticism.

WMD use would be a disaster for terrorists

Forest 12 (James, PhD and Director of Terrorism Studies and an associate professor at the United States Military Academy, "Framework for Analyzing the Future Threat of WMD Terrorism," Journal of Strategic Security, Volume 5, Number 4, Article 9, Winter 2012, <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=1193&context=jss>) **NOTE---CBRN weapon = chemical, biological, radiological or nuclear weapon

The terrorist group would additionally need to consider whether a WMD attack would be counterproductive by generating, for example, condemnation among the group's potential supporters. This possible erosion in support, in turn, would degrade the group's political legitimacy among its constituencies, who are viewed as critical to the group's long-term survival. By crossing this WMD threshold, the group could feasibly undermine its popular support, encouraging a perception of the group as deranged mass murders, rather than righteous vanguards of a movement or warriors fighting for a legitimate cause.¹⁶ The importance of perception and popular support—or at least tolerance—gives a group reason to think twice before crossing the threshold of catastrophic terrorism. A negative perception can impact a broad range of critical necessities, including finances, safe haven, transportation logistics, and recruitment. Many terrorist groups throughout history have had to learn this lesson the hard way; the terrorist groups we worry about most today have learned from the failures and mistakes of the past, and take these into consideration in their strategic deliberations. Furthermore, a WMD attack could prove counterproductive by provoking a government (or possibly multiple governments) to significantly expand their efforts to destroy the terrorist group. Following a WMD attack in a democracy, there would surely be a great deal of domestic pressure on elected leaders to respond quickly and with a massive show of force. A recognition of his reality is surely a constraining factor on Hezbollah deliberations about attacking Israel, or the Chechen's deliberations about attacking Russia, with such a weapon.

No motivation for nuke terror

Mauroni 12

Al Mauroni, Air Force senior policy analyst, "Nuclear Terrorism: Are We Prepared?", Homeland Security Affairs, <http://www.hsaj.org/?fullarticle=8.1.9>

The popular assumption is that terrorists are actively working with "rogue nations" to exploit WMD materials and technology, or bidding for materials and technology on some nebulous global black market. They might be buying access to scientists and engineers who used to work on state WMD programs. The historical record doesn't demonstrate that. An examination of any of the past annual reports of the National Counterterrorism Center reveals that the basic modus operandi of terrorists and insurgents is to use conventional military weapons, easily acquired commercial (or improvised) explosives, and knives and machetes.⁸ It is relatively easy to train laypersons to use military firearms, such as the AK-47 automatic rifle and the RPG-7 rocket launcher. These groups have technical experts who develop improvised explosive devices using available and accessible materials from the local economy. Conventional weapons have known weapon effects and minimal challenges in handling and storing. Terrorists get their material and technology where they can. They don't have the time, funds, or interests to get exotic. It's what we see, over and over again.

Catastrophic terrorism is not going to happen—robust defenses regardless—past decade prove

Peter **Bergen**, CNN National Security Analyst, 2/26/14, [Forecasts of terrorist apocalypse? Never mind, edition.cnn.com/2014/02/26/opinion/bergen-sochi-terrorism-predictions/index.html](http://edition.cnn.com/2014/02/26/opinion/bergen-sochi-terrorism-predictions/index.html)

It's tough to make predictions, especially about the future" is an aphorism attributed to the great baseball player Yogi Berra.

But one topic where pundits, politicians and prognosticators of every persuasion don't have any problem about making pessimistic predictions is terrorism.

The Winter Olympics in Sochi, Russia, was an Olympic-level example of this. In the lead-up to the Games, the airwaves were filled with glum predictions that Sochi would be the 1972 Munich Olympics on steroids.

Rep. Michael McCaul, R-Texas, chairman of the U.S. House Homeland Security Committee, told Fox News, "There's a high degree of probability that something will detonate, something will go off. ... But I do think it's probably, most likely going to happen outside the 'ring of steel' at the Olympic Village."

Similarly, Michael G. Grimm, co-chair of the House Russian Caucus, issued a press release headlined, "Sochi Olympics Cannot Become a Benghazi Nightmare." The New York Republican warned, "We cannot sweep these threats under the rug, like we did with Benghazi or the warnings from Russia on the Tsarnaev brother behind the Boston Marathon bombing. Each time we fail to recognize these threats, we not only risk the lives of innocent Americans, but appear weaker and vulnerable in the eyes of the enemy."

Bill Rathburn, who directed security for the 1996 Summer Olympics in Atlanta, in an interview with Yahoo News predicted of Sochi, "It's not a matter of whether there will be some incident, it's just a matter of how bad it's going to be."

No wonder that two days before the Sochi Olympics, more than half of Americans believed a terrorist attack on the Games was likely, according to a CNN/ORC poll.

Now cue up the swarms of "black widows" descending on Sochi to kill themselves along with many Olympic spectators.

And then the Games were held and ... **nothing happened**

It turned out that the most terrifying image from Sochi was the look of disgust on the face of American figure skater Ashley Wagner when she learned of her lower-than-expected score.

Sochi is only the most recent example of the hyperventilating hyperbole of the doomsday terrorism prognosticators. Because so many folks were caught flat-footed by 9/11, some seem to overcompensate by keeping up a steady drumbeat of dire terror warnings.

In November, House Intelligence Committee Chairman Mike Rogers, R-Michigan, told CNN that al Qaeda "poses a bigger threat to attack inside the U.S. right now than it did before 9/11."

Rogers' statement defies common sense.

Before 9/11, al Qaeda had an entire county, Afghanistan, as a safe haven; its training camps there churned out thousands of militants every year; it had access to funding substantial enough so that it could spend several hundred thousand dollars on the 9/11 plot. It was a formidable enemy.

Now al Qaeda's safe haven is long gone; the group hasn't mounted any successful attack in the States since 9/11 or, for that matter, anywhere in the West since the London transportation system bombings in 2005.

On 9/11, the United States had never used armed drones in combat. Since then, the CIA has launched 370 drone strikes at suspected militant targets in Pakistan. During President Barack Obama's tenure alone, those drone strikes have killed more than 30 of al Qaeda's leaders in Pakistan.

Not only that: The United States is a much harder target than it was on 9/11. Then there were 16 people on the U.S. "no fly" list.

Today there are more than 20,000. In 2001, there were 32 Joint Terrorism Task Force "fusion centers," where multiple law enforcement agencies worked together to chase down leads and build terrorism cases. Now there are 103.

The U.S. intelligence budget also grew dramatically after 9/11. In 2010, the United States spent more than \$80 billion on intelligence collection and other covert activities, much of it directed at terrorist groups -- more than three times what the country spent in 1998.

At the time of the 9/11 attacks, the U.S. Department of Homeland Security, the National Counterterrorism Center and the Transportation Security Administration all didn't exist. All these new post-9/11 institutions make it much harder for terrorists to operate in the United States.

The gloom and doom about terrorism becomes much worse when the specter of terrorists deploying chemical, biological, radiological or nuclear weapons is added to the mix.

Graham Allison, the respected political scientist and founding dean of Harvard's Kennedy School of Government, published a book in 2004 titled "Nuclear Terrorism, which garnered considerable attention with its prediction that "on the current path, a nuclear terrorist attack on America in the decade ahead is more likely than not."

Of course, now we are a decade later, and nothing of the sort has happened.

Indeed, a striking finding of a database of every jihadist terrorism case in the United States since 9/11 maintained by the New America Foundation is that not one of the more than 200 individuals who were indicted or convicted of a jihadist terrorism crime acquired, manufactured or deployed chemical, biological or radiological weapons, let alone a nuclear device.

It's relatively easy to say the sky is always falling. Indeed, given the human capacity for evil, bad things are, indeed, going to happen. But when the sky doesn't fall, which is much of the time when it comes to terrorism, the doomsday prognosticators are rarely held to account. In any event, they are too busy warning of the next catastrophe.

Statistically impossible

Mueller 9 - John Mueller, Woody Hayes Chair of National Security Studies, Mershon Center
Professor of Political Science 30 April 2009 "THE ATOMIC TERRORIST?" http://www.icnnd.org/research/Mueller_Terrorism.pdf

In an article on the prospects for atomic terrorism, Bill Keller of *The New York Times* suggests that "the best reason for thinking it won't happen is that it hasn't happened yet," and that, he worries, "is terrible logic."³³ However, "logic" aside, there is another quite good reason for thinking it won't happen: the task is incredibly difficult. I have arrayed a lengthy set of obstacles confronting the would-be atomic terrorist. Those who warn about the likelihood of a terrorist bomb contend that a terrorist group could, if often with great difficulty, surmount each obstacle—that doing so in each case is "not impossible."³⁴ But it is vital to point out that, while it may be "not impossible" to surmount each individual step, the likelihood that a group could surmount a series of them quickly becomes vanishingly small. Even the very alarmed Matthew Bunn and Anthony Wier contend that the atomic terrorists' task "would clearly be among the most difficult types of attack to carry out" or "one of the most difficult missions a terrorist group could hope to try." But, stresses the CIA's George Tenet, a terrorist atomic bomb is "possible" or "not beyond the realm of possibility."³⁵ Accordingly, it might be useful to take a stab at estimating just how "difficult" the atomic terrorists' task, in aggregate, is—that is, how far from the fringe of the "realm of possibility" it might be. Most discussions of atomic terrorism deal in a rather piecemeal fashion with the subject—focusing separately on individual tasks such as procuring HEU or assembling a device or transporting it. However, as the Gilmore Commission, a special advisory panel to the President and Congress, stresses, setting off a nuclear device capable of producing mass destruction presents not only "Herculean challenges," but it requires that a whole series of steps be accomplished: obtaining enough fissile material, designing a weapon "that will bring that mass together in a tiny fraction of a second," and figuring out some way to deliver the thing. And it emphasizes that these merely constitute "the minimum requirements." If each is not fully met, the result is not simply a less powerful weapon, but one that can't produce any significant nuclear yield at all or can't be delivered.³⁶ Following this perspective, an approach that seems appropriate is to catalogue the barriers that must be overcome by a terrorist group in order to carry out the task of producing, transporting, and then successfully detonating an improvised nuclear device. Table 1 attempts to do this, and it arrays some 20 of these—all of which must be surmounted by the atomic aspirant. Actually, it would be quite possible to come up with a longer list: in the interests of keeping the catalogue of hurdles down to a reasonable number, some of the entries are actually collections of tasks and could be divided into two or three or more. For example, number 5 on the list requires that heisted highly-enriched uranium be neither a scam nor part of a sting nor of inadequate quality due to insider incompetence; but this hurdle could as readily be rendered as three separate ones. In contemplating the task before them, would-be atomic terrorists effectively *must* go through an exercise that looks much like this. If and when they do so, they are likely to find their prospects daunting and accordingly uninspiring or even terminally dispiriting. Assigning and calculating probabilities

The discussion thus far has followed a qualitative approach: synthesizing a considerable amount of material to lay out the route a terrorist group must take to acquire and detonate an atomic bomb in the most likely scenario. It seems to me that this exercise by itself suggests the almost breathtaking enormity of the difficulties facing the would-be atomic terrorist. This conclusion can be reinforced by a quantitative assessment. Assigning a probability that terrorists will be able to overcome each barrier is, of course, a tricky business, and any such exercise should be regarded as rather tentative and exploratory, or perhaps simply as illustrative—though it is done all the time in cost/benefit analysis. One might begin a quantitative approach by adopting probability estimates that purposely, and heavily, bias the case in the terrorists' favor. In my view, this would take place if it is assumed that the terrorists have a fighting chance of 50 percent of overcoming each of the 20 obstacles displayed in Table 1, though for many barriers, probably almost all, the odds against them are surely much worse than that. Even with that generous bias, the chances that a concerted effort would be successful comes out to be less than one in a million, specifically 1,048,576. If one assumes, somewhat more realistically, that their chances at each barrier are one in three, the cumulative odds they will be able to pull off the deed drop to one in well over three billion—specifically 3,486,784,401. What they would be at the (still entirely realistic) level of one in ten boggles the mind. Moreover, all this focuses on the effort to deliver a single bomb. If the requirement were to deliver several, the odds become, of course, even more prohibitive.

Decades-long motive disproves capability

Bruce **Hoffman**, senior fellow at the U.S. Military Academy's Combating Terrorism Center, and a professor and director of the Center for Security Studies at Georgetown University, April 2014, Low-Tech Terrorism, nationalinterest.org/print/article/low-tech-terrorism-9935

Fortunately, the report's most breathless prediction concerning the likelihood of terrorist use of weapons of mass destruction (WMD) has not come to pass. But this is not for want of terrorists trying to obtain such capabilities. Indeed, prior to the October 2001 U.S.-led invasion of Afghanistan, Al Qaeda had embarked upon an ambitious quest to acquire and develop an array of such weapons that, had it been successful, would have altered to an unimaginable extent our most basic conceptions about national security and rendered moot debates over whether terrorism posed a potentially existential threat. But just how effective have terrorist efforts to acquire and use weapons of mass destruction actually been? The September 11, 2001, attacks were widely noted for their reliance on relatively low-tech weaponry—the conversion, in effect, of airplanes into missiles by using raw physical muscle and box cutters to hijack them. Since then, efforts to gain access to WMD have been unceasing. But examining those efforts results in some surprising conclusions. While there is no cause for complacency, they do suggest that terrorists face some inherent constraints that will be difficult for them to overcome. It is easier to proclaim the threat of mass terror than to perpetrate it. THE TERRORIST ATTACKS

attacks on September 11 completely recast global perceptions of threat and vulnerability. Long-standing assumptions that terrorists were more interested in publicity than in killing were dramatically swept aside in the rising crescendo of death and destruction. The butcher's bill that morning was without parallel in the annals of modern terrorism. Throughout the entirety of the twentieth century no more than fourteen terrorist incidents had killed more than a hundred people, and until September 11 no terrorist operation had ever killed more than five hundred people in a single attack. Viewed from another perspective, more than twice as many Americans perished within those excruciating 102 minutes than had been killed by terrorists since 1968—the year widely accepted as marking the advent of modern, international terrorism. So massive and consequential a terrorist onslaught naturally gave rise to fears that a profound threshold in terrorist constraint and lethality had been crossed. Renewed fears and concerns were in turn generated that terrorists would now embrace an array of deadly nonconventional weapons in order to inflict even greater levels of death and destruction than had occurred that day. Attention focused specifically on terrorist use of WMD, and the so-called Cheney Doctrine emerged to shape America's national-security strategy. The doctrine derived from former vice president Dick Cheney's reported statement that "if there's a one percent chance that Pakistani scientists are helping Al Qaeda build or develop a nuclear weapon, we have to treat it as a certainty in terms of our response." What the "one percent doctrine" meant in practice, according to one observer, was that "even if there's just a one percent chance of the unimaginable coming due, act as if it's a certainty." Countering the threat of nonconventional-weapons proliferation—whether by rogue states arrayed in an "axis of evil" or by terrorists who might acquire such weapons from those same states or otherwise develop them on their own—thus became one of the central pillars of the Bush administration's time in office. In the case of Al Qaeda, at least, these fears were more than amply justified. That group's interest in acquiring a nuclear weapon reportedly commenced as long ago as 1992—a mere four years after its creation. An attempt by an Al Qaeda agent to purchase uranium from South Africa was made either late the following year or early in 1994 without success. Osama bin Laden's efforts to obtain nuclear material nonetheless continued, as evidenced by the arrest in Germany in 1998 of a trusted senior aide named Mamdouh Mahmud Salim, who was attempting to purchase enriched uranium. And that same year, the Al Qaeda leader issued a proclamation in the name of the "International Islamic Front for Fighting the Jews and Crusaders." Titled "The Nuclear Bomb of Islam," the proclamation declared that "it is the duty of Muslims to prepare as much force as possible to terrorize the enemies of God." When asked several months later by a Pakistani journalist whether Al Qaeda was "in a position to develop chemical weapons and try to purchase nuclear material for weapons," bin Laden replied: "I would say that acquiring weapons for the defense of Muslims is a religious duty." Bin Laden's continued interest in nuclear weaponry was also on display at the time of the September 11 attacks. Two Pakistani nuclear scientists named Sultan Bashiruddin Mahmood and Abdul Majeed spent three days that August at a secret Al Qaeda facility outside Kabul. Although their discussions with bin Laden, his deputy Ayman al-Zawahiri and other senior Al Qaeda officials also focused on the development and employment of chemical and biological weapons, Mahmood—the former director for nuclear power at Pakistan's Atomic Energy Commission—claimed that bin Laden's foremost interest was in developing a nuclear weapon. The movement's efforts in the biological-warfare realm, however, were far more advanced and appear to have begun in earnest with a memo written by al-Zawahiri on April 15, 1999, to Muhammad Atef,

then deputy commander of Al Qaeda's military committee. Citing articles published in Science, the Journal of Immunology and the New England Journal of Medicine, as well as information gleaned from authoritative books such as Tomorrow's Weapons, Peace or Pestilence and Chemical Warfare, al-Zawahiri outlined in detail his thoughts on the priority to be given to developing a biological-weapons capability. One of the specialists recruited for this purpose was a U.S.-trained Malaysian microbiologist named Yazid Sufaat. A former captain in the Malaysian army, Sufaat graduated from the California State University in 1987 with a degree in biological sciences. He later joined Al Gamaa al-Islamiyya (the "Islamic Group"), an Al Qaeda affiliate operating in Southeast Asia, and worked closely with its military operations chief, Riduan Isamuddin, better known as Hambali, and with Hambali's own Al Qaeda handler, Khalid Sheikh Mohammed—the infamous KSM, architect of the September 11 attacks. In January 2000, Sufaat played host to two of the 9/11 hijackers, Khalid al-Midhar and Nawaf Alhazmi, who stayed in his Kuala Lumpur condominium. Later that year, Zacarias Moussaoui, the alleged "twentieth hijacker," who was sentenced in 2006 to life imprisonment by a federal district court in Alexandria, Virginia, also stayed with Sufaat. Under KSM's direction, Hambali and Sufaat set up shop at an Al Qaeda camp in Kandahar, Afghanistan, where their efforts focused on the weaponization of anthrax. Although the two made some progress, biowarfare experts believe that on the eve of September 11 Al Qaeda was still at least two to three years away from producing a sufficient quantity of anthrax to use as a weapon. Meanwhile, a separate team of Al Qaeda operatives was engaged in a parallel research-and-development project to produce ricin and ~~chemical-warfare~~ agents at the movement's Derunta camp, near the eastern Afghan city of Jalalabad. As one senior U.S. intelligence officer who prefers to remain anonymous explained, "Al Qaeda's WMD efforts weren't part of a single program but rather multiple compartmentalized projects involving multiple scientists in multiple locations." The Derunta facility reportedly included laboratories and a school that trained handpicked terrorists in the use of chemical and biological weapons. Among this select group was Kamal Bourgass, an Algerian Al Qaeda operative who was convicted in British courts in 2004 and 2005 for the murder of a British police officer and of "conspiracy to commit a public nuisance by the use of poisons or explosives." The school's director was an Egyptian named Midhat Mursi—better known by his Al Qaeda nom de guerre, Abu Kebab—and among its instructors were a Pakistani microbiologist and Sufaat. When U.S. military forces overran the camp in 2001, evidence of the progress achieved in developing chemical weapons as diverse as hydrogen cyanide, chlorine and phosgene was discovered. Mursi himself was killed in 2008 by a missile fired from a U.S. Predator drone. Mursi's death dealt another significant blow to Al Qaeda's efforts to develop nonconventional weapons—but it did not end them. In fact, as the aforementioned senior U.S. intelligence officer recently commented, "Al Qaeda's ongoing procurement efforts have been well-established for awhile now . . . They haven't been highlighted in the U.S. media, but that isn't the same as it not happening." In 2010, for instance, credible intelligence surfaced that Al Qaeda in the Arabian Peninsula—widely considered the movement's most dangerous and capable affiliate—was deeply involved in the development of ricin, a bioweapon made from castor beans that the FBI has termed the third most toxic substance known, behind only plutonium and botulism. Then, in May 2013, Turkish authorities seized two kilograms of sarin nerve gas—the same weapon used in the 1995 attack on the Tokyo subway system—and arrested twelve men linked to Al Qaeda's Syrian affiliate, Al Nusra Front. Days later, another set of sarin-related arrests was made in Iraq of Al Qaeda operatives based in that country who were separately overseeing the production of sarin and mustard blistering agents at two or more locations. Finally, Israel admitted in November 2013 that for the past three years it had been holding a senior Al Qaeda operative whose expertise was in biological warfare. "The revelations over his alleged biological weapons links," one account noted of the operative's detention, "come amid concerns that Al Qaeda affiliates in Syria are attempting to procure bioweapons—and may already have done so." Indeed, Syria's ongoing civil war and the prominent position of two key Al Qaeda affiliates—Al Nusra Front and the Islamic State of Iraq and the Levant—along with other sympathetic jihadi entities in that epic struggle, coupled with the potential access afforded to Bashar al-Assad's chemical-weapons stockpiles, suggest that we have likely not heard the last of Al Qaeda's ambitions to obtain nerve agents, poison gas and other harmful toxins for use as mass-casualty weapons. NONETHELESS, A fundamental paradox appears to exist so far as terrorist capabilities involving chemical, biological and nuclear weapons are concerned. As mesmerizingly attractive as these nonconventional weapons remain to Al Qaeda and other terrorist organizations, they have also mostly proven frustratingly disappointing to whoever has tried to use them. Despite the extensive use of poison gas during World War I, for instance, this weapon accounted for only 5 percent of all casualties in that conflict. Reportedly, it required some sixty pounds of mustard gas to produce even a single casualty. Even in more recent times, chemical weapons claimed the lives of less than 1 percent (five thousand) of the six hundred thousand Iranians who died in the Iran-Iraq war. The Japanese cult Aum Shinrikyo succeeded in killing no more than thirteen people in its attack on the Tokyo underground in 1995. And, five years earlier, no fatalities resulted from a Tamil Tigers assault on a Sri Lankan armed forces base in East Kiran that employed chlorine gas. In fact, the wind changed and blew the gas back into the Tigers' lines, thus aborting the attack. Biological weapons have proven similarly difficult to deploy effectively. Before and during World War II, the Imperial Japanese Army carried out nearly a dozen attacks using a variety of germ agents—including cholera, dysentery, bubonic plague, anthrax and paratyphoid, disseminated through both air and water—against Chinese forces. Not once did these weapons decisively affect the outcome of a battle. And, in the 1942 assault on Chekiang, ten thousand Japanese soldiers themselves became ill, and nearly two thousand died, from exposure to these agents. "The Japanese program's

principal defect, a problem to all efforts so far," the American terrorism expert David Rapoport concluded, was "an ineffective delivery system." The challenges inherent in using germs as weapons are borne out by the research conducted for more than a decade by Seth Carus, a researcher at the National Defense University. Carus has assembled perhaps the most comprehensive database of the use of biological agents by a wide variety of adversaries, including terrorists, government operatives, ordinary criminals and the mentally unstable. His exhaustive research reveals that no more than a total of ten people were killed and less than a thousand were made ill as a result of about two hundred incidents of bioterrorism or biocrime. Most of which, moreover, entailed the individual poisoning of specific people rather than widespread, indiscriminate attacks. The formidable challenges of obtaining the material needed to construct a nuclear bomb, along with the fabrication and dissemination difficulties involving the use of noxious gases and biological agents, perhaps account for the operational conservatism long observed in terrorist tactics and weaponry. As politically radical or religiously fanatical as terrorists may be, they nonetheless to date have overwhelmingly seemed to prefer the tactical assurance of the comparatively modest effects achieved by the conventional weapons with which they are familiar, as opposed to the risk of failure inherent in the use of more exotic means of death and destruction. Terrorists, as Brian Jenkins famously observed in 1985, thus continue to "appear to be more imitative than innovative." Accordingly, what innovation does occur tends to take place in the realm of the clever adaptation or modification of existing tactics—such as turning hijacked passenger airliners into cruise missiles—or in the means and methods used to fabricate and detonate explosive devices, rather than in the use of some new or dramatically novel weapon. THE TERRORISTS have thus functioned mostly in a technological vacuum: either aloof or averse to the profound changes that have fundamentally altered the nature of modern warfare. Whereas technological progress has produced successively more complex, lethally effective and destructively accurate weapons systems that are deployed from a variety of air, land, sea—and space—platforms, terrorists continue to rely, as they have for more than a century, on the same two basic "weapons systems": the gun and the bomb. Admittedly, the guns used by terrorists today have larger ammunition capacities and more rapid rates of fire than the simple revolver the Russian revolutionary Vera Zasulich used in 1878 to assassinate the governor-general of St. Petersburg. Similarly, bombs today require smaller amounts of explosives that are exponentially more powerful and more easily concealed than the sticks of TNT with which the Fenian dynamiters terrorized London more than a century ago. But the fact remains that the vast majority of terrorist incidents continue to utilize the same two attack modes.

It was easier in the 90s and they still couldn't do it

Zenko and Cohen 12 *Fellow in the Center for Preventive Action at the Council on Foreign Relations, *Fellow at the Century Foundation, (Micah and Michael, "Clear and Present Safety," March/April, Foreign Affairs, www.foreignaffairs.com/articles/137279/micah-zenko-and-michael-a-cohen/clear-and-present-safety

In the past decade, Cheney and other one-percenters have frequently warned of the danger posed by loose nukes or uncontrolled fissile material. In fact, the threat of a nuclear device ending up in the hands of a terrorist group has diminished markedly since the early 1990s, when the Soviet Union's nuclear arsenal was dispersed across all of Russia's 11 time zones, all 15 former Soviet republics, and much of eastern Europe. Since then, cooperative U.S.-Russian efforts have resulted in the substantial consolidation of those weapons at far fewer sites and in comprehensive

security upgrades at almost all the facilities that still possess nuclear material or warheads, making the possibility of theft or diversion unlikely. Moreover, the lessons learned from securing Russia's nuclear arsenal are now being applied in other countries, under the framework of Obama's April 2010 Nuclear Security Summit, which produced a global plan to secure all nuclear materials within four years. Since then, participants in the plan, including Chile, Mexico, Ukraine, and Vietnam, have fulfilled more than 70 percent of the commitments they made at the summit.

Pakistan represents another potential source of loose nukes. The United States' military strategy in Afghanistan, with its reliance on drone strikes and cross-border raids, has actually contributed to instability in Pakistan, worsened U.S. relations with Islamabad, and potentially increased the possibility of a weapon falling into the wrong hands. Indeed, Pakistani fears of a U.S. raid on its nuclear arsenal have reportedly led Islamabad to disperse its weapons to multiple sites, transporting them in unsecured civilian vehicles. But even in Pakistan, the chances of a terrorist organization procuring a nuclear weapon are infinitesimally small. The U.S. Department of Energy has provided assistance to improve the security of Pakistan's nuclear arsenal, and successive senior U.S. government officials have repeated what former Secretary of Defense Robert Gates said in January 2010: that the United States is "very comfortable with the security of Pakistan's nuclear weapons."

Too many barriers---have to answer each to win an impact

Friedman 12 (George, January 2012, PhD in Government from Cornell University and founder of Stratfor, *The Next Decade: Empire and Republic in a Changing World*, pgs. 81-82)

The simple answer is that while constructing and deploying a WMD is easy to imagine, it is very difficult to execute. Existing weapons are relatively few, heavily guarded, difficult to move, and likely to kill the terrorist well before the terrorist gets a chance to kill anyone else. There have been many reports of Soviet-era nuclear weapons, and biological and chemical weapons, being available on the black market, but most of the offers were made by intelligence agencies trying to lure terrorists into a trap. If you were a terrorist offered a suitcase nuke by a former Soviet Colonel, how could you possibly tell whether what you were looking at was the real thing or just a box stuffed with wires and blinking lights? The same uncertainty would have to hold for chemical and biological weapons as well. Intelligence services don't have to know who is selling real WMDs in order to scare away the customers, and the allure of acquiring these weapons contracted considerably when the number of intelligence officers offer them for sales as entrapment outnumbered legitimate offers by one hundred to one. There is, of course, the option of making such a weapon yourself, and every year some undergraduate posts a diagram of how to build a nuclear device. Between that sketch and success are the following steps: acquiring the fissile material, along with all of the necessary circuitry and casings; acquiring the machine needed to machine the fissile material to the precise tolerances needed in order to detonate it; engaging the experts who could actually do these things once you had the material and the equipment; finding a very secure facility where the experts could work and live, and so on. The chances of being detected are compounded at each stage of this tortuous process. Even if you could acquire the highly guarded fissile material, the machines needed for producing a nuclear weapon are highly specialized, and their manufacturers are few and far between. When a private individual shows up with his American Express card to order one of these machines, the chances that he will be detected are very good indeed. With biological and chemical weapons, you add to these the same risks the likelihood that the only person you'll kill will be yourself and your immediate accomplices. Chemical and biological weapons carry an extra layer of complexity in that they have to be dispersed. When a Japanese group released sarin, an extremely deadly nerve gas, in a Tokyo subway, the contamination remained localized and only a few people were killed, not the substantial numbers the terrorists had hoped for. People always speak of how a speck of this or that could wipe out an entire city. Certainly – but first you have to figure out how to spread it around. Only one country ever produced a nuclear weapon from scratch, and that was the United States. The British got their nukes in compensation for their contribution to the American research effort. The French also acquired the technology from the Americans, which they then regifted to Israel. The Russians stole the knowledge from the Americans, then transferred it to both the Chinese and the Indians. The Chinese gave the technology to the Pakistanis. The point is, the development of these weapons through an independent research program is enormously difficult, which is why Iran is still struggling and North Korea has never gotten it quite right.

No threat – weak leadership and no recent attacks

Zenko and Cohen 12. *Fellow in the Center for Preventive Action at the Council on Foreign Relations, *Fellow at the Century Foundation, (Micah and Michael, "Clear and Present Safety," March/April, Foreign Affairs, www.foreignaffairs.com/articles/137279/micah-zenko-and-michael-a-cohen/clear-and-present-safety)

NONE OF this is meant to suggest that the United States faces no major challenges today. Rather, the point is that the problems confronting the country are manageable and pose minimal risks to the lives of the overwhelming majority of Americans. None of them -- separately or in combination -- justifies the alarmist rhetoric of policymakers and politicians or should lead to the conclusion that Americans live in a dangerous world.

Take terrorism. Since 9/11, no security threat has been hyped more. Considering the horrors of that day, that is not surprising. But the result has been a level of fear that is completely out of proportion to both the capabilities of terrorist organizations and the United States' vulnerability. On 9/11, al Qaeda got

tragically lucky. Since then, the United States has been preparing for the one percent chance (and likely even less) that it might get lucky again. But al Qaeda lost its safe haven after the U.S.-led invasion of Afghanistan in 2001, and further military, diplomatic, intelligence, and law enforcement efforts have decimated the organization, which has essentially lost whatever ability it once had to seriously threaten the United States.

According to U.S. officials, al Qaeda's leadership has been reduced to two top lieutenants: Ayman al-Zawahiri and his second-in-command, Abu Yahya al-Libi. Panetta has even said that the defeat of al Qaeda is "within reach." The near collapse of the original al Qaeda organization is one reason why, in the decade since 9/11, the U.S. homeland has not suffered any large-scale terrorist assaults. All subsequent attempts have failed or been thwarted, owing in part to the incompetence of their perpetrators. Although there are undoubtedly still some terrorists who wish to kill Americans, their dreams will likely continue to be frustrated by their own limitations and by the intelligence and law enforcement agencies of the United States and its allies.

Can't steal a bomb---global nuclear security is increasing---stops terror

NTI 13 (Nuclear Threat Initiative, 30 January 2013, "Global Nuclear Security Gains: NTI Nuclear Materials Security Index, One-Year Progress Report," <http://www.nti.org/analysis/articles/global-nuclear-security-gains-nti-nuclear-materials-security-index-one-year-progress-report/>)

In January 2012, the Nuclear Threat Initiative (NTI) released the NTI Nuclear Materials Security Index, a first-of-its-kind public assessment of nuclear materials security conditions in 176 countries – 32 with one kilogram or more of weapons-usable nuclear materials and 144 with less than one kilogram of weapons-usable materials. An updated version of the NTI Index will be released in early 2014. In the meantime, since the completion of the inaugural NTI Index, [1] dozens of countries have taken or pledged to take key steps to strengthen their own nuclear security conditions, diminish opportunities for terrorist access to nuclear materials, and enhance nuclear security around the world. Progress on Reducing the Availability of Nuclear Materials Eliminating weapons-usable nuclear materials is, of course, the most significant step a country can take toward ensuring that terrorists can't get access to the materials needed to build a nuclear bomb. Since release of the NTI Index: Three countries – Austria, Mexico, and Ukraine – have completely eliminated all weapons-usable nuclear material from their territories. Five more countries – Kazakhstan, Poland, South Africa, Sweden, and Uzbekistan – have reduced their stockpiles of weapons-usable nuclear material. As a result of these actions, now only 28 states have one kilogram or more of these materials, instead of the 32 countries profiled in the 2012 NTI Index. When the second edition of the Index is released in 2014, Austria, Mexico, Ukraine, and Sweden [2] will move off the list of countries with more than one kilogram of weapons-usable nuclear material. This progress builds on steps taken following President Obama's April 2009 speech in Prague when he initially announced a four-year effort to secure all vulnerable nuclear material worldwide. In addition to the three countries that have eliminated all weapons-usable nuclear material listed above, Chile, Libya, Romania, Serbia, and Turkey as well as Taiwan have eliminated their stocks of weapons-usable nuclear material since April 2009. As a result, there are nine fewer states with weapons-usable nuclear material than in 2009, demonstrating significant, measurable progress in the global effort to prevent nuclear terrorism. Additional near-term progress is possible. Vietnam, the Czech Republic, Hungary, and Poland have committed to eliminating their remaining weapons-usable nuclear material, and Australia and Italy pledged at the 2012 Nuclear Security Summit in Seoul, South Korea to further reduce their nuclear material stockpiles. New Commitments and Actions The NTI Index also assessed countries' commitments to global norms, including participation in two key treaties to prevent nuclear terrorism: the Convention on the Physical Protection of Nuclear Material (CPPNM) and the International Convention on the Suppression of Acts of Nuclear Terrorism (ICSANT). Since the completion of the first NTI Index: Côte d'Ivoire and Vietnam acceded to the

CPPNM, an agreement vital to enacting security standards for materials in transit. Twelve new countries are now party to the 2005 Amendment to the CPPNM, which obligates state parties to enact standards for nuclear materials in use, in storage, or in transit domestically and requires countries to take criminal action against nuclear thieves, smugglers, and saboteurs. Argentina, Belgium, Georgia, Ghana, Greece, Israel, Lesotho, Luxembourg, Macedonia, Mexico, Sweden, and Vietnam have all taken this important step since the 2012 NTI Index was completed. [3] Five new countries – Australia, Côte d'Ivoire, Malta, Nigeria, and Turkey – are now party to the International Convention on the Suppression of Acts of Nuclear Terrorism (ICSANT), which commits states to criminalize acts of nuclear terrorism and promotes cooperation among countries on investigations and extraditions. NTI anticipates more progress before the release of the 2014 NTI Index, as France has pledged to complete ratification of ICSANT and the 2005 Amendment to the CPPNM and Norway has pledged to ratify ICSANT. In addition to progress in the international legal arena, several countries have taken other steps to enhance global nuclear security: China and India for the first time contributed to the IAEA's Nuclear Security Fund, which assists states in preventing, detecting, and responding to nuclear terrorism. Kazakhstan, Mexico, and Ukraine joined the G8 Global Partnership Against the Spread of Weapons of Mass Destruction. Japan formed a new independent regulatory agency to address nuclear safety and security, a substantial policy reform.

No risk

Chapman 12 (Stephen, columnist and editorial writer for the Chicago Tribune, "CHAPMAN: Nuclear terrorism unlikely," 22 May 2012, <http://www.oaoo.com/articles/chapman-87719-nuclear-terrorism.html>)

Given their inability to do something simple — say, shoot up a shopping mall or set off a truck bomb — it's reasonable to ask whether they have a chance at something much more ambitious. Far from being plausible, argued Ohio State University professor John Mueller in a presentation at the University of Chicago, "the likelihood that a terrorist group will come up with an atomic bomb seems to be vanishingly small." The events required to make that happen comprise a multitude of Herculean tasks. First, a terrorist group has to get a bomb or fissile material, perhaps from Russia's inventory of decommissioned warheads. If that were easy, one would have already gone missing. Besides, those devices are probably no longer a danger, since weapons that are not maintained quickly become what one expert calls "radioactive scrap metal." If terrorists were able to steal a Pakistani bomb, they would still have to defeat the arming codes and other safeguards designed to prevent unauthorized use. As for Iran, no nuclear state has ever given a bomb to an ally — for reasons even the Iranians can grasp. Stealing some 100 pounds of bomb fuel would require help from rogue individuals inside some government who are prepared to jeopardize their own lives. Then comes the task of building a bomb. It's not something you can gin up with spare parts and power tools in your garage. It requires millions of dollars, a safe haven and advanced equipment — plus people with specialized skills, lots of time and a willingness to die for the cause. Assuming the jihadists vault over those Himalayas, they would have to deliver the weapon onto American soil. Sure, drug smugglers bring in contraband all the time — but seeking their help would confront the plotters with possible exposure or extortion. This, like every other step in the entire process, means expanding the circle of people who know what's going on, multiplying the chance someone will blab, back out or screw up. That has heartening implications. If al-Qaida embarks on the project, it has only a minuscule chance of seeing it bear fruit. Given the formidable odds, it probably won't bother.

Low chance---weapons are dispersed

Cohen & Zenko 12 (Michael and Micah, Fellow at the Century Foundation AND Fellow in the Center for Preventive Action at the Council on Foreign Relations, "Clear and Present Safety," Foreign Affairs, Vol. 91, Iss. 2, EBSCO)

Pakistan represents another potential source of loose nukes. The United States' military strategy in Afghanistan, with its reliance on drone strikes and cross-border raids, has actually contributed to instability in Pakistan, worsened U.S. relations with Islamabad, and potentially increased the possibility of a weapon falling into the wrong hands. Indeed, Pakistani fears of a U.S. raid on its nuclear arsenal have reportedly led Islamabad to disperse its weapons to multiple sites, transporting them in unsecured civilian vehicles. But even in Pakistan, the chances of a terrorist organization procuring a nuclear weapon are infinitesimally small. The U.S. Department of Energy has provided assistance to improve the security of Pakistan's nuclear arsenal, and successive senior U.S. government officials have repeated what former Secretary of Defense Robert Gates said in January 2010: that the United States is "very comfortable with the security of Pakistan's nuclear weapons."

Russian nuclear security has improved---their ev assumes Cold War posturing

Cohen & Zenko 12 (Michael and Micah, Fellow at the Century Foundation AND Fellow in the Center for Preventive Action at the Council on Foreign Relations, "Clear and Present Safety," Foreign Affairs, Vol. 91, Iss. 2, EBSCO)

In the past decade, Cheney and other one-percenters have frequently warned of the danger posed by loose nukes or uncontrolled fissile material. In fact, the threat of a nuclear device ending up in the hands of a terrorist group has diminished markedly since the early 1990s, when the Soviet Union's nuclear arsenal was dispersed across all of Russia's 11 time zones, all 15 former Soviet republics, and much of eastern Europe. Since then, cooperative U.S.-Russian efforts have resulted in the substantial consolidation of those weapons at far fewer sites and in comprehensive security upgrades at almost all the facilities that still possess nuclear material or warheads, making the possibility of theft or diversion unlikely. Moreover, the lessons learned from securing Russia's nuclear arsenal are now being applied in other countries, under the framework of Obama's April 2010 Nuclear Security Summit, which produced a global plan to secure all nuclear materials within four years. Since then, participants in the plan, including Chile, Mexico, Ukraine, and Vietnam, have fulfilled more than 70 percent of the commitments they made at the summit.

No state would give terrorists a nuke

Lieber & Press 13 (Keir and Daryl, Associate Professor in the Edmund A. Walsh School of Foreign Service and the Department of Government at Georgetown University AND Associate Professor of Government at Dartmouth College, "Why States Won't Give Nuclear Weapons to Terrorists," International Security, Vol. 38, No. 1, Summer 2013, EBSCO)

Some analysts are skeptical about such sponsored nuclear terrorism, arguing that a state may not be willing to deplete its small nuclear arsenal or stock of precious nuclear materials. More important, a state sponsor would fear that a terrorist organization might use the weapons or materials in ways the state never intended, provoking retaliation that would destroy the regime.¹⁴ Nuclear weapons are the most powerful weapons a state can acquire, and handing that power to an actor over which the state has less than complete control would be an enormous, epochal decision—one unlikely to be taken by regimes that are typically obsessed with power and their own survival. Perhaps the most important reason to doubt the nuclear-attack-by-proxy scenario is the likelihood that the ultimate source of the weapon might be discovered.¹⁵

One means of identifying the state source of a nuclear terrorist attack is through “nuclear forensics”—the use of a bomb’s isotopic fingerprints to trace the missile material device back to the reactors, enrichment facilities, or uranium mines from which it was derived. In theory, the material that remains after an explosion can yield crucial information about its source: the ratio of uranium isotopes varies according to where the raw uranium was mined and how it was processed, and the composition of weapons-grade plutonium reveals clues about the particular reactor used to produce it and how long the material spent in the reactor.¹⁶ The possibility that the covert plot could be discovered before being carried out also acts as a deterrent. For these and other reasons, some analysts argue that nuclear terrorism is unlikely.

No handoff

Leonard **Weiss** is a visiting scholar at the Center for International Security and Cooperation at Stanford University, USA, and a member of the National Advisory Board of the Center for Arms Control and Non-Proliferation in Washington, DC. For more than two decades, he was staff director of the US Senate Committee on Governmental Affairs and its Subcommittee on Energy and Nuclear Proliferation, during which time he wrote major legislation on nuclear nonproliferation and led investigations of nuclear programs of other countries. He is a former professor of applied mathematics and engineering at Brown University and the University of Maryland, “On fear and nuclear terrorism,” *Bulletin of the Atomic Scientists* ‘15, Vol. 71(2) 75–87

Acquiring nukes as a gift. Following the shock of 9/11, government officials and the media imagined many scenarios in which terrorists obtain nuclear weapons; one of those scenarios involves a weapon state using a terrorist group for delivery of a nuclear weapon. There are at least two reasons why this scenario is unlikely: First, once a weapon state loses control of a weapon, it cannot be sure the weapon will be used by the terrorist group as intended. Second, the state cannot be sure that the transfer of the weapon has been undetected either before or after the fact of its detonation (see Lieber and Press, 2013). The use of the weapon by a terrorist group will ultimately result in the transferring nation becoming a nuclear target just as if it had itself detonated the device. This is a powerful deterrent to such a transfer, making the transfer a low-probability event. Although these first two ways in which terrorists might obtain a nuclear weapon have very small probabilities of occurring (there is no available data suggesting that terrorist groups have produced plans for stealing a weapon, nor has there been any public information suggesting that any nuclear weapon state has seriously considered providing a nuclear weapon to a sub-national group), the probabilities cannot be said to be zero as long as nuclear weapons exist.

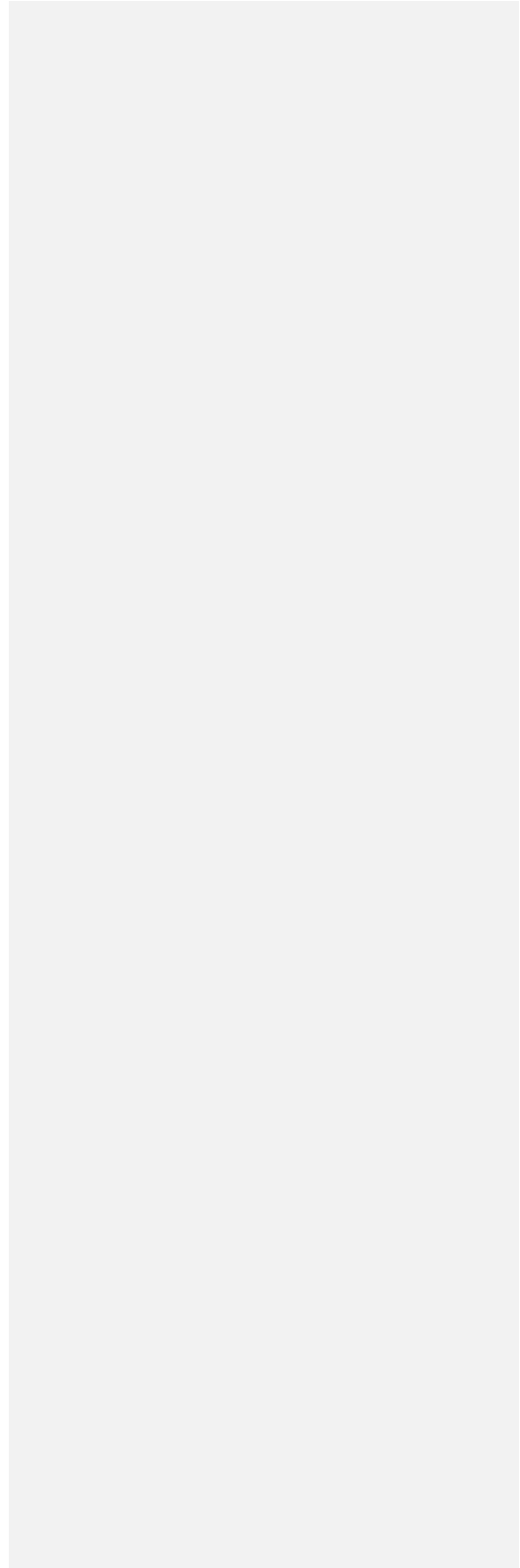
Iran won’t give terrorists a nuke

Walt 12 (Stephen M. Walt is the Robert and Renée Belfer professor of international relations at Harvard University., 6/26/2012, “Should we give Iran the bomb?”, http://walt.foreignpolicy.com/posts/2012/06/26/waltz_weights_in_on_iran)

Walt maintains that this pattern has generally applied in other nuclear contexts, whether one looks at U.S.-Soviet relations during the Cold War, China’s acquisition of the bomb in the 1960s, or the troubled relationship between India and Pakistan, which fought major wars before

each got the bomb but have fought only relatively minor skirmishes since. He also reminds his readers that there is no evidence that Iran's leaders are irrational (and certainly no more irrational than ours), and no good reason to think they would ever use a nuclear weapon for offensive purposes or give one away to terrorists. (This latter possibility is especially absurd: Why would any country devote millions of dollars and decades of effort to get a few bombs, and then blithely give them away to people over whom they had little control?)

Bioterror



2AC

No risk of bioterror

Keller 13 (Rebecca, 7 March 2013, Analyst at Stratfor, "Bioterrorism and the Pandemic Potential," Stratfor, <http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential>)

The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact.

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No bioweapons

Ouagrham-Gormley 14

Sonia Ben Ouagrham-Gormley is Assistant Professor of Public and International Affairs at George Mason University. She worked for a decade at the Monterey Institute for International Studies. She was for two years research director of the James Martin Center for Nonproliferation Studies office in Kazakhstan and was founding editor of the International Export Control Observer, Cornell University Press, November 2014, "Barriers to Bioweapons", <http://www.cornellpress.cornell.edu/book/?GCOI=80140100857780>

In both the popular imagination and among lawmakers and national security experts, there exists the belief that with sufficient motivation and material resources, states or terrorist groups can produce bioweapons easily, cheaply, and successfully. In Barriers to Bioweapons, Sonia Ben Ouagrham-Gormley challenges this perception by showing that bioweapons development is a difficult, protracted, and expensive endeavor, rarely achieving the expected results whatever the magnitude of investment. Her findings are based on extensive interviews she conducted with former U.S. and Soviet-era bioweapons scientists and on careful analysis of archival data and other historical documents related to various state and terrorist bioweapons programs.

Bioweapons development relies on living organisms that are sensitive to their environment and handling conditions, and therefore behave unpredictably. These features place a greater premium on specialized knowledge. Ben Ouagrham-Gormley posits that lack of access to such intellectual capital constitutes the greatest barrier to the making of bioweapons. She integrates theories drawn from economics, the sociology of science, organization, and management with her empirical research. The resulting theoretical framework rests on the idea that the pace and success of a bioweapons development program can be measured by its ability to ensure the creation and transfer of scientific and technical knowledge. The specific organizational, managerial, social, political, and economic conditions necessary for success are difficult to achieve, particularly in covert programs where the need to prevent detection imposes managerial and organizational conditions that conflict with knowledge production.

No bioweapons proliferate – tacit knowledge gap and organization failure – assumes new tech advances

Ouagrham-Gormley 12

Sonia Ben, Assistant Professor in the Biodefense Program at George Mason University, "Barriers to Bioweapons," International Security, Vol. 36, No. 4 (Spring 2012), pp. 80–114

Conclusion The U.S. and Soviet bioweapons programs offer valuable insights for assessing future bioweapons proliferation threats. Certainly, the globalization of the pharmaceutical and biotechnology industries has enabled an increasingly widespread diffusion of information, materials, and equipment

that could prove beneficial to states or terrorist groups interested in developing biological weapons. But although such inputs are necessary, they are hardly sufficient to produce a significant weapons capability. As demonstrated in the U.S. and Soviet cases, such intangible factors as organizational makeup and management style greatly affect the use of acquired knowledge, the creation of tacit knowledge, and its transfer within the organization to enable ultimate success. Importantly, these intangible elements are local in character and cannot be easily transferred among individuals or from one place to another. Although the effects of intangible factors are more pronounced in large-scale bioweapons programs, given the increasing complexity introduced by the need to produce a tested weapon with repeatable results, they also affect smaller-scale state and terrorist group programs, as illustrated by South Africa's and Aum Shinrikyo's programs. Even programs with more modest ambitions need to acquire the expertise required to handle, manipulate, and disseminate the agents selected, create an environment conducive to teamwork and learning, integrate the acquired knowledge into the existing knowledge base, and adapt the technology to their environment. These are complex and time-consuming tasks for programs operating in a stable environment. For covert programs fearful of detection, the task is made more challenging as the imperatives of maintaining covertness directly contradict the requirement of efficient knowledge use and production. The revolution in biotechnology has not reduced the importance of the intangible factors that shape bioweapons program outcomes. Although new breakthroughs in biotechnology can frequently accelerate progress in laboratory work, these new techniques still depend heavily on teams of scientists and technicians developing new sets of skills through extensive experimentation. Only in this way can they demonstrate the utility of these new breakthroughs for particular applications. Thus, by taking into account the intangible dimension of proliferation, intelligence and policy officials can understand more holistically how a state or terrorist group can actually use the tangible resources they may have acquired. Ideally, developing a more thorough understanding of a program's existing research and knowledge base, as well as how the program is organized and managed, will provide intelligence and policy officials with a better analytical basis for determining the time required for the program to achieve its goal. This in turn will help policymakers fashion interventions that are most appropriate to respond to specific threats. Gathering information about these intangible factors is dependent on intelligence efforts, and this article provides insights into how better collection and analysis on WMD threats might be accomplished. However, actions against a suspected program can beneficially be implemented even in the absence of detailed information about its knowledge base and organizational makeup. A policy aimed at frustrating the acquisition of skills, the collective interpretation and integration of data and individual knowledge, and the accumulation of knowledge can delay progress in a suspected program and possibly cause its failure.

They can't turn the basic science into effective weapons **Ouagrham-Gormley 14**

Sonia Ben Ouagrham-Gormley is Assistant Professor of Public and International Affairs at George Mason University. She worked for a decade at the Monterey Institute for International Studies. She was for two years research director of the James Martin Center for Nonproliferation Studies office in Kazakhstan and was founding editor of the International Export Control Observer, Shannon R. Fye, Public Policy @ GMU, *Frontiers of Public Health*, September 24, 2014, "Restricted Science", <http://journal.frontiersin.org/Journal/10.3389/fpubh.2014.00158/full>

The NSABB's initial decision to edit the H5N1-related article before its publication was followed by the Dutch government's decision to impose export-control restrictions on the Dutch team's article. Dutch authorities claimed that the research fell under European Council Regulation EC 428/2009, which attempts to prevent the spread of nuclear, chemical, and biological weapons by requiring an export

license before publication (10). These moves are based on the assumption that innovations achieved in the laboratory can be easily fashioned into a harmful agent or a bioweapon. **Yet, past bioweapons work shows** that transforming a scientific concept developed in the laboratory into a product that has a specific, applied purpose, and functions reliably and effectively can take several decades and require a variety of expertise. Specifically, the passage from laboratory concept to specific application faces the challenge of scaling-up fragile microorganisms for large-scale production **and developing a delivery mechanism that will protect the agents** from environmental degradation when released as a weapon. For example, within the Soviet bioweapons program, the development of an antibiotic-resistant strain of the bacterium that causes plague took 20 years to achieve and involved teams at three institutes. Scaling-up anthrax and smallpox weapons took Soviet researchers about 5 years to achieve and required the involvement of large teams of scientists, including the designers of the original strains. And within the U.S. bioweapons program, scientists discovered that the botulinum toxin weapon they had produced eventually lost some of its toxicity upon aerosol release. These examples demonstrate that laboratory successes do not necessarily lead to successful application to a specific purpose. Instead, specialized skills honed over years of practice in production and weaponization work are critical to success (11).

Expertise barriers are too high

van Rijn 14

Saskia van Rijn is an Infection Preventionist and a Hospital Epidemiologist at Phoenix Children's Hospital who specializes in Biodefense, preparedness, bio-surveillance, and emerging infectious diseases, certified in Infection Control and currently serves as an external expert for the European Centre for Disease Control on infectious diseases, Global Biodefense, May 20, 2014, "Capabilities Analysis of Bioterrorism: Roadblocks Facing Non-State Actors' Use of Bioweapons", <http://globalbiodefense.com/2014/05/20/bioterrorism-roadblocks-facing-non-state-actors-use-of-bioweapons/>

Professional Expertise

The technical knowledge and experience necessary for isolating, cultivating, and weaponizing pathogens for bioweapons is a particular hurdle that has prevented several terrorist organizations from being successful. Given the technical difficulty in housing, cultivating, and weaponizing an agent, the need for persons trained in virology, pathology, or microbiology is crucial. The mental degradation of Aum Shinrikyo members through drug use and paranoia is suggested to have severely reduced their ability to continue such technically proficient work (Tucker, 2000). While drug use and paranoia was rampant in Aum, these matters were coupled with general **technical hurdles** that **required substantial scientific experience** to solve the issues. Aum's head microbiologist and bioweapons specialist, Seiichi Endo, was unable to cultivate a lethal strain of botulism, which most likely was a result of his inexperience in microbiology (Rosenau, 2001). Endo was trained as a molecular biologist, not a microbiologist, so as their head of bioweapons he significantly lacked the necessary technical expertise.

The Amerithrax attacks highlight the **extensive expertise** that is **needed for large-scale, complex biological attacks**. Anthrax, as previously discussed, **is extremely volatile and difficult to weaponize**, which is why the suspect was believed to be an extremely experienced microbiologist with years of experience not just in the field, but also with that particular organism. Acquiring a lethal strain of anthrax or botulinum is especially difficult as there are several strains that can be harmless. Only an experienced researcher or laboratory microbiologist would know how to isolate and cultivate the lethal strains. The Rajneeshees were able to easily acquire *S. typhirium* (arriving on bactrol disks) and grow the bacteria in larger quantities as a result of an experienced laboratory technician who also manufactured it into liquid form (Carus, 2002). The ability to transfer and grow bacteria, especially salmonella, is far easier than that of botulinum or anthrax, but still requires a basic understanding of the laboratory practices.

Knowledge and skills to use the equipment is also **a considerable hurdle**. Laboratory equipment, especially that needed to isolate and weaponize mass quantities of bacteria or virus, is extremely complex and can be dangerous. Equipment misuse or poor technique can be devastating to the individual working on the experiment. Tucker found that “because of sloppy laboratory practices, members of the Aum Shinrikyo cult reportedly became infected with Q-fever, a rickettsial disease they were prepping as a biological weapon. Even cult leader Shoko Asahara is believed to have acquired the debilitating illness” (Tucker, 2000).

Attacks don't escalate van Rijn 14

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RESPONSE MEASURES

Unusual or deadly pathogens raise a red flag in public health and healthcare, which triggers downstream efforts to investigate and isolate. The U.S. public health system has surveillance and response protocols in place to identify and respond to cases of disease, whether endemic (naturally occurring) or epidemics (large cases of diseases beyond the normal case-load). Surveillance While most do not know the intricacies of its methods, **disease surveillance provides a substantial strategy for diminishing the impact of bioterrorist events.** Disease surveillance is the systematic collection and analysis of data to identify and monitor patterns within disease distribution. Public health is designed to provide disease surveillance and epidemiological response in cases of disease outbreaks. While not all countries have the same level of surveillance capability, governments, both nationally and through international agreements, have created public health organizations to prevent and control the spread of disease. In the U.S., the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH), and the Department of Health and Human Services (DHHS), work to provide public health support at a

national level. Beyond these organizations, each U.S. state has a health department, as do their counties. Disease surveillance is performed either actively or passively. Active surveillance entails going out and collecting the information, while passive surveillance employs counterparts (such as hospitals, clinics, and universities) to collect data and pass it along. Most public health systems are passive unless there is an outbreak, mostly as a result of lack of resources. (Buehler, 2004). Disease surveillance in the United States starts with a healthcare facility receiving a patient and obtaining labs or physician diagnosis that can confirm illness. Larger hospitals will have their own microbiology department that is capable of running extensive laboratory work from blood cultures to respiratory viral panels. State laboratories are commonly used for rare or complex tests that other facilities are unable to process. These tests tend to involve uncommon pathogens such as shiga-toxin producing Escherichia coli (the E.coli strain that was notorious for causing national outbreaks and associated deaths) and botulism. Once test results are reported, hospitals are required to report certain diseases to their county health departments. Each state has a list of “reportable communicable diseases” that range from anthrax, to plague, and syphilis (ADHS, n.d.). Hospitals and state laboratories both report these cases with patient information to county health departments, who then report them to state health departments. Rare cases like measles or botulism would prompt communication with the CDC. Disease surveillance from specimen collection to county health department response can take a day in some cases. Specific diseases on reportable lists (those of the Category A, B, or C) require immediate phone calls, versus faxing or electronically reporting within a period of business days (ADHS, n.d.). Hospitals, state health departments, and county health departments all work very closely and in many cases are in communication on a daily basis. Disease surveillance in the U.S. **is taken very seriously at a health care level**. It is very common for public health departments to do in-service education with emergency department physicians annually for training on uncommon diseases or “zebras”. After the Amerithrax attacks, there was a heightened awareness and education regarding bioweapon pathogens, so much so that physicians began to include them on differential diagnoses (initial triage diagnosis prior to any confirmatory lab work), which may have led to physician hypersensitivity regarding bioweapon issues. There was a wave of eagerness to identify these pathogens after Amerithrax, leading to a hypersensitivity towards Category A agents (Cosgrove, 2005; Leitenberg, 2005). Jokingly coined “zebras”, these pathogens are rarely seen, but continuous education is provided to first responders. While there are gaps in any chain, the level of disease surveillance that occurs within the U.S. would very quickly pick up an usual agent and initiate response in a quick manner (NNDSS, n.d.). This continuous education and reinforced disease reporting make it harder for bioweapons to go undetected. During large gatherings like sporting events and concerts, public health departments will touch base with health care facilities to remind them of the risk for outbreaks, and will **perform active surveillance during the event**. Syndromic surveillance has become increasingly common. This form of surveillance involves data collection regarding over-the-counter medications from drug stores, as well as emergency room visits involving chief complaints matching certain criteria (Henning, 20004). Syndromic surveillance uses logic-based software to detect large groups of people purchasing medication and/or seeking medical care for the same illness in a geographical area or time frame. There is also continuous development of more sensitive, real-time surveillance methods, which **makes bioterrorism that much more difficult to carry out**. Identification Once patients enter a healthcare facility, whether that of a primary care physician or a hospital emergency department, their symptoms are assessed and specimens are often taken. Since the Amerithrax attacks, several studies have addressed the knowledge gaps in the ability of physicians (especially emergency) to identify “zebras” or Category A agents

(Cosgrove, 2005; Moye, 2007). As a result of these studies, extensive education has been enforced so that emergency and primary care physicians, as the first diagnosticians, would be able to more accurately identify or pick up on the symptoms associated with such illnesses. Physicians that see large patient populations are more exposed to a wide range of diseases, thus honing their diagnostic abilities. In areas where certain diseases are endemic (Y. pestis, plague, is endemic in states like Arizona and New Mexico, so physicians in these states are more familiar with the clinical signs and symptoms) or in patient populations where a disease occurs randomly (botulism in children or prisons), these diagnostic tools continuously are tested (Nania, 2013). Overall, the gap in diagnostic capabilities has been identified and attention to bioterrorism and the commonly associated pathogens have been reinforced in the medical community. Healthcare workers from nurses to infection preventionists are educated at workshops and through federally funded training with the Department of Homeland Security Center for Domestic Preparedness (CDP), are better able to respond and handle epidemics and bioterrorism events (CDP, n.d.). Identification, while sensitive to human error, has become much stronger since the Amerithrax attacks, making bioterrorism a center stage topic for physicians. The increased education and capabilities to identify rare pathogens, especially those commonly used in bioterrorism, would likely prevent bioterrorism events from growing. Treatment and Vaccination Measures While many consider bioweapons to be unstoppable or without response measures, there are treatment methodologies in place to respond to their use. Vaccination and treatment techniques pose a severe hurdle for bioterrorists to overcome. For example, there are treatment protocols in place for all six Category A agents. Plague, anthrax, and tularemia are all treated with IV antibiotics, while botulism is treated with an antitoxin. Viral hemorrhagic fevers (VHF) are trickier: although Ribavirin, an antiviral, has shown efficacy against certain viruses, others can only be combatted with supportive care measures (Nania, September 2, 2013). Smallpox is perhaps the most difficult, as there is currently no treatment for it, but immediate vaccination following exposure has been shown to be an effective response measure. Supportive care measures are also used in the case of smallpox. While smallpox and VHF may seem like effective bioweapons, they present difficulties. Both agents are viruses, making them difficult to handle and weaponize, and more importantly, both are extremely rare. No documented cases of smallpox have occurred in almost 40 years, and VHF occurs infrequently through small outbreaks in Africa. These two pathogens are so unique and so feared in the health community that even one case triggers massive response measures (Smallpox, 2007). Treatment for Category B agents is also available through certain common antibiotics, protocols, and methods like IV vasopressors if ricin is ingested (Category Agents, n.d.; Nania, 2013). Overall, treatment for bioweapon agents is highly available and in the U.S. and some other countries, poses a substantial roadblock for terrorist goals that might include large outbreaks. The U.S. and other industrialized nations (such as Australia and those countries in the European Union) are constantly improving response measures for bioweapons, while health response systems in developing countries are still very rudimentary (Global infectious disease factsheet. 2013). Efforts within the U.S. also focus on improving responses to international health crises and emerging infectious diseases, as borders do not constrict health disasters. Continued efforts to treat and even vaccinate against these pathogens will only make this more of a barrier for potential bioterrorists. Vaccination capacity in the U.S. is also a considerable hurdle facing some forms of bioterrorism. Smallpox and anthrax both have vaccination programs available that could be mass distributed within several days through the Strategic National Stockpile (SNS). There is also work on vaccine for plague that could be applied (Titball, 2001). Vaccination programs are effective and can be rolled out quickly with Point of Distributions (PODs). PODS are specialized units used to quickly and effectively distribute vaccinations and prophylaxis to

large populations. Recent response to pandemic influenza like H1N1 (“swine flu”) made public health systems even more effective in the art of mass vaccination, education, and response measures. After the Amerithrax attacks, President Bush initiated a mass smallpox vaccination program that was later halted, but the effect nonetheless showed that national vaccination production and distribution can occur (Cohen, 2004). Mass vaccination can halt the transmission of disease and prevent the further spreading of infections, as done with polio and smallpox. Mass Response Measures Public health preparedness is by no means a new concept, but since the Amerithrax attacks it **has attracted more funding and resources. The U.S. public health system has become more attuned to the realistic threats that bioweapons and infectious diseases pose.** Federal funding has supplied health departments and related organizations with more personnel training capacity (Koenig, 2007). Public health preparedness and response to bioterrorism and pandemics are common components in public health and healthcare education. DHS’s Center for Domestic Preparedness offers dozens of fully funded certification courses for first responders and public health personnel. Some may view the recent H1N1 outbreak as an over-hyped pandemic, but the response that took place helped mitigate the spread of the virus (Cressey, 2010). The education that came from H1N1 allowed the public health system to review and change their plans to be more effective and adaptable. Response measures employed in public health emergencies such as pandemics and bioterrorism events involve isolation, quarantine, mass vaccination or prophylaxis (treatment to prevent disease), and education. Because the presence of public health as a component of preparedness has considerably advanced since the Amerithrax attacks, **non-state actors looking to pursue bioterrorism in the U.S. face formidable challenges. The use of PODs, isolation procedures, and mass education will likely reduce the efficacy of such attacks.** Earlier attacks like Amerithrax, the Rajneeshees, and small, criminal based attacks such as lab technicians poisoning doughnuts with salmonella, have increased both the awareness and understanding of what a biological attack entails and the tools needed to carry out an attack. The media attention (television and social media) that the Amerithrax attacks received provided a substantial amount of information to individuals outside the public health system. Current and future response measures are moving away from control methodologies and are now focusing on prevention like syndromic surveillance, creating additional deterrents that can mitigate the impact that bioterrorism events cause (Buehler, 2004; Henning, 2004). **The growing ability to quickly identify and respond to outbreaks of disease has the potential to greatly minimize the force of bioweapon attacks.**

Empirics

Ouagrham-Gormley 14

Citing Sonia Ben Ouagrham-Gormley is Assistant Professor of Public and International Affairs at George Mason University. She worked for a decade at the Monterey Institute for International Studies, Scientific American, December 6, 2014, “Taping over the red button”, Factiva

Her fascinating book, Barriers to Bioweapons, also shows that **anyone wanting to develop biological weapons faces a raft of other difficulties. Of the five main bioweapons programmes to date, their key feature has been their failures, not their successes.** In a forensic and compelling analysis, she describes

how the Soviet Union, the US, South Africa and the Japanese terrorist group Aum Shinrikyo, all fell well short, despite spending billions of dollars over decades. Then there's Iraq, where the government spent \$80 million over 20 years on bombs that its scientists knew would not deliver most of the anthrax and other toxins they contained, but simply destroy them on impact. The living microorganisms at the heart of these programmes are fragile and unpredictable, and the main barrier to producing bioweapons isn't access to materials and technologies, but the practical and organisational difficulties of actually getting devices to work. These weaknesses should be exploited to stem bioweapons development, she says. Present policy, stressing how easy it is to make bioweapons, only encourages terrorists.

Response industry inflates the threat

Reynolds, senior fellow – Cato, former director of economic research – Hudson Institute, 3/11/'10

(Alan, "Anthrax and the WMD Fear Lobby," <http://original.antiwar.com/alan-reynolds/2010/03/10/anthrax-and-the-wmd-fear-lobby/>)

Nuclear warfare is still counted as WMD, yet the WMD Commission is more afraid of anthrax or Botox. Weapons of Mass Destruction used to include chemical warfare, but no longer. Fretting about nerve gas turned out to be a less lucrative fear-mongering industry than lobbying for juicy biological research grants, and for mountainous stockpiles of vaccines and antiviral drugs.

"Especially troubling," says the Commission, "is the lack of priority given to the development of... new vaccines, drugs, and production processes required to meet the modern threats from man-made and naturally occurring epidemics." Priority means an extra \$17 billion of deficit spending over five years. But notice how "naturally occurring epidemics" were snuck into a report ostensibly dealing with terrorist weapons.

Alleged sources of a bioterrorist threats "include the bacteria that cause anthrax and plague, the viruses that cause smallpox and Ebola hemorrhagic fever, and poisons of natural origin such as ricin and botulinum toxin."

The Commission knows those agents are far less credible terrorist weapons than bombs, guns, airplanes and arson. (Anyone who tries to kill you with Ebola would die trying).

So they are stuck with anthrax, claiming "a bioterrorist attack involving anthrax bacterial spores [is] the most likely near-term biological threat to the United States." Billions were wasted because of anthrax in 2001, and the Commission is determined to waste billions more. For those receiving federal loot, Bruce Ivins was a gift that keeps on giving.

The Commission report said, "The 2001 anthrax mailings were not the first incident of bioterrorism in the United States. In 1984, the Rajneeshees, a religious cult in Oregon, sought to reduce voter turnout and win control of the county government in an upcoming election by temporarily incapacitating local residents with a bacterial infection. In . . . September 1984, cult members contaminated 10 restaurant salad bars in a town in Oregon with salmonella, a common bacterium that causes food poisoning. The attack sickened 751 people, some seriously." Sickened seriously! If that isn't WMD, what is?

"A decade later," the report goes on, "members of a Japanese doomsday cult called Aum Shinrikyo released anthrax bacterial spores from the roof of a building in Tokyo. Fortunately, this attack failed. . . Had Aum succeeded in acquiring a virulent strain and delivered it effectively, the casualties could have been in the thousands." That is illiterate nonsense. There is no effective way of dispersing anthrax from the roof of a building.

Lacking evidence, the WMD lobby dreams up scenarios. The report tells us White House insecurity experts "created a chilling scenario of how terrorists could launch an anthrax attack in the United States [with] a single aerosol attack in one city delivered by a truck using a concealed improvised spraying device." This "chilling scenario" is science fiction.

In "WMD Doomsday Distractions," an April 2005 column available at Cato.org, I explained that, "Scenario spinners speculate about mixing anthrax with water and somehow spraying it (without detection) from trucks, crop dusters or unmanned aircraft. But to die from anthrax, you need to inhale thousands of spores. Those spores clump together and mix with dust, yet they must end up neither too large nor too small, or else they would be sneezed out, coughed up or swallowed. Even if enough particles of the perfect size could be sprayed into the breezes, the odds are extremely low of infecting more than few dozen people that way. And none would die if they took Cipro promptly."

Tallying up all of the world's bioterrorism attacks to date, the final score is five killed from anthrax, plus one Bulgarian assassinated by being injected with ricin. That brings the world total of bioterrorist fatalities up to half a dozen — a bizarre concept of "mass destruction," and a feeble excuse for dispensing billions more federal dollars to those using scare tactics to raid the empty Treasury.

No anthrax terror and antibiotics solve

Sharav & Nass 13

(Dr. Meryl Nass – world leading expert on the anthrax vaccine and Vera Sharav -- MD & President of AHRP, "Government Fear Mongering: Phony Anthrax Threat" 02/27/2013, The Patriots)

The Obama Administration led by Kathleen Sebelius, Secretary of Health and Human Services (DHHS), is engaging in fear mongering promoting the specious claim that children are less safe than adults in the unlikely event of a bioterrorist anthrax attack. **Lacking any credible evidence of an anthrax risk, Secretary Sebelius** —a political appointee—is invoking fictional scenarios of a simulated anthrax attack to override hard-won Federal statutes that were enacted over the last 35 years to protect children from medical experiments that put them at risk with no benefit. "Secretary Sebelius asked the [Presidential] Commission for ethical advice on the development of medical countermeasures for children. The question that sparked this broad charge from Secretary Sebelius to the Commission is how to treat children who have been exposed to anthrax; it was a question that arose during a Homeland Security exercise" <http://bioethics.gov/cms/pressrelease1> **Simulated exercises** (or "War Games") **are NOT evidence-based!** The safety hazards of BioThrax are substantiated by documented evidence. FACT: **There is no credible evidence of an impending anthrax threat: no government official has ever cited any evidence of such a threat.** FACT: FDA has not licensed BioThrax for use following exposure to anthrax spores. The BioThrax label warns: "The safety and efficacy of BioThrax in a post-exposure setting have not been established." FACT: Antibiotics—not the anthrax vaccine—are the proven protection against anthrax.

Antibiotics proved to be 100% effective for people exposed to anthrax-laced letters in 2001. The FBI concluded that the sender was a US military scientist—who is dead. FACT: If ever children were exposed to anthrax spores, they would be given antibiotics, such as Ciprofloxacin or Doxycycline, which have been FDA-approved for pediatric use against anthrax—and recommended by CDC.

No smallpox and new drugs solve

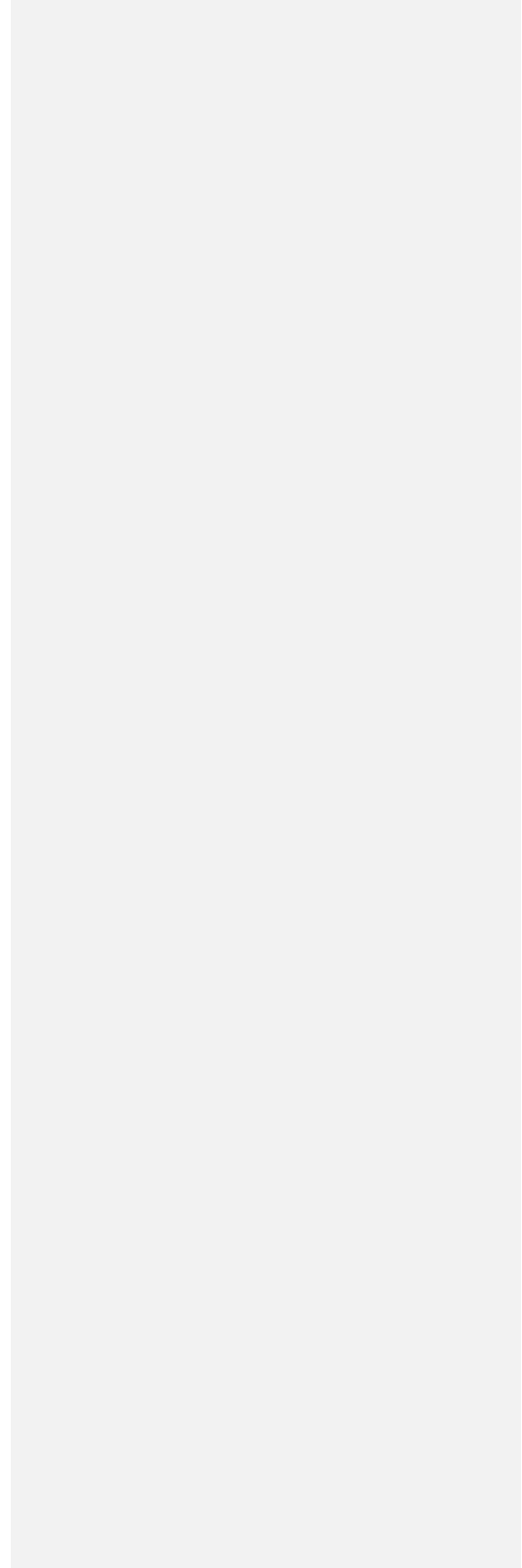
McNeil 13

(Donald, science and health reporter specializing in plagues and pestilences. He covers diseases of the world's poor, AIDS, malaria, avian flu, SARS, mad cow disease and so on, "Wary of Attack With Smallpox, U.S. Buys Up a Costly Drug" March 12, 2013, New York Times)

The United States government is buying enough of a new smallpox medicine to treat two million people in the event of a bioterrorism attack, and took delivery of the first shipment of it last week. But the purchase has set off a debate about the lucrative contract, with some experts saying the government is buying too much of the drug at too high a price. A small company, Siga Technologies, developed the drug in recent years. Whether the \$463 million order is a boondoggle or a bargain depends on which expert is talking. The deal will transform the finances of Siga, which is controlled by Ronald O. Perelman, a billionaire financier, philanthropist and takeover specialist. Smallpox was eradicated by 1980, and the only known remaining virus is in government laboratories in the United States and Russia. But there have long been rumors of renegade stocks that could be sprayed in airports or sports stadiums. Experts say the virus could also be re-engineered into existence in a sophisticated genetics lab. As part of its efforts to prepare for a possible bioterrorism attack, the government is paying more than \$200 for each course of treatment. Siga argues that the price is a fair return on years of investment. And Robin Robinson, director of the Biomedical Advanced Research and Development Authority, part of the Department of Health and Human Services, the overseer of the contract for the drug, Arestvyr, defended the size of the order and the price paid. He said that two million doses was the amount analysts predicted would be needed to contain a smallpox outbreak in a large city and that the whole country would require 12 million, along with vaccines. The price, he said, was arrived at through federal purchasing guidelines and was "fair and reasonable" compared with the price of other commercial antiviral drugs, which he said ranged from \$108 to \$7,364. But when stockpiling a smallpox drug was first proposed in 2001 after the Sept. 11 and anthrax attacks, it was expected to cost only \$5 to \$10 per course, said Dr. Donald A. Henderson, who led a government advisory panel on biodefense in the wake of those attacks. Dr. Henderson was a leader in the eradication of smallpox in the 1960s and is now at the Center for Biosecurity at the University of Pittsburgh Medical Center. Dr. Richard H. Ebright, a bioweapons expert at Rutgers University, said there was little need for so much Arestvyr since the country has raised its stockpile of smallpox vaccine to 300 million doses now, up from only 15 million in 2001. "Is it appropriate to stockpile it? Absolutely," he said. "Is it appropriate to stockpile two million doses? Absolutely not. Twenty thousand seems like the right number." Vaccines are normally given before an infection to prevent a disease, while antivirals like Arestvyr are given after virus infections, to treat them. Smallpox has such a long incubation period that the vaccine can prevent disease even if it is given as late as three days after infection. Arestvyr may also prevent infection if given early enough, but that has not been proven. Dr. Eric A. Rose, the president of Siga and a vice president of Mr. Perelman's holding company, MacAndrews & Forbes, acknowledged that the drug cost little to make, but said the price being charged for a patented drug was a bargain compared with AIDS antiretrovirals that cost \$20,000 a year and cancer drugs that cost more than \$100,000 a year. Asked about the size of the purchase, he compared it with a flu drug. "There are 80 million courses of Tamiflu in the strategic national stockpile," he said. "Smallpox is just as contagious and has 30 times the mortality. By measures like that, I'd say 2 million is on the low end." He also said that Mr. Perelman had invested \$80 million in the company through years of research with no sales. Without a profit potential, no company would take up smallpox, Ebola and other lethal but very rare diseases, he said. And Dr. Isaac B. Weisfuse, who was formerly head of pandemic planning for the New York City health department and is now Siga's medical policy director, said that plans calling for tens of million Americans to be vaccinated within days of a major smallpox outbreak were unrealistic and that Arestvyr could save lives. Arestvyr — which until November was known as ST-246 or tecovirimat — prevents the virus from forming the double outer envelope that lets it break out of the first cells it infects and spread throughout the body. A 14-day course can be taken in combination with smallpox vaccine, offering double protection, which Dr. Henderson called "quite amazing." Arestvyr is not approved by the Food and Drug Administration except for use in emergencies. It has never

been tested on smallpox in humans because the disease was eradicated. However, it has prevented death in dozens of monkeys injected with what would normally have been lethal doses of smallpox or a related virus, monkey pox. It also appears to have helped several humans suffering from potentially lethal reactions to smallpox vaccine, which is itself a live smallpox-related virus but is normally harmless. They included a child near death after catching his father's vaccination virus, a soldier vaccinated just before discovering he had leukemia, and a woman whose immune system was suppressed by steroids and who was infected by touching bait meant for raccoons that contained a combined rabies/smallpox vaccine. However, those patients were also given immune globulin, other drugs and hospital care, so it is hard to know exactly what worked. Bioterrorism experts say the need for Arestvyr has declined since the United States increased its stockpile of smallpox vaccine, which was once given to people routinely before the disease was brought under control, including a less potent but less risky backup vaccine for those who cannot tolerate the standard one. The word "smallpox" still strikes fear. John Grabenstein, a retired colonel and a top biodefense adviser to the Defense Department after the 2001 attacks, recalled reports of refrigerated Soviet warheads loaded with the virus that could, in theory, aerosolize it over large areas. Others have envisioned a few infected terrorists mingling in crowds. Left untreated, smallpox kills a third of victims. But prominent experts say the danger is overblown. Because it can take up to two weeks before an infected person becomes seriously ill, and up to five more days before he or she begins to infect others, there is time to respond, they said. Also, they said, by the time smallpox victims reach the infectious stage, when their pox are erupting, they are too sick to wander around. That is why outbreaks in schools or factories were nearly unheard of. Smallpox was eradicated by "ring vaccination" — finding each case and vaccinating just the 50 to 200 people closest to it. If there were a large-scale bioterrorism attack using smallpox, health officials could move quickly, some experts say. "If we had to, we could vaccinate the entire country in three days," said Dr. William H. Foegen, another leader of the smallpox eradication effort who now advises the Bill & Melinda Gates Foundation. This vaccine does not use a syringe, but a forked pin that Dr. Foegen said he could "train anyone to use in 10 minutes." In a true emergency, he argued, schoolteachers, police officers, firefighters and others would all be vaccinators. Other experts think that is overoptimistic, since an attack would cause panic. Also, Dr. Rose of Siga pointed out, there are only an estimated 700 million doses of smallpox vaccine in a world of 7 billion people, so the United States might use its vaccine and Arestvyr stockpile to help other countries. (Only the United States, Japan and Israel are believed to have enough doses for their entire populations, experts said.)

Cyber



2AC

Cyberattacks impossible – empirics and defenses solve

Rid 12 (Thomas Rid, reader in war studies at King's College London, is author of "Cyber War Will Not Take Place" and co-author of "Cyber-Weapons.", March/April 2012, "Think Again: Cyberwar", <http://www.foreignpolicy.com/articles/2012/02/27/cyberwar?page=full>)

"Cyberwar Is Already Upon Us." No way. "Cyberwar is coming!" John Arquilla and David Ronfeldt predicted in a celebrated Rand paper back in 1993. Since then, it seems to have arrived -- at least by the account of the U.S. military establishment, which is busy competing over who should get what share of the fight. Cyberspace is "a domain in which the Air Force flies and fights," Air Force Secretary Michael Wynne claimed in 2006. By 2012, William J. Lynn III, the deputy defense secretary at the time, was writing that cyberwar is "just as critical to military operations as land, sea, air, and space." In January, the Defense Department vowed to equip the U.S. armed forces for "conducting a combined arms campaign across all domains -- land, air, maritime, space, and cyberspace." Meanwhile, growing piles of books and articles explore the threats of cyberwarfare, cyberterrorism, and how to survive them. **Time for a reality check: Cyberwar is still more hype than hazard.** Consider the definition of an act of war: It has to be potentially violent, it has to be purposeful, and it has to be political. The cyberattacks we've seen so far, from Estonia to the Stuxnet virus, simply don't meet these criteria. Take the dubious story of a Soviet pipeline explosion back in 1982, much cited by cyberwar's true believers as the most destructive cyberattack ever. The account goes like this: In June 1982, a Siberian pipeline that the CIA had virtually booby-trapped with a so-called "logic bomb" exploded in a monumental fireball that could be seen from space. The U.S. Air Force estimated the explosion at 3 kilotons, equivalent to a small nuclear device. Targeting a Soviet pipeline linking gas fields in Siberia to European markets, the operation sabotaged the pipeline's control systems with software from a Canadian firm that the CIA had doctored with malicious code. No one died, according to Thomas Reed, a U.S. National Security Council aide at the time who revealed the incident in his 2004 book, *At the Abyss*; the only harm came to the Soviet economy. But did it really happen? After Reed's account came out, Vasily Pchelintsev, a former KGB head of the Tyumen region, where the alleged explosion supposedly took place, denied the story. There are also no media reports from 1982 that confirm such an explosion, though accidents and pipeline explosions in the Soviet Union were regularly reported in the early 1980s. Something likely did happen, but **Reed's book is the only public mention of the incident and his account relied on a single document.** Even after the CIA declassified a redacted version of Reed's source, a note on the so-called Farewell Dossier that describes the effort to provide the Soviet Union with defective technology, the agency did not confirm that such an explosion occurred. The available evidence on the Siberian pipeline blast is so thin that it shouldn't be counted as a proven case of a successful cyberattack. Most other commonly cited cases of cyberwar are even less remarkable. Take the attacks on Estonia in April 2007, which came in response to the controversial relocation of a Soviet war memorial, the Bronze Soldier. The well-wired country found itself at the receiving end of a massive distributed denial-of-service attack that emanated from up to 85,000 hijacked computers and lasted three weeks. The attacks reached a peak on May 9, when 58 Estonian websites were attacked at once and the online services of Estonia's largest bank were taken down. "What's the difference between a blockade of harbors or airports of sovereign states and the

blockade of government institutions and newspaper websites?" asked Estonian Prime Minister Andrus Ansip. Despite his analogies, the attack was no act of war. It was certainly a nuisance and an emotional strike on the country, but the bank's actual network was not even penetrated; it went down for 90 minutes one day and two hours the next. The attack was not violent, it wasn't purposefully aimed at changing Estonia's behavior, and no political entity took credit for it. The same is true for the vast majority of cyberattacks on record. Indeed, there is no known cyberattack that has caused the loss of human life. No cyberoffense has ever injured a person or damaged a building. And if an act is not at least potentially violent, it's not an act of war. Separating war from physical violence makes it a metaphorical notion; it would mean that there is no way to distinguish between World War II, say, and the "wars" on obesity and cancer. Yet those ailments, unlike past examples of cyber "war," actually do kill people. "A Digital Pearl Harbor Is Only a Matter of Time." Keep waiting. U.S. Defense Secretary Leon Panetta delivered a stark warning last summer: "We could face a cyberattack that could be the equivalent of Pearl Harbor." Such alarmist predictions have been ricocheting inside the Beltway for the past two decades, and some scaremongers have even upped the ante by raising the alarm about a cyber 9/11. In his 2010 book, *Cyber War*, former White House counterterrorism czar Richard Clarke invokes the specter of nationwide power blackouts, planes falling out of the sky, trains derailing, refineries burning, pipelines exploding, poisonous gas clouds wafting, and satellites spinning out of orbit -- events that would make the 2001 attacks pale in comparison. But the empirical record is less hair-raising, even by the standards of the most drastic example available. Gen. Keith Alexander, head of U.S. Cyber Command (established in 2010 and now boasting a budget of more than \$3 billion), shared his worst fears in an April 2011 speech at the University of Rhode Island: "What I'm concerned about are destructive attacks," Alexander said, "those that are coming." He then invoked a remarkable accident at Russia's Sayano-Shushenskaya hydroelectric plant to highlight the kind of damage a cyberattack might be able to cause. Shortly after midnight on Aug. 17, 2009, a 900-ton turbine was ripped out of its seat by a so-called "water hammer," a sudden surge in water pressure that then caused a transformer explosion. The turbine's unusually high vibrations had worn down the bolts that kept its cover in place, and an offline sensor failed to detect the malfunction. Seventy-five people died in the accident, energy prices in Russia rose, and rebuilding the plant is slated to cost \$1.3 billion. Tough luck for the Russians, but here's what the head of Cyber Command didn't say: The ill-fated turbine had been malfunctioning for some time, and the plant's management was notoriously poor. On top of that, the key event that ultimately triggered the catastrophe seems to have been a fire at Bratsk power station, about 500 miles away. Because the energy supply from Bratsk dropped, authorities remotely increased the burden on the Sayano-Shushenskaya plant. The sudden spike overwhelmed the turbine, which was two months shy of reaching the end of its 30-year life cycle, sparking the catastrophe. If anything, the Sayano-Shushenskaya incident highlights how difficult a devastating attack would be to mount. The plant's washout was an accident at the end of a complicated and unique chain of events. Anticipating such vulnerabilities in advance is extraordinarily difficult even for insiders; creating comparable coincidences from cyberspace would be a daunting challenge at best for outsiders. If this is the most drastic incident Cyber Command can conjure up, perhaps it's time for everyone to take a deep breath. "Cyberattacks Are Becoming Easier." Just the opposite. U.S. Director of National Intelligence James R. Clapper warned last year that the volume of malicious software on American networks had more than tripled since 2009 and that more than 60,000 pieces of malware are now discovered every day. The United States, he said, is undergoing "a phenomenon known as 'convergence,' which amplifies the opportunity for disruptive cyberattacks, including against physical infrastructures." ("Digital convergence" is a snazzy term for a simple thing:

more and more devices able to talk to each other, and formerly separate industries and activities able to work together.) Just because there's more malware, however, doesn't mean that attacks are becoming easier. In fact, potentially damaging or life-threatening cyberattacks should be more difficult to pull off. Why? Sensitive systems generally have built-in redundancy and safety systems, meaning an attacker's likely objective will not be to shut down a system, since merely forcing the shutdown of one control system, say a power plant, could trigger a backup and cause operators to start looking for the bug. To work as an effective weapon, malware would have to influence an active process -- but not bring it to a screeching halt. If the malicious activity extends over a lengthy period, it has to remain stealthy. That's a more difficult trick than hitting the virtual off-button. Take Stuxnet, the worm that sabotaged Iran's nuclear program in 2010. It didn't just crudely shut down the centrifuges at the Natanz nuclear facility; rather, the worm subtly manipulated the system. Stuxnet stealthily infiltrated the plant's networks, then hopped onto the protected control systems, intercepted input values from sensors, recorded these data, and then provided the legitimate controller code with pre-recorded fake input signals, according to researchers who have studied the worm. Its objective was not just to fool operators in a control room, but also to circumvent digital safety and monitoring systems so it could secretly manipulate the actual processes. Building and deploying Stuxnet required extremely detailed intelligence about the systems it was supposed to compromise, and the same will be true for other dangerous cyberweapons. Yes, "convergence," standardization, and sloppy defense of control-systems software could increase the risk of generic attacks, but the same trend has also caused defenses against the most coveted targets to improve steadily and has made reprogramming highly specific installations on legacy systems more complex, not less.

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Defenses are improving and the threat is decreasing

Libicki 13

MARTIN C. LIBICKI is a Senior Management Scientist at the RAND Corporation and a Visiting Professor at the U.S. Naval Academy, Foreign Affairs, August 16, 2013, "Don't Buy the Cyberhype: How to Prevent Cyberwars From Becoming Real Ones", <http://www.foreignaffairs.com/articles/139819/martin-c-libicki/dont-buy-the-cyberhype>

These days, most of Washington seems to believe that a major cyberattack on U.S. critical infrastructure is inevitable. In March, James Clapper, U.S. director of national intelligence, ranked cyberattacks as the greatest short-term threat to U.S. national security. General Keith Alexander, the head of the U.S. Cyber Command, recently characterized "cyber exploitation" of U.S. corporate computer systems as the "greatest transfer of wealth in world history." And in January, a report by the Pentagon's Defense Science Board argued that cyber risks should be managed with improved defenses and deterrence, including "a nuclear response in the most extreme case."

Although the risk of a debilitating cyberattack is real, the perception of that risk is far greater than it actually is. No person has ever died from a cyberattack, and only one alleged cyberattack has ever crippled a piece of critical infrastructure, causing a series of local power outages in Brazil. In fact, a major cyberattack of the kind intelligence officials fear has not taken place in the 21 years since the Internet became accessible to the public.

Thus, while a cyberattack could theoretically disable infrastructure or endanger civilian lives, its effects would unlikely reach the scale U.S. officials have warned of. The immediate and direct damage from a major cyberattack on the United States could range anywhere from zero to tens of billions of dollars, but the latter would require a broad outage of electric power or something of comparable damage. Direct casualties would most likely be limited, and indirect casualties would depend on a variety of factors such as whether the attack disabled emergency 911 dispatch services. Even in that case, there would have to be no alternative means of reaching first responders for such an attack to cause casualties. The indirect effects might be greater if a cyberattack caused a large loss of confidence, particularly in the banking system. Yet scrambled records would probably prove insufficient to incite a run on the banks.

Officials also warn that the United States might not be able to identify the source of a cyberattack as it happens or in its immediate aftermath. Cyberattacks have neither fingerprints nor the smell of gunpowder, and hackers can make an intrusion appear legitimate or as if it came from somewhere else. Iran, for example, may not have known why its centrifuges were breaking down prematurely before its officials read about the covert cyber-sabotage campaign against the country's nuclear program in The New York Times. Victims of advanced persistent threats -- extended intrusions into organization networks for the purpose of espionage -- are often unaware for months, or even years, that their servers have been penetrated. The reason that such attacks go undetected is because the removal of information does not affect the information in the system, so nothing seems amiss. The exfiltration of information can also be easily hidden, such as in the daily flow of web traffic from an organization.

But since everything is becoming increasingly dependent on computers, could levels of damage impossible today become inevitable tomorrow? As it happens, all of the trend lines -- good and bad -- in cyberspace are rising simultaneously: the sophistication of attackers, but also that of the defenders; the salience of cyberattacks as weapons, but also the awareness of the threat they pose; the bandwidth available for organizing larger attacks, but also the resources to ward them off. It is bad news that Iran is beginning to see cyberwar as a deniable means of exploiting easy targets. And it is good news that software companies are now rethinking the architectural features of their systems that permit such vulnerabilities to exist in the first place.

Countermeasures solve

Bailey, science correspondent – Reason Magazine, 1/18/'11

(Ronald, <http://reason.com/archives/2011/01/18/cyberwar-is-harder-than-it>)

Brown and Sommer observe that the Internet and the physical telecommunications infrastructure were designed to be robust and self-healing, so that failures in one part are routed around. “You have to be cautious when hearing from people engaging in fear-mongering about huge blackouts and collapses of critical infrastructures via the Internet,” says University of Toronto cyberwarfare expert Ronald Deibert in the January/February 2011 issue of the *Bulletin of the Atomic Scientists*. “There is a lot of redundancy in the networks; it’s not a simple thing to turn off the power grid.” In addition, our experience with current forms of malware is somewhat reassuring. Responses to new malware have generally been found and made available within days and few denial of service attacks have lasted more than a day. In addition, many critical networks such as those carrying financial transactions are not connected to the Internet requiring insider information to make them vulnerable.

They don’t have the expertise

Lindsay 13

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Stuxnet therefore suggests that the asymmetry argument of the Cyber Revolution thesis has it backward. Cyber warfare is not a weapon of the weak. Weaker actors face steep barriers to weaponization for causing meaningful damage, and they are vulnerable to punishing retaliation if they somehow do succeed in injuring the strong. Strong states, by contrast, have the resources and risk tolerance to wage cyber warfare against relatively weaker targets like Iran. These barriers to entry will tend to price weaker actors out of strategic cyber warfare. The technically and organizationally sophisticated level of play required for cyber warfare is generally beyond the capacity of a lone hacker, a small group of amateurs, or even organized criminals, some of the favorite bogeymen of cyberwar discourse.⁷⁵ There are cheaper and more reliable ways for resource-poor terrorists or states to cause

damage. While the potential global reach of cyber warfare would appear attractive for limiting the exposure of terrorists, that same distance forms a formidable barrier for intelligence preparation and operational control of targeted destructive attacks, without which the risks of operational failure become a serious liability for the weak. This emphatically does not mean that weak actors are priced out of irritant attacks for criminal gain, espionage, or political expression; on the contrary, the desirability of maintaining ability to engage in sub rosa exploitation is a big reason to avoid more severe forms of cyber attack that would mobilize unwanted attention. The difference in scale between strategic cyber warfare and cheaply available cyber irritants will become more apparent in the matter of offense dominance.

Cyber is too hard for terrorists

Ditz 13

Jason Ditz is news editor at Antiwar.com, March 14, 2013, "Cyberwar Expert: Al-Qaeda 'Too Stupid' to Launch Cyber Attacks", <http://news.antiwar.com/2013/03/14/cyberwar-expert-al-qaeda-too-stupid-to-launch-cyber-attacks/>

British cyberwar expert Dr. Thomas Rid testified to the British Public Accounts Committee today, downplaying the chances of a sabotage cyber-attack from abroad.

"Al-Qaeda are too stupid and China doesn't want to do it," Rid said, noting that China is almost entirely interested in cyber espionage, not trying to damage overseas infrastructure just because it can.

As for al-Qaeda, Rid claims the group lacks the formal book-learning to actually use potential exploits to not only get in to internet connected infrastructure but actually do it serious harm.

"It requires intelligence about the targets you are trying to penetrate," Rid noted, though whether al-Qaeda can gain that capability remains an open question, and one that is likely to be used to justify ongoing spending hikes on "cyber defense."

Alternatives are easier

Jarvis, senior lecturer in International Security – University of East Anglia, Macdonald, professor of law – Swansea University, Nouri, political and cultural studies – Swansea, '14

(Lee, Stuart, and Lella, "The Cyberterrorism Threat: Findings from a Survey of Researchers," *Studies in Conflict & Terrorism* Vol. 37, Issue 1, p. 68-90)

One of the reasons offered for the argument that "pure" cyberterrorism constitutes a relatively less significant risk is that cyberattacks are comparatively unattractive to terrorists. In addition to the fact that they lack theatricality,³⁵ Giacomello, for example, offers a cost/benefit analysis of cyberterrorism to argue that traditional methods of terrorism and weapons remain more effective at killing people, and thereby growing the desired political capital.³⁶ These accounts frequently contrast the possibility of cyberattack with other terrorist uses of information technology that are regarded as a pressing and largely overlooked threat. Attention, then, should be given to the wider use of the Internet by terrorists, including for "recruitment, financing, networking information gathering [and] sharing information"³⁷ all

of which enhance the efficiency and reach of terrorist groups.³⁸ On this view, the nightmare scenarios associated with cyberterrorism should be replaced by a focus on this broad spectrum of activities, with a range of political, policing, and civil society stakeholders having a role in countering them.³⁹

The impact is hype

Valeriano 13

BRANDON VALERIANO is Lecturer in Social and Political Sciences at the University of Glasgow, RYAN MANESS is a Ph.D. candidate at the University of Illinois at Chicago, The Ducks of Minerva, January 29, 2013, " Perceptions and Opinions of the Cyber Threat", <http://www.whiteoliphant.com/duckofminerva/2013/01/perceptions-and-opinions-of-the-cyber-threat.html>

Cyberwar is a pressing international security problem. The news media breathlessly covers any potential attack before the facts are in. Policy briefs and reports are produced on all levels of government and private industry. It would then behoove us to take a step back and examine opinions about the cyber security threat according to perceptions among policymakers, academics, and cyber security experts in order to understand how the threat emanating from the cyber security realm is constructed in the public discourse. Each constituency has its own view on the issue and how these views manifest is critical to perceptions about the wider societal threat coming from cyberspace.

According to Allison's bureaucratic model of politics, where you sit in government determines where you stand or what opinions you have. Through surveys we can see that process play out. It is in the interest of cyber security experts to inflate the cyber threat. It is also in the interests of the news media to breathlessly hype up cyber fears to gain more page views. The threat of cyberwar is a real and pressing threat, but constrained by institutions and systems that limit the damage the tactic can do. Just how serious this threat is perceived can be predicted by one's institutional setting and standard operating procedures.

On January 30, 2012, technological experts from around the globe were surveyed by McAfee and the Security and Defense Agenda (SDA) about the issue of cyberwar. Fifty-seven percent of these practitioners believe that states are currently engaged in a cyber "arms race." It is unclear what a cyber arms race really is in this context (the raw data from the survey is not online) but the general idea is that capabilities and the threat from this issue area are increasing at all levels. Other findings in the survey are just as troubling and mystifying. Forty-three percent believe the worst case scenario, damage and disruption to a state's critical infrastructure is also the most likely. A further forty five percent believe that cyber-security is just as pressing an issue as border security. Apparently, the great powers such as the US, UK, and Germany are lacking in their "cyber-readiness" when compared to smaller states such as Israel and Sweden mainly because they fail to share information internally rather than having any specific deterrent capabilities, at least according to the McAfee report.

With these opinions in mind, the SDA asked respondents which actions should be taken to curb this newest threat to international security. Opinions on the next course of action are just as troubling as the survey results. Apparently, a "global information sharing network should be established by states." This is an odd perspective in that cyber threats are not uniform across states and centralizing the network

could put states in a more vulnerable position. The next idea is to provide “financial incentives for improvements in security in both the private and public sectors.” An interesting proposal advocating bribery to improve networks much in the same way a parent bribes a child to do their homework. Finally, “diplomats need to start addressing this issue with more urgency,” with the help of cyber security experts (the subjects of the survey) of course. I would guess the next step is for a color coded cyber terror warning indicator (I suggest the highest threat be the color of Mountain Dew in order to honor the true cyber warriors – teenage hackers and computer programmers).

Why would the majority of cyber security practitioners argue for such expensive, expansive, and urgent measures when the biggest attack, arguably Stuxnet, required a physical injection of software to take effect? Clearly there is an interest to promote this threat in the cyber security community.

In contrast, the TRIP survey asked a sample of academics from U.S. universities “What are the top foreign policy problems facing the United States?” They were pitted against practitioners within the U.S. government who work within the national security apparatus (PDF). Academics deemed cybersecurity the least pressing foreign policy problem with only eight percent suggesting it is a top problem. This falls right behind the fear of oil reliance (12%) and global poverty (12%). Policymakers rank cybersecurity nearly as low as academics with 17 percent finding this a top foreign policy problem right above the issue of climate change (eight percent), global poverty (three percent), and oil reliance (four percent).

Academics find cybersecurity one of the least pressing threats in the system and policymakers tend to agree generally. So why is cybersecurity such a pressing issue according to the news media and cyber security practitioners? One might argue that cyber security practitioners know the reality better than academics and policymakers; suggesting their warnings about the coming cyber threat is just a harbinger to the future. Using the bureaucratic politics model, others might conclude that the cyber security industry is a biased party whose interests lie in promoting the cyber threat. The news media just parrots these perspectives because the quotes come easy and the news stories prey on the fear the average citizen holds towards technology. The danger in declaring cyberwar a ‘top threat’ comes from distracting our attention from more pressing problems like collapsing states, human rights abuses, the proliferation of terrorism and WMDs, and internal violence in the form of civil war. Cyberwar is a dangerous issue in contemporary security politics, but it is nowhere near the top threat facing the United States.

Their authors are biased

Rid 13

Thomas Rid, Reader in War Studies at King's College London, His most recent book is Cyber War Will Not Take Place, also a non-resident fellow at the Center for Transatlantic Relations in the School for Advanced International Studies, Johns Hopkins University, PhD in political science from Humboldt University of Berlin, OC Register, March 15, 2013, "Thomas Rid: Hype, fear-mongering hurts cyberwar", <http://www.ocregister.com/articles/systems-499977-cyber-control.html>

LONDON – The White House likes a bit of threat. In his State of the Union address, Barack Obama wanted to nudge Congress yet again into passing meaningful legislation. The president emphasized that America's enemies are "seeking the ability to sabotage our power grid, our financial institutions and our air traffic control systems." After two failed attempts to pass a cybersecurity act in the past two years,

he added swiftly: "We cannot look back years from now and wonder why we did nothing in the face of real threats to our security and our economy."

Fair enough. A bit of threat to prompt needed action is one thing. Fear-mongering is something else: counterproductive. Yet too many a participant in the cybersecurity debate reckon that puffery pays off.

The Pentagon, no doubt, is the master of razzmatazz. Leon Panetta set the tone by warning again and again of an impending "cyber Pearl Harbor." Just before he left the Pentagon, the Defense Science Board delivered a remarkable report, "Resilient Military Systems and the Advanced Cyber Threat." The paper seemed obsessed with making yet more drastic historical comparisons: "The cyber threat is serious," the task force wrote, "with potential consequences similar to the nuclear threat of the Cold War." The manifestations of an all-out nuclear war would be different from cyberattack, the Pentagon scientists helpfully acknowledged. But then they added, gravely, that "in the end, the existential impact on the United States is the same." A reminder is in order: The world has yet to witness a single casualty, let alone fatality, as a result of a computer attack. Such statements are a plain insult to survivors of Hiroshima. After all, a bit of fear helps to claim – or keep – scarce resources when austerity and cutting seems out-of-control. The report recommended allocating the stout sum of \$2.5 billion for its top two priorities alone, protecting nuclear weapons against cyberattacks and determining the mix of weapons necessary to punish all-out cyber-aggressors.

Then there are private computer security companies. Such firms, naturally, are keen to pocket some of the government's money earmarked for cybersecurity. And hype is the means to that end. Which leads to the next point: The media want to sell copy through threat inflation. "In Cyberspace, New Cold War," the headline writers at the Times intoned in late February. "The U.S. is not ready for a cyberwar," shrieked the Washington Post earlier this week. Instead of calling out the above-mentioned Pentagon report, the paper actually published two supportive articles on it and pointed out that a major offensive cyber capability now seemed essential "in a world awash in cyber-espionage, theft and disruption."

The Post should have reminded its readers that the only military-style cyberattack that has actually created physical damage – Stuxnet – was actually executed by the United States government.

Finally, the intelligence community tags along with the hype because the NSA and CIA are still traumatized by missing 9/11. Missing a "cyber 9/11" would be truly catastrophic for America's spies, so erring on the side of caution seems the rational choice.

This means that the quality of the public debate suffers, as experts as well as journalists have no choice but to rely on industry reports of sometimes questionable quality or anonymous informants whose veracity is hard to assess.

Military networks are safe

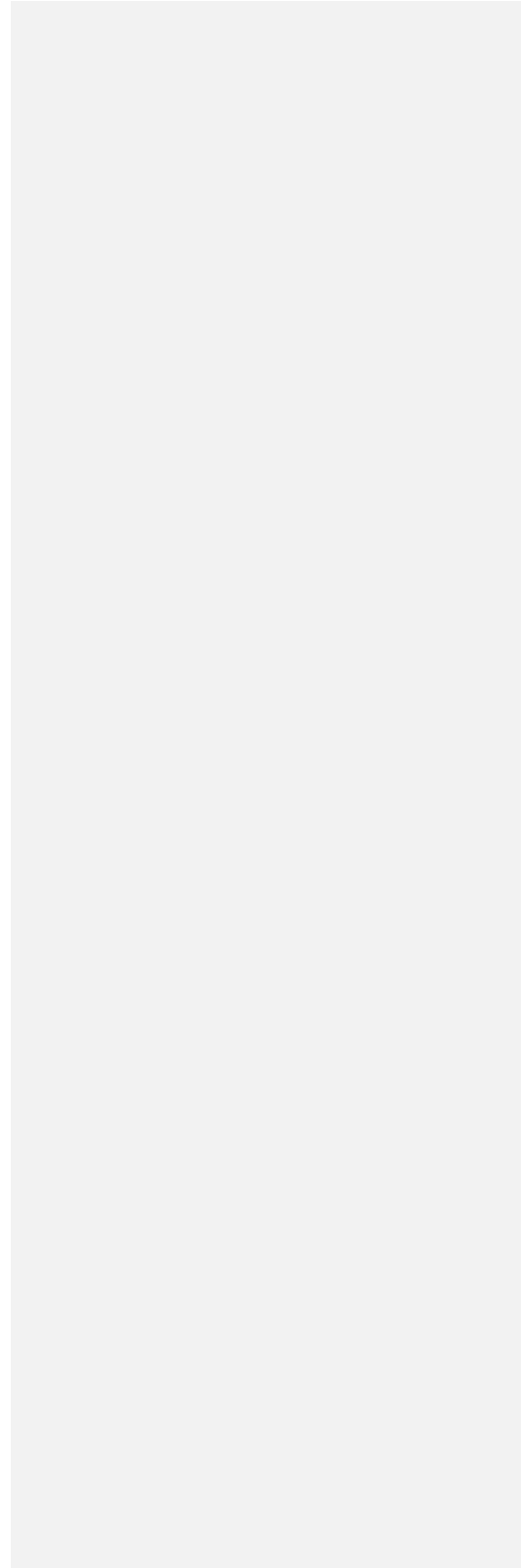
Manzo 13

Vincent Manzo is a Fellow in the Defense and National Security Group at the Center for Strategic and International Studies, The National Interest, April 3, 2013, "A Cyber-Survivable Military", <http://nationalinterest.org/commentary/cyber-survivable-military-8296>

Whether the threat warrants this tradeoff is unclear. The DSB's analysis raises questions about whether a disarming cyber strike, synchronized with other combat operations just as a war erupts, is feasible. An adversary would need to infiltrate and study secure U.S. military networks as well as the communication, intelligence, and weapons systems they connect and operate. Then the attacker must customize code to manipulate them, and for air-gapped targets, covertly gain physical access.

Even if adversaries succeed in planting cyber weapons throughout U.S. systems, their goal would be to affect the targets only when a war is imminent, so they would not have the luxury of attacking immediately. Weeks, months or years could pass before a conflict, during which time U.S. officials might detect and remove the virus, upgrade to more effective security software, or reconfigure their network architectures. Ensuring that deployed cyber weapons are poised for wars that will start at an unspecified time in the future would require consistent surveillance.

Affiliates



2AC

AQ Central's destruction means affiliates fail

Celso, associate professor of security studies – Angelo State University, '12

(Anthony N., "Al Qaeda's Post-9/11 Organizational Structure and Strategy: The Role of Islamist Regional Affiliates," Mediterranean Quarterly Vol. 23, No. 2, Spring)

Al Qaeda Central's fortunes, in contrast, are dismal. Faced with declining support and harassed by CIA drone attacks that have killed hundreds of mid-level leaders and cadres, al Qaeda's future is suspect. The killing of bin Laden and mass prodemocracy movements across the Arab world have compounded [End Page 37] the terror organization's problems. Both are viewed as potentially presaging al Qaeda's disintegration.

Al Qaeda's Post – bin Laden Future and the Strategic Challenge of the Arab Spring

Published before bin Laden's death, Peter Bergen's The Longest War presents a defeated and demoralized al Qaeda weakened by its disastrous Iraq campaign and harried by international police and military action.¹⁵ Within the past ten years, many al Qaeda leaders and cadres have been either killed or imprisoned.

Al Qaeda, most significantly, has failed to launch another 9/11-style attack against the Western far enemy, and it has not been able to overthrow any near enemy Arab regime. CIA Predator drone strikes have hollowed the ranks of mid-level al Qaeda agents and their Taliban allies along the Pakistan-Afghanistan frontier.

Within this context, the strategic importance of killing bin Laden cannot be overemphasized. His May 2011 death at the hands of US Navy Seals in his Abbottabad, Pakistan, hideout shattered his myth of invincibility. He was long the personification of the terror organization's jihadist struggle against the West, and no other leader has his charisma or moral authority.

As long as bin Laden remained alive, 9/11's memory would be seared into America's consciousness and the country's quest for revenge unfulfilled. His death is an important strategic, psychological, and moral victory for the United States. The Obama administration's refusal to publically release photos of his dead body, reinforced by his ignominious burial at sea, diminishes his importance and legacy. Representing a critical victory in the war on terror, his death is crippling for al Qaeda's morale and is furthering the terror organization's unraveling. Despite the recent selection of Zawahiri to replace bin Laden, al Qaeda is splintered and is plagued by internal struggles. The most notable of these are the fissures between al Qaeda Central in Pakistan and AQAP and al Qaeda's Somali and Maghreb affiliates.

Despite his historic importance within al Qaeda, Zawahiri lacks charisma [End Page 38] and is widely disliked. Zawahiri has many enemies in the terror organization.¹⁶ His penchant for infighting, his bitterness, and his alienation of the Saudi and Yemeni branches is undermining the organization's ability to act cohesively and decisively.

Al Qaeda's continued fragmentation is likely to reduce its capability to mount operations against Arab and Western governments. If AQAP, AQIM, and al Shabaab were fairly autonomous prior to bin Laden's death, what little organizational unity that existed is now gone.

The fall of the Tunisian and Egyptian governments to prodemocracy movements employing civil disobedience campaigns underscores, for many, al Qaeda's irrelevance.¹⁷ Since its 1998 formation, al Qaeda had campaigned for violent revolutionary actions against pro-American Arab "apostate" regimes and has mounted repeated terror strikes against Saudi and Egyptian interests.

Within a few months, prodemocracy protesters were able to achieve what al Qaeda was incapable of doing in more than a decade of attacks. The Arab Spring, for many, is a direct repudiation of al Qaeda's ideology and strategy.¹⁸ The secular liberal ideology of Arab youth in Cairo's Tahrir Square contrasted with al Qaeda's authoritarian Salafist ideology and religious fanaticism. From this vantage point, al Qaeda is clearly losing the war of ideas and the hearts and minds of Arab youth.

Al Qaeda's demise in the wake of the Arab Spring, however, depends on the protest movement's ability to implant stable democratic institutions. This is a very difficult task and depends on the development of Arab civil culture compatible with the rule of law and respect for individual rights. Victory is anything but guaranteed.

Al Qaeda's rejuvenation in the short term, ironically, may hinge on the instability created by the Arab Spring. Washington's relations with Arab states have been transformed by the fall of pro-American Egyptian and Tunisian regimes, which has severed intelligence and military cooperation. [End Page 39] Thousands of political prisoners, many radical jihadists, have been released, emergency laws in these countries have been repealed, and internal security services have been reorganized. The ranks of potential recruits for al Qaeda and its capacity to act decisively may be furthered by these developments. Violent populist revolts in Yemen, Libya, and Syria may produce lawless fractured societies ideal for terror sanctuaries and the organization and financing of terrorist actions.

Al Qaeda's greatest possibility for regeneration lies in Yemen. The exodus of pro-American president Ali Abdullah Saleh, two insurgencies, and al Qaeda's integration into the tribal structure of Yemeni society point to national dismemberment. AQAP growth could be facilitated by a Yemeni failed state, ideal for terrorist recruitment and organization.¹⁹

The social, economic, and demographic context is favorable for al Qaeda's growth. Surveys of Yemen's population indicate that al Qaeda enjoys high prestige and support.²⁰ Yemen may be the next front in the war on terror. Revenge for the death of bin Laden and greater operational capability in Yemen may join to give the terror organization one last chance to strike out against the West with another 9/11-style attack. Such an event, however, is unlikely.

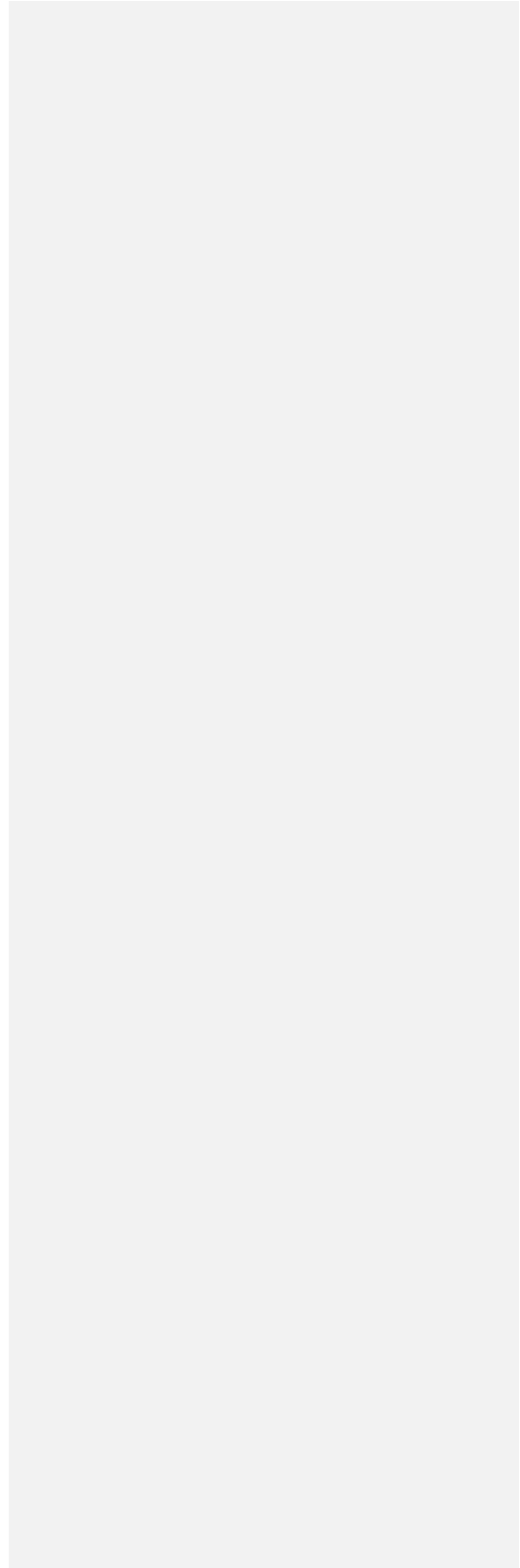
Western governments and intelligence agencies are better prepared. Their targeting of AQAP has resulted in the death of top leaders, including Awlaki. Al Qaeda's cells in Europe and North America have been uprooted, and its members along the Pakistan-Afghanistan border have been devastated by drone attacks. Internal divisions, its unpopular Salafist ideology, and its loss of prestige in the Muslim world have added to its organizational weakness.

Even if the Arab Spring fails and produces more lawlessness, al Qaeda still would be acting at the margins of these societies. Its leaders and cadres will continue to be harassed even if affiliates control substantial territory.

Despite al Shabaab's control of south-central Somalia, its Taliban-like policies and its harassment of international famine relief efforts are deeply unpopular.²¹ The foreign fighters in its organization are resented by the local [End Page 40] population, and their presence has prompted international and regional actions, with al Shabaab cadres harassed by African Union troops and US Predator drone strikes.

Under the best of circumstances, al Qaeda may inspire terror operations by "lone wolves," homegrown cells, or affiliated groups that could cause damage equal to that at Fort Hood or in London. Faced with internal enemies, confronted with the prominence of secular liberal ideology among Arab youth, and facing Western commitment toward its annihilation, however, al Qaeda's long-term future looks grim.
[End Page 41]

Al Qaeda



2AC

AQ collapsed, affiliates are hype, and homegrown & lone wolves are a joke—none can execute mass casualty attacks

John **Mueller**, political scientist at Ohio State, 1/8/14, Has the Threat from Terrorism Been Exaggerated?, www.cato.org/publications/commentary/has-threat-terrorism-been-exaggerated

Two years after the raid on Osama bin Laden’s hideaway, terrorism alarmists remain in peak form explaining that although al-Qaeda has been weakened it still manages to present a grave threat.

Various well-honed techniques are applied to support this contention. One is to espionage and assess various “linkages” or “connections” of “ties” or “threads” between and among a range of disparate terrorists or terrorist groups, most of which appear rather gossamer and of only limited consequence on closer examination.

Another is to exaggerate the importance and effectiveness of the “affiliated groups” linked to al-Qaeda central. In particular, alarmists point to the al-Qaeda affiliate in chaotic Yemen, ominously hailing it as the “deadliest” and the “most aggressive” of these and a “major threat.”

Yet its chief efforts at international terrorism have failed abysmally: an underwear bomb and laser printer bombs on cargo planes. With that track record, the group may pose a problem or concern, but it scarcely presents a “major threat” outside of war zones.

More generally, “al-Qaeda is its own worst enemy,” as Robert Grenier, a former top CIA counterterrorism official, notes. “Where they have succeeded initially, they very quickly discredit themselves.”

Any terrorist threat within the developed world seems even less impressive. The Boston terrorists of 2013 were the first in the United States since 9/11 in which Islamist terrorists actually were able to assemble and detonate bombs — albeit very primitive ones. But except for that, they do not seem to have been more competent than most of their predecessors.

Amazingly, they apparently thought they could somehow get away with their deed even though they chose to set their bombs off at the most-photographed spot on the planet at the time. Moreover, they had no coherent plan of escape and, as commonly found, no ability to explain how killing a few random people would advance their cause.

While the scope of the tragedy in Boston should not be minimized, it should also be noted that if the terrorists’ aim was to kill a large number of people, their bombs failed miserably. As recent cases in Colorado and Connecticut sadly demonstrate, far more fatalities have been inflicted by gunmen.

Before Boston, some 16 people had been killed by Islamist terrorists in the United States in the years since 2001, and all of these were murdered by people who were essentially acting alone. By contrast, in the 1970s, organized terrorists inflicted hundreds of attacks, mostly bombings, in the United States, killing 72.

As concern about organized attacks has diminished, fear of "lone wolf" attacks has grown in recent years, and one official assessment contends that "lone offenders currently present the greatest threat."

This is a reasonable observation, but those concerned should keep in mind that, as analyst Max Abrahms has noted, while lone wolves may be difficult to police, they have carried out only two of the 1,900 most deadly terrorist attacks over the last four decades.

The key question, at least outside of war zones, is not, "are we safer?" but "how safe are we?"

At current rates, an American's chance of becoming a victim of terrorism in the U.S., even with 9/11 in the calculation, is about 1 in 3.5 million per year. In comparison, that same American stands a 1 in 22,000 yearly chance of becoming a homicide victim, a 1 in 8,000 chance of perishing in an auto accident, and a 1 in 500 chance of dying from cancer.

These calculations are based, of course, on historical data. However, alarmists who would reject such history need to explain why they think terrorists will suddenly become vastly more competent in the future.

But no one seems to be making that argument. Indeed, notes one reporter, U.S. officials now say that al-Qaeda has become less capable of a large attack like 9/11. But she also says that they made this disclosure only on condition of anonymity out of fear that "publicly identifying themselves could make them a target" of terrorists.

In contrast, one terrorism specialist, Peter Bergen, has observed in heroic full attribution mode that, "The last terror attack (in the West) was seven years ago in London," that there "haven't been any major attacks in the U.S.," and that "they are recruiting no-hopers and dead-enders."

Terrorists do, of course, exist — as they have throughout history. They may even get lucky again sometime. Thus, concern and watchfulness about terrorism is justified. But counterterrorism expenditures that are wildly disproportionate to the limited hazard terrorism presents are neither wise nor responsible.

1AR

AQ is decimated

Porter 14

Dr. Patrick Porter is a reader in War and International Security and Leverhulme Research Fellow at the University of Reading, and a fellow of the UK Chief of the Defence Staff's Strategic Forum, War on the Rocks, January 28, 2014, "IT'S TIME TO ABANDON THE GLOBAL VILLAGE MYTH", <http://warontherocks.com/2014/01/its-time-to-abandon-the-global-village-myth/>

A closer look shows that the belief in a small world misconceives the security environment. Consider terrorism, supposedly borderless. On 9/11, Al Qaeda attacked under open skies. Yet Bin Laden's pilots hit America not from Afghanistan, but from forward operating bases such as flight schools in Arizona and meeting houses in Berlin, bases that America quickly shut down. Its training camps and sanctuaries in Afghanistan, the US-led coalition destroyed. The unspectacular steps of intensified police work, tighter border controls, international collaboration, the strengthening of the Nunn-Lugar program for locking down "loose" nuclear material, and strengthened airport security widened the space between Al Qaeda and America. For the budding nuclear terrorist, America the "far enemy" has effectively become more distant.

Al Qaeda then fragmented into a network. Theorists of "netwar" hailed this as an inspired move. But increased flexibility cost AQ the ability to direct its jihad. It lost its coherence, attracted indiscriminately brutal figures, and provoked the angry blowback of Muslims from northern Iraq to Algeria. The guerrillas of the information age can still inflict atrocity, but our resilient nation-states have reduced their ability to inflict mass casualty terrorism on Western soil. No longer do they pose a first-order threat.

AQ dead—affiliates are hype and not a threat

Zachary Keck, associate editor of The Diplomat, **3/17/14**, Al Qaeda's Brand is Dead, nationalinterest.org/print/commentary/al-qaedas-brand-dead-10059

As Al Qaeda's operational capability has withered, [3]some observers have sought [3] to reframe the terrorism threat to the U.S. and the West in terms of Al Qaeda's ideological appeal. According to this perspective, Al Qaeda continues to be a potent threat to the United States and the Western world because its ideology is spreading across the Arab world, and inspiring new groups that will attack the West.

Framing the threat in this way has the advantage of ensuring the Global War on Terror's longevity. Indeed, by this measurement the U.S. is still embroiled in WWII given that neo-Nazi groups continue to exist, and sometimes carry out terrorist attacks in the West.

But the larger problem with the argument that Al Qaeda's ideology is spreading is that it is **completely inaccurate**. The "Al Qaeda brand" was never as popular in the Arab world as it was portrayed in the West, and far from growing, its popularity has been rapidly declining in recent years. In fact, there are signs that Al Qaeda itself no longer believes in it.

Much of the confusion about Al Qaeda's popularity is rooted in the Western tendency to conflate Al Qaeda with Islamic terrorism more generally. If one defines Al Qaeda's brand as simply being any terrorist attack or insurgency carried out in the name of Islam, an argument could be made that the threat is growing. But, of course, this is not what Al Qaeda's ideology is, nor is it what made Al Qaeda such a threat to the United States and its Western allies.

Islamic-inspired terrorism long predated the formation of Al Qaeda. It was, for instance, a constant reality in the Arab world during the Cold War thanks to the many groups that were inspired by the writings of Sayyid Qutb. These groups sought to be vanguard movements that used terrorism and leadership assassinations to overthrow Arab regimes [the "near enemy"] that they viewed as insufficiently Islamic.

Al Qaeda was an entirely different story, as a few astute individuals in the U.S. national security establishment realized during the 1990s. Al Qaeda had a very precise ideology, which was seen as a competitor to the ideology espoused by the domestic jihadists.

Like the domestic jihadists, Al Qaeda's ultimate goal was to topple local regimes and replace them with ones based on Sharia Law (and ultimately a single Caliphate). However, Al Qaeda leaders claimed that the domestic jihadists were failing in this goal because of the support the local regimes received from the United States and its Western allies. According to Al Qaeda, the U.S. and its Western allies would never allow their allied governments in the Arab world to be toppled. Therefore, in order for jihadists to overthrow these hated regimes, and set up more Islamic governments in their place, they must first target the far enemy—the U.S. and the West. Only when the jihadists had forced the U.S. to stop supporting these local regimes could the latter be overthrown.

Ayman al-Zawahiri, the current leader of Al Qaeda, explained this ideological argument nicely in his [4]famous 2005 letter to [4]Al Qaeda [5] in Iraq's leader [4], Abu Musab al-Zarqawi. In the letter, al-Zawahiri wrote:

"It is my humble opinion that the Jihad in Iraq requires several incremental goals:

The first stage: Expel the Americans from Iraq.

The second stage: Establish an Islamic authority or emirate [in Iraq]....

The third stage: Extend the jihad wave to the secular countries neighboring Iraq."

Al Qaeda's ideology was also evident in the way it operated before 9/11. Specifically, the group set up shop in countries like Sudan and Afghanistan, where sympathetic governments existed. Although Al Qaeda provided some limited support to these regimes to shore up support, and provided some funds to domestic jihad groups, living in friendly territory allowed bin Laden and Al Qaeda to concentrate the bulk of their energies and resources on attacking the United States. Even after 9/11, Al Qaeda Central has operated primarily from Pakistan, where the government at least supports its allies, the Afghan Taliban.

None of the so-called Al Qaeda franchises have replicated this model. Only Al Qaeda in the Arabian Peninsula (AQAP) in Yemen has shown any real commitment to attacking the U.S. or other Western homelands. Even so, this commitment has been extremely limited, particularly when compared with AQAP's commitment to fighting the Yemeni government.

For the most part, the attacks in the U.S. that are often attributed to AQAP consisted of homegrown terrorists who contacted Anwar al-Awlaki, the Yemen-born American cleric killed by a U.S. drone strike in 2011, to get his approval for their attacks. Although al-Awlaki was happy to encourage these homegrown terrorists, AQAP didn't devote any of its own resources to support them. Similarly, al-Awaki and some of his associates published an English-language publication, Inspire Magazine, which urged Muslims living in Western countries to orchestrate their own attacks.

One of the exceptions to this model is Umar Farouk Abdulmutallab, the Nigerian who unsuccessfully tried to down a commercial airplane flying to Detroit on Christmas Day 2009. Abdulmutallab had been in Yemen studying Arabic when he decided to join the international jihad. After making contact with AQAP, the group built him a specially designed underwear bomb that would not be detected by airport security. Thus, the group did devote some resources to the attack—namely, building the bomb and possibly financing Abdulmutallab's airfare—but it wasn't willing to sacrifice any of its own members to attacking the U.S. Furthermore, the original impetus for the attack came from Abdulmutallab, who contacted the group on his own initiative.

Another exception to AQAP's usual model came in 2010, when the group attempted to ship two cargo bombs to Chicago. Tipped off by Saudi intelligence, the packages were discovered before the bombs exploded. Unlike the previous attacks, the initial impetus to launch this attack didn't come from outside the group. Still, the amount of resources AQAP devoted to the attack were minimal, a fact that the group publicly bragged about.

While these events demonstrate that AQAP does pose some threat to the U.S. homeland, they hardly suggest the group is modeling itself off Al Qaeda's ideology. In contrast to the limited resources it has devoted to attacking the United States, the group has spent the bulk of its energies on waging war against the Yemeni government. This has at times included launching conventional style attacks in south Yemen, and holding territory, which they have tried to govern. Clearly, then, AQAP is far more invested in attacking the near enemy, and only casually interested in attacks on the far enemy.

All the other Al Qaeda affiliates have focused exclusively on trying to overthrow local regimes and establishing Sharia governments in their place—which is a direct refutation to Al Qaeda's ideology. This cannot be attributed entirely to a lack of viable options for attacking the West. For years now Somali Americans have traveled to Somalia to join al-Shabaab in its fight for control over that country. [6]According to U.S. intelligence estimates [6], the group counted at least fifty U.S.-passport holders as members in 2011, and as many as twenty today. Al-Shabaab leaders could have directed any one of these members to return to the United States to carry out attacks there given the ease with which they could gain entry into America.

Yet there is no evidence al-Shabaab has decided to use a single one of these members for the purpose of attacking the United States. Instead, it has felt they are of more use staying in Somalia to fight in the civil war there. The only external attacks it has precipitated have been against African countries that have troops in Somalia fighting al-Shabaab. The goal of these attacks is to force those African countries to

withdraw their troops from Somalia, and therefore increase the chances that al-Shabaab will prevail in its effort to seize control of the country.

The actions of Al Qaeda in Iraq (AQI) are also telling. The group publicly claimed it was established to defend Iraq against the U.S.-led occupation, and for years it had easy access to U.S. and coalition troops in Iraq. True to its word, AQI did carry out brutal attacks against the U.S. and other international troops stationed in Iraq. Still, the bulk of AQI's efforts went towards attacking the Iraqi government and the country's Shi'a populations, despite al-Zawahiri's plea that it focus instead on the infidels. Once again, in contrast to Al Qaeda's ideology, AQI chose the near enemy over the far one. It has since expanded into Syria, where it once again is battling a near enemy rather than the West.

More recently, **even Al Qaeda Central has** seemingly **abandoned its own ideology**, as evidenced by al-Zawahiri calling on Muslims wage jihad everywhere from Syria to Russia. While it's far too early to proclaim that the remnants of Al Qaeda Central are no longer interested in attacking the U.S. homeland, the fact that the group's public statements now seem to be gravitating towards focusing on the near enemy or different far enemies suggest that even it is amending its ideology.

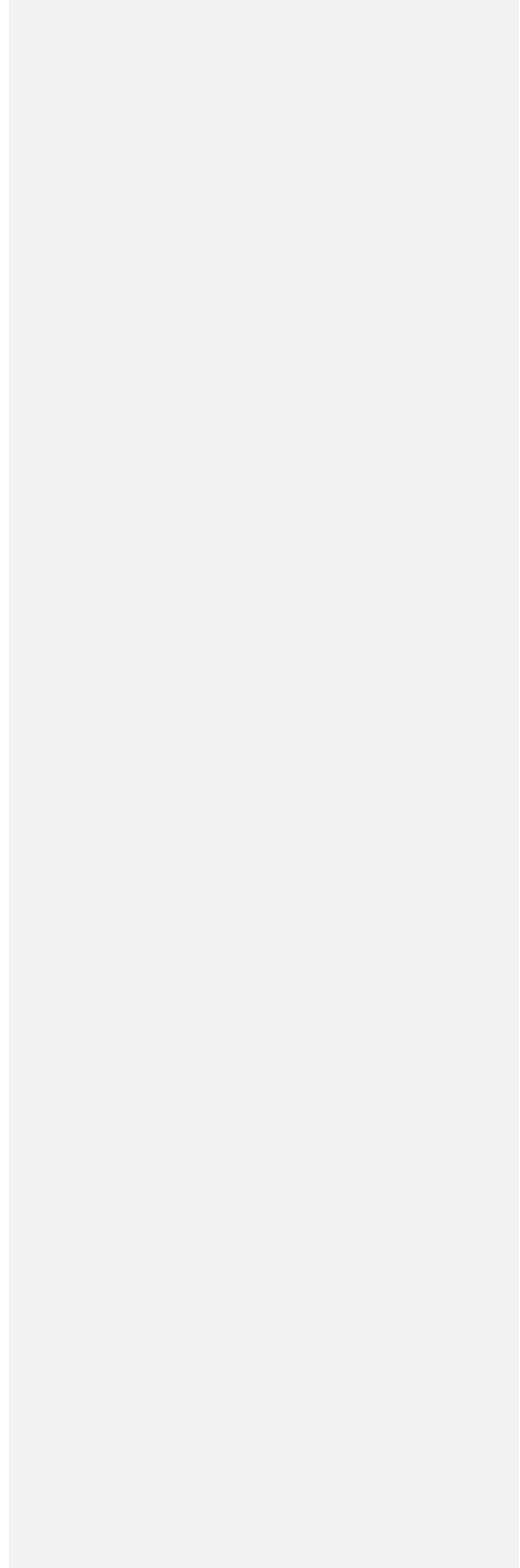
Symbolic of the [7] lack of support for Al Qaeda's mission is the fact that newer Islamist groups with supposed Al Qaeda links haven't adopted the Al Qaeda name. Even groups that formerly took the Al Qaeda name, such as AQAP and AQI (long before being disavowed by Al Qaeda Central), have dropped Al Qaeda from their names.

Instead of Al Qaeda's ideology spreading, then, what we are seeing is Islamist groups revert back to the domestic-jihad model that was prevalent in the Cold War but had lost steam in the 1990s. Al Qaeda had always considered itself an ideological competitor to these domestic jihadists. Increasingly, it is becoming one of them.

None of this should be surprising for at least two reasons. First, the Arab Spring unequivocally refuted Al Qaeda's central premise that the U.S. would never allow one of its local allies to be toppled by domestic uprisings. Al Qaeda leaders trying to make this argument today would sound absurd and gain few followers. The larger implication of this, however, is that it makes little sense for terrorist groups seeking to govern Muslim states to attack the U.S. Far from being necessary to achieve their ultimate objective, it is almost certainly counterproductive given that it attracts the attention of the formidable counterterrorism capabilities the U.S. has amassed since 9/11. This may explain why **AQAP hasn't attempted to attack the U.S.** homeland since the Arab Spring began.

The other reason it is not surprising that Al Qaeda has increasingly adopted the domestic jihadist ideology is because al-Zawahiri is now the leader of Al Qaeda Central. [8]According to many accounts [8], even during the pre-9/11 years al-Zawahiri was always far more interested in trying to seize control of his native Egypt than attacking the United States, which was bin Laden's main preoccupation. Reportedly, al-Zawahiri only joined bin Laden's global jihad out of desperation after the group he was running at the time, Egyptian Islamic Jihad, had run out of resources to fight the Egyptian government. With bin Laden no longer in charge, al-Zawahiri can now use Al Qaeda's resources to focus on what was always his true ambition in life, overthrowing local regimes.

ISIS



2AC

Loss of lifeline deters ISIS

Walker 6/17 (Jamie Walker – Middle East correspondent, “Kurds cut ISIS lifeline to supplies” The Australian, <http://www.theaustralian.com.au/news/world/kurds-cut-isis-lifeline-to-supplies/story-e6frg6so-1227401204116>) // CW

A lifeline to Islamic State’s proclaimed capital in Syria has been severed with the fall of the -strategic border town of Tal Abyad to Kurdish-led forces. The collapse of the jihadists’ resistance was announced last night in a telling blow for Islamic State, cutting a key supply route from Turkey to its command centre in Raqqa. The Syrian Observatory for Human Rights, a well-regarded monitor of the see-sawing war in Syria and Iraq, said Kurdish militia backed by Syrian opposition forces had seized Tal Abyad. “Since dawn this morning not a single shot has been fired in Tal Abyad,” said the monitoring group’s director, Rami Abdel Rahman. “The Kurdish fighters now have full control.” Islamic State, also known as ISIS, has used the strategic town, on the Syrian side of the border with Turkey, as a funnel for fighters, weapons, -ammunition and supplies. Tal Abyad’s recapture means the extremists must rely on border crossings further west in neighbouring Aleppo province, adding hundreds of kilometres to the supply line and increasing the likelihood of convoys being intercepted or destroyed. The opposition attack was aided by heavy airstrikes by the US-led military coalition that is bombing Islamic State and counts as a welcome success after the Iraqi city of Ramadi and Palmyra in central Syria were overrun by the militants. The onslaught from the air and on the ground forced thousands of civilians, inciting harrowing scenes on the border with Turkey as mothers pushed children and babies through torn-down fencing at closed checkpoints. The loss of Tal Abyad, only 80km north of Raqqa, the capital of the Islamic State’s self--declared caliphate, is the extremists’ biggest setback since Kurdish fighters took control of Kobani.

1AR

No ISIL WMD capability

Leonard **Weiss** is a visiting scholar at the Center for International Security and Cooperation at Stanford University, USA, and a member of the National Advisory Board of the Center for Arms Control and Non-Proliferation in Washington, DC. For more than two decades, he was staff director of the US Senate Committee on Governmental Affairs and its Subcommittee on Energy and Nuclear Proliferation, during which time he wrote major legislation on nuclear nonproliferation and led investigations of nuclear programs of other countries. He is a former professor of applied mathematics and engineering at Brown University and the University of Maryland, "On fear and nuclear terrorism," Bulletin of the Atomic Scientists '15, Vol. 71(2) 75–87

What about highly organized groups, designated appropriately as terrorist, that have acquired enough territory to enable them to operate in a quasigovernmental fashion, like the Islamic State (IS)? Such organizations are certainly dangerous, but how would nuclear terrorism fit in with a program for building and sustaining a new caliphate that would restore past glories of Islamic society, especially since, like any organized government, the Islamic State would itself be vulnerable to nuclear attack? Building a new Islamic state out of radioactive ashes is an unlikely ambition for such groups. However, now that it has become notorious, apocalyptic pronouncements in Western media may begin at any time, warning of the possible acquisition and use of nuclear weapons by IS.

ISIS no longer a threat

Barak **Mendelsohn**, Associate Professor of political science at Haverford College and a Senior Fellow at the Foreign Policy Research Institute (FPRI), 2/13/14, After Disowning ISIS, al Qaeda is Back On Top, www.foreignaffairs.com/articles/140786/barak-mendelsohn/after-disowning-isis-al-qaeda-is-back-on-top

Without his group's al Qaeda affiliation, Baghdadi is in a precarious position. His group benefitted from legitimacy that came with its relationship with al Qaeda without ever really obeying AQC's orders. Moreover, al Qaeda's tutelage provided ISIS a shield, keeping denunciations of its brutality and its religious innovations in check. Now ISIS finds itself portrayed as too extremist, even for al Qaeda. Unless it radically changes its ways -- very unlikely -- the chorus of criticism will only grow louder. Already, the group is left with very few credentialed supporters who could offer it a defense and cloak its actions with religious authority.

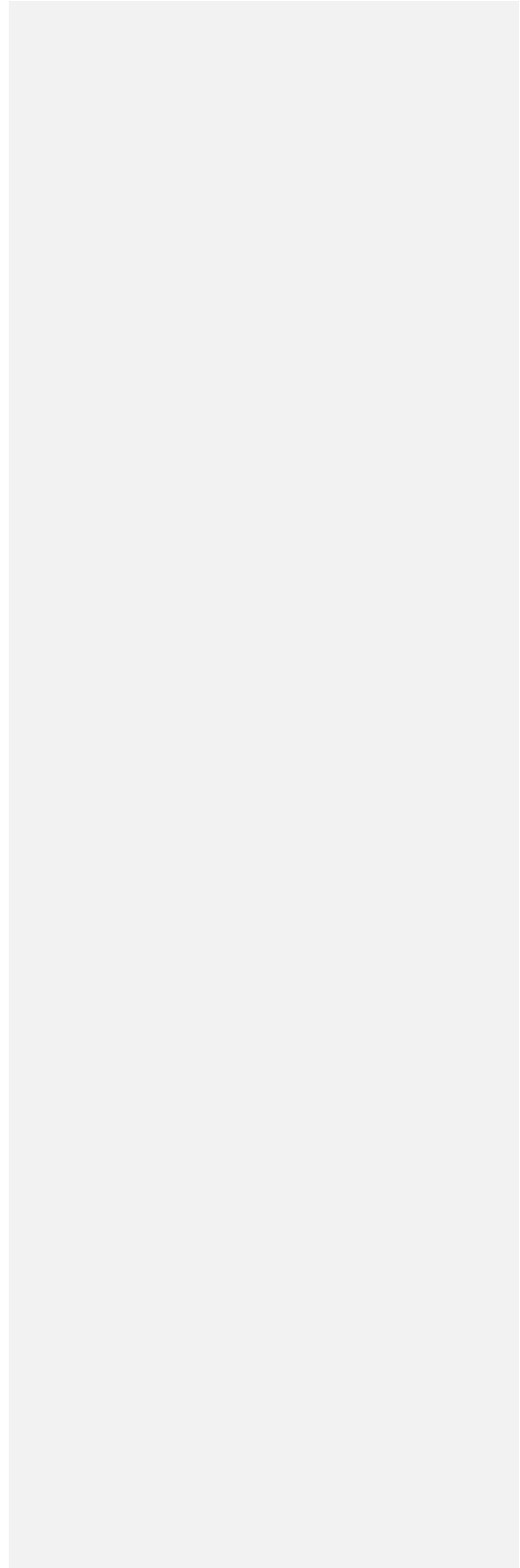
In many ways, ISIS seems to be heading down the same path of self-destruction that led the Algerian GIA (Armed Islamic Group) to its doom two decades ago. Between 1992 and 1998, that group had waged a violent campaign to replace the Algerian government with an Islamic state. It went to such extremes that it denounced even pious Muslims as heretics, killed numerous innocents and even fellow jihadis, and ended up squandering an opportunity to beat a hated and oppressive regime. For the jihadi community, the GIA's collapse is a cautionary tale. And the similarities between GIA and ISIS will not be

lost on ISIS' critics, which will put Baghdadi on the defensive: like the GIA was, ISIS is led by figures with limited religious credentials at best, and like GIA did, **ISIS has** gradually **lost its main supporters**.

ISIS may have considerable territory under its control, but without the stamp of approval of jihadi heavy-hitters, it will find keeping that territory extremely difficult. Its ability to provide material benefits to its members could keep ISIS in business for some time, but religious backing is irreplaceable. Without it, the group cannot attract pious Muslims and will have to rely ever more on uneducated youth with a proclivity for violence and criminality. It will also find it hard to get money from prominent donors, especially when there is an abundance of alternatives. If history is a guide, such financial pressures will likely push ISIS further toward criminality, which, in turn, will fuel public resentment toward the group.

ISIS could also crumble from within. The group's rank and file is already hearing repeated calls from popular jihadi scholars to defect to other Islamist groups in Syria. Many may heed that advice. But they are likely to find out how dangerous attempts to shift their allegiances could be. Already paranoid, ISIS is likely to see recent events as a confirmation of conspiracies against it. In response, it will grow more brutal and will place an emphasis on policing its own members. In an effort to deter defections, ISIS will likely prosecute defectors as traitors. Some members will opt to go against their commanders and fellow fighters, mostly by providing information to other rebel groups. And JN and the Islamic Front stand ready to accept it.

Pyroterror



2AC

Pyroterrorism not likely in the US.

Inkerman Monitor 7 – Inkerman Monitor, International business risk and intelligence company, 2007 ("The War on Ecoterror, An Analysis of the Use of Anti-Terrorism Legislation on Activist Movements in the UK & US," The Inkerman Monitor Volume III 2007, September, accessed 6/29/15)

Eco-terrorism may be the only kind of terrorism which has spawned a backlash form of terrorism, known as pyroterrorism. It has been suspected that forest fires in recent years may have been caused by anti-environmentalists who are "fed up" with the pro-environmental movement. Governments usually declare that forest fires are caused by lack of rain, lightning, or careless campers, but it has been suspected that disgruntled anti-environmentalists (who are sympathetic to the concerns of timber companies) deliberately start the fires. Pyroterrorism is suspected to be the case more in Australia and Latin America than in the US, and was most recently cited as a possibility for the fires in Greece in summer 2007.

1AR

No cases of arson in the U.S. have been attributed to terror groups.

Zahn 13 – Drew Zahn, contributing writer at WND, 2013 (“Jihadists Claim Credit for Arizona Fires,” WorldNetDaily, July 5th, available online at <http://www.wnd.com/2013/07/jihadists-claim-credit-for-arizona-fires/>, accessed 6/29/15)

A Palestinian jihadist group, Masada al Mujahideen, has claimed credit for starting the ongoing Arizona wildfire that has killed 19 firefighters, according to a report from The Long War Journal’s David Barnett. The Long War Journal is a project of the Foundation for the Defense of Democracies, whose leadership council includes among others former CIA Director R. James Woolsey Jr. and Former FBI Director Louis Freeh. According to the report, the SITE Intelligence Group obtained and translated from a jihadist Internet forum a statement titled “Masada al-Mujahideen Fulfilled its Promise and Attacked America Again After the Expiration of the Period with Fires that Achieved Historic Results.” The statement boasted of the deaths of the 19 firefighters and claimed, “We had previously announced an unconventional war against the occupation state of Israel, and then we escalated this war to reach its main supporter, America, so that it receives a major share of it, which will destroy their flora and fauna, with permission from Allah and then with our hands.” The statement further said that the group targeted the United States “in order to make it clear and to make it known we can reach it when we warn it, and to make it certain that our hands don’t just reach it, but also strike it.” The Arizona fire killed 19 of 20 members of the Granite Mountain Hotshot Crew, the greatest loss of life for firefighters in a wildfire since 1933 and the deadliest day for U.S. firefighters since the 9/11 when 340 died. “Just as we remembered the brave men who ran into the twin towers,” Arizona Gov. Jan Brewer said, “we will also remember the men of the Granite Mountain Hotshots.” Thus far, however, ABC News reports authorities believe the Arizona wildfire began with a lightning strike in Yarnell, Ariz., about 90 miles northwest of Phoenix, before spreading to roughly 6,000 acres amid triple-digit temperatures, low humidity and windy conditions. As WND reported, authorities have said a similarly deadly fire that struck Colorado last month was not the result of any “lightning strike.” “One thing that my investigators have given me the authority to state is that they have all but ruled out natural causes as the cause of this fire,” said Colorado’s El Paso County Sheriff Terry Maketa. “I can’t really go any further on that, but I can say we are pretty confident it was not, for instance, a lightning strike.” One expert on Islamic terrorism believes the wildfire that ravaged the outskirts of Colorado Springs, killing two people and destroying more than 500 homes, should be examined by terror investigators, if for no other reason because of the history of threats from al-Qaida and others to burn America’s forests. At the American Center for Democracy, noted terror funding expert Rachel Ehrenfeld wrote that Bill Scott, a senior fellow at ACD, warned about terrorist fires last July, speaking at the briefing on Capital Hill. “An expert on aerial firefighting, he presented a sobering analysis of the devastating (2012) Waldo Canyon Fire [in Colorado], pointing out that the striking rise [in] Western U.S. wildfires may be caused by elements other than nature,” Ehrenfeld wrote. “He noted that in spring 2012, al-Qaida’s English-language online magazine, Inspire, published an article called ‘It Is of Your Freedom to Ignite a Firebomb,’ which featured instructions on how to build an incendiary bomb to light forests on fire.” She explained that Russia’s security chief, Aleksandr Bortnikov, also has warned, “Al-Qaida was complicit in recent forest fires in Europe” as part of terrorism’s “strategy of a thousand cuts.” “Since then, more fatwas advocating that ‘fire is a cheap, easy and effective tool for economic warfare’ have been issued,” Ehrenfeld wrote. “They’ve included detailed instructions for constructing remote-controlled ‘ember bombs, and how to

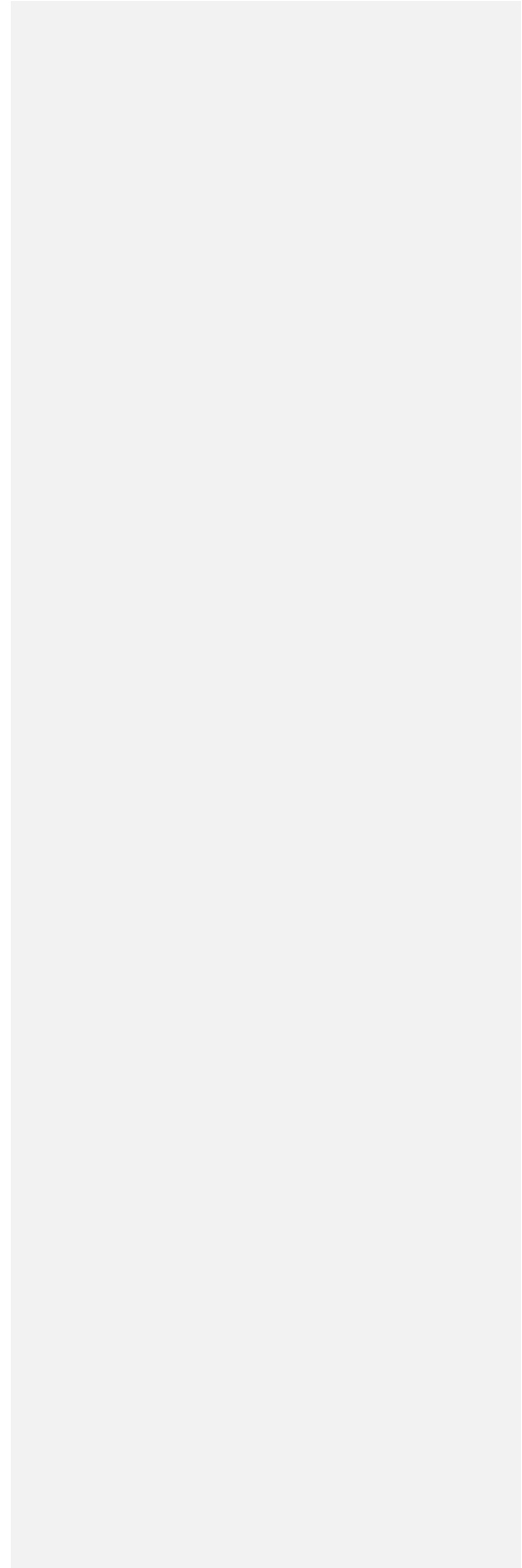
set fires without leaving a trace.” Israel’s forests also have been targeted, she noted. “While many of the fires that have scorched millions of acres and destroyed thousands of homes in Arizona, California, Colorado, New Mexico, Utah and other states have been identified as arson, none has been publicly attributed to criminal or terrorist groups, despite the presence of Mexican gangs and [a] large number of other illegals in our Western states,” she said. Mother Jones reported Don Smurthwaite, a Bureau of Land Management spokesman, “downplayed” Ehrenfeld’s ideas, “but he didn’t dismiss the notion outright.” “We don’t have any hard evidence that any wildfires in the U.S. were started by terrorists in recent years,” he told the publication.

The notion of pyroterror is dismissed by authorities – even in zones of suspected “pyroterror”

Asia One News 9 – (“Police dismiss ‘forest jihad,’” Asia One News, February 11th, Available online at <http://news.asiaone.com/News/Latest+News/Asia/Story/A1Story20090211-121090.html> , accessed 6/29/15)

Police Wednesday dismissed any suggestion the wildfires that have killed more than 180 people could have been started by Islamic militants waging “forest jihad”. The idea has started to turn up on Internet blog sites after reports last year that a group of Islamic extremists had urged Muslims to light bushfires as a weapon of terror. Police believe some of the fires that ripped through southeast Australia since the weekend were started by arsonists, but a spokesman said there was no suspicion they were Islamic terror attacks. “None at all, absolutely nothing, zero,” Superintendent Ross McNeill told AFP. “We usually rank possibilities on a scale of 0 to 10 - this would be on a negative scale,” he said. McNeill said he was aware of last year’s report, which said US intelligence channels had identified a website calling on Muslims in Australia, the US, Europe and Russia to “start forest fires”. The report, carried by Melbourne’s The Age newspaper on September 7, said the website claimed “scholars have justified chopping down and burning the infidels” forests when they do the same to our lands. “Posted by a group called the Al-Ikhlās Islamic Network, it argues in Arabic that lighting fires is an effective form of terrorism justified in Islamic law under the doctrine of an ‘eye for an eye,’” the report said. It calls on Muslims to remember “forest jihad” in summer, saying fires cause economic damage and can take months to extinguish so that “this terror will haunt them for an extended period of time”. The Age report said Australian intelligence agencies were treating the possibility that bushfires could be used as a weapon of terrorism as a serious concern. Attorney-General Robert McClelland said the federal government remained “vigilant against such threats”, warning that anyone caught lighting a fire as a weapon of terror would feel the wrath of anti-terror laws, the paper said. But McNeill insisted there was no suggestion of a link to the fires that razed entire towns last weekend, killing at least 181 people and destroying more than 750 homes.

EMP



2AC

no impact to EMP

Farley 9—assistant professor at the University of Kentucky’s Patterson School of Diplomacy and International Commerce (Robert, Neocons Salivating Over Their Next Great Exaggerated "Threat": Electromagnetic Pulse Attack, 22 Oct. 2009 October 22, 2009, <http://kamran1919.wordpress.com/2009/10/22/neocons-salivating-over-their-next-great-exaggerated-threat-electromagnetic-pulse-attack-politics-alternet/>, AMiles)

Uterior Motives The central political purpose of the EMP awareness movement appears to be advancement of the cause of missile defense. The most extreme estimates of the effect of EMP restore the Cold War-era existential fears of nuclear war. Schwellenbach argues “what’s driving it is the political global context—it gives the right an issue that allows them to justify hawkish behavior. It is almost a perfect solution to any argument against missile defense—North Korea and Iran.” The 90 percent casualty estimate advanced by EMP awareness advocates hypes the notion that the United States faces potential annihilation at the hands of its enemies, and goes a step farther: even the smallest nuclear power can destroy the United States with a small number of warheads. This, in turn, reaffirms the need for both a secure missile defense shield (including space-based interceptor weapons) and a grand strategy of preventive war against potential nuclear and ballistic missile proliferators. Almost all EMP awareness advocates—including Gaffney, Gingrich, and Huckabee—call for increased spending on missile defense. Gaffney and Gingrich have also called for a “robust” policy of preemptive war, including attacks on Iranian and North Korean missiles on their launching pads. The fact that EMP is poorly researched and not well understood works in its favor as a scare tactic. Since evidence of EMP’s allegedly lasting impact is purely theoretical, EMP awareness advocates can make outlandish claims regarding the threat that even the smallest nuclear arsenal poses. They can also point to allegations made by the official EMP Commission, ignoring the fact that many outside experts dispute its findings. The Niagara conference’s emphasis on strategic and policy considerations shows that alarmist predictions about EMP attacks serve as fodder for promotion of a larger nuclear weapons stockpile, for missile defense, and for preventive attacks. Little Traction Despite the effort that conservatives have devoted to this cause, it appears to have gained little traction in the mainstream media. The New York Times, the Washington Post, CNN, Fox News, and other major television news organizations declined to cover the EMPACT conference. Indeed, even the neoconservative Weekly Standard, which seems perpetually on the lookout for ways to plug purported existential threats to the homeland, stayed away from Niagara. One Standard editor said in an interview with the author, “I don’t go for that EMP stuff. Kind of more interested in dangerous scenarios that might actually happen.”

1AR

EMP empirically denied

Faall 10 (Sorcha, Chinese EMP Attack Prompts US Missile Strike After Cruise Ship Crippled, 11 November 2010, <http://www.whatdoesitmean.com/index1421.htm>)

A new report circulating in the Kremlin today prepared for Prime Minister Putin by Director Anatoly Perminov of the Russian Federal Space Agency states that an Arkon-1 military satellite monitoring the western coastal regions of **North America detected an “EMP anomalous event”** occurring **on November 8th** at 0600 Pacific Standard Time (-8 hours GMT) that bore the “direct signature” of a YJ-62 subsonic anti-ship missile fired from a Chinese People’s Liberation Navy Type 041 submarine (NATO code name Yuan-Class) [photo 2nd left] known to be patrolling approximately 200 kilometers off United States coast. Nearly 11 hours after this EMP “event”, this report further says, Arkon-1 then detected a BGM-109 (Tomahawk) subsonic cruise missile launched from a US Navy Ohio-Class submarine operating off the coast of California [photo bottom left] on a “training mission” from its home port located at US Navy’s Kitsap Base in Washington State and was enroute to the largest American Naval Base on the US west coast in San Diego, California. Note: A Russian military intelligence (GRU) addendum to this report states that the “training mission” the Ohio-Class submarine was on is related to a new US law passed this year allowing for the first time in history for women to serve on US Navy subs and was an “operational exercise” testing female Naval Officers competence prior to their first “operational deployment”. **The “immediate effect” of the Chinese Navy’s firing of their EMP missile, this report continues, was the “catastrophic crippling” of the US based cruise ship Carnival Splendor** [photo 3rd left] that stranded its nearly 4,500 passengers and crew in a “dead in the water” boat and prompting the Americans to send the US Navy’s Ronald Reagan aircraft carrier, warplanes, and supply aircraft to protect it from further attack after all of its electronic systems were destroyed. An electromagnetic pulse **EMP** such as **was used upon the Carnival Splendor** is a burst of electromagnetic radiation that causes rapidly changing electric fields (or magnetic fields) that when coupling with electrical/electronic systems produces damaging current and voltage surges destroying all non-hardened electrical systems.

Prefer our ev – no impact to EMP

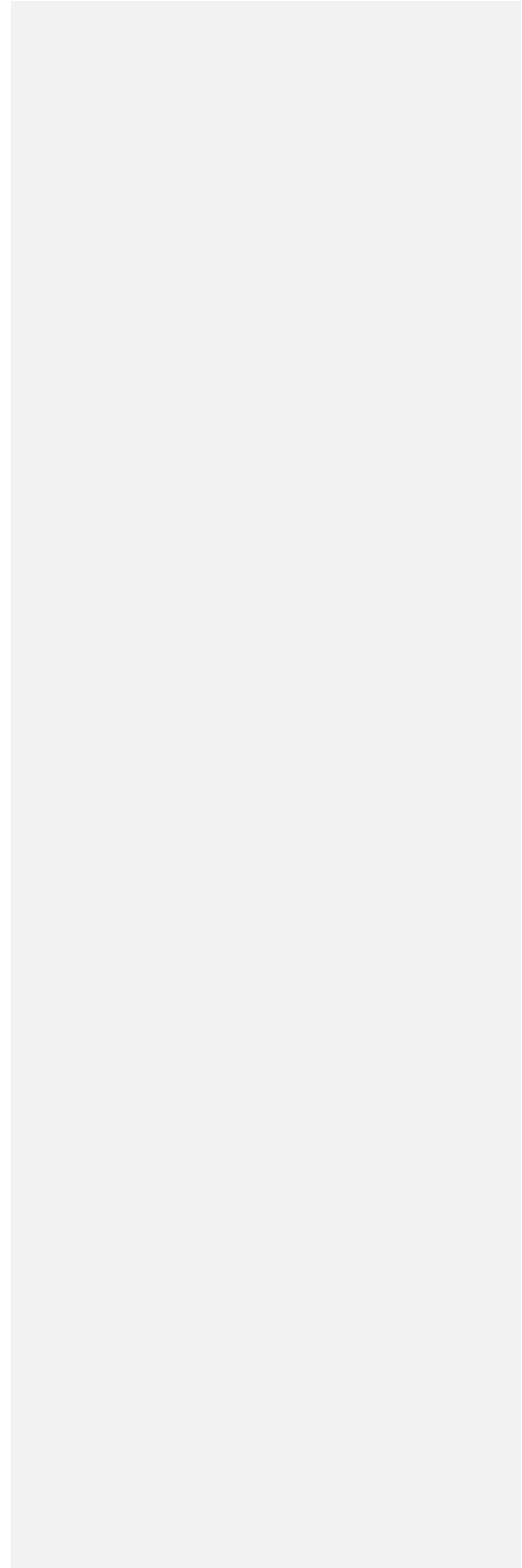
Farley 9—assistant professor at the University of Kentucky’s Patterson School of Diplomacy and International Commerce (Robert, Neocons Salivating Over Their Next Great Exaggerated "Threat": Electromagnetic Pulse Attack, 22 Oct. 2009 October 22, 2009, <http://kamran1919.wordpress.com/2009/10/22/neocons-salivating-over-their-next-great-exaggerated-threat-electromagnetic-pulse-attack-politics-alternet/>, AMiles)

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AT: Terrorism D.A

Uniqueness



NUQ – Broad Strategy

Not a question of individual gains and losses – the war on terror is *structurally unwinnable*

Martin 6/15 - D. G. Martin is the host of UNC-TV's "North Carolina Bookwatch," a retired lawyer, politician, and university administrator (D.G. Martin, 6-15-2015, "D.G. Martin: Why we lost the war on terror," Winston-Salem Journal, http://www.journalnow.com/opinion/columnists/d-g-martin-why-we-lost-the-war-on-terror/article_3767f5e4-1378-11e5-895c-175c238e0d66.html)//A-Sharma

I am a United States Army general, and I lost the Global War on Terrorism." These are the opening lines of retired U.S. Army Lt. Gen. Daniel P. Bolger's book, "Why We Lost: A General's Inside Account of the Iraq and Afghanistan Wars." Bolger teaches military history at N.C. State. "No U.S. general has criticized the Iraq and Afghanistan wars more sharply" than Bolger, wrote reviewer Carter Malkasian in The Washington Post. Continuing the shocking opening words of his book, Bolger writes, "It's like Alcoholics Anonymous; step one is admitting you have a problem. Well, I have a problem. So do my peers. And thanks to our problem, now all of America has a problem, to wit: two lost campaigns and a war gone awry." With President Obama's decision to send 450 more U.S. troops to Iraq, Bolger's acceptance of responsibility and his explanation of "why we lost" are extremely timely. Just what did Bolger and the other generals do wrong in Afghanistan and Iraq? You do not have to read all 500 pages of "Why We Lost" to understand Bolger's explanation. He makes his point in just a few pages in the book's epilogue. He writes, "Despite the unmatched courage of those in U.S. uniform -- including a good number of generals who led their people under fire -- our generals did not stumble due to a lack of intellect. Rather, we faltered due to a distinct lack of humility. Certain we knew best, confident our skilled troops would prevail, we persisted in a failed course for far too long and came up well short, to the detriment of our trusting countrymen." This failed course was the military's nation building efforts based on a counterinsurgency strategy. But, writes Bolger, "Counterinsurgency works if the intervening country demonstrates the will to remain forever." He continues, "Once it becomes clear that the external forces won't stay past a certain date, the guerrillas simply back off and wait it out. "We did not understand our enemies. Indeed, drawn into nasty local feuds, we took on too many diverse foes, sometimes confusing opponents with supporters and vice versa. Then we compounded that ignorance by using our conventionally trained military to comb through hostile villages looking for insurgents." Throughout the extended operations in Iraq and Afghanistan, Bolger says there were always only three options: "Stay the course. Add forces. Pull out. Over time, in both countries, all three approaches were tried. Only the third one, pulling out, worked, and that in the finite sense that it ended U.S. involvement. But it left both friends and foes behind, sowing the seeds for future troubles." The question remains. Why does Bolger blame himself and the other generals for losing the war on terrorism? Were not all these decisions made by the country's civilian leadership? Here is his answer. "The record to date shows that no senior officers argued for withdrawal. Instead, like Lee at Gettysburg, overly impressed by U.S. military capabilities and our superb volunteers, commander after commander, generals up and down the chain, kept right on going. We trusted our invincible men and women to figure it out and rebuild two shattered Muslim countries and do so under fire from enraged locals."

Losing the War on Terror – leaving the Middle East with issues unresolved sparked future conflict

Cerulus 6/28 – Freelance Journalist for POLITICO - (Laurens Cerulus, 6-28-2015, "Who lost Iraq?," POLITICO, <http://www.politico.eu/article/iraq-troops-us-white-house-strategy-middle-east-roundtable/>)/A-Sharma

For a brief, happy — and misguided — moment, most Americans stopped thinking about Iraq. After withdrawing the last U.S. troops in 2011, President Barack Obama declared the country “sovereign, stable and self-reliant.” No such luck. Iraq plunged back into chaos as the Islamic State stormed the region last year, and the fall of Ramadi in May revived questions about how, and whether, the country can be salvaged. As Americans try to understand what \$2 trillion and nearly 4,500 American lives really accomplished, partisans are battling over how much blame falls on Obama, who left Iraq, and on President George W. Bush, who took us there. “If you fought in Iraq, it worked,” 2016 presidential candidate Lindsey Graham recently said. “It’s not your fault it’s going to hell. It’s Obama’s fault.” Naturally, Democrats see it differently: “This represents the failed policies that took us down this path 10 years ago,” House Minority Leader Nancy Pelosi has said. Who’s right? Could Iraq have remained stable if Obama had left behind a small troop contingent? Did Bush’s “surge” really stabilize the country? In June, POLITICO assembled a group of experts — including veterans of both administrations from the State Department, White House, Pentagon and the CIA — and asked a simple question: Who lost Iraq? — Michael Crowley Iraq roundtable Michael Crowley: Ambassador Khalilzad, you were in Iraq from 2005 to 2007. Describe the trajectory Iraq was on when you left, and the Iraq that Obama inherited when he was inaugurated in January 2009. Zalmay Khalilzad: It was a very difficult period. Especially in the aftermath of the al-Askari Mosque bombing in 2006, the sectarian violence became front and center — a very large number of fatalities and casualties, both Shia and Sunni — and the rise of Al Qaeda in Iraq. We began a more concerted effort training Iraqi troops, which resulted in significant growth in their size and capabilities. The new Iraqi government led by Prime Minister Nouri al-Maliki showed more willingness to use force against the Shia militias in Basra and Baghdad’s Sadr City. Additionally, the excesses committed by Al Qaeda in Iraq [AQI] against the Sunni community was beginning to turn some Sunnis against them. With increased outreach to the Sunnis, we began to have significant numbers of them work with us. There were still some issues unresolved — there was no oil law for the distribution of resources, there still was no reform of de-Baathification. These were self-inflicted wounds, if you like — mistakes we made, in my judgment, at the very beginning. But I think the Iraqis were heading in the right direction. You had a government that acquired greater national legitimacy. There was a greater Sunni participation in government compared to an earlier period. The level of violence, by the end of the Bush administration, was significantly down compared to 2006, early 2007. We’re still talking about Iraq, but, relatively speaking, I would say it was on a positive trajectory with some big issues still unresolved.

War on Terror is being lost in the squo – lack of response by the US

Boot 15 (Max Boot, 2-18-2015, "Losing the War on Terror," Commentary Magazine, <https://www.commentarymagazine.com/2015/02/18/losing-war-terror/>)/A-Sharma

I am currently in the Philippines where I am reminded of how global the threat from Islamist terrorism has become: President Benigno Aquino III is under fire after 44 police commandos were killed in a battle with Muslim separatist groups. But the threat here is relatively limited because Muslims make up only 5 percent or so of the population. Muslims make up roughly the same percentage of the European population, which means that while atrocities such as the

recent shootings in Copenhagen and Paris are likely to continue, there is no threat of an actual Islamist takeover. The epicenter of the jihadist threat remains, of course, the Middle East, and recent trends there are alarming—they suggest that Islamists are increasingly ascendant. A few articles that have caught my eye: The Islamic State (ISIS) is expanding not only in Iraq and Syria but also in Libya, another country where it's easy for extremists to take advantage of the total chaos. A Sunni tribal sheikh in Iraq who preached reconciliation with Shiites was apparently abducted and killed by Shiite militias. Shiite militias, with more than 100,000 men under arms, now far outnumber the Iraqi army, which is down to 48,000 personnel. As a result the army is effectively becoming an adjunct of the militias—and that in turn means that U.S. air strikes, weapons, and training are effectively going to support the Quds Force, which controls the Shiite militias. Hezbollah is not only ramping up its operations in Syria but also in Iraq. The trends described above—Shiite and Sunni extremists expanding their operations—are in fact a closely-linked mirror image: the more that one side gains ground among its sectarian group (whether Sunni or Shiite), the more the other one gains in reaction. There is another link between them: the utter lack of a serious response from the United States. Given the failure of the U.S. and its allies to fill the vacuum in Iraq, Syria, or Libya, we can expect the further emergence of competing jihadist states, one Sunni, the other Shiite, to the detriment of our interests and those of our more moderate allies. I hate to say it, but we have been losing the battle against Islamist terror ever since President Obama's "mission accomplished" moment—the killing of Osama bin Laden. If the president has a plan to reverse this calamitous trend, he has kept it a closely guarded secret.

Losing the War on Terror – propaganda

Lieberman 6/28 - (Joe Lieberman, 6-28-2015, "Joe Lieberman: Obama Losing the Propaganda War to ISIS," Newsmax, <http://www.newsmax.com/Newsfront/Lieberman-Obama-ISIS-propaganda/2014/10/24/id/602919/>)/A-Sharma

Despite recent evidence that the Islamic State (ISIS) and al-Qaida possess sophisticated propaganda machines, former vice presidential candidate Joe Lieberman contends the government's response to their online radicalization has been "ad hoc" and absent of any comprehensive strategy. "Several government agencies, including the Department of Homeland Security and the Justice Department, have outreach programs to discuss this threat in meetings with community leaders in major cities." The FBI sometimes intervenes to dissuade individuals from engaging in extremist activity online by warning about the risks of illegal activity such as material support to a foreign terrorist organization. But such efforts have been sporadic and are carried out ad hoc, without a comprehensive strategy for countering the online radicalization of U.S. citizens," writes Lieberman in a Wall Street Journal editorial. In the editorial, co-authored with Christian Beckner of George Washington University's Homeland Security Policy Institute, Lieberman calls on the administration to make developing a strategy that integrates "counter-messaging, community engagement and law-enforcement efforts" a priority. "Without such a strategy in place, federal agencies have limited ability to develop programs that can counter the influence of ISIS's propaganda within the U.S," they argue, adding that the recent ISIS-inspired attacks in Canada reinforce the urgency to combat the spread of a violent Islamist ideology. The authors note that little has been done since President Barack Obama outlined his Strategic Implementation Plan (SIP) for Empowering Local Partners to Prevent Violent Extremism in December 2011. The administration announced plans this week to create a community-led program to combat homegrown terrorists, reports CBS News. The program will be modeled after a similar new program launched by Maryland's International Cultural Center. Critics note, however, the ineffectiveness of the administration's existing counterterror efforts. "Thirteen years into the war on terror, it is distressing to see certain ways the U.S. government is combating domestic radicalization by

groups like al-Qaida (AQ) and the Islamic State (IS). Among the more embarrassing of these ventures is the 'Think Again Turn Away' campaign, launched in English in December 2013 by the United States Department of State as part of an effort to enter the war of ideas and win over hearts and minds of jihadists on social media," Rita Katz, director of the SITE Intelligence Group, wrote in Time magazine in September. Special: Katz notes that the State Department's response to a post on the Think Again Turn Away Twitter account showing pictures of prisoners from the infamous Abu Gharib scandal was to tweet "US troops are punished for misconduct, #ISIS fighters are rewarded," accompanied by photos of American soldiers "interacting happily" with Middle Eastern children. Lieberman, who was a member of the Senate Homeland Security and Governmental Affairs Committee, has questioned the seriousness of the administration's efforts in the war on terror, including President Obama's reticence to use the term "terrorism." During an appearance on Fox News' "Hannity" program in September, Lieberman said he could not explain the president's reluctance to openly state the nation is at war. "I don't know. Maybe he's concerned legalistically that if he says we're in a war, then the Congress has to authorize whatever he does. But you got to tell it as it is, this is a war," said the former Connecticut senator in response to a question from host Sean Hannity. The former Democratic vice presidential candidate is set to join Mitt Romney, a former Republican presidential candidate, at the inaugural Israeli American Council (IAC) National Conference in Washington next month, reports The Jewish Press.

Individual drone strikes won't win the War on Terror – lack of stable government results in a “steady stream of recruits” for ISIS

The Washington Post 6/16 - (The Washington Post, "A dangerous mission in Libya requires a firm approach," Washington Post, http://www.washingtonpost.com/opinions/a-dangerous-mission-requires-a-firm-approach/2015/06/16/9d2df416-1399-11e5-9ddc-e3353542100c_story.html)//A-Sharma

A dangerous mission in Libya requires a firm approach

THE PENTAGON says it thinks a U.S. airstrike in Libya on Sunday may have killed one of the most dangerous terrorists in Africa, a man believed to have led a 2013 attack on an Algerian gas field that killed 38 civilians, including three Americans. Meanwhile, al-Qaeda has confirmed that its leader in Yemen was killed by a U.S. drone strike last week. It's good those two militants have been taken off the battlefield, but their elimination will not remedy the growing crises in Libya and Yemen. In that respect, the operations are another example of the limited benefits of President Obama's narrow approach to counterterrorism. For years, Mr. Obama has authorized drone strikes and raids against individuals designated as threats to the United States in Libya, Yemen and Somalia, while making only attenuated efforts to support the construction of stable governments in those countries. The result is that all three nations continue to produce a steady stream of recruits for al-Qaeda and the Islamic State, while Yemen and Libya have grown increasingly violent and chaotic. The threat from Libya is particularly worrisome. The country is divided between two competing armies and governments, one secular and one Islamist, each with its own foreign sponsors. Their destructive rivalry has drastically reduced the oil exports on which Libya's 7 million people depend, while opening the space for jihadists. The faction headed by Mokhtar Belmokhtar, presumed killed in the airstrike, was affiliated with al-Qaeda, but it has caused less concern recently than an Islamic State affiliate that has gained control of one of Libya's coastal towns, Sirte, and has been advancing toward the major port of Misrata. Amid the chaos, refugees and economic migrants from across northern Africa are converging on the Libyan coast, where smugglers offer access by boat to Europe. European Union officials say half a million people may try to cross the Mediterranean this summer, and thousands have already died en route.

War on Terror doomed from the beginning – political failures - ISIS expanding rapidly

Olomi 15 - Ali A. Olomi is a Ph.D student at UCI and specialize in the history of the Middle East- (Ali A., 5-30-2015, "The Political Failure of the War with ISIS," International Policy Digest, <http://www.internationalpolicydigest.org/2015/05/30/the-political-failure-of-the-war-with-isis/>)/A-Sharma

The United States is losing the war with ISIS. It is also losing the de facto War on Terror. ISIS has taken city after city and now Palmyra has fallen. The root of this failure is an inability to conceive of the enemy as a political force. Some have argued that this failure is Obama's doing, but in actuality the War on Terror was doomed from the start. In 2001, when President George W. Bush declared a "War on Terror" he and his administration cemented a flawed conceptual framework. President Obama's failing is that he has perpetuated the same framework that guides and informs US strategy in the Middle East. Today we are seeing the results of the US' ongoing folly. The fundamental problem is that the United States and its allies are fighting a completely different war than what ISIS, the Taliban, and other Muslim extremist groups are waging. The "War on Terror" is fundamentally based on the principle of military struggle. The US sees the problem of insurgency and terrorism as an ongoing military campaign to be won through force of arms. Muslim extremist groups on the other hand are waging a political battle. Certainly, military struggle is part of their strategy as is apparent by their ready use of violence, coercion, and their belligerence. At their core however, is that they view their respective groups as political movements. Both the Taliban and ISIS see themselves as Islamist groups of resistance or revolution. Their aims and methods are political. They engage in propaganda, foster recruitment practices, and orient themselves as the opponents of American imperialism. This positional stance capitalizes on the anti-American sentiment in the Middle East and makes them alluring to the politically alienated and disenfranchised throughout the region. The United States on the other hand completely fails to address the political aspect of the conflict, focusing entirely on military strategy. To the US, groups like ISIS are nothing more than religious bandits—with dangerous tactics certainly, but no real political threat. This purview is reductive and constrained by an inability to think of these groups in a complex political manner—it is unthinkable that groups like ISIS have enduring political ideologies and sound strategies. It is unthinkable that a brutal and cruel group like ISIS emerged as an insurgent revolutionary movement and is now a state formation. "Revolutions," "resistance," and "states" hold certain cherished meanings in our minds and "those" people are incapable of it. This conceptual blindness has severe consequences. Firstly, it leads to a failure to recognize that the very tool used to combat terrorist groups—military aggression—fans the flames of their growth. The United States declared its War on Terror over a decade ago and rather than see a decrease in terrorist activity, its virulence has grown and evolved. The Taliban remain firmly entrenched in Southern Afghanistan in a long term insurgency. The Pakistani Taliban threaten stability in Pakistan while enabling and fostering the insurgency in Afghanistan. The Iraq War was declared over and yet ISIS continues to confound the US and its allies. Syria is torn between the tyrannical forces of Assad on one hand and ISIS on the other who has seized nearly half the country. Then there is the Houthis in Yemen, Boko Haram in West African and dozens of more groups. Each and every one of these growing threats are seen as aberrations or mere military setbacks. In actuality they are political defeats. They are enabled by a very specific socio-political climate and each have their own respective political strategies. Iraqi military unit battling Islamic State militants. (Reuters) Iraqi military unit battling Islamic State militants. (Reuters) Take ISIS, for example, which was born from the collapse of the Iraqi security apparatus vis-à-vis US invasion and it was fostered by the alienation of the Sunni

tribes by the Shia elite in Baghdad. ISIS addresses these very problems as a mandate for a state that stands in opposition to American imperialism. It strategizes to build a state that never again will be vulnerable to occupation nor threats that erode the fabric of social and national security. It espouses an expansionist political strategy to redress perceived colonial wrongs. While we drop bombs from the sky, ISIS works through on the ground realities and as a result draws increasing number of recruits while expanding its territorial boundaries. If there is one lesson that we can learn from the past decade it is that a military strategy alone is not working. Bombing countries is not the solution to dealing with extremist and insurgent groups. The US needs to recognize that the political genealogy of these groups lie in the anti-imperial ideology of 19th and 20th century reformers like Sayyid Jamal Ad-din Al Afghani and Sayyid Qutb. From these roots, Muslim extremist groups see themselves as movements of resistance and revolution against imperial forces. Our bombs and missiles aimed at destroying and degrading become the political catalyst that allows these groups to spread, splinter, and find new purchase in the Middle East. Our view of ISIS and similar extremist groups stems from an orientalist way of thinking about the Middle East and insurgency, one that sees these groups as nothing more than backwards religious extremists that can be dealt with by force alone. It fails to see them as complex political actors with a dynamic political ideology that is fed by US military intervention and with specific strategic goals. We need to recognize these groups as more than mere bandits or aberrations, but as having political strategy and the capacity to enact those strategies. The enemy is not a bunch of backwards thugs that will be cowed with a "shock and awe" tactic, but are born from a very specific political milieu. The US needs to recognize that neither Bush's Global War on Terror, nor Obama's "series of persistent and targeted efforts" (which is really a continuation of the same framework, but with more drones) are solutions to this problem. What the United States needs more than ever is a political strategy to deal with ISIS and other groups like them. We need to think the unthinkable: that ISIS and groups like them are political actors who need to be dealt with politically in the same way that you would any other state. It is time to change the very framework that guides US policy towards ISIS and to groups like them. The US needs to recognize the complex and dynamic nature of these groups, their political aims, and acknowledge that notions like revolution and resistance do not exclusively belong to neoliberalism. In other words, the US needs to think the unthinkable, that revolution has led to a brutal Islamist state and adopt an according strategy. I am not suggesting that the United States abandon all military operations, but it is time for the United States to see beyond its policy of bombs and bullets.

Targeting individuals through drones doesn't bring stability to countries – inefficient and ineffective

Black 6/16 - (Ian Black, 6-16-2015, "Death of al-Qaida leader masks reality of drone strikes: they don't bring stability," Guardian, <http://www.theguardian.com/world/2015/jun/16/what-death-of-a-jihadi-leader-mean-for-western-war-militants>)/A-Sharma

Nearly 3,000 miles separate Ajdabiya in Libya from Mukalla in Yemen, but they have been linked by two events which demonstrate a US policy of fighting jihadi terrorism in the midst of chaos, violence and state collapse whose causes Washington is unable or unwilling to address. Reports of the death of the Algerian militant Mokhtar Belmokhtar in a US air attack on Saturday – denied by supporters – are still being being checked pending DNA tests. But al-Qaida in the Arabian Peninsula (Aqap) was quick to confirm the "martyrdom" of its leader, Nasir al-Wuhayshi, in a drone strike on 9 June. Both cases illustrate the effort by the US to target al-Qaida and like-minded groups alongside the more high-profile

international campaign against Islamic State in Iraq and Syria. Belmokhtar's history encapsulates the trajectory of the global jihadi movement over the past quarter of a century: starting with the Armed Islamic Group fighting the Algerian military in the 1990s, through combat with al-Qaida in Afghanistan to his return to North Africa to join al-Qaida in the Islamic Maghreb (Aqim) and other organisations in the grey area between fanaticism and criminality. Algeria hostage crisis: the full story of the kidnapping in the desert Read more Yet killing him smacks more of vengeance for the 2014 In Amenas attack on an Algerian gas installation than any comprehensive strategy. Belmokhtar's death, if confirmed, "will do little to address the broader chaos in Libya", commented the Soufan Group, a security analysis firm. Aqim, Islamic State and Ansar al-Sharia will continue to destabilise Libya, experts suggested. "Neither North Africa nor Yemen will be more stable for these hits," commented the historian Vijay Prashad. The US, which is seen in many Middle Eastern capitals as disengaging from the region, has been criticised for focusing narrowly on the war on Aqap to the detriment of Yemen's long-running crisis. The group has attracted close attention because of its capacity to hit western targets, but it is seen at home as merely one of many symptoms of state dysfunction and collapse. High-grade intelligence is crucial to track and identify targets but that depends to a significant extent on the collaboration of local partners. The difficulties of confirming whether an air strike or drone attack has been successful – to say nothing of the high risk of killing innocent bystanders – underline the limits of even the most sophisticated spycraft without a presence on the ground. In Yemen, now facing Saudi-led air strikes in an effort to restore the legitimate government and defeat Houthi rebels backed by Iran, the US effort was thought to have been damaged by the collapse of the friendly government in Sana'a earlier this year because it lost some of its ability to gather intelligence and find targets. Still, Wuhayshi was certainly a significant figure – a secretary to Osama Bin Laden and deputy to his successor, Ayman al-Zawahiri. "I wouldn't count Aqap out yet," noted the jihad-watcher Aron Zelin, "but it's probably in its weakest phase" since 2009, when it came into existence with the merger of the Saudi and Yemeni branches of the organisation. The White House said his death "strikes a major blow to al-Qaida's most dangerous affiliate". Nevertheless, Wuhayshi's swift replacement by his deputy, Qassim al-Raymi, reinforced the familiar criticism that assassinating terrorist leaders may only have a short-term disruptive effect. Obama famously declared in 2013 that the "war on terror" launched by George Bush was over. US policy has plenty of critics at home as well as abroad. On the right he has been lambasted for a "lethally desultory approach" and on the left for continuing to target jihadis on the "undeclared battlefields" of Yemen, Somalia and Pakistan. At least 38 people died before a CIA strike finally killed this man. Who were the rest? Reprieve "We are constantly told that US drones are surgically precise," said Cori Crider of the human rights charity Reprieve. "But any weapon – especially a remote-controlled one – is only as accurate as the intelligence behind it. At least 38 people died before a CIA strike finally killed this man. Who were the rest? How many lives did we take in the effort to assassinate al-Wuhayshi? How many have we driven into the arms of militants with the 38 others we killed? The secret drone war conceals a mountain of hidden costs, and the idea we can bomb our way out of the problem of terrorism is short-sighted and, ultimately, false." The US has carried out over 106 drone strikes in Yemen since Obama took office and killed more than 800 individuals identified as militants and roughly 80 civilians, according to the New America Foundation. It retains the ability to launch drones from outside Yemen, including Djibouti and presumably from Saudi Arabia. Attacks on Libya are likely mounted from bases in Italy. Earlier this year Obama responded to charges that he was downplaying the dangers of terrorism to the US, and argued that it must be kept in perspective. Terrorist groups, he insisted, do not pose an existential threat to the US or the world order. But Wuhayshi's demise, the White House said on Tuesday, "removes from the

battlefield an experienced terrorist leader and brings us closer to degrading and ultimately defeating these groups". Congressman Adam Schiff, the ranking Democrat on the House intelligence committee, has sought to introduce a degree of transparency to the CIA's drone operations. Responding to news of Wuhayshi's death, he warned that such strikes alone would not be enough to achieve that goal. "As significant as the loss of key leadership is in the disruption of plots against the United States, counter-terrorism operations ... must always be considered as only one element in a multi-pronged approach that includes building capacities of local and regional authorities, countering the flow of resources to terrorists, and working with partners in the Islamic world to defeat the ideology that attracts new recruits to replenish the ranks of those removed from the battlefield," he said

NUQ – Internet

Existing internet surveillance fails

Davis, United States representative to Palestine, Congressional aide, lawyer, 2006

(Benjamin R. , European Journal for Criminology, "ENDING THE CYBER JIHAD: COMBATING TERRORIST EXPLOITATION OF THE INTERNET WITH THE RULE OF LAW AND IMPROVED TOOLS FOR CYBER GOVERNANCE" 2006, HeinOnline, p. 144)

** This card has been modified for ableist language

Following September 11th, a number of the most notorious terrorist Web sites, such as Azzam.com and Al Qaeda's <http://www.alneda.com>' 47 were shut down, but hundreds of other sites directly affiliated with terrorist groups emerged in their place.¹⁴⁸ Overall, domestic and international efforts to combat terrorists' use of the Internet have been anemic poor at best. ¹⁴⁹ Complex legal and investigative enforcement challenges have crippled joint initiatives restricting the use of the Internet for terrorist-related activities. This issue goes to the heart of whether states and international organizations can effectively regulate and enforce security and legal order in a landless and borderless cyber network. ⁵⁰ Not only have terror-related Web sites grown in number, but the technical sophistication and practical application of the sites have also evolved with astonishing speed and intensity. ⁵¹ Often with just superficial masking of language or imagery, notorious terrorist sympathizers, including Al Qaeda recruiters and financiers, maintain engaging, real-time Web sites designed to inspire and mobilize extremist audiences. ⁵² Yet, such terror-related Web sites continue to flourish with minimal threat of enforcement actions. ¹⁵³

-- Scholarship

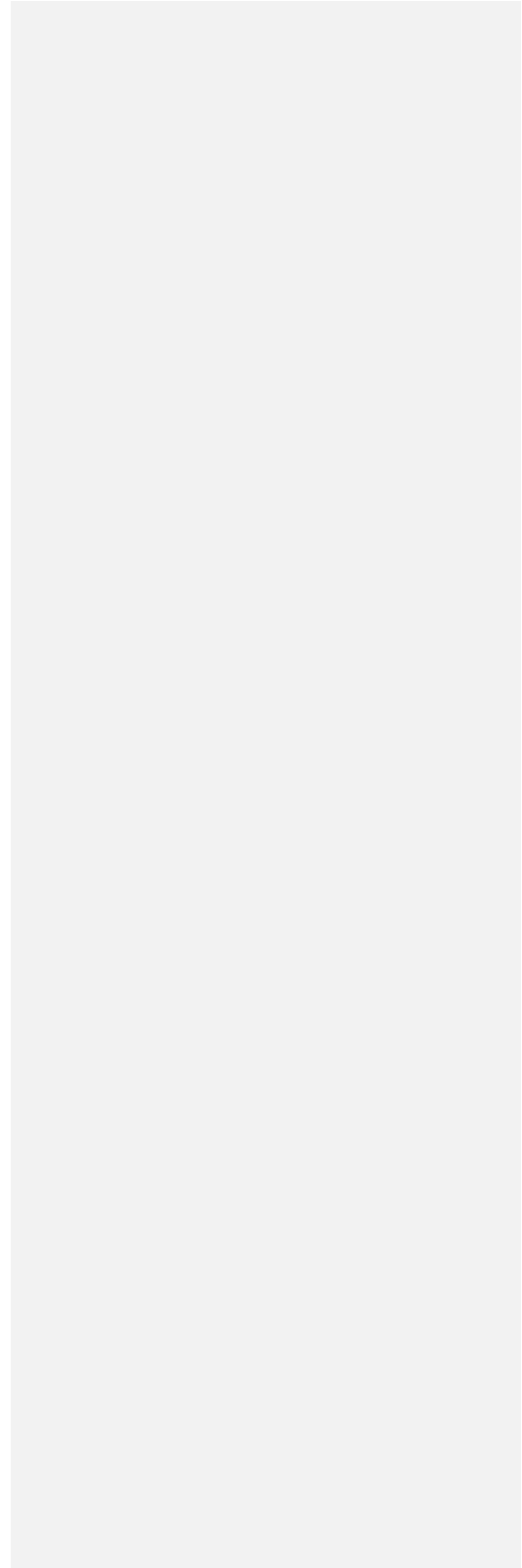
Claims of inevitable and catastrophic terrorism are epistemically bankrupt – and further increases in hardline CT strategies replicate the terrorism they aim to solve Walt '15

[Stephen. Prof IR Harvard. "Chill Out, America" *Foreign Policy*, 5/29/15
<http://foreignpolicy.com/2015/05/29/chill-out-america-fear-terror-threats/>]

These days, prominent experts and politicians seem determined to keep the American people in a perpetual state of trembling fear. Richard Haass of the Council on Foreign Relations thinks "the question is not whether the world will continue to unravel but how fast and how far." The outgoing chairman of the Joint Chiefs of Staff, Martin Dempsey, told Congress last year that "[the world is] more dangerous than it has ever been." (Someone really ought to tell the general about the Cold War, the Cuban missile crisis, and a little episode known as World War II.) Not to be outdone, former Secretary of State Henry Kissinger believes the United States "has not faced a more diverse and complex array of crises since the end of the Second World War." And then there's CNN and Fox News, which seem to think that most news stories should be a variation on Fear Factor. ¶ One could multiply alarming forecasts such as these almost endlessly. As investigative journalist David Sirota tweeted in response to a recent speech by New Jersey governor and erstwhile presidential aspirant Chris Christie, where FDR told Americans the "only thing we have to fear is fear itself," today's politicians and pundits mostly tell us to "Be Afraid. Be Very Afraid." ¶ But if you're an ordinary American citizen living here in the United States, how much should you worry about foreign dangers? Surely, people in contemporary Syria, South Sudan, Gaza, Libya, eastern Ukraine, and any number of other places face obvious and disturbing dangers, as the media reminds us daily. But Americans? Not so much unless you have friends or family in a war zone or you've invested your entire retirement portfolio in Greek government bonds. ¶ Here in the United States, in fact, it's hard to identify any looming or imminent external threats, and certainly none as dire as the dangers that other societies face or as serious as the challenges the United States has overcome in the past. As I've noted before, the United States still has the world's largest and most diverse economy, the world's most powerful conventional forces, and a robust nuclear deterrent. It has no powerful enemies nearby, close allies in every corner of the world, and it is insulated from most foreign dangers by two enormous oceans. Despite the hype about the shrinking of geopolitical space and the emergence of a tightly connected "global village," distance and the "stopping power of water" still provide considerable security, if not quite 100 percent protection. ¶ Look, nobody is saying that there aren't any problems lurking outside U.S. borders, or suggesting there aren't some nasty characters in today's world. For starters, eight other countries have nuclear weapons, and we're not on the best of terms with some of them. China's growing power and long-term ambitions are an obvious concern, and the violent extremist movements that are convulsing countries in the Middle East and Africa are troubling on several levels. I'm even willing to concede that cybersecurity is worth some degree of vigilance, even if the danger is often overhyped. Problems such as these deserve attention, careful study, and sometimes vigorous and sustained action. ¶ But when did the country that conquered North America, won World Wars I and II, and stared down Joseph Stalin and his successors become so easily scared by spooks, ghosts, tin-pot dictators, and marginal radical movements like the Islamic State, whose total fighting force is smaller than two U.S. Army divisions and whose territory is mostly worthless desert? That's not to say these problems are of no concern; it's to ask why we routinely see this year's troubles as the Greatest Danger Ever. ¶ We exaggerate external dangers in part because violent events are vivid and dramatic, and they seem scary even when they are rare and when they are taking place tens of thousands of miles away. (The Islamic State understands this, by the way, which is why they use beheadings instead of something more "civilized" and discreet, such as a drone strike.) As Steven Pinker and Andrew Mack have noted, global news coverage and the 24/7 news cycle have led many people to conclude the world is becoming more violent and dangerous, when the actual long-term trend has been going in the other direction. Durable peace is a boring "non-event" in which nothing much happens, so nobody bothers to report it. And that means most people don't appreciate how safe they really are. ¶ But the main reason so many people stay afraid is that fear is good for the people who purvey it, and so they work hard to instill fear in the rest of us. Fear is what keeps the United States spending more on defense than the next dozen states combined. Fear is what gets politicians elected, fear is what justifies preventive wars, excessive government secrecy, covert surveillance, and targeted killings. And fear is what keeps people watching CNN and Fox News, and running out to buy the New York Times or the Washington Post. As both democratic and authoritarian leaders have long known, you can get people to do a lot of foolish things if they are sufficiently

scared.¶ Unfortunately, this enduring exaggeration of external dangers can blind us to real problems. In fact, if you look at the past 25 years or so, it is abundantly clear that external enemies have done far less damage to the United States than we have done to ourselves. Saddam Hussein was a very bad man, but he wasn't threatening or harming Americans after we kicked his ass in 1991. Ditto Slobodan Milosevic, Muammar al-Qaddafi, and the whole wretched Assad family. They were all problems, to be sure, but they weren't threatening many Americans and U.S. leaders did business with each of them at one time or another.¶ In terms of actual harm inflicted, America's most lethal opponent in recent years was the original al Qaeda. Al Qaeda struck U.S. military and diplomatic assets in several countries during the 1990s, and then the Sept. 11, 2001 attacks killed 2,977 people and caused an estimated \$178 billion in property damage and other economic losses. Those losses are hardly trivial — even for a \$16 trillion economy — but they pale in comparison to the damage that we've done to ourselves.¶ Do the math. After 9/11, the Bush administration's foolhardy invasion of Iraq cost at least \$3 trillion dollars, more than 40,000 U.S. personnel killed or wounded, and hundreds of thousands of Iraqis dead. What did we get for it? A broken Iraqi state, enhanced Iranian influence in the region, and the emergence of the Islamic State. The invasion of Iraq also diverted resources and attention from Afghanistan, guaranteeing the NATO mission there would also fail (at a cost of another \$1 trillion or so).¶ Let's add to these costs the creation of failed states in Libya and Yemen. The United States is not solely responsible for either outcome, but our interventions in both places surely did not help. The panicked U.S. response to 9/11 also produced an excessive "war on terror" that included the use of torture, illegal surveillance, and the emergence of an out-of-control intelligence community that repeatedly broke U.S. law and then lied about it. The costs to our global image are far from trivial, and it remains to be seen if our commitment to civil liberties will emerge unscathed. None of these actions were forced upon us by a powerful, hostile foe; they were choices made by U.S. leaders from both parties.¶ And don't forget that little financial hiccup in 2008. The global financial crisis originated here in the United States, and it was an entirely the product of hubris and insufficient oversight. The Federal Reserve Bank of Dallas estimates the cost in lost output from the 2008 crisis is between \$6 and \$14 trillion, or roughly \$50,000-\$120,000 per U.S. household. Unless you're one of the 1 percent, this ain't chump change. And as former FP editor Moisés Naim recently noted, political fragmentation within the United States has stymied efforts to reform economic institutions such as the International Monetary Fund or the Export-Import Bank — both of which could be important tools of U.S. influence — and thwarted efforts to reach intelligent trade agreements that could make U.S. citizens richer and improve our geopolitical position vis-à-vis China. In his words, "The most potent forces constraining America's economic power in the world are coming from Capitol Hill, not Beijing." Another self-inflicted wound.¶ The final cost of all this foolishness has been an understandable opposition to continued U.S. engagement abroad. Hawks are now fretting that the American people no longer seem enthusiastic about intervening all over the world, but what did they expect given the disasters that their own foolish policies produced? With typical hyperbole, the Wall Street Journal now sounds the alarm about the emergence of Russia, Iran, and China as "regional hegemonies" (a label that greatly exaggerates each state's position) and blames this supposed "hegemony" on an "American retreat." A key reason these three states are in a somewhat better position today than they were a decade ago is that too many U.S. leaders have listened to the Wall Street Journal's foreign policy advice and squandered American power in a series of pointless and failed crusades.¶ In short, what ought to worry most Americans is not that we face a powerful, cunning, and hostile set of foreign rivals (though I do have long-term concerns about China's ambitions in Asia and elsewhere). The real worry should be America's demonstrated talent for shooting itself in the foot and then pretending that was where it was aiming all along. If you want to something to worry about, you should ponder our inability or unwillingness to learn from past mistakes, the ability of special interests to warp key elements of U.S. foreign policy, the bipartisan tendency to recycle failed policies and the people who devised them, and our habitual surprise when we meddle in places we don't understand and discover that some of the people we've been pushing around don't like it, want us out, and are willing to do nasty things to achieve that goal. Unless and until these features of U.S. foreign policy are altered, even those of us who are lucky to be living here in the relative security of the United States have something to worry about.

Link



NSA Thumper

No link uniqueness, modifications to metadata collection happening now Stone 14,

(Geoffrey R. Stone is the Edward H. Levi Distinguished Service Professor of Law at the University of Chicago, Has won the National Book Award, the Los Angeles Times Book Prize for the Best Book of the Year in History, the Political Science Association's Award for the Best Book of the Year in Political Science, and Harvard University's Award for the Best Book in the Year in Public Affairs, January 19th 2014, "The President and the NSA", http://www.huffingtonpost.com/geoffrey-r-stone/the-president-and-the-nsa_b_4625829.html , TMP)

In his January 17 speech on the NSA, President Obama observed that, "In our rush to respond to a very real and novel set of threats" after the terrorist attacks of September 11, 2001, "the risk of government overreach -- the possibility" that we might inadvertently "lose some of our core liberties in pursuit of security -- became more pronounced." He explained that now that we are more than a decade past that event, **it is time for the nation to review the programs that were adopted in the wake of those attacks and "to make some important decisions about how to protect ourselves... while upholding the civil liberties and privacy protections that our ideals** -- and our Constitution -- require. ¶ "This effort," the president cautioned, "will not be completed overnight," but he emphasized that it is important for "the American people to know that the work has begun." To that end, he announced "a series of concrete and substantial reforms" that he intended either to adopt himself under his authority as president or, where appropriate, to call upon Congress to enact through legislation. ¶ How good a beginning has he made? I am in a reasonably good position to weigh in on that question, because I had the privilege of serving as one of the five members of the Review Group that President Obama appointed in August to advise him on these issues. The Review included individuals with a wide-range of divergent experiences, values, and expertise. It included, for example, both a card-carrying member of the ACLU (myself) and a former Deputy and Acting Director of the CIA (Michael Morell). After months of grueling work, the Review Group produced a 300-page report ("Liberty and Security in a Changing World") that included 46 unanimous recommendations. Those recommendations -- or at least some of the most important of them -- provided the foundation for the president's address. ¶ After offering an important and valuable framing of the challenge our nation faces in attempting to reconcile our deep commitments to both liberty and security, the president turned his attention to several specific recommendations. I will comment on three of them. ¶ First, as the president noted, **the most controversial surveillance program at present is the Section 215 telephone metadata program**. Under this program, **the NSA collects metadata on millions of Americans' phone calls every day from their telephone providers**. Metadata refers to the specific phone numbers with which a particular phone number is in contact. It does not include any information about the identities of the callers or the contents of the conversations. ¶ **The NSA holds this vast amount of metadata in its own computers.** When NSA analysts find that there is a reasonable and articulable suspicion that a particular phone number is associated with terrorism, **the NSA is permitted to "query" the database to find out if that number** (usually belonging to a foreign person) has been in touch -- directly or indirectly -- with any phone number in the United States that is independently believed to be connected to a possible terrorist. ¶ In 2012, **the last year for which a full year's records were available, the NSA queried the database for 288 different numbers. In 16 instances, the suspect number was found to be in touch with another suspect number in the United States.** In those 16 instances, the information was then passed on to the FBI for further investigation. **For in the seven years since this program was created, it has not provided any link that has proved necessary to prevent a pending terrorist attack.** ¶ That reason, some critics have argued that the program should be abandoned. Our judgment was that, in a world in which "connecting the dots" and "finding needles in haystacks" are apt metaphors, abandoning the program would be like throwing out your fire alarm because you haven't had a fire in seven years. ¶ ¶ On the other hand, **the Review Group recognized that this program poses a huge danger of government abuse.** The collection of vast amounts of telephone metadata can reveal all sorts of highly private information about how we lead our lives, and misguided government officials might well be tempted in the future to use that database for impermissible, illegal and unconstitutional purposes. We therefore concluded that it is essential to prevent that from happening. ¶ To that end, **we recommended that the metadata should be held, not by the government, but by private parties** -- either by the telephone providers themselves or by a newly-created private entity charged with the responsibility of protecting and overseeing the database. In addition, **we recommended that no one should be able to access the database without a court order.** ¶ With those changes in place, we concluded that the potential benefits of the program could be preserved while reducing dramatically the potential risks to privacy and civil liberties. ¶ In his address, **President Obama accepted these recommendations. The government, he announced, will no longer hold the data and will not be able to access the data without a court order.** ¶ This is a huge step forward. Critics have objected that the president did not lay out the details of how private parties would control the data, but as our Report noted, this is a complicated -- but solvable -- question. The president therefore directed that steps should be taken to resolve those issues expeditiously and to transition to the new model as soon as possible. This approach is wholly consistent with our recommendations. ¶ Second, the Review Group recommended that an independent Privacy and Civil Liberties Advocate should be created in order to present a competing perspective when complex legal and constitutional issues arise before the Foreign Intelligence Surveillance Court. The FISC was created in the late 1970s to bring judicial oversight for the first time to foreign intelligence surveillance. Before then, it was assumed that the president had authority to authorize such surveillance without any judicial approval or review. One reason for that assumption was that ordinary federal courts do not have top secret security clearances and therefore cannot themselves have access to such information. ¶ The FISC is a special court that has top secret clearances and that can therefore oversee foreign intelligence surveillance.

investigations. The Review Group concluded that, at least when complex issues arise, it is essential for the members of the FISC to hear both sides of the question. This practice lies at the very heart of our adversary system. The president accepted this recommendation and called upon Congress to enact legislation to implement it. Although the Review Group preferred a somewhat different structure for the Privacy and Civil Liberties Advocate than the one endorsed by the president, and I am sure we would be happy to argue the point, the most important fact is that he has endorsed this critical institutional change.¶ Third, we recommended that the FBI should no longer be permitted to issue National Security Letters without first obtaining a judicial order. In the absence of an emergency, NSLs enable the FBI to require banks, telephone companies, Internet providers, credit card companies, and the like to turn over the records of specific individuals when the FBI determines that they are relevant to a national security investigation. The FBI issues approximately 20,000 NSLs each year. The process is highly secret and remains so for decades after the fact.¶ Our judgment was that, in order to ensure the integrity of the program, NSLs generally should not issue without prior judicial approval. The FBI resisted this proposal vehemently. In its view, such a requirement would impair the FBI's ability to move quickly and efficiently. We rejected that contention, especially in light of the emergency exception. The FBI argued further that because prosecutors in ordinary criminal cases can issue subpoenas to obtain similar information without a court order, it made no sense to have a more burdensome procedure for national security investigations. We disagreed with that position, mainly because of the intensive secrecy surrounding the NSL process. The president sided with the FBI. Although stating that various reforms would be adopted to reduce the secrecy of NSLs -- reforms we endorse -- he declined to accept our recommendation

about judicial orders.¶ These are all difficult questions. What is needed is not dogmatism, posturing and self-righteous declarations of outrage (on either side of the debate), but careful, rigorous reasoning and scrutiny. The president's speech marks a potentially historic turning point in our continuing effort to strike a better balance between liberty and security. But only time will tell. As the president said, this is only the beginning. We must all watch very closely.

Constitutionality Turn

Domestic surveillance is unconstitutional – violates the 1st Amendment

Scott, 14 (Christopher, Angelo State University, 6/9/2014, "Domestic Surveillance and Government's Loss of Legitimacy", <https://repositories.tdl.org/asu-ir/handle/2346.1/30143>) KW

The rapid rise in technology and subsequent connectivity throughout the world over the course of the past 20 years has given rise to a bigger, stronger, and more intrusive National Security Administration (NSA).

While the agency defends its domestic surveillance on the basis that it is securing the nation against foreign enemies, its actions as of late unfortunately also give rise to the potential for domestic ones.

As a matter of fact, the very idea that the less private an individual is allowed to keep his or her life the more secure a nation is, remains antithetical to the very notion of freedom the NSA argues it is securing. Justice Powell (United States, 1972), writing for the majority in a Supreme Court decision mandating that warrants are required for domestic intelligence surveillance,

reminded the nation that "The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power. Nor must the fear of unauthorized official eavesdropping deter vigorous citizen

dissent and discussion of Government action in private conversation. For private dissent, no less than

open public discourse, is essential to our free society."

¶ The well-understood fear of domestic enemies is so great that such protection against it is enshrined within the United States armed forces Oath of Enlistment which specifically holds that the individual enlisting in the U.S. military "will support and defend the Constitution of the United States against all enemies, foreign and domestic" (Government Printing Office, 2010). What constitutes a domestic enemy need not be argued or even defined at this point. All that is required is the realization that access to the daily habits, beliefs, concerns, and actions of the individuals that make up a specific populace places those people and, by extension, the nation whose borders they reside within, in harm's way.

Unfortunately, many people do not understand how an agency, such as the NSA, having access to real-time data about the most intimate areas of their lives can result in its supporting of domestic enemies. To make sense of this, one need only look at the recent explosion of companies attempting to data mine the information they have collected about the individuals that use their services.¶ Companies like Facebook and Google, through the utilization of their massive analytical resources, have access to the viewing, shopping, and connectivity/interaction habits of billions of people worldwide. They use this information to deliver more relevant advertising and help individuals discover people and information on the Internet that they may not ever discover on their own. At the same time, these companies are able to increase their revenue by selling access to the information in the form of product placement. While, on the surface, many people may welcome such tailored and potentially relevant advertising, at what cost is this being pursued? As a recent Op/Ed in Forbes, penned by the Chairman of the Board of Action along with the company's President and CEO, points out, big data has the "capacity to better understand individual behavior" (Taylor & Schlein, 2014).

Although this understanding is value-neutral, there is great potential for such understanding and information to be used negatively in order to further the political agendas and personal beliefs of those in the upper echelons of government or those who lobby such individuals.¶ The U.S. was founded on the

belief that people should be allowed to think and say what they feel without fear of repercussion from

their government. Because such a government is composed of many different people, all with differing

thoughts and views about the world around them, it is imperative that the populace not be afraid to think or feel differently than that

government. Unfortunately, this is easier said than done, as society often ostracizes those who do not believe as the consensus does. Therefore, many people tend to keep their nonconforming thoughts and beliefs undercover and only share them with other like-minded individuals. To these people, privacy is not just a convenience but it is practically a necessity. What happens when these individuals' shopping habits, thoughts and beliefs, and participation in groups online and in real life are stored in giant databases? These people become nothing more than a snapshot in time.¶ The problem with being identified as only a snapshot in time is that individuals change as they are exposed to differing beliefs, opinions, cultures, increased education, and life experiences. As such, they may not be the same person five years from now that they once were.

The way data mining works, however, is that a question is asked or a hypothesis is formed first, then the data is combed for patterns that answer the question or support the hypothesis.

The patterns found may not be indicative of wrong-doing, just non-conformity. At this point, the

individual is perceived as a threat and becomes a target of government agencies. For all intents and purposes, he or she is seen as guilty until the

individual is proven innocent. The harm as a result of this is three-fold: 1) the individual is treated as a

criminal though he or she is not one, 2) the agency wastes time and resources tracking this individual

and building a case on false beliefs about him or her, and 3) the government loses legitimacy as it

attempts to prosecute innocent individuals because they do not conform with mainstream society. If

this were the only harm suffered as a result of the NSA's domestic surveillance program it would be

enough, but there is more to worry about.¶

Hacking Turn

Domestic surveillance exposes cyber vulnerabilities – undermines overall security

Scott, 14 (Christopher, Angelo State University, 6/9/2014, "Domestic Surveillance and Government's Loss of Legitimacy", <https://repositories.tdl.org/asu-ir/handle/2346.1/30143>) KW

Another very real fear results from the fact that so much information is held in databases making any individual available for scrutiny at any point in time. The NSA is not immune to hackers as any information connected to the Internet is only a few keystrokes away from being accessed by someone else down the street or on the other side of the planet. The only Internet security that is 100% effective is unplugging the computer from the Internet. However, this does not disconnect the Internet from the information the individual has already placed there. As such, not only do the American people have to worry about their information being misused by those who have legal access to their information (Alexander, 2013) but also by those who illegally access the information. This leaves the American people vulnerable to identity theft, harassment, and, even worse, persecution by those in government who do not share the individual's thoughts and beliefs. This latter assertion is significant because without dissenting thought real truth can never be known and government can be set in a specific direction without worry that its actions will be challenged by the populace. Such unrestrained information access leads to political power that is dangerous to the citizenry and the inherent U.S. ideals of what constitutes freedom. To understand just how likely such an abuse of power is, take a look at the past four decades.¶ Prior to the technological advances and widespread adoption of connectivity devices today, the Church Committee in 1975 had uncovered illegal domestic spying on anti-war protestors, civil rights activists, and political opponents by the NSA and other intelligence agencies. As a result, Senator Church pointed out "[The] capability at any time could be turned around on the American people, and no American would have any privacy left, such is the capability to monitor everything: telephone conversations, telegrams, it doesn't matter. There would be no place to hide" (Bamford, 2005). During the 1980s the Federal Bureau of Investigation (FBI) spied on domestic pacifists and religious groups who opposed American foreign policy in Central America (Gelbspan, 1991) and, again, in the 1990s when the agency "placed antiglobalization protests under its terrorist rubric even though no acts of violence were linked to the movement apart from select petty street vandalism" (Greenberg, 2011). In 2002, the NSA's data mining project, Total Information Awareness (TIA), was constructed to "assemble a massive database consisting of financial, educational, health, and other information on U.S. citizens, which would later be analyzed to single out people matching a terrorist profile" as described by Admiral John Poindexter (Solove, 2008, p. 343). However, a significant problem with surveillance such as this is that "suspicious behavior is often unusual behavior" and these judgments "are necessarily hunches about abnormality, regularity, and conformity" (Jon, 2013). An action is not criminal in nature just because it does not conform. While TIA was ultimately never funded due to public backlash, the idea was implemented in various other projects and, according to a government report, as of 2004 there were already 200 different government data mining projects being used or developed (Solove, 2008, p. 344).

Hate Crimes Turn

Domestic surveillance causes hate crimes – those drive terrorist attacks in the US

LoCicero, 15 (Alice, certified clinical psychologist, former president of the Society for Terrorism Research, “Domestic Consequences of US Counter-Terrorism Efforts: Making it Harder to Prevent Homegrown Terrorism”, The Open Psychology Journal, 2015, <http://benthamopen.com/ABSTRACT/TOPSYJ-8-32>) KW

Various groups track hate crimes toward Arab Americans and Muslims, and those who look to others like they may be Muslim. These groups report sharp increases in such crimes shortly after 9/11. The American Civil Liberties Union (ACLU) noted that government leaders are effective in reducing hate crimes when they forcefully speak against discrimination [7]. Still Islamophobia has become a common and familiar phenomenon. The existence of harmful stereotypes and the consequent discrimination and violations of civil rights of Muslims and Arabs in America are largely tolerated without an outcry from non-Muslims [8]. Even worse in its effects than random hate crimes against those who appear to be Muslim or Arab, is the increase in frequency of racial and ethnic "profiling" by American police, border security agents, and airport screeners. Such profiling has frequently been observed. Adding insult to the injurious effect of profiling is the impunity enjoyed by police and security, and the secrecy with which the rules and procedures governing security are held [9].

Besides anti-Muslim sentiment, the US has seen a rise in prejudice toward other marginalized groups. Recently, a nearly unthinkable spectacle highlighted just how far down the road to hatred towards all "outsider" and marginalized groups Americans have come. In a series of horrendous events covered incessantly by mainstream press, ordinary American adults are seen derogating and threatening children who have come from Central American countries to seek asylum in the United States. Many of these children came to the United States for safety because they believed they would be killed by gangs if they remained in their home countries. Ignorance on the part of Americans abounded. Some Americans asserted that the children's parents had sent them here in an opportunistic spirit. They asserted that the children should simply be put on planes and sent home [10]. In some parts of the country, neither officials nor law enforcement professionals were seen to decry these words or actions. In addition, the government itself has detained mothers and their children who have also come in desperation, placing them in terrible conditions and expediting deportation with little or no legal counsel. This treatment is particularly inhuman and degrading in that reports indicate that sick children are not being given adequate care, a clear violation of international treaties ratified by the United States. The rationale for rushed deportation is reported to be to discourage other mothers and their children from seeking asylum in the US. Government officials have often set extraordinarily high bail for those who argue successfully that they should be allowed to leave the detention centers [11].

Information Overload Turn

Data overload prevents finding actual terrorists.

Morrison, 13 (Steven, Assistant Professor of Law, University of North Dakota School of Law, "THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT", 7/11/13, Stanford Law and Policy Review, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf) KW

C. Determining Link Relevance

It is easy to find links, but difficult to judge their relevance.⁹¹ This is so in part because the amount of data of rare network events like terrorist groupings, compared to the massive amount of surrounding, innocent network behavior, is so small that samples to inform a network model are difficult to find. This can result in noisy data⁹² results, which deteriorate the performance of the analysis.⁹³

Compounding this data rarity problem is the fact that networks often depend on "weak ties,"⁹⁴ so that networks "consist[] of clusters tightly bound internally by strong ties and loosely linked to other clusters by weak ties."⁹⁵ If the prevailing view of terrorist networks is one of diffuse cells, then their connection by weak ties means that the relevance and probativeness of these weak ties are uncertain. Weak ties indicate some connection, which would cause law enforcement agents to view these ties as probative, but these ties, being weak, may imply no criminal mens rea.

These weak ties can also depend upon tenuous conclusions. One commentator, for example, has observed that the number of languages a person can speak might determine where he is placed in a terrorist network.⁹⁶ This produces the problem of "fuzzy boundaries," which describes the difficulty of determining who to include and who not to include in a network,⁹⁷ and the related "pizza delivery guy problem," which describes the difficulty of distinguishing regular interpersonal contact from significant contact.⁹⁸ In the end, social network mapping entails the same problem associated with imputing a person's individual criminal intent based on generalizations about that person's affinity group: based on the group's perceived criminality, the individual might look guilty, but attributing criminal intent and proving criminal elements requires an individual approach.

More data mining increases false feedback and number of falsely incriminated persons.

Morrison, 13 (Steven, Assistant Professor of Law, University of North Dakota School of Law, "THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT", 7/11/13, Stanford Law and Policy Review, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf) KW

Part B is more troubling because it quantitatively magnifies the positive loop effects. The feedback loop becomes magnified because it still captures within the network those who are active terror organization members and/or have committed actual acts intended to be addressed by counterterrorism moves, but does so on a much broader scale. What this means is that marginal players may be detected and prosecuted, whereas before, they may have gone undetected and unprosecuted.⁹⁹ Carley's 2002 social network map of al-Qaeda illustrates two problems with an expanded network. First, the expanded network includes people like Jose Padilla who may have had an affinity relationship with al-Qaeda and

who may even have committed crimes but who are such tangential members of the group that their inclusion in the network suggests a level of involvement that is misleading or exaggerated. Second, the expanded network, based as it is on a certain level of automated data collection, contains stark inaccuracies. Carley's network, for example, includes Ariel Sharon as a member and Benjamin Netanyahu as a key player, whose elimination would undermine al-Qaeda.¶ This new, expansive result may not be a net good for law enforcement or public safety. Expending law enforcement resources to pursue Sharon and Netanyahu for their support of al-Qaeda is clearly a wasteful endeavor, and many of the marginal players pose no real present or future danger. Pursing them also imposes an opportunity cost on law enforcement agents, who might have otherwise investigated truly and immediately dangerous people. It could also reduce the public's perception of the legitimacy of law enforcement moves, meaning that the public would be less likely to cooperate with law enforcement. Finally, it could lead to injustice at the margins, as small-time players are prosecuted when justice might favor exercise of prosecutorial discretion not to charge. 114¶ Part C introduces a qualitative difference to the loop and is therefore more normatively problematic than parts A and B because it brings people into the network who, for reasons discussed below, perhaps ought not to be there.¶ Part C builds upon parts A and B, as law enforcement continues to pursue not only terrorists, but also their associates, and their associates' associates (the NSA shop analysis instantiates Part C). This increases the perceived size of the terrorist network, continually drawing more and more people into it. Not only does this feedback loop operate on the principle of attenuation, but this loop also invents links between defendants and terrorism networks that do not, in reality, exist. It does so through the use of conspiracy, 115 pseudo-entrapment, 116 and pretextual charges such as immigration violations 117 and false statements 118 that are coded as terrorism related, but are not.¶ Part D relies most heavily on modern data mining, targeting of groups, and Saidian Othering. 119 Part D is driven by a number of factors. The core reality of 9/11 and the terrorists involved in that attack produced the not-another-9/11 imperative, 120 which, justifiably, drove law enforcement to seek out related al-Qaeda members. Suspects who were terrorists or who would likely engage in future terrorist acts were found. They were charged with substantive crimes, and the 9/11 social network was gradually extended. Extended social networks at some point cease to be bounded criminal conspiracies and become rhetorical tropes. To the extent that this social network includes only actual terrorists, those who are likely to participate in future terrorist acts, and those tertiary people who have taken positive actions toward actual criminal conduct, this social network and the law enforcement moves flowing from it are normatively untroubling. This normatively appropriate core, however, builds upon itself, producing part D of the loop that encompasses many other people outside of this terrorist core. From the location of an actual suspect and the reification of the global jihad movement flow two key consequences.¶ First, the government defines the scope of terrorist group membership more broadly, sweeping within its ambit more people. This is evident under the material support statute. 121 While it prohibits providing material support to terrorists, courts have interpreted material support to include providing medical support, 122 training groups to pursue their goals peacefully, 123 funding the social welfare aims of terrorist groups, 124 speaking in favor of groups as a member, 125 and independently translating religious documents that might help a group. 126 The tension between the freedom to associate and the imputation of group criminality persists 127 as the government imputes criminal intent to lawabiding people who may unwittingly associate with terrorists. 128¶ Second, the government becomes more imaginative in its law enforcement efforts, engaging in pseudo-entrapment, 129 charging people with sometimes tenuous conspiracy crimes, 130 charging people with pretextual crimes such as false statements 131 and immigration crimes, 132

applying novel and expansive interpretations of crimes such as providing material support to terrorists, and arresting people as material witnesses.¹³³ These moves expand the scope of the global jihad movement and confirm and reinforce its supposed reality.¹³⁴ This movement, therefore, takes on evidentiary value independent of its individual actors.¹³⁵ This means that evidence of the movement is often admissible.¹³⁶ There is little that defendants can do to rebut this evidence: in the face of suspicious and unpopular reading materials and a movement associated with terrorism, it is difficult for a defendant to argue the absence of criminal intent. When the charge is conspiracy, evidentiary rules disadvantage the defendant,¹³⁷ and where pseudo-entrapment or pretextual charges brought the defendant to court, there may in fact be factual guilt, but not the level of culpability the charge presumes or that the charge's connotations imply.

Too much information leads to intelligence breakdown between agencies.

Wright, 14 (Lynn M. Wright Branch Chief, Federal Emergency Management Agency B.S., Northeastern University; 12/14; "THE EMERGING THREAT OF DOMESTIC TERRORISM: A SYSTEMATIC REVIEW OF EVOLVING NEEDS, THREATS, AND OPPORTUNITIES"; Naval Postgraduate School; http://calhoun.nps.edu/bitstream/handle/10945/44693/14Dec_Wright_Lynn.pdf?sequence=1)

Domestic intelligence agencies may still have some issues sharing information, as the amount of information is simply too great for fusion centers or JTTFs to manage. This makes it even more important to have as many members of the intelligence environment as possible involved in collecting and reporting intelligence, including all local law enforcement and even the general public. Based on after-action assessments conducted on the Boston Marathon bombings and the Tsarnaev brothers' backgrounds, there may have been an intelligence breakdown between the Boston JTTF and Boston Police Department in 2011 when Tamerlan Tsarnaev was first investigated. However, the Boston JTTF conducted about 1,000 assessments that year, and the Tsarnaev case may not have warranted priority consideration or concern.¹⁷⁹ There are simply not enough federal intelligence and law enforcement resources to process all of the data currently being collected, analyzed, and disseminated. In fact, wider dissemination and greater information-sharing are needed to help monitor and investigate the plethora of targeted individuals, reports, tips, and activities related to potential domestic terrorism threats. As estimated in the U.S. House Homeland Security Committee's investigative report on the Boston Marathon bombings, there are only about 12,000 to 13,000 FBI agents worldwide and an estimated 800,000 local law enforcement officers in the U.S. to complement the efforts of federal law enforcement.¹⁸⁰ Fusion centers, originally established to improve the sharing of anti-terrorism information among federal, state, and local law enforcement, have taken on a much larger role. Not only do they fuse state and local information with federal threat intelligence, many (approximately 40 percent) take on an all-crimes and/or all-hazards mission. Is this too much responsibility for the fusion centers? They are trained and staffed for collection, analysis, and sharing terrorism-related information, and should focus on this effort for better efficiency and effectiveness. The review of the Boston Marathon bombings uncovered significant issues regarding the sharing of important risk-based information with local law enforcement. Tamerlan Tsarnaev had a history of radicalized behavior, was subject of a 2011 FBI-initiated threat assessment, and traveled to Russia in 2012, yet this was unknown to local law enforcement in Tsarnaev's own community. Local law enforcement officers are in the ideal position to collect and identify terrorist activities and should be considered the eyes and ears of the intelligence community. Members of the public can also assist with this effort, as they serve as additional eyes and ears of local law enforcement. The pressure, though, of reviewing and filtering all of

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this information, while conducting regular police work, remains a challenge for local law enforcement officers. Each local law enforcement agency's responsibilities in the counterterrorism effort need to be formalized and must include officer training on how to recognize and synthesize key information to be shared, and maintain at least one counterterrorism point of contact within the community. This bottom-up strategy, similar to the United Kingdom's Special Branches initiative, is the basis of a national counterterrorism doctrine.¶

Too much data makes *effective* surveillance harder

Washington's Blog, 15 ["Authoritarians Use Paris Terror Attack As Excuse for Power Grab", 1/16/15, <http://www.washingtonsblog.com/2015/01/authoritarians-use-paris-terror-attack-excuse-power-grab.html>, 6/29/15]JRO

In the wake of the terror attack on the publication Charlie Hebdo in Paris, governments from around the world are calling for increased surveillance. But top security experts agree that mass surveillance is ineffective ... and actually makes us MORE vulnerable to terrorism. For example, the former head of the NSA's global intelligence gathering operations – Bill Binney – says that the mass surveillance INTERFERES with the government's ability to catch bad guys, and that the government failed to stop the Boston Bombing because it was overwhelmed with data from mass surveillance on Americans. Today, Washington's Blog asked Binney whether this applied to the Paris attack as well. He responded that it did: A good deal of the failure is, in my opinion, due to bulk data. So, I am calling all these attacks a result of "Data bulk failure." Too much data and too many people for the 10-20 thousand analysts to follow. Simple as that. Especially when they make word match pulls (like Google) and get dumps of data selected from close to 4 billion people. This is the same problem NSA had before 9/11. They had data that could have prevented 9/11 but did not know they had it in their data bases. This back then when the bulk collection was not going on. Now the problem is orders of magnitude greater. Result, it's harder to succeed. Expect more of the same from our deluded government that thinks more data improves possibilities of success. All this bulk data collection and storage does give law enforcement a great capability to retroactively analyze anyone they want. But, of course, that data cannot be used in court since it was not acquired with a warrant. The pro-spying NSA chief and NSA technicians confirmed Binney's statement 3 months before 9/11: In an interview, Air Force Lt. Gen. Michael Hayden, the NSA's director ... suggested that access isn't the problem. Rather, he said, the sheer volume and variety of today's communications means "there's simply too much out there, and it's too hard to understand." "What we got was a blast of digital bits, like a fire hydrant spraying you in the face," says one former NSA technician with knowledge of the project. "It was the classic needle-in-the-haystack pursuit, except here the haystack starts out huge and grows by the second," the former technician says. NSA's computers simply weren't equipped to sort through so much data flying at them so fast. And see this. High-level NSA whistleblowers J. Kirk Wiebe, Thomas Drake and Russell Tice all say that mass surveillance of one's one person is never necessary to protect national security. U.S. officials in the legislative, judicial and executive branches of government all say that the mass surveillance of our own people is ineffective: 3 Senators with top secret clearance "have reviewed this surveillance extensively and have seen no evidence that the bulk collection of Americans' phone records has provided any intelligence of value that could not have been gathered through less intrusive means" Another Senator with top secret clearance agrees, and so does the congress member who wrote the Patriot Act, and more than 100 congress members from both parties As does the official panel created by President Obama to review NSA spying, made up of top former White House officials and other government

insiders, including the head of counter-terrorism under Clinton and Bush and former deputy CIA director Michael J. Morrell NBC News reports: A member of the White House review panel on NSA surveillance said he was “absolutely” surprised when he discovered the agency’s lack of evidence that the bulk collection of telephone call records had thwarted any terrorist attacks. “It was, ‘Huh, hello? What are we doing here?’” said Geoffrey Stone, a University of Chicago law professor.... “That was stunning. That was the ballgame,” said one congressional intelligence official, who asked not to be publicly identified. “It flies in the face of everything that they have tossed at us.” The conclusions of the panel’s reports were at direct odds with public statements by President Barack Obama and U.S. intelligence officials. Former president Clinton (and apparently Carter, as well), agree that mass surveillance is unnecessary As do the chairs of the 9/11 Commission which was created by Congress and the White House As does the counter-terrorism czar under the Clinton and Bush administrations, Richard Clarke. And see this As does a federal judge (and see this) And many private sector security experts agree ... Ray Corrigan – senior lecturer in mathematics, computing and technology at the Open University, UK – noted yesterday in New Scientist that mass surveillance isn’t the answer: Brothers Said and Cherif Kouachi and Amedy Coulibaly, who murdered 17 people, were known to the French security services and considered a serious threat. France has blanket electronic surveillance. It didn’t avert what happened. The French authorities lost track of these extremists long enough for them to carry out their murderous acts. *** Surveillance of the entire population, the vast majority of whom are innocent, leads to the diversion of limited intelligence resources in pursuit of huge numbers of false leads. Terrorists are comparatively rare, so finding one is a needle in a haystack problem. You don’t make it easier by throwing more needleless hay on the stack. It is statistically impossible for total population surveillance to be an effective tool for catching terrorists. *** Mass surveillance makes the job of the security services more difficult and the rest of us less secure. Israeli-American terrorism expert Barry Rubins points out: What is most important to understand about the revelations of massive message interception by the U.S. government is this: In counterterrorist terms, it is a farce. Basically the NSA, as one of my readers suggested, is the digital equivalent of the TSA strip-searching an 80 year-old Minnesota grandmothers rather than profiling and focusing on the likely terrorists. *** And isn’t it absurd that the United States can’t ... stop a would-be terrorist in the U.S. army who gives a power point presentation on why he is about to shoot people (Major Nadal Hassan), can’t follow up on Russian intelligence warnings about Chechen terrorist contacts (the Boston bombing), or a dozen similar incidents must now collect every telephone call in the country? A system in which a photo shop clerk has to stop an attack on Fort Dix by overcoming his fear of appearing “racist” to report a cell of terrorists or brave passengers must jump a would-be “underpants bomber” from Nigeria because his own father’s warning that he was a terrorist was insufficient? And how about a country where terrorists and terrorist supporters visit the White House, hang out with the FBI, advise the U.S. government on counter-terrorist policy (even while, like CAIR) advising Muslims not to cooperate with law enforcement.... *** Or how about the time when the U.S. Consulate in Jerusalem had a (previously jailed) Hamas agent working in their motor pool with direct access to the vehicles and itineraries of all visiting US dignitaries and senior officials. *** Suppose the U.S. ambassador to Libya warns that the American compound there may be attacked. No response. Then he tells the deputy chief of mission that he is under attack. No response. Then the U.S. military is not allowed to respond. Then the president goes to sleep without making a decision about doing anything because communications break down between the secretaries of defense and state and the president, who goes to sleep because he has a very important fund-raiser the next day. But don’t worry because three billion telephone calls by Americans are daily being intercepted and supposedly analyzed.

In other words, you have a massive counterterrorist project costing \$1 trillion but when it comes down to it the thing repeatedly fails. In that case, to quote the former secretary of state, ""What difference does it make?" If one looks at the great intelligence failures of the past, these two points quickly become obvious. Take for example the Japanese surprise attack on Pearl Harbor on December 7, 1941. U.S. naval intelligence had broken Japanese codes. They had the information needed to conclude the attack would take place. [Background.] Yet a focus on the key to the problem was not achieved. The important messages were not read and interpreted; the strategic mindset of the leadership was not in place. *** And remember that the number of terrorists caught by the TSA hovers around the zero level. The shoe, underpants, and Times Square bombers weren't even caught by security at all and many other such cases can be listed. In addition to this, the U.S.-Mexico border is practically open. ** The war on al-Qaida has not really been won, since its continued campaigning is undeniable and it has even grown in Syria, partly thanks to U.S. policy. *** So the problem of growing government spying is three-fold. –First, it is against the American system and reduces liberty. –Second, it is a misapplication of resources, in other words money is being spent and liberty sacrificed for no real gain. –Third, since government decision making and policy about international terrorism is very bad the threat is increasing. Internationally-recognized security expert Bruce Schneier agrees that mass surveillance distracts resources from effective counter-terror activities. PC World reports: "In knowing a lot about a lot of different people [the data collection] is great for that," said Mike German, a former Federal Bureau of Investigation special agent whose policy counsel for national security at the American Civil Liberties Union. "In actually finding the very few bad actors that are out there, not so good." The mass collection of data from innocent people "won't tell you how guilty people act," German added. The problem with catching terrorism suspects has never been the inability to collect information, but to analyze the "oceans" of information collected, he said. Mass data collection is "like trying to look for needles by building bigger haystacks," added Wendy Grossman, a freelance technology writer who helped organize the conference. New Republic notes: This kind of dragnet-style data capture simply doesn't keep us safe. First, intelligence and law enforcement agencies are increasingly drowning in data; the more that comes in, the harder it is to stay afloat. Most recently, the failure of the intelligence community to intercept the 2009 "underwear bomber" was blamed in large part on a surfeit of information: according to an official White House review, a significant amount of critical information was "embedded in a large volume of other data." Similarly, the independent investigation of the alleged shootings by U.S. Army Major Nidal Hasan at Fort Hood concluded that the "crushing volume" of information was one of the factors that hampered the FBI's analysis before the attack. Multiple security officials have echoed this assessment. As one veteran CIA agent told The Washington Post in 2010, "The problem is that the system is clogged with information. Most of it isn't of interest, but people are afraid not to put it in." A former Department of Homeland Security official told a Senate subcommittee that there was "a lot of data clogging the system with no value." Even former Defense Secretary Robert Gates acknowledged that "we've built tremendous capability, but do we have more than we need?" And the NSA itself was brought to a grinding halt before 9/11 by the "torrent of data" pouring into the system, leaving the agency "brain-dead" for half a week and "[unable] to process information," as its then-director Gen. Michael Hayden publicly acknowledged. National security hawks say there's a simple answer to this glut: data mining. The NSA has apparently described its computer systems as having the ability to "manipulate and analyze huge volumes of data at mind-boggling speeds." Could those systems pore through this information trove to come up with unassailable patterns of terrorist activity? The Department of Defense and security experts have concluded that the answer is no: There is simply no known way to effectively

anticipate terrorist threats. *** The FBI's and NSA's scheme is an affront to democratic values. Let's also not pretend it's an effective and efficient way of keeping us safe. NBC News reports: Casting such wide nets is also ineffective, [security researcher Ashkan Soltani] argues. Collecting mountains and mountains of data simply means that when the time comes to find that proverbial needle in a haystack, you've simply created a bigger haystack."Law enforcement is being sold bill of goods that the more data you get, the better your security is. We find that is not true," Soltani said. Collecting data is a hard habit to break, as many U.S. corporations have discovered after years of expensive data breaches. The NSA's data hoard may be useful in future investigations, helping agents in the future in unpredictable ways, some argue. Schneier doesn't buy it. "The NSA has this fetish for data, and will get it any way they can, and get as much as they can," he said. "But old ladies who hoard newspapers say the same thing, that someday, this might be useful." Even worse, an overreliance on Big Data surveillance will shift focus from other security techniques that are both less invasive and potentially more effective, like old-fashioned "spycraft," Soltani says. An article on Bloomberg notes that real terrorists don't even use the normal phone service or publicly-visible portions of the web that we innocent Americans use: The debate over the U.S. government's monitoring of digital communications suggests that Americans are willing to allow it as long as it is genuinely targeted at terrorists. What they fail to realize is that the surveillance systems are best suited for gathering information on law-abiding citizens. *** The infrastructure set up by the National Security Agency, however, may only be good for gathering information on the stupidest, lowest-ranking of terrorists. The Prism surveillance program focuses on access to the servers of America's largest Internet companies, which support such popular services as Skype, Gmail and iCloud. These are not the services that truly dangerous elements typically use. In a January 2012 report titled "Jihadism on the Web: A Breeding Ground for Jihad in the Modern Age," the Dutch General Intelligence and Security Service drew a convincing picture of an Islamist Web underground centered around "core forums." These websites are part of the Deep Web, or Undernet, the multitude of online resources not indexed by commonly used search engines. The Netherlands' security service, which couldn't find recent data on the size of the Undernet, cited a 2003 study from the University of California at Berkeley as the "latest available scientific assessment." The study found that just 0.2 percent of the Internet could be searched. The rest remained inscrutable and has probably grown since. In 2010, Google Inc. said it had indexed just 0.004 percent of the information on the Internet. Websites aimed at attracting traffic do their best to get noticed, paying to tailor their content to the real or perceived requirements of search engines such as Google. Terrorists have no such ambitions. They prefer to lurk in the dark recesses of the Undernet. "People who radicalise under the influence of jihadist websites often go through a number of stages," the Dutch report said. "Their virtual activities increasingly shift to the invisible Web, their security awareness increases and their activities become more conspiratorial." *** Communication on the core forums is often encrypted. In 2012, a French court found nuclear physicist Adlene Hicheur guilty of, among other things, conspiring to commit an act of terror for distributing and using software called Asrar al-Mujahideen, or Mujahideen Secrets. The program employed various cutting-edge encryption methods, including variable stealth ciphers and RSA 2,048-bit keys. *** Even complete access to these servers brings U.S. authorities no closer to the core forums. These must be infiltrated by more traditional intelligence means, such as using agents posing as jihadists or by informants within terrorist organizations. Similarly, monitoring phone calls is hardly the way to catch terrorists. They're generally not dumb enough to use Verizon. *** At best, the recent revelations concerning Prism and telephone surveillance might deter potential recruits to terrorist causes from using the most visible parts of the Internet. Beyond that, the government's efforts

are much more dangerous to civil liberties than they are to al-Qaeda and other organizations like it. (And see this and this.) CNN terrorism expert Peter Bergen says that mass surveillance is not needed to stop another 9/11. Indeed, mass surveillance – which was already in place prior to 9/11 – hasn't caught a single terrorist. So why do governments want mass surveillance? Are they ignorant that it is counter-productive in stopping terrorism? Or are they engaging in a 5,000-year old type of power grab?

Legitimacy Tur

NSA surveillance fails and decks legitimacy

Scott, 14 (Christopher, Angelo State University, 6/9/2014, "Domestic Surveillance and Government's Loss of Legitimacy", <https://repositories.tdl.org/asu-ir/handle/2346.1/30143>) KW

It must always be remembered that a government's legitimization is a double-edged sword that is achieved only through the populace's belief that the government is, in fact, legitimate. As such, a government does not remain legitimate because it exists; rather, it continues to exist only because it is perceived as legitimate or establishes itself as a tyranny. In a political system such as that instituted in the U.S., any point at which the populace believes the government is not working as they think it should leads to a growing perception of illegitimacy (Jaycox, 2014). This necessarily results in increased dissidence throughout the country and explains the current criticism and hostility being levied by the U.S. populace against the NSA's domestic spying program. However, such discontent by the people does not mean that elected officials will necessarily listen. In March 2014, the secret Foreign Intelligence Surveillance Court refused a request by the Obama administration to allow classified NSA telephone surveillance data to be stored beyond the current limit of five years (Mears, 2014). While Judge Walton may have decided in favor of personal liberty that day, there is no guarantee that future attempts to subvert privacy will be denied or that his decision will not be overturned by a higher court upon appeal. What is important to note is that the attempt was even made in the first place in the midst of such popular backlash against it.

Power is an aphrodisiac that corrupts those who would most-readily abuse it, allpervasive gathering of information being the ultimate form of power in the technologically advanced and interconnected world of today. As technology continues to evolve and global connectivity becomes increasingly widespread, information becomes more readily available and the ability to abuse it increases, especially by agencies such as the NSA. Power also tends to be corrupting to those who would normally not act in such a manner, as proven by the Stanford Prison Experiment (Haney, Banks, & Zimbardo, 1973). Allowing the NSA to continue operating as it has been will only succeed in an aggregation of power into this one agency which will cause dissent among the populace. This will result in the loss of legitimacy for the government. Once a government is seen as illegitimate by its own citizenry, it can no longer count on the populace following its policies and legislation thus forcing the government to turn its power against the citizenry in an attempt to maintain its very existence. All those who disagree with the government policies and legislation will be perceived as threats to the status quo - i.e. home grown terrorists. Therefore, it is in the best interest of the government to reign in the excessive domestic surveillance of the American populace or it will face a homeland security threat from within far greater than that posed by any externality.

Vital internal link to control global terror

Colucci, 6/29/15 (Lamont, chair of politics and government at Ripon College, a former Fulbright scholar to the Diplomatic Academy of Vienna and author of "The National Security Doctrines of the American Presidency: How they Shape our Present and Future," among other books; "A New Rise in Terror

The Obama administration's failed leadership is to blame for the increase in attacks";
[//JPM">http://www.usnews.com/opinion/blogs/world-report/2015/06/29/terrorism-is-on-the-rise-again-and-failed-us-leadership-is-to-blame\)//JPM](http://www.usnews.com/opinion/blogs/world-report/2015/06/29/terrorism-is-on-the-rise-again-and-failed-us-leadership-is-to-blame)

On the weekend following the quadruple "Ramadan" attacks in France, Tunisia, Syria and Kuwait, we should focus attention on the State Department's release two weeks ago of the Country Reports on Terrorism 2014. The report outlines a significant rise in terrorist attacks, especially those that have killed over 100 people, which rose from two in 2013, to 20 in 2014. The spike in terrorist attacks is primarily credited to five places – Iraq, Pakistan, Afghanistan, Nigeria and India – where more than 60 percent of the attacks took place. Stunningly the report indicates that almost 33,000 people were killed, and more than 9,400 kidnapped by terrorists in 2014. Understandably, fingers have pointed towards the rise of the Islamic State group and Boko Haram as well as the continued activity of various manifestations of al-Qaida. More importantly the report blames the "weak or failed governance" of many states in combatting terrorism.¶ The report is typical of government documents like this, exhaustive in detail, with so much minutiae that it can avoid controversy; it is overly lengthy at 389 pages so as to give the impression that it is so large it is unassailable. What reports like this fail to do is address the cause and solution. The report lauds the Obama administration for captaining the effort for the U.N. Security Council to pass the 2014, United Nations Security Council Resolution 2178 which called on member states to take action to stem the flow of foreign terrorist fighters. The resolution has done absolutely nothing to stem the tide of violence, human rights abuses or the seizure of territory. It is the poster child of international liberalism whose adherence to multilateral calls to action is the guilt-assuaging method to avoid real action.¶ The report recognizes that the Syrian Civil War, the power vacuum in Iraq, the weakness of governments formerly allied with the United States and the state sponsorship of terrorism by regimes like Iran are the causes of the rise of terrorism.¶ In each instance, without exception, this was caused or the problem was exacerbated by policies of the Obama administration. Reports like this give the impression that the United States government, specifically the State Department and the White House are merely active observers and that the world state simply devolved into chaos. This is delusion at best, or duplicity at worst.¶ During the press conference introducing the report, Tina Kaidanow, the ambassador-at-large and coordinator for counterterrorism, was asked whether the U.S. has been effective fighting terrorism. "I think we have been effective in building the capability of our partners globally in a variety of regions and places," she said. Here is the Obama policy writ large: It is not about American leadership, American action, the American mission or American goals; it is about some figurative faith in multilateralism that rarely takes on corporeal form.¶ The Obama administration made an active choice to not support the moderate resistance movement in Syria from 2011 onward when it could have dominated events, instead of allowing them to be controlled by events, leading to the rise of the Islamic State group.¶ It made another active choice not to ensure that American troops stayed in Iraq that same year. President Barack Obama's grand desire to leave Iraq had no basis in the realism of geopolitics or the idealism of human rights. Instead it stemmed from an obsession with being able to issue a sound bite that he was the president that left Iraq for good.¶ The train of choices continued as the Islamic State group was first explained as the actions of the "JV team" that could be dealt with by the very regime (Iraq) and groups (the Free Syrian Army among others) that the Obama administration did not want to actively and muscularly support.¶ The option was then made to play a hands-off role as regimes which were trying to combat terrorism, many while inherently operating under duress from nations like Iran, were allowed to falter or collapse without American intervention. This is especially true in Yemen.¶ Finally, the state sponsorship of terrorism is recognized in the report, notably by Iran, Syria

and Sudan. These regimes have engaged in the worst human rights atrocities and in the case of Iran and Syria have attempted to develop and even use weapons of mass destruction. If the Obama administration were truly interested in using American leadership to solve a problem, save lives, and enhance international order and law, to create some semblance of peace, it must resurrect and direct the might of American power against the cancer that these tyrannies have created.

Local Coordination Turn

Coordinating local intelligence solves the risk of terrorism without the need for surveillance

White House '11

[White House Brief on Federal/Local Partnerships to Combat Extremism. "Empowering Local Partners to Combat Violent Extremism" August 2011

https://www.whitehouse.gov/sites/default/files/empowering_local_partners.pdf]

Communication and meaningful engagement with the American public is an essential part of the Federal Government's work. Our open system of governance requires that we respond to inquiries; educate and share information on our programs, policies, and initiatives; and provide a platform for communities to air grievances and contribute their views on policy and government. We do this consistently in a variety of ways: we convene forums, develop brochures, respond to correspondence, post information on websites, and we make available for comment proposed regulations in the Federal Register. We also reach out to communities directly to answer questions and provide information and guidance, offering opportunities for communities to provide valuable suggestions about how government can be more effective and responsive in addressing their concerns. As such, engagement with local communities provides an opportunity for us to reexamine and improve how we perform our functions. For these reasons, we view effective community engagement as an essential part of good governance and an important end in itself.¶ The vast majority of our engagement work relates to issues outside the national security arena, such as jobs, education, health, and civil rights. We must ensure that in our efforts to support community-based partnerships to counter violent extremism, we remain engaged in the full range of community concerns and interests, and do not narrowly build relationships around national security issues alone. Where appropriate, we are relying on preexisting Federal Government engagement efforts to discuss violent extremism, ensuring that these forums continue to focus on a wide variety of issues. There are instances when the government needs to build new relationships to address security issues, but these must be predicated upon multifaceted engagement. Indeed, we refuse to limit our engagement to what we are against, because we need to support active engagement in civic and democratic life and help forge partnerships that advance what we are for, including opportunity and equal treatment for all.¶ **Engagement is essential for supporting community-based efforts to prevent violent extremism because it allows government and communities to share information, concerns, and potential solutions.** Our aims in engaging with communities to discuss violent extremism are to (1) share sound, meaningful, and timely information about the threat of radicalization to violence with a wide range of community groups and organizations, particularly those involved in public safety issues; (2) respond to community concerns about government policies and actions; and (3) better understand how we can effectively support community-based solutions.¶ In addition to engaging communities on a wide range of issues, the Federal Government is using its convening power to help build a network of individuals, groups, civil society organizations, and private sector actors to support community-based efforts to counter violent extremism. Myriad groups with tools and capabilities to counter radicalization to violence often operate in separate spheres of activity and therefore do not know one another. The Federal Government, with its connections to diverse networks across the country, has a unique ability to draw together the constellation of previously unconnected efforts and programs to form a more cohesive enterprise against violent extremism.

Racial Profiling Turn

Domestic surveillance drives explicitly racist profiling policies – replicates terrorism recruitment and motivation

Morrison, 13 (Steven, Assistant Professor of Law, University of North Dakota School of Law, “THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT”, 7/11/13, Stanford Law and Policy Review, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf) KW

Part A of this feedback loop is, relative to the others, normatively untroubling because it is bounded by legitimate law enforcement moves and the detection of actual crime. To the extent that detection of actual crime informs the network, there is little internal concern (if counterterrorism moves target one group over another—say, Muslims over white separatists—then this feedback loop becomes externally concerning because it distorts the reality of terrorism and entails racial, ethnic, or religious profiling). In the wake of 9/11, it made sense to engage in network mapping and employ expansive law enforcement techniques designed to discern the contours of that network. Valdis Krebs offered the first expression of this feedback loop in the post- 9/11 era.¹¹³ His social network was confined to nineteen nodes, each representing one of the 9/11 hijackers, connected to each other by levels of affinity. This early, successful attempt at network mapping would result in deployment of law enforcement assets, through which a larger network, consisting of Osama bin Laden, Zacharias Moussaoui, and many others would be added. This network mapping was normatively untroubling because the people in the network were clearly criminal, their associates who were added were clearly criminal or highly likely to be criminal, and the network was based on an actual criminal event. Quantitatively, the network map was limited to that crime. Part B is more troubling because it quantitatively magnifies the positive loop effects. The feedback loop becomes magnified because it still captures within the network those who are active terror organization members and/or have committed actual acts intended to be addressed by counterterrorism moves, but does so on a much broader scale. What this means is that marginal players may be detected and prosecuted, whereas before, they may have gone undetected and unprosecuted. Carley’s 2002 social network map of al-Qaeda illustrates two problems with an expanded network. First, the expanded network includes people like Jose Padilla who may have had an affinity relationship with al-Qaeda and who may even have committed crimes but who are such tangential members of the group that their inclusion in the network suggests a level of involvement that is misleading or exaggerated. Second, the expanded network, based as it is on a certain level of automated data collection, contains stark inaccuracies. Carley’s network, for example, includes Ariel Sharon as a member and Benjamin Netanyahu as a key player, whose elimination would undermine al-Qaeda. This new, expansive result may not be a net good for law enforcement or public safety. Expending law enforcement resources to pursue Sharon and Netanyahu for their support of al-Qaeda is clearly a wasteful endeavor, and many of the marginal players pose no real present or future danger. Pursing them also imposes an opportunity cost on law enforcement agents, who might have otherwise investigated truly and immediately dangerous people. It could also reduce the public’s perception of the legitimacy of law enforcement moves, meaning that the public would be less likely to cooperate with law enforcement. Finally, it could lead to injustice at the margins, as small-time players are prosecuted when justice might favor exercise of prosecutorial discretion not to charge.¹¹⁴ Part C introduces a qualitative difference to the loop and is therefore more normatively problematic than parts A and B because it brings people into the network who, for reasons discussed below, perhaps ought not to be there. Part C builds upon parts A

and B, as law enforcement continues to pursue not only terrorists, but also their associates, and their associates' associates (the NSA shop analysis instantiates Part C). This increases the perceived size of the terrorist network, continually drawing more and more people into it. Not only does this feedback loop operate on the principle of attenuation, but **this loop also invents links between defendants and terrorism networks that do not, in reality, exist**. It does so through the use of conspiracy,¹¹⁵ pseudo-entrapment,¹¹⁶ and pretextual charges such as immigration violations¹¹⁷ and false statements¹¹⁸ that are coded as terrorism related, but are not. Part D relies most heavily on modern data mining, targeting of groups, and Saidian Othering.¹¹⁹ Part D is driven by a number of factors. The core reality of 9/11 and the terrorists involved in that attack produced the not-another-9/11 imperative,¹²⁰ which, justifiably, drove law enforcement to seek out related alQaeda members. Suspects who were terrorists or who would likely engage in future terrorist acts were found. They were charged with substantive crimes, and the 9/11 social network was gradually extended. Extended social networks at some point cease to be bounded criminal conspiracies and become rhetorical tropes. To the extent that this social network includes only actual terrorists, those who are likely to participate in future terrorist acts, and those tertiary people who have taken positive actions toward actual criminal conduct, this social network and the law enforcement moves flowing from it are normatively untroubling. This normatively appropriate core, however, builds upon itself, producing part D of the loop that encompasses many other people outside of this terrorist core. From the location of an actual suspect and the reification of the global jihad movement flow two key consequences. First, the government defines the scope of terrorist group membership more broadly, sweeping within its ambit more people. This is evident under the material support statute.¹²¹ While it prohibits providing material support to terrorists, courts have interpreted material support to include providing medical support,¹²² training groups to pursue their goals peacefully,¹²³ funding the social welfare aims of terrorist groups,¹²⁴ speaking in favor of groups as a member,¹²⁵ and independently translating religious documents that might help a group.¹²⁶ The tension between the freedom to associate and the imputation of group criminality persists¹²⁷ as the government imputes criminal intent to lawabiding people who may unwittingly associate with terrorists.¹²⁸ Second, the government becomes more imaginative in its law enforcement efforts, engaging in pseudo-entrapment,¹²⁹ charging people with sometimes tenuous conspiracy crimes,¹³⁰ charging people with pretextual crimes such as false statements¹³¹ and immigration crimes,¹³² applying novel and expansive interpretations of crimes such as providing material support to terrorists, and arresting people as material witnesses.¹³³ These moves expand the scope of the global jihad movement and confirm and reinforce its supposed reality.¹³⁴ This movement, therefore, takes on evidentiary value independent of its individual actors.¹³⁵ This means that evidence of the movement is often admissible.¹³⁶ There is little that defendants can do to rebut this evidence: in the face of suspicious and unpopular reading materials and a movement associated with terrorism, it is difficult for a defendant to argue the absence of criminal intent. When the charge is conspiracy, evidentiary rules disadvantage the defendant,¹³⁷ and where pseudo-entrapment or pretextual charges brought the defendant to court, there may in fact be factual guilt, but not the level of culpability the charge presumes or that the charge's connotations imply. The global jihad movement's expansion encourages law enforcement to engage in further data mining and group targeting. These two concepts are similar in that they have law enforcement performing wide sweeps of conduct to uncover criminal activity. Group targeting is aesthetically more troubling because it is associated with racial profiling,¹³⁸ but data mining is more pernicious because of its prevalence, intrusiveness, and secrecy.¹³⁹ The series of data mining and collection structures mentioned above are used to collect massive amounts of data and

organize them around the not-another-9/11 imperative and global jihad movement. They inform how law enforcement accesses the linked world: with an inherent confirmation bias, agents believe in and look for cyberjihad, online terrorism radicalization, and dots that connect terrorists. This remaps, or re-imagines, the linked world, which discerns people and conduct not along traditional evidentiary lines (can a crime be proven?), constitutional lines (is conduct protected?), or normative lines (should a person be prosecuted?), but pursuant to an expansive prevention imperative. Based on this re-mapping, law enforcement increasingly focuses on the groups and communities from which prior suspects have come.¹⁴⁰ Because the 9/11 attackers were defined along religio-political lines, subsequent suspects overwhelmingly are Muslims, who often, but not always, express discontent with American policies (but probably do so at a rate no higher than the American population at large). ¹⁴¹ Investigations tend to reengage racial, ethnic, or religious profiling. Along with false positives, these investigations also uncover some amount of actual or possible crime, and produce suspects, thus further feeding part D of the loop.

Trust Turn

Eliminating the factors that motivate extremists reduces the frequency and violence of terrorism – empirical evidence

Bock 07 [Andreas, Professor at the Akkon University of Human Sciences, “Negotiate with Terrorists! or: Why Terrorism Cannot be Deterred”, pg 156-159] AW

To reduce the threat of terrorism we must reduce people’s willingness to engage in terrorism. Our »line of defense« must run through areas where we know (and fear) that new terrorists will be recruited: the less support is offered to extremists like Usama bin Laden, the lower the danger of additional attacks. But how can this be achieved if not by negotiations? ¶ If we are willing to negotiate with terrorists we open up a window of opportunity for them to attain some of their objectives in a peaceful way. We can reward them if they are cooperative – for example, by instigating a ceasefire or releasing hostages – by accepting them as a negotiating partner. But this should not be misinterpreted to mean that we should acknowledge all their objectives or accept all their actions. It means merely offering them the same reward as that offered to rogue states like Libya: becoming a negotiating partner. And offering terrorists and their supporters a real and credible chance of achieving some of their objectives without violence will challenge the terrorists’ claim that they have no other choice than to use deadly force. Of course, there always will be some supporters of violence for the sake of violence. But it will become more difficult for an organization to find support and to recruit new followers for its violent actions if there is a credible peaceful alternative. This is the most convincing argument. By offering negotiations to terrorists, even when it seems taboo,10 we start to fight terrorism at its source: in a setting where violence is perceived, for whatever reason, as the only option. ¶ This is not utopian. ¶ In the Netherlands, for example, terrorist sympathizers are granted access to the media to a considerable extent. As a consequence, they do not have to turn to illegal means, and possibly bloodshed, in order to communicate their views« (Frey, 2004: 111). In Switzerland the »Front de Libération Jurassien,« that used violence in the 1960s for the independence of the Bernese Jura, was even integrated into the political process. The Swiss government agreed to hold a referendum on the future of the Bernese Jura and the attacks decreased immediately. The majority voted against independence. And when the »Front« attempted to recommence the struggle, »they lost popular support and soon ceased to exist« (Frey, 2004: 112). ¶ One may object that it is impossible to negotiate with, say, al Qaeda or Hizbollah, because they make unrealizable claims. But of course in negotiations demands are never completely realized. Which objectives will be realized and to what extent is a matter of negotiation. And even organizations like al Qaeda or Hizbollah have demands that could be partially realized: for example, both justify their attacks with reference, among other things, to the Israeli–Palestinian conflict. An offer to negotiate could be based, for example, on Security Council Resolutions 24211 and 154412 and link the creation of a sovereign Palestinian state with an unconditional commitment to acknowledge and respect Israel’s right to exist. ¶ A second objection, as an author suggests in The Conservative Voice, is that negotiations with terrorists are futile because they have no interest in keeping their part of the bargain, and they are not honest about their wishes. That means, »killing terrorists is the only practical means of coping with them.«13 ¶ But even if these objections are correct, they do not invalidate my argument. As mentioned above, negotiations tend not so much to influence the terrorists as their supporters and environment. Attempts to satisfy some terrorist objectives peacefully will, in the long run, reduce support for and belief in the need to use violence. And, unlike the demand to hunt terrorists down, the offer to negotiate will not provoke more violence. It is rather a rational attempt to break the vicious circle in which violence only causes more violence.

Surveillance Fails – Cyberterror

You can't deter cyberterror – six warrants

Bendiek and Metzger 15 [Annegret, deputy head of the External Relations Research Division at the German Institute for International and Security Affairs, Tobias, Research Assistant at the German Institute for International and Security Affairs, "Deterrence theory in the cyber-century" pg 6-8, German Institute for International and Security Affairs, May 2015] AW

Many of the same elements apply regarding attacks through cyber means although with some limitations. Signalling, for one, faces comparable challenges, although further complicated by the multitude of actors, including non-state groups and individuals. Other challenges are entirely new: In deterrence-by-retaliation, credibility is difficult to establish since demonstrating cyberpower and retaliating immediately and repeatedly is problematic, as outlined below. Although the U.S. and NATO have emphasized their willingness to respond to cyberattacks at a time, place and by means (including kinetic) of their choosing, there can hardly be automaticity in response. The similarity of nation-state and criminal cyberattacks requires time-consuming and costly forensics and close coordination between law enforcement and the military. As for the U.S., Germany and other established powers, the reluctance to admit to its development of offensive capabilities, and to strategically discuss their legality, creates opaqueness and significant grey areas. Given the offensive advantage, the number of attackers using cheap, readily available tools will continuously rise, empowering non-established powers such as Iran, North Korea or even Daesh/IS. Reversing this trend requires getting serious about agreeing on international norms and improving both defences, especially employees' and citizens' "cyber-hygiene", and about enforcement. Lack of clarity and impunity for attackers is a major roadblock for effective deterrence. ¶ The U.S. Army analysis that "[f]undamentally, there is no difference between deterrence in the cyber domain than in any other domain"⁴⁷ is flawed in at least three regards: First, cross-border differences in law enforcement and legal practice as well as unwillingness to cooperate allow attackers to act with impunity, diminishing the deterrent's credibility. Second, since "cyberweapons" rely largely on previously unknown, so called zero-day, vulnerabilities and cannot be displayed prior to their use, it is difficult to demonstrate power. Third, deterrence-by-denial differs greatly, since in cyber "you have to work from the assumption that your networks are already compromised"⁴⁸, meaning deterrence is constantly failing. In the nuclear context, all intrusions must be deterred, and a single instance of failed deterrence could mean the use of nuclear warheads and large-scale loss of life. Fourth, different from nuclear confrontation, uncertainty arises from the multitude of actors which threaten harm to one's systems and from the difficulty of quickly attributing an attack. Fearing unforeseen escalation, this may hinder immediate retaliation, especially when retaliating with kinetic strikes. ¶ Ambiguously defined interests, misperceived signalling and uncertainty on how to demonstrate force and how to respond, hamper deterrence postures. Melissa Hathaway, former director of a classified high-level effort to establish a U.S. cyberdeterrence strategy, admitted that "we didn't even come close".⁴⁹ Contrary to classical deterrence, the private sector plays a crucial role resulting in problematic signalling. While being a useful frame of analysis, cyberdeterrence fails to satisfy any of Patrick Morgan's six elements⁵⁰ of classical deterrence theory, according to Stevens. First, there is no prevailing military conflict; second, rational choice models differ for non-state actors; third, the challenge of attribution complicates immediate retaliation; fourth, repeated retaliation and certainty of inflicting severe pain is hampered; fifth, the difficulty of demonstrating offensive capabilities lessens credibility; and sixth, a multitude of (non-state) actors constantly threatens stability, risking escalation.⁵¹ Libicki aptly summarizes the core issues to be observed in national cybersecurity efforts: "The ambiguities of cyberdeterrence contrast starkly with the clarities of nuclear deterrence. In the Cold War nuclear realm, attribution of attack was not a problem; the prospect of battle damage was clear; the 1,000th bomb could be as powerful as the first; counterforce was possible; there were no third parties to worry about; private firms were not expected to defend themselves; any hostile nuclear use crossed an acknowledged threshold; no higher levels of war existed; and both sides always had a lot to lose."⁵² ¶ Beyond technical issues – which are being addressed – deterrence-by-retaliation is a question of credibility and capability. Firstly, could

governments effectively deploy cyberforce to respond to attacks, and should they use kinetic force – and if so under which circumstances – to react to cyberattacks, potentially risking escalation? Secondly, should there be stronger declarations of cyberforce to signal one’s ability?⁵³ For example, German offensive capabilities which were only revealed by a parliamentary inquiry, are not openly discussed or even used for deterrence signalling.⁵⁴ For deterrence-by-retaliation to work, the capacity to display force is crucial. Only verifiable tests and the demonstration of nuclear weaponry’s destructive force during WWII convinced nations that future use must be feared. Similar demonstration of cyberpower⁵⁴ is unlikely because of the “one use only component”⁵⁵, meaning that any use reveals significant information necessary to defend against future attacks. Deterrence-by-retaliation requires a demonstration of force, but cyberattacks are rendered useless if vulnerabilities are closed.⁵⁶ Therein lies the danger of using cyberweapons and the difficulty of credible signalling. Signalling is complicated by the multitude of actors beyond the great powers, and including the private sector and individuals.⁵⁷ Willingness to retaliate requires unmistakable signalling on the interest to be defended. While offensive capabilities have been revealed, Germany has never publicly announced their existence or threatened adversaries with their use in response to attacks. France and the UK publicly announced offensive capabilities, and France stated its intent of becoming a cyberpower in its 2011 cyber doctrine⁵⁸, but both left it unknown when and how cyberweapons could be used.⁵⁹ The U.S., on the other hand, emphasized via the Pentagon that the “response to a cyber-incident or attack on the US would not necessarily be a cyberresponse. All appropriate options would be on the table”.⁶⁰ Mutually assured destruction, equally, is out of the question, changing the cost-benefit calculation in favour of attack.⁶¹ If the MAD principle does not apply, the consequences of retaliation are considerably less severe, reducing the inherent costs of an attack. This leads to an advantage for the party which strikes first, according to offence-defence theory, making attacks more likely.⁶² While this suggests for other characteristics of offence-defence theory to apply – e.g. that an arms race ensues – the lacking ability to make quick and decisive victory changes the equation. If cyberattacks cannot disarm an opponent, what is the point of rushing into retaliation?⁶³ An attack may be stopped, but the attacker cannot be disarmed since cyberattacks can be conducted from third-party hardware, including internet cafés, unsecured wireless networks or infected computers, as part of a botnet.⁶⁴ Furthermore, the asymmetric nature of cyberspace is a common argument against retaliatory attacks against criminals or “cyber-terrorists”. Deterrence fails if there is no valid target to strike back at. The less connected an adversary, the less vulnerable he is to retaliation with cyber means. Retaliation by kinetic means, on the other hand, bears the risk of incurring injuries or deaths where the initial attack did not. ⁶⁵ Retaliation “requires not only breaking into sufficiently privileged levels, but also figuring out how to induce a system to fail and keep on failing”.⁶⁵ The ability to induce superficial damage, which is quickly repaired, has no deterrent effect. Battle damage assessment (BDA) is difficult to predict ahead of an attack, as this depends on the other’s technical and procedural resilience but also on chance – e.g. whether patches are installed, closing previously existing backdoors, some of which might have been intentionally created to allow attackers to bypass security measures.⁶⁶ The half-life of exploits creates a “use-it-or-lose-it dilemma”.⁶⁷ While initial attacks allow for intensive intelligence work, repeated retaliation is costly, if not impossible, since it requires firstly rapid attribution and secondly immediate and continuous knowledge of the target system. Figure two puts this question in context.

Surveillance Fails – Data / Empirics

Hardline surveillance strategies fail and increase the risk of retaliation – robust statistical evidence

Lum et al '9

[C. Professor and Administrator of the Justice Program at George Mason University. And Leslie Kennedy and Alison Sherley. "The Effectiveness of Counter-Terrorism Strategies: A Campbell Systematic Review" 2009 http://www.campbellcollaboration.org/lib/download/53/1010_R2.pdf.]

Figure 2 illustrates the effect sizes and confidence intervals (when calculated) of the 86 findings from the seven studies. Many effects are close to, or cannot be statistically discerned from, a **zero effect** and therefore **provide no statistical evidence** that the counter-terrorism strategy was effective or harmful. Additionally, while there appears to be negative effects (which indicate a decline in terrorism events due to the intervention), **there are also interventions that appear to have increased the likelihood of a terrorist event occurring** (effects greater than zero). As we warned earlier, summary statistics for all counter-terrorism programs examined can be misleading and difficult to interpret because the values represent effects from different types of interventions, constructs, and time periods. Thus, we cautiously report the following statistics for illustration only: The average of the effect sizes (no matter whether a standard error was reported) was 2.81 events, suggesting generally that across the findings, interventions tended to increase the likelihood of terrorism events. However, when using meta-analytic statistics on only those effect sizes which report standard errors, the weighted mean effect size across these findings was 0.30, with a standard error of 0.656, and a 95% confidence interval of {-0.98, 1.59}. For those findings in which standard errors were calculated, there appears to be no statistically significant evidence that interventions had an effect on terrorism. In other words, across all interventions studied, there does not seem to be a consistent indication of positive effects of counter-terrorism policy.

Their evidence is biased and overly optimistic – err aff

Lum et al '9

[C. Professor and Administrator of the Justice Program at George Mason University. And Leslie Kennedy and Alison Sherley. "The Effectiveness of Counter-Terrorism Strategies: A Campbell Systematic Review" 2009 http://www.campbellcollaboration.org/lib/download/53/1010_R2.pdf.]

The findings strongly confirm our initial speculation about the state of counter-terrorism strategies. There has been a proliferation of anti-terrorism programs and policies as well as massive increases in expenditures toward combating terrorism. Yet, we know almost nothing about the effectiveness of any of these programs. The seven studies we found, from a total of over 20,000 pieces of literature, focus on only a handful of specific interventions, and often involve the same researchers examining similar datasets, using similar methodologies. Clearly, the most important policy recommendation to emerge from this review is that the wide array of anti-terrorism policies need to be evaluated for effectiveness or at least be better informed by existing scientific evaluations. Related to this is the importance of funding and encouragement for scientific evaluations of counter-terrorism programs. The small amount of evaluation research in the area of terrorism may be due to a number of reasons. First, practical problems in either qualitatively or quantitatively studying terrorism are often thought to be significant obstacles to overcome. Not only are events thought of as "rare", but units of analysis (individuals or groups who employ terror violence or actual

events/incidents of terrorism) may be difficult to locate and study. Unlike criminological research that contains large amounts of data from frequently occurring events, terrorism research relies on much scarcer occurrences, which makes analysis more challenging (in terms of identifying patterns). Furthermore, challenges that do appear with using crime data are accentuated in terrorism prevention programs. These include the difficulty in detecting intervention effects of major programs where treatment effects may be unclear, or alternative explanations are difficult to control for. For terrorism, threats are often not clearly defined so the impacts of the programs are almost impossible to assess. Compounding this problem is the nature of the counter-terrorism enterprise itself, which, unlike much of current local policing, is shrouded in secrecy. Because of this, information about incidents and outcomes are difficult to collect for scientific purposes. There is also a real problem in establishing, for the data that are available, clear standards of accuracy and reliability, problems that have been exhaustively addressed in the reform of police statistical standards through UCR reporting and other standardization procedures. Further, in terms of evaluation, there is likely to be less willingness in this area to engage in experimental programs that might test differential program effects (a reluctance that was to a degree overcome in police evaluations, such as those performed by Sherman et al. (1992) in the area of domestic violence interventions). The evaluations, then, would have to be conducted ex post facto, as illustrated in the case studies that we report above. While these studies reveal some interesting and important effects, their real impact is diminished through the inability to adjust program effects or increase the sensitivity of measurement in an ongoing assessment process.

Surveillance Fails – Experts

Surveillance not stopping attacks- PCLOB and high ranking officials

Kilroy, 14 (Rick, Assistant Professor in the Department of Politics and Geography since July 2014, where he teaches courses in support of the Intelligence and Security degree program. He was previously Professor of Regional and Analytical Studies in the College of International Security Affairs, National Defense University, teaching in the Ft. Bragg, NC Program, where he also instructed Latin American Regional Studies. He came to NDU from Virginia Military Institute, where he served as Professor of International Studies. Prior to that he was a Visiting Assistant Professor in Political Science at East Carolina University, where he also served as Assistant Director of Military Programs; 7/20/14; “Terror and Technology: Does the Expanding Role of the Federal Government in Domestic Intelligence and Information Collection Really Enhance Security?”; file:///Users/jpmickyd/Downloads/3.pdf//JPM

In his testimony before the Senate Judiciary Committee in October 2013, General Alexander admitted that the number of terrorist incidents prevented by the NSA’s collection programs was not as robust as initially reported by the Obama administration. Instead of the 54 confirmed cases previously cited, Alexander admitted that the number was probably “one or perhaps two” (Waterman, 2013). Alexander also admitted that of the 54 cases previously cited, only 13 actually involved potential attacks on the United States. However, Alexander was quick to defend the program and encourage Congress to continue supporting it. James Clapper, Director of National Intelligence, in a previous testimony on the Hill, also stated that numbers alone do not reveal the true extent of the value of the NSA’s domestic data collection program. He stated that the analysis produced from the data helped provide a broader picture of the terrorist threat, operations, linkages, etc., even if it did not provide evidence of a specific planned attack within the United States (Waterman, 2013). The Privacy and Civil Liberties Oversight Board (PCLOB), an independent organization created by the U.S. Congress as a result of the 9/11 Commission Report,6 conducted its own investigation of the NSA data collection program. While the focus of the investigation was the legality of the NSA program, the role of the FISC in authorizing its use under Section 215 of the USA PATRIOT ACT, and its impact on civil liberties, it also came to the following conclusion with regard to the effectiveness of the NSA program in preventing terrorist attacks in the United States: ... we conclude that the Section 215 program has shown minimal value in safeguarding the nation from terrorism. Based on the information provided to the Board, including classified briefings and documentation, we have not identified a single instance involving a threat to the United States in which the program made a concrete difference in the outcome of a counterterrorism investigation. Moreover, we are aware of no instance in which the program directly contributed to the discovery of a previously unknown terrorist plot or the disruption of a terrorist attack. And we believe that in only one instance over the past seven years has the program arguably contributed to the identification of an unknown terrorism suspect. Even in that case, the suspect was not involved in planning a terrorist attack and there is reason to believe that the FBI may have discovered him without the contribution of the NSA’s program (2014, p. 15).¶ While the PCLOB acknowledged that the threat of terrorism to the United States is real, it’s investigation into the Section 215 provisions of the USA PATRIOT Act does touch on the question that is inferred, but not asked. In other words, does the threat of terrorism warrant the use of such invasive intelligence gathering techniques? Mueller and Stewart (2012) analyzed 50 documented cases in the United States of terrorism and concluded that, “In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United

Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 has been with gunfire inflicting a total of perhaps sixteen deaths over the period" (p.88). Senator Patrick Leahy (D-VT), agreeing that the NSA surveillance program has not made America safer, proposed new legislation in January 2014, called the USA FREEDOM ACT (Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet Collection, and Online Monitoring Act). The proposed legislation, co-sponsored with Representative James Sensenbrenner (R-WI) "would reform the secret Foreign Intelligence Surveillance Court, which approves spy agencies' surveillance efforts, end the bulk collection of data about phone calls and limit government officials' use of National Security Letters, which force people to hand over information" (Hattern, 2014).[¶] In defense of the NSA surveillance program, General Alexander asserted that the NSA did not do anything illegal and that the collection of bulk telephony metadata from U.S. citizens to support counterterrorism efforts was supported by Section 215 of the Patriot Act (and upheld by the FISA court in keeping with Section 702 of the Act). However, U.S. Federal District Judge, Richard Leon, ruled in his review of Klayman v. Obama (13-cv-881) that the NSA's actions were unconstitutional, in direct violation of the 4th Amendment (Mears and Perez, 2013). It appears likely the case will eventually progress to the U.S. Supreme Court, where the outcome is not obvious. The vote could fall along ideological lines with the conservative justices (Roberts, Scalia, Kennedy, Alito, and Thomas) supporting the administration's position on the NSA's collection programs, with the liberal justices (Ginsberg, Sotomayor, Kagan, and Breyer) supporting Leon's ruling; however, if anything, this Supreme Court has proven less than predictable on civil liberties issues.

New tech and surveillance measures do little to actually protect security

Kilroy, 14 (Rick, Assistant Professor in the Department of Politics and Geography since July 2014, where he teaches courses in support of the Intelligence and Security degree program. He was previously Professor of Regional and Analytical Studies in the College of International Security Affairs, National Defense University, teaching in the Ft. Bragg, NC Program, where he also instructed Latin American Regional Studies. He came to NDU from Virginia Military Institute, where he served as Professor of International Studies. Prior to that he was a Visiting Assistant Professor in Political Science at East Carolina University, where he also served as Assistant Director of Military Programs; 7/20/14; "Terror and Technology: Does the Expanding Role of the Federal Government in Domestic Intelligence and Information Collection Really Enhance Security?"; file:///Users/jpmickyd/Downloads/3.pdf//JPM

He spent 23 years on active-duty U.S. military service as an Army Military Intelligence and Latin America Foreign Area Officer.[¶] Today, the means of security involve complex technologies which provide the "federal councils" with the power to obtain an unprecedented amount of data, which, if analyzed correctly, judiciously, and timely, do portend the capability to identify and hopefully prevent terrorist attacks both domestically and abroad. The record to date, however, is that the technology alone can't promise security. It can be a means to an end, but "collecting it all" does not guarantee that such intelligence strategies make a society safer. It may, in fact, make members of that society less secure, if the information collected is not used for the original intent of protecting the union against the threat of foreign terrorist organizations. And with the rise of homegrown terrorist threats, the challenge of security professionals and elected officials, who take an oath to "protect and defend the Constitution of the United States against all enemies, foreign and domestic," becomes even more difficult.[¶] Benjamin Wittes identifies an additional concern which technology hath wrought: the "intelligence legitimacy paradox." He argues that "the threat environment America faces is growing ever more complicated and

multifaceted, and the ability to meet it is growing evermore-deeply dependent on first-rate intelligence. Yet at precisely the same time, the public has grown deeply anxious about our intelligence authorities and our intelligence community is facing a profound crisis of legitimacy over its basic authorities to collect” (Wittes, 2014). Thus is it highly likely that one of two scenarios may arise. If there is another terrorist attack that the intelligence community fails to prevent using all the technical means available to it (to include domestic surveillance), the U.S. public will grow more cynical and suspicious of the nation’s intelligence agencies and question their legitimacy, which would likely lead to a diminution of their role and authorities, which would make the nation even more vulnerable to even greater attacks. The other scenario would be an even further concentration of power in the hands of the federal government, to not only “collect it all” but also “control it all,” creating the conditions of the national security state, which Gorriti warned about. 13 Currently, the nation is equally divided in its views of whether the domestic surveillance techniques employed by the NSA are necessary in providing security against a terrorist attack within the United States.¹⁴ Going back to the original premise, it is hard to prove a negative. Thus we often only hear of operational success and intelligence failures in the war on terror. President Bush intimated as much when he said in his Address to the Nation after the September 11, 2001 attacks, that the fight against terror would not be like other wars, where much of it would remain hidden to the American public (Bush, 2001). However, as more of the tactics used in that war come to light (rendition, “enhanced” interrogation techniques, drone strikes, etc.), the more people are asking, is it worth it? Have they made us safer? Has the United States lost the “moral high ground” in its fight against terrorism, or even more broadly in its foreign policy? Clearly, charges against Chinese government spying and cyberwarfare conducted against the United States now fall on deaf ears, despite efforts to explain how these differ from what the NSA has been doing.¹⁵

Surveillance Fails – Increases Terrorism

Tactical CT is whack-a-mole and fails – claims to the contrary are bought off

Brooks 2015 (Rosa [Law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation]; US Counterterrorism strategy is the definition of insanity; Jun 24; foreignpolicy.com/2015/06/24/u-s-counterterrorism-strategy-is-the-definition-of-insanity/?wp_login_redirect=0; kdf)

Show me someone who publicly insists that the United States has an effective counterterrorism strategy, and I'll show you someone who draws a paycheck from the U.S. government. "This week we have seen success across a broad spectrum," Pentagon spokesman Col. Steve Warren told reporters on June 16, commenting on the death of Yemeni al Qaeda leader Nasir al-Wuhayshi, reportedly killed as a result of a U.S. drone strike. "Any time a terrorist is removed from the battlefield, is killed or captured, I think the net gain outweighs any potential loss." Loyalty to your employer is a fine thing, especially in a press spokesman, but outside the ranks of officials in President Barack Obama's administration, experts are far more dubious about the heavy U.S. reliance on air power and targeted strikes. "The tactical, whack-a-mole approach is not having the desired effect," my Foreign Policy colleague Micah Zenko told the New York Times. "Not having the desired effect" was a polite circumlocution: As Zenko recently noted for FP, State Department figures show a substantial recent uptick in global terrorism. In 2014, terrorist attacks increased 39 percent over the previous year, while the number of fatalities caused by terrorist attacks went up 83 percent. In Yemen, which the administration inexplicably continues to tout as a counterterrorism "success," U.S. policy is in shambles. "If you're looking for logic here, you're not going to find much," Stephen Seche, a former U.S. ambassador to Yemen, told the New York Times. In mid-June, the Washington Post reported that "[al]-Qaeda affiliates are significantly expanding their footholds" in both Yemen and Syria. And the Islamic State also continues to gain ground in both countries. Meanwhile, in Libya, it's "utter chaos," former U.N. advisor Dirk Vandewalle told the Times: The Islamic State and al Qaeda-linked groups are vying for power, and a recent U.S. drone strike against al Qaeda operative Mokhtar Belmokhtar "shows that we're still relying on ad hoc measures." In Iraq, Somalia, and Afghanistan, it's the same story. The United States continues to rely heavily on airstrikes and targeted killings, while terrorist groups continue to cause mayhem and gain adherents.

Domestic surveillance just drives terrorism underground and encourages diffusion – makes it harder to stop

Morrison, 13 (Steven, Assistant Professor of Law, University of North Dakota School of Law, "THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT", 7/11/13, Stanford Law and Policy Review, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf) KW

The United States' success in fighting al-Qaeda has introduced an additional complicating factor. Prior to and just after 9/11, al-Qaeda was a hierarchical, organized, formal structure, not unlike a corporation. The United States' successes in disrupting and atomizing al-Qaeda have produced al-Qaeda 2.0, which is decentralized, cellular, and spontaneous—spread less by formal recruitment and more by an idea.¹⁶³ It is much more difficult to recognize and counter such an organization, and adds complicating factors such as lone wolf terrorists, the possible danger of online recruitment, and doubt as to the organizational source of any terrorist attack.

Counterterror strategies make terrorism inevitable

Brooks 2015 (Rosa [Law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation]; US Counterterrorism strategy is the definition of insanity; Jun 24; foreignpolicy.com/2015/06/24/u-s-counterterrorism-strategy-is-the-definition-of-insanity/?wp_login_redirect=0; kdf)

Even some of those who do get paid by Uncle Sam have grown more openly skeptical of U.S. counterterrorism policy. Capt. Robert Newson, a Navy SEAL who served as director of the Joint Interagency Task Force-Counter Terrorism, told an interviewer at West Point's Combating Terrorism Center that "drone strikes, manned airstrikes, and special operations raids ... buy space and time. But by themselves they are only a delaying action, and everywhere I have been, in Iraq, Afghanistan, Yemen, every military person up and down the chain of command acknowledges this. This 'CT concept' — the solution that some people champion where the main or whole effort is drone strikes and special operations raids — is a fantasy." Like Newson, I haven't encountered many defenders of U.S. counterterrorism strikes. Last year, I co-chaired a Stimson Center commission on U.S. drone policy with retired Gen. John Abizaid. The commission, which included former senior military and intelligence officials from both Obama's and George W. Bush's administrations, concluded in June 2014 that "the Obama administration's heavy reliance on targeted killings as a pillar of US counterterrorism strategy rests on questionable assumptions, and risks increasing instability and escalating conflicts. While tactical strikes may have helped keep the homeland free of major terrorist attacks, existing evidence indicates that both Sunni and Shia Islamic extremist groups have grown in scope, lethality and influence in the broader area of operations in the Middle East, Africa and South Asia." In dozens of interviews and conversations with national security experts since June 2014, I have yet to find anyone who won't admit, off the record, that U.S. counterterrorism policy is flailing badly. So here's the question: If no one except administration press flacks thinks the whack-a-mole approach to counterterrorism is working, why are we still using it?

Domestic surveillance is ineffective and undermines broader counterterrorism

Morrison '13

[Steven R. - Assistant Professor of Law, University of North Dakota School of Law. "THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT", STANFORD LAW & POLICY REVIEW [Vol. 25:3412014], 7/11/13, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf] Schuler 40

It is held as truth that more data, if it is well-managed—that is, arranged in a useful way that reflects its true meaning—and effectively searchable, will inevitably improve law enforcement's ability to spot dangerous patterns and discern criminal intent.⁸ This Article challenges that assumed truth on two fronts. First, data mining may not produce its presumed accurate results. Bruce Schneier, for example, has argued that data mining will produce wasted law enforcement efforts in chasing false positives, and will also produce false negatives, because all that data mining does is enlarge the haystack. When what you are looking for is a rarity—as terrorist plots, or at least attacks, are⁹—and its rate of occurrence relative to all environmental conduct is quite low, then enlarging that field will make detecting the rarity statistically even more unlikely.¹⁰ Second, the positive feedback loop resulting from counterterrorism

law enforcement produces increasing systemic inefficiencies that (1) do not reduce data noise or reveal real criminal patterns; (2) reinforce the preconceived notion that such law enforcement does reduce noise and reveal patterns; and (3), as a result of (1) and (2), often lead to inaccurate targeting of suspects (either as false positives or false negatives). These results are inaccurate and inefficient law enforcement responses. **Because this is a positive, or self-reinforcing, feedback loop, these three inefficiencies tend to grow over time, resulting in systemic instability.** These inefficiencies emerge because of the apparent, but unproven, reliability of the digital age mosaic database that allows the government to link suspects with each other in social network maps, whether they have an actual relationship or not.¹¹ The faith that the government gives to these linking efforts amounts almost to a fetish.¹² It is instantiated at trial as prosecutors invoke the global jihad movement,¹³ a rhetorical tactic that is not entirely vacuous, accurate, or new.¹⁴ In the 1950s, prosecutors alleged the existence of an “international Communist movement,”¹⁵ similar in form and function to the global jihad movement. Both were supposed to indicate a worldwide network of people, closely aligned in ideology and criminal purpose to destroy the United States. They both worked to enable prosecutors to allege damning conspiracies and introduce questionably relevant evidence thereof.¹⁶ They both also retained currency as valid evidentiary tropes because observers believed that they signaled real foreign existential threats to democracy and society itself.¹⁷ This expansive vision produces expansive law enforcement, and thus the feedback loop

Surveillance Fails – Internet / Social Network

Simple social network analysis fails and is ineffective

Morrison 13 [Steven R. - Assistant Professor of Law, University of North Dakota School of Law. “THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT”, STANFORD LAW & POLICY REVIEW [Vol. 25:3412014], 7/11/13, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf] Schuler 41

Simple social network analysis. More recently, the popularity of social network analysis has emerged, certainly to augment traditional mapping in the crime context, but also to provide a new way to conduct domestic and international counterterrorism. Yang and Sageman define a social network as a network representing social actors and their interactions or relationships, in which nodes represent the actors and links represent the interactions or relationships Social groups are collections of actors who are closely linked to one another. Social positions are sets of actors who are linked into the total social system in similar ways.⁴⁹ A Google Images search for “social network analysis” will uncover a virtually endless number of aesthetically attractive analyses purporting to illustrate networks of members of al-Qaeda⁵⁰ and other, more mundane, networks.⁵¹ The government is also using social network analysis to hunt terrorists.⁵² The 9/11 attacks, unsurprisingly, brought what was an academic and abstract interest in social networks into use in war strategy. ⁵³ The most conservative purposes of simple social network mapping involve typical investigations: understanding the structure of criminal organizations and connections, determining who the leaders are, and detecting weaknesses that may be exploited. Simple social network analysis is controversial because it may not be effective as a tool for counterterrorism.⁵⁴ This is so in part because the analysis is meant to reveal incriminating information about individual suspects, such as their mens rea to commit terrorist acts, rather than general, depersonalized crime trends. One U.S. official even claimed that applying social network analysis in war zones has led to unethical practices.⁵⁵ One reason for this possible ineffectiveness is that the analyses remain static, whereas the networks they depict are constantly changing.⁵⁶ Another reason is that simple social network mapping is concerned only with the “who” in networks—it shows only whether people are connected in any way to others and does not account for the content or nature of that connection.⁵⁷ “The tricky part of . . . network analysis is not finding the links but knowing which of them are significant.”⁵⁸

Falls prey to operator bias

Morrison 13 [Steven R. - Assistant Professor of Law, University of North Dakota School of Law. “THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT”, STANFORD LAW & POLICY REVIEW [Vol. 25:3412014], 7/11/13, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf] Schuler 42

A presumed advantage of all types of crime mapping, including DNA, is that they provide a fact-based, objective picture of criminal or terrorist activity. To the contrary, the operation of these networks continues to depend upon human action to determine what data is deemed to be relevant⁶⁹ and also to create data-collection algorithms that adequately filter data to produce reliable, useable results.⁷⁰ Network data compilers, like anyone, have self-interested motives when compiling network data.⁷¹ They want to create network analyses that reflect reality and so permit the efficient direction of law enforcement resources, but crime mapping is also used to publicize the efficiency of police and to

provide grounds for their continued support.⁷² This motivation is expressed, as one commenter observes, in “gimmicks and tricks” to maximize the apparent threat of crime.⁷³ One such trick is based on crime reporting and categorization.⁷⁴ An accurate crime map depends upon accurate reporting and categorization, which can be undermined when agents exercise their discretion to not charge a crime, charge down a crime, or charge up a crime. This discretion is often an important justice-producing part of the criminal system, but it is also often used to make police departments appear more effective or neighborhoods safer than they really are.⁷⁵ In each case, any resulting crime map will not be perfectly accurate. The production of crime maps and social network analyses is, moreover, not unidirectional—operators produce the maps, but the maps also inform the operators and reinforce operators’ beliefs. As two commentators have said, maps tells us as much about ourselves as they do about the thing depicted. Maps, in other words, create reality.⁷⁶ This is important because government attempts to socially network terror are billed as reliable methods of depicting objective reality, but observer effects and observer-expectancy effects operate to undermine the alleged reliability of networking and remind us that maps are subject to the biases of the map creators.

Data collection is inconsistent

Morrison 13 [Steven R. - Assistant Professor of Law, University of North Dakota School of Law. “THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT”, STANFORD LAW & POLICY REVIEW [Vol. 25:3412014], 7/11/13, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf] Schuler 43

Social network mapping depends upon the collection of large amounts of data such that automated, algorithm-directed collection becomes necessary.⁷⁷ This collection accesses open sources such as articles culled from the Internet⁷⁸ and processed for categorization and conceptual generalization according to human-constructed thesauri.⁷⁹ These sources are heterogeneous,⁸⁰ which creates consistency problems. Just as code creates the architecture of the Internet,⁸¹ and thus determines how and to what extent people can access information online, compilation of data for social network mapping operates within a structure that limits how much data can be accessed and selectively compiles only certain types of data. This leads to what might be called “relationship distortion,”⁸² meaning that actual interpersonal linkages may not be depicted in the network and the linkages that are depicted do not necessarily depict reality. Evidence of the data collection problem is found in a network analysis that Carley performed, the depiction of which she entitled “Al Qaeda 2002 Actorto-Actor Network.”⁸³ This network linked Ariel Sharon to Yasir Arafat in apparent affinity with al-Qaeda and each other, despite the facts that neither man was a member of al-Qaeda⁸⁴ and the two men did not share views such that their linkage reflected affinity.⁸⁵ Carley’s analysis also linked Osama bin Laden to Saddam Hussein, even though bin Laden viewed Hussein as a non-Muslim secularist and Hussein viewed al-Qaeda as a threat, with no affinity between the two or any connection for purposes of counterterrorism.⁸⁶ Bin Laden was also linked to Jose Padilla,⁸⁷ who emerged to be little more than a welltraveled terrorist hanger-on.⁸⁸ Despite this, Padilla, bin Laden, and even Israeli Prime Minister Benjamin Netanyahu were listed together as “emergent leaders of the group.”⁸⁹ According to Carley, given the position of these men, “it should be difficult to recover from the loss of these individuals given their extensive expertise and position in terms of complex tasks.”⁹⁰ While Carley’s specific model may be amenable to technical fixes, it also suggests that the whole enterprise of predictive models, if they depend upon automation and algorithms, is of dubious reliability. In short, the more data is collected, the more automated the process becomes, and thus the less reliable the data is. In turn, as data collection becomes more

humanized, it becomes more nuanced and reliable, but it also cannot contribute to predictive modeling. As for now, it appears that there is an unavoidable trade-off between evidentiary reliability and investigative scope.

Link relevance is hard to determine

Morrison 13 [Steven R. - Assistant Professor of Law, University of North Dakota School of Law. "THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT", STANFORD LAW & POLICY REVIEW [Vol. 25:3412014], 7/11/13, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf] Schuler 44

It is easy to find links, but difficult to judge their relevance.⁹¹ This is so in part because the amount of data of rare network events like terrorist groupings, compared to the massive amount of surrounding, innocent network behavior, is so small that samples to inform a network model are difficult to find. This can result in noisy data⁹² results, which deteriorate the performance of the analysis.⁹³ Compounding this data rarity problem is the fact that networks often depend on "weak ties,"⁹⁴ so that networks "consist[] of clusters tightly bound internally by strong ties and loosely linked to other clusters by weak ties."⁹⁵ If the prevailing view of terrorist networks is one of diffuse cells, then their connection by weak ties means that the relevance and probativeness of these weak ties are uncertain. Weak ties indicate some connection, which would cause law enforcement agents to view these ties as probative, but these ties, being weak, may imply no criminal mens rea. These weak ties can also depend upon tenuous conclusions. One commentator, for example, has observed that the number of languages a person can speak might determine where he is placed in a terrorist network.⁹⁶ This produces the problem of "fuzzy boundaries," which describes the difficulty of determining who to include and who not to include in a network,⁹⁷ and the related "pizza delivery guy problem," which describes the difficulty of distinguishing regular interpersonal contact from significant contact.⁹⁸ In the end, social network mapping entails the same problem associated with imputing a person's individual criminal intent based on generalizations about that person's affinity group: based on the group's perceived criminality, the individual might look guilty, but attributing criminal intent and proving criminal elements requires an individual approach.

Surveillance Fails – Lone Wolves

They blend in too well to be surveilled

NYPD '7

(NYPD, 2007, "Radicalization in the West: The Homegrown Threat",
http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf,
SS)

Al-Qaeda has provided the inspiration for homegrown radicalization and terrorism; direct command and control by al-Qaeda has been the exception, rather than the rule among the case studies reviewed in this study. The four stages of the radicalization process, each with its distinct set of indicators and signatures, are clearly evident in each of the nearly one dozen terrorist-related case studies reviewed in this report. o In spite of the differences in both circumstances and environment in each of the cases, there is a remarkable consistency in the behaviors and trajectory of each of the plots across all the stages. o This consistency provides a tool for predictability. The trans-national phenomenon of radicalization in the West is largely a function of the people and the environment they live in. Much different from the Israeli Palestinian equation, the transformation of a Western-based individual to a terrorist is not triggered by oppression, suffering, revenge, or desperation. Rather, it is a phenomenon that occurs because the individual is looking for an identity and a cause and unfortunately, often finds them in the extremist Islam. There is no useful profile to assist law enforcement or intelligence to predict who will follow this trajectory of radicalization. Rather, the individuals who take this course begin as "unremarkable" from various walks of life.

Surveillance Fails – NSA

Surveillance doesn't solve terrorism – internal NSA problems

Cahall 13 - Master of Global Security and Foreign Policy (Bailey Cahall, 6-5-2013, "Do NSA's Bulk Surveillance Programs Stop Terrorists?," New America, <https://www.newamerica.org/international-security/do-nsas-bulk-surveillance-programs-stop-terrorists/>)/A-Sharma

June 5, 2013, the Guardian broke the first story in what would become a flood of revelations regarding the extent and nature of the NSA's surveillance programs. Facing an uproar over the threat such programs posed to privacy, the Obama administration scrambled to defend them as legal and essential to U.S. national security and counterterrorism. Two weeks after the first leaks by former NSA contractor Edward Snowden were published, President Obama defended the NSA surveillance programs during a visit to Berlin, saying: "We know of at least 50 threats that have been averted because of this information not just in the United States, but, in some cases, threats here in Germany. So lives have been saved." Gen. Keith Alexander, the director of the NSA, testified before Congress that: "the information gathered from these programs provided the U.S. government with critical leads to help prevent over 50 potential terrorist events in more than 20 countries around the world." Rep. Mike Rogers (R-Mich.), chairman of the House Permanent Select Committee on Intelligence, said on the House floor in July that "54 times [the NSA programs] stopped and thwarted terrorist attacks both here and in Europe – saving real lives." However, our review of the government's claims about the role that NSA "bulk" surveillance of phone and email communications records has had in keeping the United States safe from terrorism shows that these claims are overblown and even misleading. An in-depth analysis of 225 individuals recruited by al-Qaeda or a like-minded group or inspired by al-Qaeda's ideology, and charged in the United States with an act of terrorism since 9/11, demonstrates that traditional investigative methods, such as the use of informants, tips from local communities, and targeted intelligence operations, provided the initial impetus for investigations in the majority of cases, while the contribution of NSA's bulk surveillance programs to these cases was minimal. Indeed, the controversial bulk collection of American telephone metadata, which includes the telephone numbers that originate and receive calls, as well as the time and date of those calls but not their content, under Section 215 of the USA PATRIOT Act, appears to have played an identifiable role in initiating, at most, 1.8 percent of these cases. NSA programs involving the surveillance of non-U.S. persons outside of the United States under Section 702 of the FISA Amendments Act played a role in 4.4 percent of the terrorism cases we examined, and NSA surveillance under an unidentified authority played a role in 1.3 percent of the cases we examined. Regular FISA warrants not issued in connection with Section 215 or Section 702, which are the traditional means for investigating foreign persons, were used in at least 48 (21 percent) of the cases we looked at, although it's unclear whether these warrants played an initiating role or were used at a later point in the investigation. (Click on the link to go to a database of all 225 individuals, complete with additional details about them and the government's investigations of these cases: <http://natsec.newamerica.net/nsa/analysis>). Surveillance of American phone metadata has had no discernible impact on preventing acts of terrorism and only the most marginal of impacts on preventing terrorist-related activity, such as fundraising for a terrorist group. Furthermore, our examination of the role of the database of U.S. citizens' telephone metadata in the single plot the government uses to justify the importance of the program – that of Basaaly Moalin, a San Diego cabdriver who in 2007 and 2008 provided \$8,500 to al-Shabaab, al-Qaeda's affiliate in Somalia – calls into question the necessity of the Section 215 bulk collection program. According to the government,

the database of American phone metadata allows intelligence authorities to quickly circumvent the traditional burden of proof associated with criminal warrants, thus allowing them to “connect the dots” faster and prevent future 9/11-scale attacks. Yet in the Moalin case, after using the NSA’s phone database to link a number in Somalia to Moalin, the FBI waited two months to begin an investigation and wiretap his phone. Although it’s unclear why there was a delay between the NSA tip and the FBI wiretapping, court documents show there was a two-month period in which the FBI was not monitoring Moalin’s calls, despite official statements that the bureau had Moalin’s phone number and had identified him. , This undercuts the government’s theory that the database of Americans’ telephone metadata is necessary to expedite the investigative process, since it clearly didn’t expedite the process in the single case the government uses to extol its virtues. Additionally, a careful review of three of the key terrorism cases the government has cited to defend NSA bulk surveillance programs reveals that government officials have exaggerated the role of the NSA in the cases against David Coleman Headley and Najibullah Zazi, and the significance of the threat posed by a notional plot to bomb the New York Stock Exchange. In 28 percent of the cases we reviewed, court records and public reporting do not identify which specific methods initiated the investigation. These cases, involving 62 individuals, may have been initiated by an undercover informant, an undercover officer, a family member tip, other traditional law enforcement methods, CIA- or FBI-generated intelligence, NSA surveillance of some kind, or any number of other methods. In 23 of these 62 cases (37 percent), an informant was used. However, we were unable to determine whether the informant initiated the investigation or was used after the investigation was initiated as a result of the use of some other investigative means. Some of these cases may also be too recent to have developed a public record large enough to identify which investigative tools were used. We have also identified three additional plots that the government has not publicly claimed as NSA successes, but in which court records and public reporting suggest the NSA had a role. However, it is not clear whether any of those three cases involved bulk surveillance programs. Finally, the overall problem for U.S. counterterrorism officials is not that they need vaster amounts of information from the bulk surveillance programs, but that they don’t sufficiently understand or widely share the information they already possess that was derived from conventional law enforcement and intelligence techniques. This was true for two of the 9/11 hijackers who were known to be in the United States before the attacks on New York and Washington, as well as with the case of Chicago resident David Coleman Headley, who helped plan the 2008 terrorist attacks in Mumbai, and it is the unfortunate pattern we have also seen in several other significant terrorism cases.

AT//Advanced Algorithms

The algorithms are flawed and net-increase the likelihood of successful terrorism

Morrison, 13 (Steven, Assistant Professor of Law, University of North Dakota School of Law, "THE SYSTEM OF DOMESTIC COUNTERTERRORISM LAW ENFORCEMENT", 7/11/13, Stanford Law and Policy Review, https://journals.law.stanford.edu/sites/default/files/stanford-law-policy-review/print/2014/06/morrison_25_stan._l._poly_rev._341_final.pdf) KW

B. Data Collection

Social network mapping depends upon the collection of large amounts of data such that automated, algorithm-directed collection becomes necessary.⁷⁷ This collection accesses open sources such as articles culled from the Internet⁷⁸ and processed for categorization and conceptual generalization according to human-constructed thesauri.⁷⁹ These sources are heterogeneous,⁸⁰ which creates consistency problems. Just as code creates the architecture of the Internet,⁸¹ and thus determines how and to what extent people can access information online, compilation of data for social network mapping operates within a structure that limits how much data can be accessed and selectively compiles only certain types of data. This leads to what might be called "relationship distortion,"⁸² meaning that actual interpersonal linkages may not be depicted in the network and the linkages that are depicted do not necessarily depict reality.[¶] Evidence of the data collection problem is found in a network analysis that Carley performed, the depiction of which she entitled "Al Qaeda 2002 Actor-to-Actor Network."⁸³ This network linked Ariel Sharon to Yasir Arafat in apparent affinity with al-Qaeda and each other, despite the facts that neither man was a member of al-Qaeda⁸⁴ and the two men did not share views such that their linkage reflected affinity.⁸⁵ Carley's analysis also linked Osama bin Laden to Saddam Hussein, even though bin Laden viewed Hussein as a non-Muslim secularist and Hussein viewed al-Qaeda as a threat, with no affinity between the two or any connection for purposes of counterterrorism.⁸⁶ Bin Laden was also linked to Jose Padilla,⁸⁷ who emerged to be little more than a well-traveled terrorist hanger-on.⁸⁸ Despite this, Padilla, bin Laden, and even Israeli Prime Minister Benjamin Netanyahu were listed together as "emergent leaders of the group."⁸⁹ According to Carley, given the position of these men, "it should be difficult to recover from the loss of these individuals given their extensive expertise and position in terms of complex tasks."⁹⁰ ¶ While Carley's specific model may be amenable to technical fixes, it also suggests that the whole enterprise of predictive models, if they depend upon automation and algorithms, is of dubious reliability. In short, the more data is collected, the more automated the process becomes, and thus the less reliable the data is. In turn, as data collection becomes more humanized, it becomes more nuanced and reliable, but it also cannot contribute to predictive modeling. As for now, it appears that there is an unavoidable trade-off between evidentiary reliability and investigative scope.

AT//Empirical Examples

NSA surveillance isn't stopping or going to stop a terror attack – the “surveillance stopped 50 attacks” claim is wrong

Nicks, 14 (Denver, writer for Time.com; 1/13/14; “Report: Usefulness of NSA Mass Surveillance ‘Overblown’”; <http://swampland.time.com/2014/01/13/report-usefulness-of-nsa-mass-surveillance-overblown/>)/JPM

White House and NSA's claim that 50 terror plots averted "misleading," says report¶ Ever since Edward Snowden's leaks began revealing the extent of the National Security Agency's mass surveillance—or “bulk collection”—programs last June, officials have defended the programs with one number: 50.¶ “We know of at least 50 threats that have been averted because of this information not just in the United States, but, in some cases, threats here in Germany. So lives have been saved,” President Obama said on a visit to Berlin. NSA Director Gen. Keith Alexander made the same claim testifying before Congress.¶ But a new study out Monday from The New America Foundation says that claim is simply false, calling it “overblown, and even misleading.”¶ “Surveillance of American phone metadata has had no discernible impact on preventing acts of terrorism and only the most marginal of impacts on preventing terrorist-related activity, such as fundraising for a terrorist group,” says the nonpartisan think tank's report, titled “Do NSA's Bulk Surveillance Programs Stop Terrorists?”¶ In an analysis of 225 al-Qaeda-linked individuals charged with terrorism in the U.S. since 9/11, the report found NSA mass surveillance of Americans telephone records—authorized under Section 215 of the USA PATRIOT Act—“played an identifiable role in initiating, at most, 1.8 percent” of investigations.¶ The report acknowledges that in 28 percent of cases it reviewed, researchers couldn't determine what methods initiated the investigation. But in many of those cases an informant played a role in the investigation, says the report.¶ ACLU Legislative Counsel Michelle Richardson told TIME the report “confirms that the numbers and examples the government has floated in support of its domestic spying programs are grossly inflated. More broadly though, it underlines how far the government has actually gotten away from the original lessons of 9/11. Instead of working on connecting the dots collected from traditional investigations, it has become obsessed with collecting ever more data whether it is useful or not.”

AT//Metadata Key

Metadata collection isn't key to effective surveillance Bergen et al '14

[Peter, CNN national security analyst; David Sterman, holds a master's degree from Georgetown's Center for Security Studies; Emily Schneider, is a program associate in the International Security Program at New America; Bailey Cahall, is a Policy Analyst at the New America Foundation, New America Foundation, "Do NSA's Bulk Surveillance Programs Stop Terrorists?", January 2014, http://pierreghz.legtux.org/streisand/autoblogs/frglobalvoicesonlineorg_0e319138ab63237c2d2aeff84b4cb506d936eab8/media/e1982452.Bergen_NAF_NSA20Surveillance_1_0.pdf, 6/26/15]JRO

Surveillance of American phone metadata has had no discernible impact on preventing acts of terrorism and only the most marginal of impacts on preventing terrorist-related activity, such as fundraising for a terrorist group. Furthermore, our examination of the role of the database of U.S. citizens' telephone metadata in the single plot the government uses to justify the importance of the program – that of Basaaly Moalin, a San Diego cabdriver who in 2007 and 2008 provided \$8,500 to al-Shabaab, al-Qaeda's affiliate in Somalia – calls into question the necessity of the Section 215 bulk collection program.⁵ According to the government, the database of American phone metadata allows intelligence authorities to quickly circumvent the traditional burden of proof associated with criminal warrants, thus allowing them to "connect the dots" faster and prevent future 9/11-scale attacks. Yet in the Moalin case, after using the NSA's phone database to link a number in Somalia to Moalin, the FBI waited two months to begin an investigation and wiretap his phone. Although it's unclear why there was a delay between the NSA tip and the FBI wiretapping, court documents show there was a two-month period in which the FBI was not monitoring Moalin's calls, despite official statements that the bureau had Moalin's phone number and had identified him.^{6,7} This undercuts the government's theory that the database of Americans' telephone metadata is necessary to expedite the investigative process, since it clearly didn't expedite the process in the single case the government uses to extol its virtues. Additionally, a careful review of three of the key terrorism cases the government has cited to defend NSA bulk surveillance programs reveals that government officials have exaggerated the role of the NSA in the cases against David Coleman Headley and Najibullah Zazi, and the significance of the threat posed by a notional plot to bomb the New York Stock Exchange.

AT//Targeted Killing

Drones don't play a key role in the War on Terror – small disruptions don't matter in the long run

WSJ 6/16 - (WSJ, 6-16-2015, "Wins in the War on Terror," <http://www.wsj.com/articles/wins-in-the-war-on-terror-1434496023>)/A-Sharma

The U.S. scored a noteworthy victory last week when an American missile killed Nasser al-Wuhayshi, the longtime leader of al Qaeda in the Arabian Peninsula and the global organization's Number Two. Coupled with unconfirmed reports that an F-15 airstrike in Libya killed jihadist mastermind Mokhtar Belmokhtar, the strikes are a reminder that the war on terror continues, whatever the Administration calls it. Yet the strikes are also a reminder that while killing senior jihadists has tactical and symbolic value disrupting terrorist networks while underscoring U.S. resolve they do not turn the tide of war. "Core" al Qaeda was not defeated after Osama bin Laden was killed in 2011, even if it was humbled. Neither was al Qaeda in Iraq beaten after the killing of Abu Musab al-Zarqawi in 2006. Killing the kingpins is necessary but not sufficient for victory. That much was made clear by the way Wuhayshi met his end near a beach in the Yemeni city of Al Mukalla, population 300,000. Al Qaeda took control of Al Mukalla in April, seizing close to \$80 million from the central bank. The group now controls the better part of southern Yemen. The same goes with Belmokhtar, who orchestrated the 2013 attack on an Algerian gas plant that killed 38 people and had pledged allegiance to al Qaeda's Ayman al-Zawahiri. If reports of Belmokhtar's death are confirmed this wouldn't be the first time he's been presumed dead it's a tactical coup for the U.S. and a moral victory for the terrorist's victims. But it does little to change the fact that jihadist groups, led by Islamic State, control significant territory in Libya, including Moammar Ghadafi's hometown of Sirte.

AT//They Know Something We Don't

Classified info isn't the issue, but ignorance and a failed bureaucracy— 6 reasons

Brooks 2015 (Rosa [Law professor at Georgetown University and a Schwartz senior fellow at the New America Foundation]; US Counterterrorism strategy is the definition of insanity; Jun 24; foreignpolicy.com/2015/06/24/u-s-counterterrorism-strategy-is-the-definition-of-insanity/?wp_login_redirect=0; kdf)

To me, that's one of the unsolved mysteries of the universe, right up there with "what is dark matter?" and "why do we yawn?" Why do smart people like Obama and his top advisors continue to rely on counterterrorism policies that aren't working? I can think of a few possibilities. 1. They know something we don't. This is the most generous hypothesis I can come up with. Maybe there's secret intelligence information showing that, contrary to all appearances, al Qaeda, the Islamic State, al-Shabab, Boko Haram, and other major terrorist groups have all been fatally weakened and peace on Earth is right around the corner. Maybe. But not very likely. 2. We know something they don't. Back in 2003, many of us were skeptical of the Bush administration's claims about Iraqi weapons of mass destruction, but told ourselves that senior officials probably knew something we didn't. Not so, as it turned out. Internal and external critics were ignored or silenced, and everyone from Defense Secretary Donald Rumsfeld to Secretary of State Colin Powell convinced themselves that dubious intelligence was the gospel truth. Had they paid more attention to critics, the United States might never have launched its misguided war in Iraq — the same war that became an inspiration and training ground for many of the terrorist leaders who continue to plague the region today. The critics were right. There's no particular reason to think that today's senior U.S. officials are any less prone to self-delusional groupthink. Maybe they're trapped in their own little bubble; maybe they've started to believe their own hype. 3. They don't know what they don't know. Or maybe they don't — and can't — know that they don't know what the rest of us know. Maybe no one draws their attention to critical reports. Maybe the internal critics — of whom there are clearly many — censor themselves when they're around the president and his inner circle. I sometimes think that the U.S. government is a giant machine designed to prevent senior decision-makers from every getting any useful information. For one thing, it's a vast and sprawling bureaucracy, and the right hand is frequently oblivious to the machinations of the left hand. In a sense, there's just no "there" there: The State Department doesn't always share important information with the Defense Department, the Defense Department doesn't always share important information with Department of Homeland Security, and the intelligence community generally doesn't share important information with anyone. Within agencies, it's no different. Central Command doesn't necessarily know what Special Operations Command knows, and Africa Command may not know what either knows. Central Command doesn't necessarily know what Special Operations Command knows, and Africa Command may not know what either knows. Military intelligence and surveillance assets are concentrated in the Central Command area or responsibility, leaving commanders elsewhere with less ability to monitor and understand what's going on. Meanwhile, the CIA's shift toward paramilitary operations has left it less able to gain vital human intelligence. Put all this together, and you get a situation in which U.S. officials can see millions of trees, but almost no one can spot any forests. Add to this the natural desire to bring good news rather than bad news to the boss — and combine it with a bureaucratic culture that insists that everything be boiled down to a few slides or a page of bullet points before it goes to senior officials. Maybe, at the end of the day, Obama can't be expected to know whether his approach to counterterrorism is succeeding or failing, because the structure and incentives of the players in his own

government make it impossible for him to know. 4. They don't want to know. Maybe that's too generous. Bush used to boast that he never read the newspaper. Maybe Obama has stopped reading the news too. Or maybe he skips articles that look critical or negative and goes straight to the sports section. It will be many years before current intelligence assessments are declassified, but so far, journalistic reports of leaked documents and comments by former officials suggest that there's no shortage of internal evidence that U.S. counterterrorism policy is failing. According to the BBC, leaked CIA reports concluded that targeting killings of Taliban leaders were ineffective, for instance. Other internal documents reportedly acknowledge that U.S. officials are often uncertain whom they're killing in the first place. But maybe senior officials find reasons to avoid reading such reports. Taking such information fully on board — or grappling with the full implications of the recent rise in global terrorism — would require senior officials to admit (to themselves, even if not to the general public) that a counterterrorism strategy centered on air power and targeted killings isn't working. Not fun. 5. They know, but don't care. Perhaps I'm still being too generous. Maybe senior administration officials know perfectly well that their approach to counterterrorism is failing, but simply have no incentive to change it. Why bother? In less than two years, this administration will be gone, and the next crew will have to clean up the mess — which won't be easy, since no one has any magic solutions. In the meantime, politics trumps policy. The experts, analysts, and pundits can yap all they want, but airstrikes and targeted killings scratch the itch to “do something” and look tough while doing it. The long-term efficacy of this approach is immaterial. 6. They're just really conflicted and confused. It's definitely possible. In May 2013, Obama told an audience at the National Defense University that counterterrorist drone strikes raise “profound questions” and that “the use of force must be seen as part of a larger discussion we need to have about a comprehensive counterterrorism strategy.” In May 2014, he repeated his commitment to having that discussion and added, “I also believe we must be more transparent about both the basis of our counterterrorism actions and the manner in which they are carried out.... When we cannot explain our efforts clearly and publicly, we face terrorist propaganda and international suspicion.” In September 2014, he admitted, “We don't have a strategy yet” for dealing with the rise of the Islamic State. A few weeks ago, he amended this to “we don't yet have a complete strategy.” It shows.

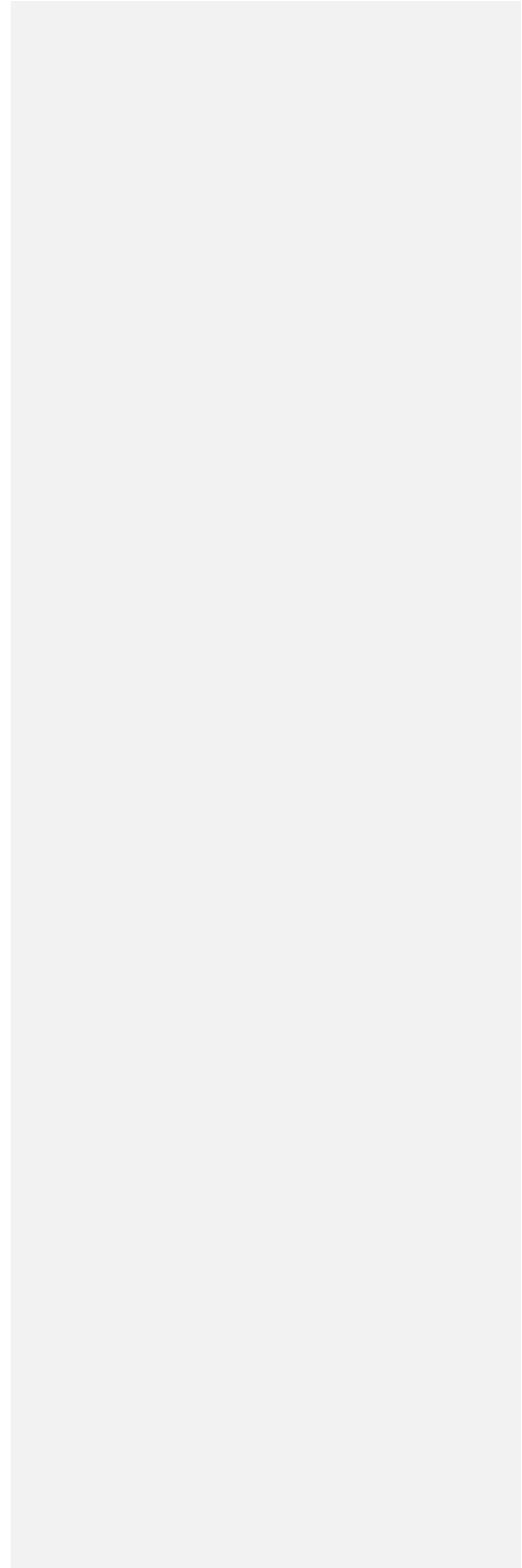
AT//Wide Net

Casting a wide net doesn't increase effectiveness – just catches a bunch of innocent citizens

Scott, 14 (Christopher, Angelo State University, 6/9/2014, "Domestic Surveillance and Government's Loss of Legitimacy", <https://repositories.tdl.org/asu-ir/handle/2346.1/30143>) KW

In terms of catching potential terrorists, this appears to be exactly what proponents of the NSA's domestic spying program want. However, it leaves the rest of the law-abiding populace vulnerable to abuse. Much like using a drift net results in catching all manner of fish, the outcome of the NSA's blanket spying program is that many innocent people are caught up with those few who are guilty. White House counselor, John Podesta, noted that a recent 90 day review ordered by President Obama found that "potential for discrimination is an issue that warrants a closer look" (Sullivan, 2014). What does this mean for a political system originally designed to better the lives of the people who live under it? The ease and availability of such abuses of power can inadvertently bring about the rise of a tyrannical movement within the government thereby negatively affecting the very people that government was created to protect.

Impact



No Attack

Terrorism is growing – but that doesn't translate into a high risk of another attack on the homeland. Much more likely to stay in the Middle East

Taylor '14

(Richard Norton - Taylor, writes for the Guardian on defence and security, was the paper's security editor, won the Freedom of Information Campaign Award in 1986 and in 1994, and Liberty's Human Rights Award for journalism in 2010, July 7, 2014, The Guardian, "Islamist terror threat to west blown out of proportion - former MI6 chief", <http://www.theguardian.com/uk-news/2014/jul/07/islamist-terror-threat-out-proportion-former-mi6-chief-richard-dearlove, SS>)

The government and media have blown the Islamist terrorism threat out of proportion, giving extremists publicity that is counter-productive, a former head of Britain's intelligence service has said. Sir Richard Dearlove, chief of MI6 at the time of the Iraq invasion, said that Britons spreading "blood-curdling" messages on the internet should be ignored. He told an audience in London on Monday there had been a fundamental change in the nature of Islamist extremism since the Arab spring. It had created a major political problem in the Middle East but the west, including Britain, was only "marginally affected". Unlike the threat posed by al-Qaida before and in the aftermath of the 9/11 attacks 13 years ago, the west was not the main target of the radical fundamentalism that created Isis, (the Islamic State in Iraq and the Levant), Dearlove said. Addressing the Royal United Services Institute, the London-based security and defence thinktank, he said the conflict was "essentially one of Muslim on Muslim". He made it clear he believed the way the British government and the media were giving the extremists the "oxygen of publicity" was counter-productive. The media were making monsters of "misguided young men, rather pathetic figures" who were getting coverage "more than their wildest dreams", said Dearlove, adding: "It is surely better to ignore them."

No Escalation

No existential threat from terrorists

Mueller and Stewart, 2/24/15 (John, Political scientist at Ohio State; Mark, engineer and risk analyst at the University of Newcastle in Australia; “Terrorism poses no existential threat to America. We must stop pretending otherwise”; [//JPM">http://www.theguardian.com/commentisfree/2015/feb/24/terrorism-poses-no-existential-threat-to-america\)//JPM](http://www.theguardian.com/commentisfree/2015/feb/24/terrorism-poses-no-existential-threat-to-america)

One of the most unchallenged, zany assertions during the war on terror has been that terrorists present an existential threat to the United States, the modern state and civilization itself. This is important because the overwrought expression, if accepted as valid, could close off evaluation of security efforts. For example, no defense of civil liberties is likely to be terribly effective if people believe the threat from terrorism to be existential.¶ At long last, President Barack Obama and other top officials are beginning to back away from this absurd position. This much overdue development may not last, however. Extravagant alarmism about the pathological but self-destructive Islamic State (Iis) in areas of Syria and Iraq may cause us to backslide. ¶ The notion that international terrorism presents an existential threat was spawned by the traumatized in the immediate aftermath of 9/11. Rudy Giuliani, mayor of New York at the time, recalls that all “security experts” expected “dozens and dozens and multiyears of attacks like this” and, in her book *The Dark Side*, Jane Mayer observed that “the only certainty shared by virtually the entire American intelligence community” was that “a second wave of even more devastating terrorist attacks on America was imminent”. Duly terrified, US intelligence services were soon imaginatively calculating the number of trained al-Qaida operatives in the United States to be between 2,000 and 5,000.¶ Also compelling was the extrapolation that, because the 9/11 terrorists were successful with box-cutters, they might well be able to turn out nuclear weapons. Soon it was being authoritatively proclaimed that atomic terrorists could “destroy civilization as we know it” and that it was likely that a nuclear terrorist attack on the United States would transpire by 2014.¶ No atomic terrorists have yet appeared (al-Qaida’s entire budget in 2001 for research on all weapons of mass destruction totaled less than \$4,000), and intelligence has been far better at counting al-Qaida operatives in the country than at finding them.¶ But the notion that terrorism presents an existential threat has played on. By 2008, Homeland Security Secretary Michael Chertoff declared it to be a “significant existential” one - carefully differentiating it, apparently, from all those insignificant existential threats Americans have faced in the past. The bizarre formulation survived into the Obama years. In October 2009, Bruce Riedel, an advisor to the new administration, publicly maintained the al-Qaida threat to the country to be existential.¶ In 2014, however, things began to change.¶ In a speech at Harvard in October, Vice President Joseph Biden offered the thought that “we face no existential threat – none – to our way of life or our ultimate security.” After a decent interval of three months, President Barack Obama reiterated this point at a press conference, and then expanded in an interview a few weeks later, adding that the US should not “provide a victory to these terrorist networks by over-inflating their importance and suggesting in some fashion that they are an existential threat to the United States or the world order.” Later, his national security advisor, Susan Rice, echoed the point in a formal speech.¶ It is astounding that these utterances – “blindingly obvious” as security specialist Bruce Schneier puts it – appear to mark the first time any officials in the United States have had the notion and the courage to say so in public

Even if the risk of an attack is high, the lethality is minimal

Russell, 15 (Jill, King's College London, writer for the Telegraph; 5/5/15; "How big a threat are Isil-inspired terror attacks to the US and western Europe?"; [//JPM">http://www.telegraph.co.uk/news/worldnews/islamic-state/11582416/How-big-a-threat-are-Isil-inspired-terror-attacks-to-the-US-and-western-Europe.html">//JPM](http://www.telegraph.co.uk/news/worldnews/islamic-state/11582416/How-big-a-threat-are-Isil-inspired-terror-attacks-to-the-US-and-western-Europe.html)

At the level of tangible damage, in fact such attacks present no real existential threat. Despite the seeming ease and simplicity of a potential Lone Wolf campaign, to achieve anything beyond isolated violence exceeds the capabilities of the potential jihadists. Charlie Hebdo is an excellent example of the hysteria that a relatively low-level attack can achieve. Those most likely to be susceptible to this call to arms are, fortunately, not masterminds. The Tsarnaev brothers in Boston are an instance of such terrorists undone by their incompetence. More boldly, it is not exceptional to say that these acts hold little power to inflict damage of any strategic consequence in and of themselves. There is a significant possible threat from these attacks, yes, but the actual risk of and from them is rather less. Looking to the political effect, the West is further protected. At its simplest, terrorism operates by using spectacle to inspire fear and lead political change. Against this direct bullying, states are consistent in their standard refusal to alter policies or make concessions as demanded by terrorists. Nevertheless, even as these attacks do not imperil our security or political freedom on their own, how we in the West will respond to them may in fact cause the greater damage, nowhere more so than in the very communities and societies which we seek to protect. Isil's strategy makes targets of the more vulnerable members of Western societies. In the current climate of the jihadi threat and Muslim communities in the West, the Lone Wolf becomes a cruel blight upon them, casting all under the pall of doubt. Isil's claim of responsibility for the latest attack in Garland, TX, will bring a backlash. Unfortunately, aggressive methods and measures to counter the threat will fall like a blunt weapon upon a greater demographic than deserves. This problem becomes more acute in the nexus between Muslim communities and other minorities. When we take into account the disaffection for the police within minority communities, the prospects that these responses will increase the hostility is high. These are the same communities with whom the authorities in Western states must build better relations. This is a crucial moment, and how we will respond to the threat by way of the authorities' interactions with these minorities will matter. It would be too tragically easy for Western governments to allow fear to drive a wedge of suspicion between them and the relevant communities. This would serve the Lone Wolf strategy by increasing the number of marginalised and angry individuals susceptible to Isil's call to action. The fabric of our diverse societies could be mortally wounded by rash and ill-considered responses to this threat. But it is equally true that this is a moment where the terms of Western society could be strengthened, its wisdom reaffirmed. In addition to every bit of fine, proactive counter-terror tactic and policy, the single best weapon against Isil and its immediate and long-term threats within Western societies is the strength of relations between the relevant communities and individuals and the authorities. Local knowledge and assistance are the most effective answers to lone wolves, plots, and radicalisation. Every action taken to build rapport, trust and respect will not only be an improvement to security, but will be a down-payment on the security and vibrancy of society in years to come. In the short term it would be unwise to give too much credence to the actions of Isil's lone wolves.

No Imminent Threat

The risk of a forthcoming attack on the homeland is minimal – their evidence is baseless paranoia

Wright, 14 (Lynn M. Wright Branch Chief, Federal Emergency Management Agency B.S., Northeastern University; 12/14; "THE EMERGING THREAT OF DOMESTIC TERRORISM: A SYSTEMATIC REVIEW OF EVOLVING NEEDS, THREATS, AND OPPORTUNITIES"; Naval Postgraduate School; http://calhoun.nps.edu/bitstream/handle/10945/44693/14Dec_Wright_Lynn.pdf?sequence=1)

Compared to many other countries, the U.S. does not face the same magnitude of terrorist attacks or threats on its own soil. The actual threat and the perceived threat may be significantly different, based on media influence, political rhetoric, and human nature. Any discussion on the domestic terrorist threat in the U.S. and the most effective methods for collecting and analyzing domestic intelligence and sharing information must take these factors into consideration. A variety of resources look at how fears, risk perceptions, and responses are not always logical. For example, Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them, by John Mueller, claims that there is an "overreaction" to terrorism and suggests methods for reducing fear among Americans as a possible response to the perceived terrorist threat.⁴⁸ The Science of Fear: How the Culture of Fear Manipulates Your Brain, by Daniel Gardner, touts fear as an outstanding "marketing tool" and claims that government officials' narrative and media reporting significantly influence the public's perception of the actual terrorism threat.⁴⁹

AT//Al-Qaeda

Al Qaeda is shattered and remains cannot recover – its leadership is gone, it lacks resources, and recruitment is low

Burke 13 [Jason - he south Asia correspondent of the Guardian, based in Delhi. Over 15 years as a foreign correspondent, he has covered stories across the region, as well as in the Middle East. "Al-Qaida's membership declining and leadership damaged, but threat remains", The Guardian, 8/5/13, <http://www.theguardian.com/world/2013/aug/05/al-qaida-anniversary-attacks-reduced>] Schuler 24

Al-Qaida's leadership is a shattered remnant, reduced to begging funds and munitions from local allies and with its most capable members heading to Syria, according to recent briefings from Pakistan's intelligence services. But western analysts say the group retains the ability to regenerate quickly and dangerously and its ideology remains a potent threat around the world, as the closure of US embassies across the Middle East this week shows. With fewer than 100 leaders, fighters and trainers and few experienced operators, the ability of the group's Pakistan-based "general command" under Ayman al-Zawahiri, the Egyptian-born militant who replaced Osama bin Laden after he was killed by US special forces in 2011, to launch overseas attacks is limited, Pakistani officials have said. As demands mount elsewhere in the Islamic world, policymakers and specialists have to decide the focus of counter-terrorist efforts. But there is still little consensus on which elements of the al-Qaida phenomenon pose the greatest threat. In July, it was reported that the CIA would be shifting resources from Afghanistan and Pakistan to the Middle East and Africa. The current capabilities of the core leadership element of al-Qaida, founded in the Pakistani frontier city of Peshawar 25 years ago on 11 August and still based in the country, is a particularly controversial topic. US intelligence services and many of their counterparts overseas, including British agencies, broadly concur with the Pakistani view that the al-Qaida "senior leadership" or "general command" in the troubled south Asian state has been significantly damaged by the elimination of the majority of its senior operatives and by lower levels of support in the Muslim world. However, some argue that it remains a significant threat, particularly with most US and international forces due to leave Afghanistan within 18 months. Daveed Gartenstein-Ross of the Foundation for Defence of Democracies, a Washington thinktank, said: "Al-Qaida central has been degraded, but what does that mean? Their ability to regenerate is probably greater than most analysts believe." Advertisement A recent report published by Canadian intelligence services referred to al-Qaida's "hardcore" having "a deeper bench" of leaders and operatives. This, among other factors, suggested that "Al-Qaida Core is extremely likely to exist in 2017 much as it existed – despite predictions and assessments to the contrary – in 2007," the report said. The approaching withdrawal from Afghanistan has intensified the debate. The departure of most international troops could, some fear, provide a propaganda victory which would reinvigorate extremists both internationally and locally. Another concern is heightened lawlessness in Afghanistan which would help militant groups there and in Pakistan. "The ... withdrawal of US forces and Isaf [International Security Assistance Force] troops from Afghanistan by 2014 further suggests that core al-Qaida may well regain the breathing space and cross-border physical sanctuary needed to ensure its continued existence," the Canadian report says. Some analysts point out that together these factors partially replicate the circumstances in which al-Qaida emerged. "It is back to the future – you can't help but see parallels," said one Middle Eastern diplomat who was stationed in the region in the early 1990s. 'All won their battles' Al-Qaida was founded by veterans of the war against the Soviets in Afghanistan. The victory over the massive conventional forces of the USSR was a key factor in the formulation of the group's radical new global approach, which

sought to target the US – the so-called "far enemy" – to weaken regimes in the Middle East – the "near enemy" – and overcome the parochialism and infighting that plagued Islamist extremists at the time. The chaos in Afghanistan that followed the Soviet withdrawal and its destabilising effect on Pakistan helped al-Qaida to thrive through the following decade. Bin Laden (pictured right) left Pakistan for Saudi Arabia in 1991, though many militants remained, and then went to Sudan. He arrived in Afghanistan in 1996 at the invitation of local warlords. He then became close to Mullah Mohammed Omar, the leader of the Taliban, and was sheltered by the hardline movement until the war after the 9/11 attacks in 2001 that led to the end of its rule. Maleeha Lodhi, a former Pakistani ambassador in Washington and analyst, said: "The effect on militants [of the US withdrawal] depends on how the war [in Afghanistan] ends. There is a danger that the extremists see this as yet another defeat for another superpower and that would embolden them." Lodhi said a political settlement in Afghanistan would make such a narrative difficult to sustain. However, progress in negotiations between the Taliban, the US and the Afghan government has been slow. Afghanistan also faces new presidential elections late next spring and violence is rising. The coming international withdrawal is already having an impact even on long-running conflicts where there has never been any al-Qaida involvement. In the parts of the disputed Himalayan former princedom of Kashmir, where insurgency has pitted local and Pakistani-based militant groups against security forces for more than two decades, the "success" of the Taliban is seen by some as an argument for resuming a strategy of violent resistance that has largely been abandoned in recent years. In the town of Sopore, a hotbed of insurgent violence in northern Indian-administered Kashmir, young men spoke to the Guardian in between bouts of throwing rocks at local police during a morning's rioting last month. Events in Afghanistan, they said, had inspired them. "The US forces have pulled out because they could not beat the Taliban. This is an example for us. If we fight back we too can achieve something," said Shakeel Ahmed, a 24-year-old pharmaceutical representative. Muzaffar Ahmed Wani, a 50-year-old schoolmaster in the southern village of Tral whose teenage son is fighting with the Hizb-ul-Mujahideen group, said events in Afghanistan would "definitely have an impact". In Peshawar itself, few doubt that the withdrawal will encourage local fighters. "My father's father fought the British, my father fought the Soviets, my brother fought the Americans. All have won their battles even with small guns and stones against tanks and helicopters. This shows that when you fight in the way of God you will always win, whatever is against you," said Mohammed Rasheed, who works in a restaurant near the city's main bus station. But it is less clear that events in Afghanistan will have the same effect further afield. Internet forums and propaganda websites are dominated by news from Syria or other Middle Eastern countries. Al-Qaida "general command" has also lost its most effective propagandists: Bin Laden himself and Abu Yahya al-Libi, a younger militant who was killed last year. Al-Zawahiri, the current leader, lacks the charisma of either. A key factor determining the evolution of the remnant of al-Qaida's core in Pakistan in coming years will be its local allies, analysts agree. If either the Afghan Taliban or the rough coalition of groups known as the Pakistani Taliban (TTP) are definitively defeated, significantly degraded or conclude an agreement to lay down their weapons, al-Qaida could find itself without the haven that has given a modicum of precarious security over the last decade. Allies such as the Haqqani network, another organisation based on the Afghan-Pakistani frontier, could also withdraw support, though this is considered unlikely in the short term. "In some scenarios al-Qaida could be badly squeezed," said Ejaz Haider, a security analyst in Islamabad. Tenacious ideology For many years, the local outfits were junior partners to the prestigious international group. This is no longer the case, according to Pakistani officials. "We see [al-Qaida] more and more dependent on local networks who have funds and weapons and recruits, but with less and less to offer them. The overall picture is very

fragmented," said one senior officer based in the western Punjab province. One indication is the flow of recruits. Intelligence services are picking up signs that the TTP or even other "international" groups with a presence on the frontier are being preferred by volunteers. In one recent case, a young Pakistani who was studying in the UK returned to his homeland and sought out the TTP despite attempts by al-Qaida to recruit him. In another case volunteers chose the Islamic Movement of Uzbekistan, which has long been based in the tribal areas. One key development is what analysts call the "Pakistanisation" of al-Qaida in the country. Senior al-Qaida leaders established a local branch to develop operations and links in Pakistan several years ago and have recently ramped up propaganda directed at south Asian Muslims. "You are seeing a lot of material related not just to fighting in Afghanistan but focusing on Bangladesh, India and Burma that we have not really seen previously," said Aaron Zelin, a researcher at the Washington Institute for Near East Policy. But now analysts see a growing influence of locals inside the formerly almost exclusively international "al-Qaida hardcore". Recently, a Pakistani cleric has taken on the role of ideologue and spokesman for al-Qaida. The reported movement of al-Qaida operatives to Syria, if confirmed, could be evidence of a possible split, as those unhappy with the increasingly local character and focus of what was once the centre of an international network focus on waging "global jihad" elsewhere.

Al Qaeda poses zero risk – this card absolutely devastates their DA

Watts 15 [Clint- is a Senior Fellow at the Foreign Policy Research Institute. "Al Qaeda Loses Touch", Foreign Affairs, 2/4/15, <https://www.foreignaffairs.com/articles/middle-east/2015-02-04/al-qaeda-loses-touch>] Schuler 25

- Lack of leadership
- Loss of affiliate groups
- Lack of communication ability
- Ideology is unpopular
- They fled to Syria
- Loss of Iraqi fighters

If al Qaeda were a corporation today, it would be roughly equivalent to Microsoft: A big name but an aging brand, one now strikingly out of touch with the 18–35-year-old demographic. The group made its way back into the headlines this past January, after its affiliate—al Qaeda in the Arabian Peninsula, or AQAP—took credit for a deadly attack on the Paris offices of the French magazine Charlie Hebdo. But the claim of responsibility came a week after the fact, and lacked the sort of insider accounts or video footage that typically accompany such announcements, leading some to conclude that al Qaeda may not have known about the attackers' intentions. Put simply, al Qaeda's traditionally preeminent position in the jihadi hierarchy, long on the wane, is slipping still further. U.S. officials, for their part, are increasingly focused on the Islamic State, or ISIS, which continues to deliver a steady flow of battlefield victories and brutal beheadings. Yet al Qaeda has a clear path back to contention: a dramatic follow-up to the Hebdo attack. And with the group's need for a win so great, Washington would be mistaken to count it out. CONTROL KEY Al Qaeda's latest chapter began with the death of Osama bin Laden in May 2011. Shortly thereafter, Ayman al-Zawahiri, bin Laden's successor as al Qaeda's global leader, found himself facing numerous constraints. Aggressive U.S.-led counterterrorism efforts, buoyed by a deadly drone campaign, forced top al Qaeda commanders into hiding, limiting Zawahiri's ability to

communicate with al Qaeda's affiliates. Based in Pakistan rather than in Iraq, Zawahiri and his senior commanders lost touch with many fighters in Iraq. And with bin Laden dead, resources became tighter. Al Qaeda's affiliates, which were now receiving less guidance and fewer resources from al Qaeda central, took on a new level of independence. Some four years later, al Qaeda is essentially a collection of relatively small, though still capable, affiliates. AQAP, under the leadership of Nasir Wuhayshi, remained loyal to Zawahiri after bin Laden's death. But with Zawahiri and al Qaeda's senior leadership under siege from the drones in Pakistan, AQAP effectively became al Qaeda central. AQAP came close to executing three plots against Western targets, in 2009, 2010, and 2011. And it became the first affiliate to build its own insurgent force, Ansar al Sharia, which aimed to establish an Islamist emirate in Yemen. In Zawahiri's absence, other affiliates began to look to AQAP for guidance. Among them was al Qaeda in the Islamic Maghreb or AQIM, which was making a separate push for an Islamic emirate in northern Africa. By the spring of 2012, AQAP had sent the group's leaders two instructional letters, one in May and another in August, covering both tactics and strategy. AQAP further cemented its role by essentially creating its own affiliate, al Shabaab, in Somalia. Zawahiri confirmed al Shabaab's membership in al Qaeda in February 2012, but evidence suggests that the group had little interaction with al Qaeda central. Omar Hammami, an American member of the group, noted in his biography that al Shabaab's al Qaeda contacts came from Yemen rather than Pakistan. And even a senior al Shabaab leader, Sheikh Ali Muhamud Raage, seemed confused, at one time publicly stating that the group was joining AQAP. Al Qaeda central, meanwhile, has continued to struggle. In Pakistan, the U.S. drone program has kept Zawahiri tied down and led to an exodus of his senior deputies to Egypt, Libya, and Syria in search of refuge and new opportunities. Despite the overthrow of a democratically elected Muslim Brotherhood regime in Egypt—a confirmation of al Qaeda's narrative—the group has failed to gain traction there. Its so-called Nasr cell, which has allegedly plotted various attacks in the country, was disrupted in 2013, and its operatives in the Sinai have suffered losses at the hands of the Egyptian military and an attrition of followers to ISIS. Today, the Syrian conflict represents al Qaeda's greatest challenge. And here, too, al Qaeda's performance has been lackluster. Zawahiri dispatched top veterans to Syria, forming the so-called Khorasan unit under the flag of their affiliate, Jabhat al-Nusra. But those operatives have become embroiled in a deadly turf war with ISIS, which has used suicide bombers to target senior al Qaeda commanders. Even with ISIS under fresh pressure from an aggressive U.S. air campaign, al Qaeda has been unable to win a position at the top of the opposition to Syrian President Bashar al-Assad. TERROR DISRUPTED Had bin Laden and Zawahiri been holed up in remote tribal lands in 1994 rather than in 2004, they never would have been able to sustain their global network of affiliates or inspire far-flung supporters. But after 9/11, the expansion of the Internet provided bin Laden and his deputies the means to transmit their ideology, disseminate propaganda, communicate with subordinates, and guide new recruits from the remotest of locations. Al Qaeda's password-protected forums became a global dissemination platform linking like-minded jihadis from all over the world. Abu Musab al-Zarqawi, a commander of al Qaeda's Iraq affiliate, took jihadi Internet use in a new direction. The group's online outreach activities tell their own story: Content shifted from still-motion shots of a finger-waving bin Laden to videos of violent assaults and bombings targeting U.S. soldiers. YouTube became the first two-way engagement platform for all jihadi supporters to chime in and promote the battlefield heroics of Zarqawi and company—not necessarily al Qaeda central. But it was Al-Awlaki, based in Yemen, who brought al Qaeda its greatest online success. The American cleric's online preaching, one-to-one communication with Western jihadis, combined with the dissemination of the English jihadi magazine Inspire provided al Qaeda with new recruits in the West. But Awlaki's death in 2011, along with that of

his online provocateur, American Samir Khan, dealt a major blow to al Qaeda's Internet footprint. Subsequent issues of Inspire have been less frequent, of lower quality, and largely overshadowed by the new media prowess of ISIS. Bin Laden's death, coupled with the expansion of social media, opened the floodgates. Until 2011, respect for bin Laden and al Qaeda's use of controlled forums kept al Qaeda's message synchronized and its supporters in line. Not so under Zawahiri, and amidst the rise of social media platforms such as Facebook, Twitter, and YouTube. Suddenly, any jihadi supporter regardless of ideological credentials could lead jihadi discussions, challenge al Qaeda's direction, or lead his or her peers to support one campaign over another. Online, the meaning of global jihad shifted from an emphasis on violence as a means of pursuing an Islamic state (an approach advocated by al Qaeda) to statehood as a means of pursuing violence (one championed by ISIS). Omar Hammami, an American foreign fighter who defected from al Shabaab, signaled this shift best when he was on the run from the group's leader. "Terrorism is a staple so long as shari'ah is followed. Post-aq = broadbased jihad," he tweeted in January 2013. It increasingly appears that young jihadis have moved on from al Qaeda, more inspired by the violence of the Syrian conflict than the Islamist cause. In Syria, al Qaeda has applied its favored approach of behind-the-scenes capacity maneuvering, working primarily through senior envoys embedded with Jabhat al Nusra. ISIS, by contrast, has taken to the Internet with some of the most brutal jihadi content to date. In a break with tradition, Zawahiri began issuing his guidance and directives openly to bypass disobedient subordinates in September 2013, but it has largely failed to keep pace with ISIS in building a younger following.

Even American security officials believe it poses no threat

Browning 14 [Noah – staff writer, "Al Qaeda denies decline, acknowledges 'mistakes' by its branches", Reuters, 9/14/14, <http://www.reuters.com/article/2014/09/14/us-mideast-idUSKBN0H90MU20140914>] Schuler 26

Al Qaeda dismissed as "lies" a U.S. assessment that it is in decline, but a defiant online message issued by the network on Sunday made no mention of the ultra-hardline Islamic State group widely seen as its rival for the leadership of global jihad. "Whatever slip-ups or errors (regional branches)...may have committed are limited in number in the midst of mountains of good deeds and successes," said Hossam Abdul Raouf, an Egyptian veteran of the militant group. He said compensation and apologies had been given to unintended victimism but gave no details. Raouf, who served under assassinated leader Osama Bin Laden, said the group was expanding across the world. Al Qaeda faces a challenge to its leadership of the radical Islamist struggle with the West by the Islamic State group, and may be seeking to burnish its credentials as its rival girds for a fight to protect land it has seized in Iraq and Syria. The United States and Arab neighbors pledged to fight IS last week, and American warplanes have pounded its positions in Iraq for over a month. IS 'CALIPHATE' Islamic State's declaration of a "caliphate," or religious state over its lands has not been recognized by al Qaeda, which has produced a series of videos in recent weeks detailing its own activities but shying away from criticizing IS. IS released a video on Saturday night showing the beheading of a British hostage. The U.S. State Department in its annual terrorism report published in April said: "As a result of both ongoing worldwide efforts against the organization and senior leadership losses, AQ core's leadership has been degraded, limiting its ability to conduct attacks and direct its followers." The U.S. has repeatedly killed top al Qaeda leaders, including Bin Laden, in the group's haven on the Afghanistan-Pakistan border, where its leaders live under the protection of local

militants to whom they swear allegiance. Global affiliates of the group, however, have grabbed territory and harassed Western-backed governments in Somalia, Algeria and Yemen - attacking soldiers, bombing government installations and often killing civilians. "How then can al Qaeda have shrunken greatly and lost many of its senior leaders at a time when it is expanding horizontally and opening new fronts dependent on it?" Raouf said, although he said these groups had often erred. Al Qaeda fell out with IS - whose roots lie in Iraq - in 2013 over its expansion into Syria, where the militants have carried out beheadings, crucifixions, and mass executions. The global group's leader, Ayman al Zawahiri, designated the Nusra Front, another jihadi group which has clashed with IS, its representative in Syria. Counter-terrorism experts say al Qaeda's aging leadership is struggling to compete for recruits with Islamic State, which has galvanized young followers, seized advanced weapons from Iraqi and Syrian forces while accruing a vast store of cash.

The era of Al Qaeda inspired domestic terror is over – it lacks America propaganda experts

Berger 4/23 [J.M. - a nonresident fellow in the Project on U.S. Relations with the Islamic World at Brookings and the author of "Jihad Joe: Americans Who Go to War in the Name of Islam" and "ISIS: The State of Terror". "Al Qaeda's American Dream Ends", Politico Magazine, 4/23/15, <http://www.politico.com/magazine/story/2015/04/al-qaeda-adam-gadahn-isis-rebirth-americans-recruited-to-isil-117285.html#.VZBUvPIVhBc>] Schuler 27

The public first met Adam Gadahn in October 2004, under the name "Azzam the American," in an Al Qaeda video Q&A that seems almost quaint by today's gruesome standards. Gadahn's real name and strange life story soon emerged. A Jew raised on a California goat farm who dabbled in heavy metal before converting to Islam and subsequently joining Al Qaeda, he became one of the most prominent members of the pantheon of Americans in the terror group. Although his story was covered with breathless shock by many media outlets, Gadahn was hardly the first American to find a home and a cause in Al Qaeda. Americans had been present in the group since the days of its founding, frequently in senior operational roles. It was said that Osama bin Laden had a predilection for American recruits, and Americans played a key role in the first major terrorist attack Al Qaeda carried out from start to finish, the 1998 East African Embassy bombings. In many respects, however, the rise and decline of Gadahn mirrors the trajectory of Al Qaeda after September 11, as well as those of the other Americans who were caught up in its wake. Gadahn had joined Al Qaeda not long before 9/11, working as a translator at first, but eventually playing a much more substantial role in its media division. Under his tutelage, or at least with his collaboration, Al Qaeda began experimenting with digital distribution and modern styles of discourse. His voice narrated a documentary about the September 11 attacks called "The 19 Martyrs," which resembled a History Channel production in both its style and production values. He hosted a brief, aborted experimental news broadcast called "Voice of the Caliphate." Eventually, he became a significant spokesman in his own right, issuing threats against the American president while sitting at a desk with a coffee mug emblazoned with the logo of as-Sahab, Al Qaeda's media production company. Many of the techniques and approaches he pioneered have today been co-opted by the Islamic State, which has developed these ideas far more aggressively than Al Qaeda ever did. In the early days, the chief concern about Americans in the folds of Al Qaeda and its affiliates was that they would use their passports and their knowledge of the United States to carry out terrorist attacks on the homeland. And while there were very real examples of such efforts, the outsized impact of U.S. citizens was consistently seen in media operations, as with the American cleric Anwar Awlaki and his American protégé, Samir

Khan, who together created the much-heralded Inspire magazine, the English-language vehicle of Al Qaeda in the Arabian Peninsula. Although Inspire was in many ways derivative, it nevertheless had a wide-ranging impact and has benefited greatly from often-overblown media coverage, which was in turn enhanced by the fact that it was produced by Americans. As Ayman al Zawahiri famously wrote, more than half of the battle of terrorism takes place in the media, and Al Qaeda and its affiliates quickly absorbed the fact that its American recruits commanded a disproportionate share of the media's attention. At one point, AQAP proposed that Awlaki should take over as leader of the organization, because he produced such a windfall of media coverage. In Somalia, Al Qaeda ally (and later affiliate) al Shabab reaped similar benefits from one of its American recruits, an Alabama native named Omar Hammami. A video that featured Hammami preaching and improbably rapping about the benefits of jihad proved so popular that the group released several other raps under his name, although it later turned out they had been recorded by other Americans after Hammami declined to reprise his role. But with the media coverage came scrutiny and enhanced counterterrorism efforts. In 2011, Awlaki and Samir Khan were killed in a U.S. drone strike, silencing two of the most important American voices advocating for Al Qaeda. Inspire magazine continued after their deaths, but at a reduced level of effectiveness. Hammami's fate proved even more awkward for Al Qaeda. In 2012, Hammami made a dramatic and public split with al Shabab, detailing a number of grievances, including corruption, the mistreatment of foreign fighters, and, significantly, the assassination of Al Qaeda operatives sent to Somalia in an effort to establish lines of control over the insurgent group. After opening this can of worms and stirring a substantial controversy within and around al Shabab, Hammami was ambushed and killed by the Somali jihadist group in 2013. Like his fellow American in Somalia, Gadahn also proved to be a gadfly within Al Qaeda, although he kept his complaints behind closed doors, writing lengthy, scathing memos about the low quality of recruits on jihadist internet message boards and the excessive and indiscriminate violence of Al Qaeda in Iraq, the predecessor to the Islamic State group, commonly known today as ISIS or ISIL. In early 2014, ISIL leaked an Arabic-language video in which Gadahn issued a blistering criticism of the group, as well as a lightly veiled criticism of the killing of Omar Hammami and other Shabab dissidents. Gadahn's death marks, in some ways, the end of an era for the Americans of Al Qaeda. Its most-visible American recruits have been killed by U.S. counterterrorism actions or betrayed by their fellow jihadists. And the media innovations that Gadahn, Awlaki and Khan brought to the terrorist organization have now been thoroughly co-opted and surpassed by Al Qaeda's bitter rival, the Islamic State. As Al Qaeda's media output slowly dried up, limited to a trickle of extremely basic talking head videos and sporadic English-language magazine releases, ISIL took up the template Gadahn, Awlaki and Khan had painstakingly hammered out and created a media empire to outperform Al Qaeda in both quality and quantity, pushing out content on a weekly, sometimes daily basis, and blazing a trail onto a social media battlefield where Al Qaeda had only scraped the surface. The stark disparity in output between the two groups highlighted the growing gap in popularity and influence between the old guard and the new guard.

AT//Al-Shabaab

Their influence is regional Bergen '15

[Peter is a CNN National Security Analyst. "How big of a threat is Al-Shabaab to the United States?"
February 23, 2015 <http://edition.cnn.com/2015/02/22/opinion/bergen-al-shabaab-threat>]

How big a threat is Al-Shabaab to the United States? Despite the Somali terrorist group's calls over the weekend for attacks on malls in the West, including the vast Mall of America in Minnesota, the group isn't much of a threat at all to Americans. The reality is that Al-Shabaab has shown scant abilities to conduct operations outside of Somalia or neighboring countries such as Kenya. Indeed, the only operation anyone associated with the group has attempted in the West is when a Somali man armed with an ax in 2010 forced himself into the home of Kurt Westergaard -- a Danish cartoonist who had depicted the Prophet Mohammed with a bomb in his turban -- and tried unsuccessfully to break into the fortified safe room where Westergaard was hiding. Danish intelligence officials said the suspect had links with Al-Shabaab. That said, the group has succeeded in recruiting a number of Americans to fight in Somalia, most of whom are from Minnesota. Seven Somali-American men traveled from Minnesota to Somalia to fight for Al-Shabaab in late 2007, including Shirwa Ahmed, who graduated from high school in Minneapolis and then worked at the Minneapolis airport pushing passengers in wheelchairs. During this period, he became increasingly religious, and in his spare time, he would counsel drunken Somali kids in the impoverished area of Minneapolis known as "Little Mogadishu," after the Somali capital, to embrace their own culture. Ahmed left Minneapolis for good on December 4, 2007, on a flight that took him to Saudi Arabia, from where he eventually made his way to Somalia. In Somalia, he was trained by Al-Shabaab on the use of a wide variety of guns and weapons. On October 29, 2008, he drove a truck loaded with explosives toward a government compound in Puntland, northern Somalia, blowing himself up and killing 20 other people, becoming what then-FBI director Robert Mueller described as the first U.S. citizen to conduct a terrorist suicide bombing. Ahmed's suicide caused considerable consternation at the FBI. If an American citizen was willing to die in a suicide operation overseas, what might that say about the possibility of Americans conducting suicidal attacks in the States? One only had to look at the British experience to understand how this could develop. In 2003, a British citizen had conducted a suicide bombing at a jazz club frequented by Americans in Tel Aviv, Israel. This turned out to be something of a curtain-raiser for future terrorist attacks in the United Kingdom. Two years after the terrorist attack in Israel, four British citizens committed suicide in bombings on London's transportation system on July 7, 2005. It was the most deadly terrorist attack ever on British soil, claiming 52 lives. Alarmed by Al-Shabaab's campaign of suicide attacks across Somalia and its recruitment of Americans, the State Department designated the group as a foreign terrorist organization in March 2008, making it illegal for a person in the United States to knowingly provide Al-Shabaab with money, communications equipment, weapons or explosives or to join the group. By 2008, the Somali-Americans traveling to their homeland to join the al Qaeda aligned Al-Shabaab seemed like a particularly threatening cohort. Codenamed Operation Rhino, the FBI started a serious effort to crack down on anyone traveling to Somalia to support Al-Shabaab. Adding to the alarm at the FBI, in early June 2011, the agency announced that Farah Mohamed Beledi, from Minneapolis, had detonated a bomb, becoming one of two suicide attackers responsible for killing two African Union soldiers in Somalia. The third American to conduct a suicide attack was Abdulsalan Hussein Ali, a 22-year-old from Minneapolis who took part in a strike on African Union troops in Mogadishu on October 29, 2011. There may even have been a fourth American suicide attacker in Somalia. On September 17, 2009, two stolen U.N. vehicles loaded with bombs blew up at Mogadishu airport, killing more than a dozen peacekeepers of the African Union. The FBI suspected that 18-year-old Omar Mohamud of Seattle was one of the bombers. But Al-Shabaab's American support network has extended beyond Minnesota. Ruben Shumpert, an African-American convert to Islam from Seattle, was killed in Somalia in 2008. And a former U.S. soldier from Maryland, Craig Baxam, was arrested by Kenyan authorities in 2011 as he tried to make his way to Somalia to join Al-Shabaab, which he told FBI agents he considered to be a religious duty. Still, despite these developments, for the Americans who traveled to Somalia to fight for Al-Shabaab, it has typically been a one-way ticket. More than a dozen Americans have died while fighting for Al-Shabaab, according to a U.S. House Committee on Homeland Security report, while none of the Americans recruited by Al-Shabaab is known to have subsequently planned or conducted a terrorist attack inside the United States, according to a survey of more than 250 jihadist terrorism cases since the 9/11 attacks conducted by New America. The possibility remains, of course, that Al-Shabaab's calls for attack on malls in the West might inspire a lone wolf attack. But there is no sign so far that Al-Shabaab's recruits have actually plotted to launch an attack in the United States. For now, at least, the group has also not shown that it is capable of carrying out attacks in the West.

They cannot even leave Somalia to even launch an attack on the US The Economist 3/1

[The Economist. "Why Shabab poses little threat to American malls" March 1, 2015
<http://www.economist.com/blogs/economist-explains/2015/03/economist-explains>]

Shabab has never launched a successful attack outside East Africa and is less likely than ever to do so now. The 22,000-strong African Union force in Somalia has beaten the Islamists back from Mogadishu and a string of other towns, choking its sources of income and restricting its movement, while American drone strikes have killed senior commanders including the group's leader Ahmed Abdi Godane (who

makes a very rare cameo at the end of the new video). Minnesota, Edmonton and London are all named because of their large Somali communities, and the video's masked narrator, who appears in many Shabab productions, exhorts followers to "hurry up, hasten towards heaven and do not hesitate." But the call is unlikely to be answered. In the battle for publicity—and recruits—**Shabab has lost ground to fellow jihadists of the Islamic State of Iraq and Syria (ISIS) and Nigeria's Boko Haram, and its popularity abroad is waning. Shabab is losing on the battlefield and in the media.** Its brutality looks almost old-fashioned in comparison to the actions of IS. Under new leader Sheikh Ahmad Umar the group has continued to launch suicide attacks at home in Somalia, most recently killing 25 people at a hotel in Mogadishu, and has stepped up sectarian killings in Kenya. **There is little doubt Shabab will remain a regional threat for some time to come, but its danger to the West is limited.**

AT//Bioterror

Synthetic biology is too complex for terrorist groups

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Synthetic biology is not easy. The assumption that synthetic biology makes it easy for anybody to "engineer biology" is not true. The underlying vision holds that well-characterized biological parts can be easily obtained from open-source online registries and then assembled, by people with no specialist training outside professional scientific institutions, into genetic circuits, devices and systems that will reliably perform desired functions in live organisms. This vision, however, does not even reflect current realities in academic or commercial science laboratories, let alone the situation facing people with no specialist training who work outside professional scientific institutions. Academic and commercial researchers are still struggling with every stage of the standardization and mechanization process. Even if the engineering approaches offered by synthetic biology make processes more systematic and more reproducible, skills do not become irrelevant, and all aspects of the work do not become easier. Certainly, advances in synthetic biology do not make it easier for anybody to engineer biological systems, including dangerous ones. An analogy to aeronautical engineering is useful: Planes are built from a large number of well-characterized parts in a systematic way. But this does not mean that any member of the general public can build a plane, make it fly, and use it for commercial transportation.

Do-it-yourself biology does not pose a threat

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Do-it-yourself biology is not particularly sophisticated. Developments in synthetic biology are seen to be closely associated with the growth of the do-it-yourself bio-community, and some observers have expressed concerns that do-it-yourselfers could offer knowledge, tools, and equipment to bioterrorists seeking to do harm. But the link between synthetic biology and DIYbio, and the level of sophistication of the experiments typically being performed, is grossly overstated. Do-it-yourself biologists typically comprise a wide range of participants of varying levels of expertise, ranging from complete novices with no prior background in biology to trained scientists who conduct experiments in their own time. Some do-it-yourself biologists work in home laboratories assembled from everyday household tools and second-hand laboratory equipment purchased online; the majority conduct their experiments in community labs or "hackerspaces." Studies of scientific practice in community labs demonstrate the challenges that amateur biologists face while trying to successfully conduct even rudimentary biological experiments. These amateurs particularly lack access to the shared knowledge available to institutional

researchers, highlighting the importance of local, specialized knowledge and enculturation in laboratory practices.

Designing a virus is impossible for terrorists

Jefferson, Lentzos, and Marris 14 [Catherine Jefferson is a researcher in the Department of Social Science, Health, and Medicine at King’s College London. Filippa Lentzos is a senior research fellow in the Department of Social Science, Health and Medicine at King’s College London. Claire Marris is a senior research fellow in the Department of Social Science, Health, and Medicine at King’s College London. “The myths (and realities) of synthetic bioweapons”, Bulletin of the Atomic Scientists, 9/18/14, <http://thebulletin.org/myths-and-realities-synthetic-bioweapons7626>] Schuler 31

Building a dangerous virus from scratch is hard. DNA synthesis is one of the key enabling technologies of synthetic biology. There are now a number of commercial companies that provide DNA synthesis services, so the process can be out-sourced: A client can order a DNA sequence online and receive the synthesized DNA material by post within days or weeks. The price charged by these companies has greatly reduced over the last 20 years and is now around 3 cents a base pair, which puts the cost within reach of a broad range of actors. This has led to routine statements suggesting that it is now cheap and easy to obtain a synthesized version of any desired DNA sequence. There are however several challenges that need to be taken into account when assessing the potential for misuse that inexpensive DNA sequencing might enable. Even specialized DNA synthesis companies cannot easily synthesize, de novo, any desired DNA sequence. Several commercial companies provide routine gene synthesis services for sequences of less than 3,000 base pairs, but length is a crucial factor; the process is error prone, and some sequences are resistant to chemical synthesis. A number of entirely new synthesized DNA fragments would have to be assembled to produce a full genome, and, even if doing so were not already regulated by guidelines, simply ordering the full-length genome sequence of a small virus online is not possible. Ordering short DNA sequences and assembling them into a genome requires specialist expertise, experience, and equipment available in academic laboratories but not easily accessible to an amateur working from home. For longer sequences, assembly of DNA fragments becomes the crucial step. This was the major technological feat in the work conducted at the J. Craig Venter Institute that produced a “synthetic” bacterial genome, and the Gibson assembly method developed for that project is now widely used. The description of that work, however, demonstrates how the assembly of smaller fragments into larger ones and eventually into a functioning genome requires substantial levels of expertise and resources, including those needed to conduct trouble-shooting experiments to identify and correct errors when assembled DNA constructs do not perform as expected. Constructing a genome-size DNA fragment is not the same as creating a functional genome. In particular, ensuring the desired expression of viral proteins is a well-documented, complex challenge.

Terrorists lack experts – and even they have a hard time enhancing pathogens

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Even experts have a hard time enhancing disease pathogens. Some observers have also expressed concerns that synthetic biology could be used to enhance the virulence or increase the transmissibility of known pathogens, creating novel threat agents. Mousepox and bird flu (H5N1) experiments are frequently cited to demonstrate how dangerous new pathogens could be designed. But assessments of this threat tend to overlook a salient fact: In both these experiments, the researchers did not actually design the pathogens. With respect to H5N1, researchers had indeed been trying to design an air-transmissible virus variant for some time, without success. The ferret experiment was set up as an alternative approach, to see whether natural mutations could generate an air-transmissible variant. The researchers had no influence on the specific mutations induced. In the mousepox experiment, researchers inserted the gene for interleukin-4 into the mousepox virus to induce infertility in mice and serve as an infectious contraceptive for pest control. The result—that the altered virus was lethal to mice—was unanticipated by the researchers. In other words, it was not planned. Moreover, some of the key lessons that came out of the extensive Soviet program to weaponize biological agents involve the trade-offs between improving characteristics that are “desired” in the context of a bioweapons program—such as virulence—and diminishing other equally “desired” characteristics, such as transmissibility or stability. Pleiotropic effects—that is, when a single gene affects more than one characteristic—and genetic instability are common in microorganisms. While it is too simple to say that increased transmissibility will always be associated with reduced virulence, this is often the case for strains produced in laboratories. Bioterror Impact D

If terrorists can even make bioweapons medical countermeasures stop worst effects and empirics prove the impact is minimal

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The bioterror WMD myth. Those who have overemphasized the bioterrorism threat typically portray it as an imminent concern, with emphasis placed on high-consequence, mass-casualty attacks, performed with weapons of mass destruction (WMD). This is a myth with two dimensions. The first involves the identities of terrorists and what their intentions are. The assumption is that terrorists would seek to produce mass-casualty weapons and pursue capabilities on the scale of 20th century, state-level bioweapons programs. Most leading biological disarmament and non-proliferation experts believe that the risk of a small-scale bioterrorism attack is very real and present. But they consider the risk of sophisticated large-scale bioterrorism attacks to be quite small. This judgment is backed up by historical evidence. The three confirmed attempts to use biological agents against humans in terrorist attacks in the past were small-scale, low-casualty events aimed at causing panic and disruption rather than excessive death tolls. The second dimension involves capabilities and the level of skills and resources available to terrorists. The implicit assumption is that producing a pathogenic organism equates to producing a weapon of mass destruction. It does not. Considerable knowledge and resources are necessary for the processes of scaling up, storage, and dissemination. These processes present significant technical and logistical barriers. Even if a biological weapon were disseminated successfully, the outcome of an attack would be affected by factors like the health of the people who are exposed

and the speed and manner with which public health authorities and medical professionals detect and respond to the resulting outbreak. A prompt response with effective medical countermeasures, such as antibodies and vaccination, can significantly blunt the impact of an attack.

Bioterror threats are exaggerated to justify political action

Jefferson, Lentzos, and Marris 14 [Catherine Jefferson is a researcher in the Department of Social Science, Health, and Medicine at King’s College London. Filippa Lentzos is a senior research fellow in the Department of Social Science, Health and Medicine at King’s College London. Claire Marris is a senior research fellow in the Department of Social Science, Health, and Medicine at King’s College London. “The myths (and realities) of synthetic bioweapons”, Bulletin of the Atomic Scientists, 9/18/14, <http://thebulletin.org/myths-and-realities-synthetic-bioweapons7626>] Schuler 34

More than sloppy shorthand. We have identified a number of assumptions that underlie policy discourse on the security threat posed by synthetic biology and characterized them as myths. Use of the term “myths” is not intended to imply falsity. We are not simplistically opposing myth and reality, and we are not arguing that there is no threat. Rather, we aim to convey the pervasiveness of misleading assumptions about both synthetic biology and bioterrorism that frequently underlie discussions about the dual-use threat of synthetic biology. In doing so, we hope to present some of the subtleties that frequently disappear from these discussions. We acknowledge that these particular myths have power and perform real functions; they mobilize support for resources and action to deal with the bioterror threat. The dominant narrative we describe influences the way in which the problem is defined, and, therefore, the kinds of solutions that are proposed. In short, these myths are real enough to influence policy in significant ways, which makes it all the more important to examine them more carefully than they have been in the run of public discourse to date.

Bioterror ineffective – too complex and dispersal is hard to predict

Jefferson, Lentzos, and Marris 14 [Catherine Jefferson is a researcher in the Department of Social Science, Health, and Medicine at King’s College London. Filippa Lentzos is a senior research fellow in the Department of Social Science, Health and Medicine at King’s College London. Claire Marris is a senior research fellow in the Department of Social Science, Health, and Medicine at King’s College London. “Synthetic Biology and Biosecurity: Challenging the “Myths”, Front Public Health, 8/21/14, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4139924/>] Schuler 38

Scaling up fragile microorganisms that are sensitive to environmental conditions and susceptible to change — and viruses are more sensitive than bacteria — has been one of the stiffest challenges for past bioweapons programs to overcome, even with appropriate expertise at hand. Scaling-up requires a gradual approach, moving from laboratory sample, to a larger laboratory quantity, to pilot-scale production, and then to even larger-scale production. During each stage, the production parameters need to be tested and often modified to maintain the lethal qualities of the agent; the entire scaling-up process can take several years (68). The dissemination of biological agents also poses difficult technical challenges. Whereas persistent chemical agents such as sulfur mustard and VX nerve gas are readily absorbed through the intact skin, no bacteria and viruses can enter the body via that route unless the skin has already been broken. Biological agents must either be ingested or inhaled to cause infection. To expose large numbers of people through the gastrointestinal tract, possible means of delivery are contamination of food and drinking water, yet neither of these scenarios would be easy to accomplish.

Large urban reservoirs are usually unguarded, but unless terrorists added massive quantities of biological agent, the dilution effect would be so great that no healthy person drinking the water would receive an infectious dose (66). Moreover, modern sanitary techniques such as chlorination and filtration are designed to kill pathogens from natural sources and would probably be equally effective against a deliberately released agent. Bacterial contamination of the food supply is also unlikely to inflict mass casualties. Cooking, boiling, pasteurization, and other routine safety precautions are generally sufficient to kill pathogenic bacteria. The most likely way to inflict mass casualties with a biological agent is by disseminating it as a respirable aerosol: an invisible cloud of infectious droplets or particles so tiny that they remain suspended in the air for long periods and can be inhaled by large numbers of people. A high-concentration aerosol of B. anthracis or some other pathogen, released into the air in a densely populated urban area, could potentially infect thousands of victims simultaneously. After an incubation period of a few days, depending on the type of agent and the inhaled dose, the exposed population would experience an outbreak of an incapacitating or fatal illness. Although aerosol delivery is potentially the most lethal way of delivering a biological attack, it involves major technical hurdles that most terrorists would be unlikely to overcome. To infect through the lungs, infectious particles must be microscopic in size – between 1 and 5 µm in diameter. Terrorists would therefore have to develop or acquire a sophisticated delivery system capable of generating an aerosol cloud with the necessary particle size range and a high enough agent concentration to cover a broad area. Overall, an important trade-off exists between ease of production and effectiveness of dissemination. The easiest way to produce microbial agents is in a liquid form, yet when such a “slurry” is sprayed into the air, it forms heavy droplets that fall to the ground so that only a small percentage of the agent is aerosolized. In contrast, if the bacteria are first dried to a solid cake and then milled into a fine powder, they become far easier to aerosolize, yet the drying and milling process is technically difficult. The Aum Shinrikyo cult struggled with dissemination (67, 69, 70). In one of its anthrax dissemination attempts, it sprayed unknown, but probably very large, quantities of a liquid aerosol (most likely crude culture, unprocessed in any way) of B. anthracis from the roof of the Aum’s headquarters building in Tokyo. For the dissemination, the Aum set up two sprayers on the roof of the eight-story building, each within a large round cooling tower. Pipes were extended from the cooling towers to tanks below, which were filled with a liquid suspension of B. anthracis. The device worked poorly, producing large droplets rather than the very fine aerosol needed for effective transmission of anthrax. It also appears the spore concentration was very low (at least five orders of magnitude below that necessary for a highly infectious wet aerosol). In another dissemination attempt, targeting the area around the Kanagawa prefectural office and the Imperial Palace, the Aum equipped vehicles with spraying devices, but according to prosecutors’ statements, the nozzle of the sprayer clogged and the operation failed. Despite its 200 m² laboratory containing, amongst other equipment, a glove box, incubator, centrifuge, drier, DNA/RNA synthesizer, electron microscope, two fermenters each having about a 2,000 litre capacity, and an extensive scientific library, and despite its repeated attempts at dissemination, the Aum was unsuccessful in causing any disease, and in retrospect it is clear that the cult did not even make the first substantive step toward an effective bioweapon. If, despite the odds, aerosolization was achieved, the effective delivery of biological agents in the open air is highly dependent on atmospheric and wind conditions, creating additional uncertainties. Only under highly stable atmospheric conditions would the aerosol cloud remain close to the ground where it can be inhaled, rather than being rapidly dispersed. Moreover, most microorganisms are sensitive to ultraviolet radiation and cannot survive more than 30 min in bright sunlight, limiting their use to night-time attacks. One major exception is anthrax, which

can be induced to form spores with tough outer coats that enable them to survive for several hours in sunlight. Terrorists could, of course, stage a biological attack inside an enclosed space such as a building, a subway station, a shopping mall, or a sports arena. Such an attack, if it involved a respiratory aerosol, might infect thousands of people, but even here the technical hurdles would by no means be trivial. Finally, even if a biological weapon had been disseminated successfully, the outcome of an attack would be affected by factors like the health of the people who are exposed to the agent, and the speed and manner with which public health authorities and medical professionals detected and were able to respond to the resulting outbreak. A prompt response with effective medical countermeasures, such as antibodies and vaccination, can significantly blunt the impact of an attack. Simple, proven ways to curtail epidemics, such as wearing face masks, hand washing, and avoiding hospitals where transmission rates might soar, can also prove effective in stemming the spread of a disease. Indeed, this aspect of a bioterrorism attack is often underplayed in scenarios like Tara O’Toole’s “Dark Winter” and “Atlantic Storm,” where the rates of contagion used are often significantly higher than those in historical cases of natural outbreaks (71).

Ebola scare catalyzed new bioterror measures

O’Grady 4/23 [Siobhán O’Grady is a fellow at Foreign Policy. “What Did the U.S. Learn From Ebola? How to Prepare for Bioterrorist Attacks”, The Cable, 4/23/15, <http://foreignpolicy.com/2015/04/23/what-did-the-u-s-learn-from-ebola-how-to-prepare-for-bioterrorist-attacks/>] Schuler 36

But in the United States, where major hospitals prepared for an outbreak, there were only four in-country diagnoses, one of which resulted in a death. And some see the urgency of that response as a lesson in how the government can prepare for another public health hazard: a bioterrorist attack. Arizona Rep. Martha McSally chairs a House subcommittee that will examine over the next few months the threat of bioterrorist attacks and U.S. preparedness to respond to them. She told Foreign Policy that even if a disease outbreak and the use of a biological agent in a coordinated attack are not completely analogous, the response strains similar systems. “We can learn lessons from other outbreaks that are naturally occurring,” she said. “We can identify weaknesses in our response and even if it wasn’t terrorism, it presses the system at the same level.” What McSally and her colleagues saw as the biggest failure in the response to Ebola within U.S. borders was lack of central command. Bureaucracy, she said, got in the way of providing an effective response for Americans nationwide. And that Ebola czar Obama named? “He was a messaging social operative more than anything,” McSally said. Leonard Cole, an expert in bioterrorism who also teaches at Rutgers Medical School, reiterated McSally’s concerns about comprehensive national protocol. In a conversation with FP, Cole noted that in New Jersey and California, for example, governors ignored Center for Disease Control guidelines and insisted those under observation for Ebola stay quarantined for a full 21 days. The CDC said monitoring was certainly necessary, but total quarantine wasn’t always required. According to Cole, that contradiction was a major breach of protocol for confronting a public health threat. “Rule No. 1 is there has to be an orderly and consistent manner of informing the public,” he said. In 2010, a commission set up to assess national

security responses gave the United States a failing grade on its ability to confront a bioterrorist threat. Today, McSally said, the United States is still only prepared to confront a fraction of the 15 potential biological agents that could be released in an attack. What the Ebola response taught the government, she said, was that effective communication isn't optional next time. And the White House needs to prioritize the naming of a single coordinator for agencies responsible for responding to such an attack. A biological threat from the Islamic State or al Qaeda is not necessarily immediate, McSally said, but there are three phases of biological attacks to take into account: isolation, weaponization, and dispersion of the agent. She said many U.S. cities currently would be left scrambling to respond. New York, for example, is better prepared for an attack or pandemic outbreak than other cities because its budget allows for trial runs of emergency response systems. But even New York would need a significant increase in federal funding to prepare its entire population for such a scenario. And then there are rural areas to take into account, which would face entirely different challenges. "We can't possibly expect every single hospital in every single rural area to have the ability to respond to this," she said. The solution, she thinks, might instead be setting up regional response stations and transportation systems that could evacuate those in need of medical help. Cole told FP that responding to anthrax scares in 2001 also prepared the United States for future attacks. But "honestly, the average physician is not thinking of anthrax or Ebola today," he said. McSally, who served 26 years in the Air Force, said preparation for a bioterrorist attack can only begin when Obama is willing to give someone the job. And trying to learn from mistakes made during the Ebola response sadly reminds her of an old military joke: "We call them lessons learned," she said. "But really they're just lessons identified until we actually learn from them.

AT//Chemical Terrorism

Zero risk – chemical agents are hard to use, impossible to manufacture, and the low number of historical instances of chemical terrorism proves it's an undesirable method

Dugan et al '14

[Laura. Assc Prof Criminology, Maryland. And Gary – Director National Center for the Study of Terrorism and Responses to Terrorism. And Erin – Manager of the Global Terrorism Database at Maryland. *Putting Terrorism in Context: Lessons from the Global Terror Database*, 2014. Pg 183-4]

Chemical and biological agents also pose serious challenges for those who would use them as weapons. First, while instructions on how to develop these agents can easily be found on the Internet and other public sources, safely manufacturing and dispersing these agents generally requires at least some training. As researcher Michael Kenney points out (2010), learning how to build sophisticated weapons based only on information available on the Internet has major limitations. If handled improperly, both chemical and biological agents can kill the attackers as easily as their intended targets. Second, effective dissemination of chemical and biological agents is highly dependent on the environment. Both types of agents can be rendered inert by exposure to heat or moisture, or through dissipation by wind. Moreover, both are most effective in enclosed areas where weather effects are absent, although a much larger amount of chemical agent is needed to equally impact the same area as a biological agent. Further, it is difficult to successfully contaminate water supplies because water effectively dilutes large concentrations of agents and what is left over is usually neutralized by water safety protocols (Gleick 2006; Purvcr 1995). Third, once released these weapons are difficult to control. In fact, this is a greater problem for biological than chemical agents because once biological agents start to spread, it is impossible to control their diffusion pathways. While this concern is less pronounced with chemical attacks, nonetheless, once chemical agents are released, attackers also lose control of who is actually affected (Puiver 1995). Finally, because the impact of chemical and biological weapons could be cataclysmic, attackers who decide to use these weapons risk undermining the legitimacy of their cause. For this reason, compared to others, terrorist organizations that have no constituency outside the organization, such as the apocalyptic group Aum Shinrikyo, may be more likely to deploy these agents. In fact, Aum Shinrikyo had already lost many of its followers once the group began preaching the benefits of facilitating the end of the world (Cronii 2000). In general, the development of biological weapons is far more advanced than chemical weapons; agents that produce sickness and infection and organic poisons have been around for centuries. Researchers Gary Ackerman and Victor Asal (2008) show that the use of biological weapons can be traced as far back as 190 BCE, when the Carthaginian general Hannibal reputedly catapulted venomous snakes onto enemy ships. Other early biological weapons include the use of *Mycobacterium leprae* (which causes leprosy), saliva from rabid dogs, and the variola virus (which causes smallpox). Likewise, examples of the use of chemical agents (such as poison) as weapons date back to the Macedonian and Roman Empires. Historians and toxicologists have long speculated that Alexander the Great was assassinated using some type of poison (Schep et al. 2014). Indeed, a group whose actions would likely be considered terrorism today, the Zealots, reportedly poisoned the Roman food and water supply in Jerusalem in order to undermine Roman officials and provoke a repressive response (Smith 2008). Despite the potential deadliness of chemical and biological agents, they have rarely been used by terrorist attackers over the past four decades. Of

the more than 113,000 attacks recorded in the GTD only 220 used chemical weapons and only 32 used biological weapons.⁹ The most commonly named chemical weapons recorded in the GTD are cyanide, unspecified acids and gases, mercury, and insecticides. While *Bacillus cinlhracis* (which causes anthrax) is the most common biological weapon in the GTD, salmonella, ricin, botulinum toxin, and HIV have also been used in terrorist attacks. The low frequency of chemical and biological attacks in the GTD strongly suggests that the problems of obtaining these weapons and the expertise needed to process and disperse them discourages or precludes most organizations from adopting this innovation in place of more conventional tactics. In other words, at this point in the diffusion cycle, the costs may be too high to attract users. ⁱⁱⁱ Figure 9.3 we present overall trends in the use of biological and chemical weapons (solid line, measured on left axis) compared to the overall number of the terror attacks in the GTD (dashed line, measured on right axis). While we see quite a bit of variation, the use of these nonconventional weapons has generally increased over time. In the 1970s and 1980s chemical and biological weapons were used an average of three times a year, for the 1990s usage rose to over seven times per year, and since the turn of the twenty-first century usage was approaching ten times per year. These trends reinforce the idea that so far chemical and biological weapons used in terrorism have not passed the early adoption stage. In fact, we see that the year 2001, with 27 attacks, had the single largest annual number of chemical and biological attacks in the GTD - but a tiny fraction of total annual attacks in the database. Because these attacks are relatively rare, a series of coordinated events in which a perpetrator sends numerous letters or packages containing chemical or biological agents to various targets within a short period of time can have a big impact on the overall trend. Thus, the two major points drawn from Figure 9.3 are that the use of chemical and biological weapons in terrorism is relatively rare; however, consistent with overall patterns of terrorism.

AT//Cyberterror

No risk or impact related to cyberterror

BICCHIERAI 5/18/15 [LORENZO FRANCESCHI - staff writer at VICE Motherboard in Brooklyn, New York, where he covers hacking, information security, and digital rights. "The 'ISIS Cyberwar' Hype Machine Is Doing More Harm Than Good", MotherBoard,]

Yet, that didn't stop a new round of breathless hype. On Sunday, The Hill wrote that ISIS was preparing for "cyberwar" and an "all-out cyber crusade." Looks like ISIS wannabes successfully hacked the media once again. "Toss out a shitty video that claims that you do things that you're not—doesn't matter, we'll still overreact," Peter W. Singer, an author and well-known expert in cybersecurity, told Motherboard. Instead of responding with a "keep calm and carry on" attitude "we lose our shit." That being said, it's worth pointing out that ISIS could do real damage by doing espionage online, monitoring and tracking down dissidents who live in ISIS-controlled territories. That might have already happened. Last November someone targeted a Syrian citizen media group known as Raqqa Is Being Slaughtered Silently (RSS), which documents human rights crimes in Raqqa, the self-proclaimed capital of the ISIS caliphate. To date, however, there hasn't been a case of actual cyberterrorism—an act targeting computers systems that result in physical violence, as the FBI defines it. In fact, squirrels have been way more damaging to US critical infrastructure than cyberterrorists. Singer criticized the article, which he said is good for a "cyber laugh." But jokes apart, Singer warned that hyping ISIS hacking abilities rewards the group with useful attention that it can turn into recruiting power. Instead of responding with a "keep calm and carry on" attitude, Singer added, "we lose our shit." This encourages and incentivizes ISIS to keep attacking, or at least claim attacks—something that doesn't help anyone. Robert M. Lee, an active duty Air Force cyber warfare operations officer, agreed with Singer, and dismissed the hype on Twitter. "Terrorist groups will continue to use the internet to spread their message and perform hacktivist-type acts but nothing of significant damage," he wrote. "Performing significant damage requires more than just internet connected devices. It requires advanced logistical support and expertise." **"Describing savvy use of social media as cyberwar is akin to describing Miley Cyrus as the Clausewitz of cyberwar."** In other words, being good at social media, as ISIS is, doesn't mean you'll be a good hacker. The truth, as we reported before, is that all the cyberattacks attributed to ISIS in the recent past have been unsophisticated attacks carried out by what looks like online fanboys not at all affiliated with the group. As Singer put it, "it's either sympathizers or people doing it for shits and giggles." As Singer explained in 2012, "cyberterrorism" is overhyped, just like our obsessive fear of sharks. As he put it, we are "15,000 times more likely to be hurt or killed by an accident involving a toilet," yet Discovery Channel has Shark Week and not Toilet Week.

Cyberattacks have no impact

Lee 15 [Robert - a US Cyber Warfare Operations Officer, and is studying for a PhD in Cyber Security at King's College London. "Is cyber-warfare really that scary?", BBC News, 5/6/15, <http://www.bbc.com/news/world-32534923>] Schuler 48

"A lot of my research debunks stories. I can't cite them because they're not true. There's a general narrative that horrible things are happening all the time: cyber-war, nation states are crumbling. That's not true. "If you hear, 'There's been some recent research around aviation and planes are going to be hacked and fall out of the sky,' or, 'People are going to cyber-attack trains and derail them,' that's not

realistic. "Security companies are ramping up the threat. The military's relabelled a lot of things 'cyber-warfare' because they want to get the budget from Congress. Nato and the different alliances ramp up the threat to encourage other countries to invest in security. "One of the narratives that gets built around critical infrastructure is that we're going to have these cascading power failures; someone's going to break in and very easily take down the power grid. While it's true there's vulnerable infrastructure, you can't just take down the entirety of the power grid from a cyber-capability. "[And] we all have the same threat. If the US wants to be able to do that against Russia, or China wants to do that against the US, they have to accept their own vulnerability and do things that would impact themselves as well. "The head of Cyber Command and the head of the National Security Agency say, 'OK, we need to invest in offensive capabilities to be able to secure our critical infrastructure'. Those capabilities trickle down to fringe groups. "If you developed a cyber-capability that could take down the Chinese power grid, it would be nearly identical to the capability you would need to take down the US power grid. We use the same systems. The hype is forcing us to look into offence, which is exactly what we should not be doing. "We actually saw a very concerning case recently, where a company said, 'Iran, they're attacking the US hundreds of thousands of times a year'. But they redefined 'attack': they used ways of describing the events in a way that no-one else in the security world support. The way they framed it was very dangerous."

No meaningful cyberterrorism – your impact artificially inflates the risk Benson '14

[David, PhD candidate at University of Chicago, MA in International Relations from University of Chicago, fellow at Chicago Project on Security and Terrorism "Why the Internet is Not Increasing Terrorism", Security Studies, Spring 2014, Taylor and Francis]

When evaluating the effect of the Internet on transnational terrorism, existing empirical assessments examine individual terrorist attacks and establish how terrorists have used the Internet to plan and execute their attacks. Unsurprisingly, such methods show that terrorists have indeed used the Internet in committing terrorist attacks. Since the Internet is ubiquitous, it would be strange if today's terrorists did not use the Internet, just as it would be strange if past terrorists did not use the postal service or telephones. Presence of the Internet does not, however, demonstrate a causal effect. There are three reasons the established approach has led to spurious findings. First, by looking only at cases of completion or near completion and showing only that the Internet was present, these studies have no variation on either the independent variable or dependent variable and cannot demonstrate that a change in the purported cause influences the outcomes. Second, when attempting to show that the Internet causes terrorism, merely establishing that the Internet played a role does not preclude the possibility the terrorists were first motivated offline to attack and only later used the Internet as one tool among many to attempt to carry out that attack. Third, the established analysis ignores an important intervening variable, namely state use of the Internet. As a result, such studies neglect to consider that the effectiveness of terrorism is not due to the terrorists alone, but to a strategic interaction between the state (or counterterrorists) and terrorists. As these weaknesses indicate, the key empirical question is not whether the Internet has been used in some terror attacks, but whether the Internet has benefited terrorists more than governments and other counterterrorists. Both terrorists and counterterrorists have benefited from the Internet in absolute terms, but this is insufficient to demonstrate the Internet's causal impact (or the lack thereof) for either. In order to assess the belief

that the Internet is helping terrorists on its own terms and compare that belief to the new theory offered in this article, the empirical implications of each must be established first and then applied to the world as observed. Importantly, the evidence must be examined with variation in both independent and dependent variables, account for use of the Internet by terrorists and by the state, and include negative cases to determine the net effect of the Internet on transnational terrorism.

Cyberterror happens all the time – but the *really catastrophic attacks* are impossible to pull off

Singer '12

(Peter Singer, Director, 21st Century Defense Initiative, Senior Fellow, Foreign Policy, November 2012, "The Cyber Terror Bogeyman", Brookings, <http://www.brookings.edu/research/articles/2012/11/cyber-terror-singer>, SS)

About 31,300. That is roughly the number of magazine and journal articles written so far that discuss the phenomenon of cyber terrorism. Zero. That is the number of people that who been hurt or killed by cyber terrorism at the time this went to press. In many ways, cyber terrorism is like the Discovery Channel's "Shark Week," when we obsess about shark attacks despite the fact that you are roughly 15,000 times more likely to be hurt or killed in an accident involving a toilet. but by looking at how terror groups actually use the Internet, rather than fixating on nightmare scenarios, we can properly prioritize and focus our efforts. Part of the problem is the way we talk about the issue. The FBI defines cyber terrorism as a "premeditated, politically motivated attack against information, computer systems, computer programs and data which results in violence against non-combatant targets by subnational groups or clandestine agents." A key word there is "violence," yet many discussions sweep all sorts of nonviolent online mischief into the "terror" bin Various reports lump together everything from Defense Secretary Leon Panetta's recent statements that a terror group might launch a "digital Pearl Harbor" to Stuxnet-like sabotage (ahem, committed by state forces) to hacktivism, WikiLeaks and credit card fraud. As one congressional staffer put it, the way we use a term like cyber terrorism "has as much clarity as cybersecurity — that is, none at all." Another part of the problem is that we often mix up our fears with the actual state of affairs. Last year, Deputy Defense Secretary William Lynn, the Pentagon's lead official for cybersecurity, spoke to the top experts in the field at the RSA Conference in San Francisco. "It is possible for a terrorist group to develop cyber-attack tools on their own or to buy them on the black market," Lynn warned. "A couple dozen talented programmers wearing flip-flops and drinking Red Bull can do a lot of damage." The deputy defense secretary was conflating fear and reality, not just about what stimulant-drinking programmers are actually hired to do, but also what is needed to pull off an attack that causes meaningful violence. The requirements go well beyond finding top cyber experts. Taking down hydroelectric generators, or designing malware like Stuxnet that causes nuclear centrifuges to spin out of sequence doesn't just require the skills and means to get into a computer system. It's also knowing what to do once you are in. To cause true damage requires an understanding of the devices themselves and how they run, the engineering and physics behind the target. The Stuxnet case, for example, involved not just cyber experts well beyond a few wearing flip-flops, but also experts in areas that ranged from intelligence and surveillance to nuclear physics to the engineering of a specific kind of Siemens-brand industrial equipment. It also required expensive tests, not only of the software, but on working versions of the target hardware as well. As George R. Lucas Jr., a professor at the U.S. Naval Academy, put it, conducting a truly mass-scale action using cyber means "simply outstrips the intellectual, organizational and personnel capacities of even the most well-funded and well-organized terrorist organization, as well as those of even the most sophisticated international criminal enterprises." Lucas said the threat of cyber terrorism has been vastly overblown. To be blunt, neither the 14-year-old hacker in your next-door neighbor's upstairs bedroom, nor the two- or three-person al-Qaida cell holed up in some apartment in Hamburg are going to bring down the Glen Canyon and Hoover dams," he said.

No cyber terror – too expensive

Conway, 14 (Maura, Professor at the School of Law and Government at Dublin City University, 5/26/14, “Reality Check: Assessing the (Un)Likelihood of Cyberterrorism”, http://link.springer.com/chapter/10.1007/978-1-4939-0962-9_6) KW

6.3.1 Cost Factor

Even though exact figures are difficult to obtain, one thing is clear, car bomb construction is cheap. The first World Trade Centre attack in 1993 killed six people and injured more than a thousand; the truck bomb is estimated to have cost \$400 to construct (Giacomello 2004 :397). In April 1995, the Oklahoma City bombing, which prior to 9/11 was the largest terrorist attack on US soil in history, killed 168 people. It is estimated to have cost less than US\$5,000, which was outlaid for fertiliser, fuel, and van rental fees (Michel and Herbeck 2001 :176). The 9/11 attacks— although not strictly VBIED attacks—were also relatively cheap to carry out; the 9 / 11 Commission Report estimated that it cost just \$400,000–\$500,000 in total financing over nearly 2 years, including living expenses for and other payments to the 19 hijackers (2004:172; see also Wilson 2014). VBIED attacks are commonplace in on-going conflicts, such as in Iraq and Afghanistan. The US Department of Defense’s Joint Improvised Explosive Device Defeat Organisation (JIEDDO) estimated that the average cost to construct a car bomb in Afghanistan in 2006—the most recent year for which such information is (publicly?) available—was just \$1,675 (Ackerman 2011). ¶ If the exact cost of VBIED construction is difficult to estimate due to the diversity of components used, significant cost disparities depending on where the vehicle and/or other components are purchased, and so forth, the challenge of estimating the cost of a potential cyberterrorism attack is exponentially greater. Giampiero Giacomello nevertheless engaged in a speculative analysis that addressed precisely this issue in 2004 . In his ‘Bangs for the Buck: A Cost-Benefit Analysis of Cyberterrorism,’ Giacomello considered the cost of two common cyberterrorism scenarios: a cyber attack on a hydroelectric dam and a cyber attack on air traffic control systems. He estimated the cost of the dam attack at \$1.2–1.3 million with potential fatalities of between 50 and 100 and the cost of the air traffic attack at \$2.5–3 million with the potential for 250–500 casualties (Giacomello 2004 :397– 398). The dam attack, he pointed out, “would look like an attractive investment, if it were not the case that a suicide bomber would cause roughly the same amount of casualties at a fraction of that cost” (Giacomello 2004 :397). Now consider that according to the author of the definitive analysis of Stuxnet, testing for that attack “must have involved a fully-functional mock-up [uranium enrichment test bed] operating with real uranium hexafluoride” (Langner 2013 :20). This puts the cost of just a portion of that attack at (conservatively) tens of millions of dollars. There is every appearance therefore that Giacomello got it right when he concluded that on the basis of financial considerations alone “cyberterrorism would be a highly inefficient solution for terrorists, due to high costs and meagre returns” (2004 :388).

No cyberterror – too difficult

Conway, 14 (Maura, Professor at the School of Law and Government at Dublin City University, 5/26/14, “Reality Check: Assessing the (Un)Likelihood of Cyberterrorism”, http://link.springer.com/chapter/10.1007/978-1-4939-0962-9_6) KW

6.3.2 Complexity Factor

VBIEDs are relatively simple to build and deliver. Bicycles, scooters, motorcycles, cars, vans, mini-buses, trucks, and tankers are everywhere. Many people own small vehicles and so are already in possession of an important component of the finished device; larger vehicles can be bought, rented, or stolen. In terms of a delivery mechanism, VBIEDs are highly innocuous and therefore difficult to guard against. Fertiliser is the other major component of many VBIEDs. Large amounts of it can still be purchased easily

(and relatively cheaply) due to its wide legitimate use in agriculture, despite governments' efforts to place curbs on sales of large amounts due to its explosive capacities. A great many groups and individuals have the necessary expertise to themselves construct and/or to educate others how to construct VBIEDs. These include members or former members of terrorist organisations, such as Hamas, Hizbollah, the Liberation Tigers of Tamil Eelam (LTTE), and the Provisional IRA, and increasing numbers of violent jihadi bomb-makers active in Afghanistan, Iraq, and elsewhere. Individuals with no known links to any terrorist organisation have also demonstrated the capacity for VBIED-construction; these include Timothy McVeigh and Terry Nichols, the perpetrators of the Oklahoma City bombing, and Anders Breivik, who deployed a VBIED against government offices in Oslo, Norway on 22 July, 2011 that killed 8 people and injured over 200.

There has been heightened concern amongst policymakers, law enforcement agencies, and others since the 9/11 attacks regarding the proliferation of "how to" information online devoted to explaining, amongst other things, the technical intricacies of making VBIEDs. In fact, as early as 1997, the US Department of Justice had concluded that the availability of bomb-making information played a significant role in facilitating terrorist and other criminal acts (pp.'s 15–16). Today, there is easy online access to various types of forums and content containing bombmaking information. The level of threat posed by this remains a source of debate with some commentators insisting that legislation must be put in place to outlaw such online content, and others pointing out both that this material is already easily accessible in bookstores and libraries (Leonard 2013) and also that much of the information is unreliable or simply wrong (Kenney 2010). Sophisticated terrorist organizations do not need to rely on the Internet for developing their bomb-making skills, but disaffected individuals prepared to use terrorist tactics to advance their politics, of whatever stripe, appear to have increasing recourse to online content. While Faisal Shazad, the failed Times Square car-bomber, is said to have travelled to acquire his bomb-making skills in Pakistan where he received 3–5 days of training (Hoffman 2010 :3), Anders Breivik produced a new type of fertiliser bomb through combining knowledge from different recipes he located on the Internet (Aasland Ravndal 2012 :17). The main point here is that rudimentary bomb-making skills can be easily and quickly obtained in a number of different ways. On the other hand, the failed Times Square attack, along with the failed car bomb attacks planned and carried out by medical doctors in central London and at Glasgow airport in June 2007, shows that even relatively unsophisticated real-world attacks have a level of difficulty and are routinely unsuccessful. Cyberterrorism can be expected to have an exponentially greater margin of difficulty.

In a March 2010 speech, then FBI Director (2001–2013) Robert Mueller observed "Terrorists have shown a clear interest in pursuing hacking skills. And they will either train their own recruits or hire outsiders, with an eye toward combining physical attacks with cyber attacks." That may very well be true, but 'wanting' to do something is quite different from having the ability to do the same. Violent jihadis' IT knowledge is not superior to the ordinary public. Research found that of a random sampling of 404 members of violent Islamist groups, 196 (48.5 %) had a higher education, with information about subject areas available for 178 individuals. Of these 178, some 8 (4.5 %) had trained in computing, which means that out of the entire sample, less than 2 % of the jihadis came from a computing background (Gambetta and Hertog 2007 :8–12) And not even these few could be assumed to have mastery of the complex systems necessary to carry out a successful cyberterrorist attack. Journalists therefore need to stop elevating so-called 'script-kiddies' to potential cyberterrorists and insinuating that just because some group has the capacity to establish a website, distribute content online, and/or engage in DDoS

attacks the next step is a major attack by them using the Internet. This threat framing has taken on renewed salience in the wake of recent 'attacks' by the al-Qassam Cyber Fighters and the Syrian Electronic Army, which have been repeatedly characterised as cyberterrorism.

Many people respond to the above arguments by saying that if one doesn't have the requisite know-how in-house, an alternative option is to hire "outsiders" to undertake a cyberterrorism attack on one's behalf. This would force the terrorists to operate outside their own trusted circles and thus leave them ripe for infiltration however. Moreover, even if contact with "real" hackers was successful, the terrorist group would be in no position to gauge their competency accurately; they would simply have to rely on trust. This would be very personally and operationally risky (Conway 2003b :10–12). Turning to the possibility of online crowd sourcing as a response to these types of challenges then; if proxies could be employed to actually commit acts of cyberterrorism, terrorists would improve their ability to avoid culpability or blame altogether. The problem with this is two-fold: first, it would require gathering a 'crowd' which would, in turn, require fairly wide dissemination of information about the activity to be undertaken thus opening-up the very real possibility of the attack plans coming to the attention of the authorities. Second, the terrorists would lose control over when, where, how, or even if the attack took place. This might be advantageous in terms of instigating low-level 'real world' (e.g. jihadi-inspired lone actor terrorism) and cyber operations (e.g. (D)DoS attacks), but is not a suitable method for undertaking a major cyberterrorism operation. Furthermore, while the potential anonymity provided by crowd sourcing might protect the instigators from being detected, it would also lose them their credit for the attack. On the basis of technical knowhow alone, then, cyberterrorism is not feasible.

AT//EMP

No EMP impact Armbruster '13

[Ben, National Security Editor for ThinkProgress.org at the Center for American Progress Action Fund
"Right-Wing Pundit Hypes Fictional North Korean EMP Threat," Think Progress, 4/5/13,
<http://thinkprogress.org/security/2013/04/05/1828101/gaffney-north-korea-emp/#>]

It was only a matter of time before the right wing would turn the current crisis on the Korean peninsula into a parody. It's not entirely surprising that chief conspiracy theorist Frank Gaffney kicked things off on Thursday with an interesting theory about he thinks the real threat from North Korea is. Gaffney told Laura Ingraham radio show fill-in host Raymond Arroyo that we should really be worried about the North Koreans putting one of their nukes on a ship to the West Coast, attaching it on a short-range missile and — don't aim it at any particular large American city where it would inflict the most damage — but fire it up above the atmosphere creating the dreaded "Electro Magnetic Pulse" that will (supposedly) put the entire United States out of business for good: GAFFNEY: They certainly have an abundance of shorter range missiles which could be brought close to our shores aboard ships. A capability that their Iranian partners, we know, have demonstrated. And by lobbing a relatively small, relatively unsophisticated nuclear weapon of the kind that they seem to have tested now three times on one of these short range missiles high over the United States and detonating it outside of our atmosphere, the North Koreans know they could inflict incalculable harm on this country, even perhaps with just one of these weapons. And how would that work? Such a weapon detonated in space would trigger something called "Electro Magnetic Pulse," a very powerful form of electromagnetic energy that would essentially damage or destroy every piece of electronic gear and particularly sensitive equipment like transformers that are the backbone of our electrical power grid. And if those go down, we cease to exist as a 21st Century society because without electrical power, look at Katrina as an example or what happened with Sandy more recently, except the power doesn't come back on after a couple of days or a couple of weeks. It stays off and that means, really, returning us to kind of a pre-industrial society. So the North Koreans will ship a nuke and a missile all the way to the United States — undetected — attach the nuke to the missile (a process they have yet to master) and launch it way up in the atmosphere while U.S. defense officials (particularly the Missile Defense Agency) are none the wiser. If that sounds like something out of a doomsday fiction novel (or a video game), you're right. As CAP's Matt Duss once noted referring to Gaffney's claim that Iran would pull off such a stunt, "it's probably worth pointing out here that the likelihood of Iran, or anyone, actually pulling off such an attack is roughly the same as Iran building an enormous, space-bound vacuum cleaner and sucking up all of America's oxygen."

LoL Fisheraug '12

Max, writer and editor for the Atlantic ("The Ridiculous 'Red Dawn' Remake Is Even More Absurd Than You Think," The Atlantic, 8/13/12, <http://www.theatlantic.com/international/archive/2012/08/the-ridiculous-red-dawn-remake-is-even-more-absurd-than-you-think/261009/>)

An EMP Blast Is Not Going to Destroy the Military: The film adopts a fringe conspiracy theory that has long been pushed by a small, right-wing coalition led by Newt Gingrich: that terrorists or a rogue state could devastate America with an electro-magnetic pulse, or EMP. The idea is that detonating a nuclear

weapon way up in the stratosphere would send out an EMP that would fry all of our electronics, from helicopters to coffee makers, easing the way for a foreign invasion. In fact, EMP is untested at best and ineffective at worst; studies suggest it might actually stop as little as five percent of electronics. Even if it did work, America is really big and knocking out our entire lower 48 would require many, many more warheads than North Korea could possibly possess. The Days of a 'Pearl Harbor' Surprise Attacks Are Over; And it's not just because the U.S. military and intelligence agencies have covered the globe with a blanket of satellite and electronic surveillance that monitors, among other things, foreign military movements. If a bunch of North Korean troops were to even drive to the nearest airport, we're probably going to know about it. And the U.S. military just isn't as centralized as it used to be. At any given moment, the U.S. has about 100,000 troops afloat and 200,000 on foreign military bases, many of those bases located somewhere between North Korea and the U.S., and all of them made for quick deployment. The Navy alone has six enormous, self-contained fleets floating around the world's oceans, not to mention 11 aircraft carriers. Even if an invading force were able to somehow magically subdue the million-plus active duty military personnel on U.S. soil, you could probably set your watch by the American counter-invasion.

AT//ISIS

ISIS fails at literally everything

Gartenstein-Ross, 15 [Daveed, is an American counter-terrorism scholar and analyst, and a Senior Fellow at the Foundation for Defense of Democracies, The Atlantic, “ISIS Is Losing Its Greatest Weapon: Momentum”, 1/6/15, <http://www.theatlantic.com/international/archive/2015/01/the-decline-of-isis-syria-iraq/384261/>, 6/28/15]JRO

There was a time when the Islamic State of Iraq and Syria appeared unstoppable. In September and October, as the jihadist group captured territory through a major offensive in Iraq’s Anbar province, culminating in the fall of the town of Hit on October 13, observers feared that even Baghdad was in danger of being overrun. ISIS is now in the midst of another major military movement in Anbar, but the always-overblown fears about the organization’s advance are now receding—and the group’s decline has grown increasingly apparent. ISIS’s signature attributes, ferocity and unpredictability, have raised the group’s profile and inspired a spate of lone-wolf attackers. But the organization has also made several strategic errors along the way. The Islamic State’s lifeblood is partially money and territory, but primarily momentum against weak and ill-prepared enemies. And that momentum, which peaked in early August, has stalled. Where has ISIS overplayed its hand? The group already had an impressive array of foes when a June blitzkrieg extended its reach into Iraq—enemies that included the Iraqi government, the Iranian regime, and even other jihadist groups like the Nusra Front, with whom it frequently skirmished in Syria. This offensive wasn’t solely the work of ISIS, which fought alongside a coalition of Sunni insurgent groups that included former members of Saddam Hussein’s Baath party. The offensive was also widely backed by Iraq’s disaffected Sunni elite. But once its initial gains were secured, ISIS quickly betrayed the very groups that had aided its advance. Most prominently, ISIS declared the reestablishment of the caliphate, with the group’s spokesman Abu Muhammad al-Adnani claiming that “the legality of all emirates, groups, states, and organizations, becomes null by the expansion of the khilafah’s authority.” The statement clearly signaled that ISIS believed it had usurped the authority of its allies; indeed, in early July it rounded up ex-Baathist leaders in Mosul (doing so proved particularly problematic for ISIS because the ex-Baathists were also managing the actual governance and administration of the northern Iraqi city, and their arrest hastened the rapid disintegration of basic services). ISIS committed a more damaging error at the beginning of August, when it launched a surprise incursion into Iraq’s Kurdish territory and promptly engaged in a campaign of genocidal slaughter and enslavement against the Yazidi minority sect. The moves were pointless from a military perspective, since the Kurdistan Regional Government’s Peshmerga forces weren’t fighting ISIS and the Yazidis didn’t pose a threat to the incipient caliphate. These decisions, along with the beheading of the American journalists James Foley and Steven Sotloff, helped draw even more enemies into the theater, including the United States and an international coalition backing U.S. military action. The most obvious sign of ISIS’s decline is that the group is no longer conquering territory, seizing no major towns or cities since Hit (and this hasn’t been for lack of effort on its part). ISIS continues to capture villages from time to time; for example, on December 27 it gained control of 14 villages in Anbar after Iraqi security forces withdrew from the area. But those villages aren’t equivalent to a major urban area and had been taken from ISIS by Iraqi forces just two days earlier. In October, ISIS advanced ominously on the Syrian city of Kobane; the French philosopher Bernard-Henri Levy declared in The New Republic that “Kobane will fall. In a matter of hours.” It has yet to fall, and Kurdish forces now appear to have the advantage, though the town remains contested. ISIS has even been losing ground, albeit unevenly. In December, the group

pulled its forces from Iraq's Sinjar district, home to one of ISIS's main resupply routes from Syria into Iraq (the other being Tal Afar). This has threatened to isolate ISIS-held Mosul. ISIS's brutality has also proven isolating. Local opposition against the group, including by Sunnis, is mounting in Mosul and Anbar, although ISIS did recently succeed in suppressing a revolt against it in Syria's Dayr al-Zawr. These uprisings are certain to grow if ISIS weakens. Meanwhile, the group's leaders seem increasingly paranoid, reportedly executing many of their own fighters in Mosul and elsewhere. In December, for example, Muammar Tawhlah, ISIS's top official in Mosul, was killed by firing squad for suspected espionage. And ISIS's bureaucratic mismanagement has alienated local populations, leaving them with a lack of job opportunities and essential services. As a resident of Mosul told the Financial Times, "When I was seven years old the war against Iran started. Since then, we've been at war. We've endured international sanctions, poverty, injustice. But it was never worse than it is now." ISIS's financial and military resources have also shrunk as U.S. airstrikes have destroyed the group's materiel and capacity to refine oil. The Islamic State is still able to sell unrefined oil on the black market, but the difference between the price it can set for unrefined versus refined oil is significant. Reports this week indicated that ISIS expects a \$250-million surplus in its \$2-billion budget, but these figures are entirely self-reported: Accountants aren't exactly lining up to get into ISIS-controlled territory and perform an outside audit. ISIS, moreover, lacks an industrial base capable of sustaining its military efforts (Ninawa and Salahaddin governorates have a number of factories, but the group has a shortage of qualified technical personnel to man and supply them). It cannot build its own heavy armor, armored personnel carriers, Humvees, anti-tank weapons, surface-to-air missiles, anti-aircraft weapons, or radar stations. Only through military raids can the organization capture the equipment it needs for battle, and the last time it did this successfully was in August.

They'll inevitably collapse

Bowen '15

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<http://nationalinterest.org/feature/time-bomb-the-islamic-state-implodes-12397>]

However, Daesh is facing its own existential crisis in terms of both its organization and ideology. Confronted by war on a number of fronts, Daesh's self-proclaimed Caliph, Abu Bakr Al-Baghdadi, has struggled to create a state in practice, focusing more of the group's attention on further expansion and elaborate media stunts than establishing an actual institutional polity. In theory, Daesh has an organizational hierarchy to "govern" its territory, but this structure is dependent on a growing number of Arab and foreign fighters, who have varying aims, motivations, and differences amongst them. As Liz Sly noted this week in The Washington Post, foreign and Arab fighters are unhappily co-existing with the local population and fighting at times with one another over Daesh's war aims, their status within the new state, and the allocation of the state's resources. This raises critical questions about whether Baghdadi will be able to maintain his "state" as he is increasingly pressed on multiple fronts. Numerous reports suggest that Syrians and Iraqis living under Daesh's rule are finding that life in the new state isn't what many had hoped for after decades of mismanagement under the former regimes. Beyond these organizational problems and contradictions, Daesh's ideology—which, unlike Al Qaeda—focuses on on

the “near enemy”—may help it form new alliances with groups like Boko Haram and militants in Libya and Yemen, which are also fighting various vestiges of state governments. Nonetheless, this ideology hasn’t been attractive enough to sustain the group’s territorial expansion to new areas of Syria and Iraq where local officials and fighters neither share Daesh’s ideology nor its vision. If history is any guide, Daesh’s ideology may also prove the group’s undoing. Ayman al-Zawahiri, the leader of Al Qaeda, learned this lesson two decades ago in Egypt when, as the leader of the Islamic Jihad, he unsuccessfully challenged former President Hosni Mubarak’s government. Islamic Jihad’s failure in Egypt was largely the result of the brutality of the group’s tactics, which alienated the local population. Osama Bin Laden criticized the “near enemy” approach for this very reason and, consequently, ordered Al Qaeda to target the “far enemy.” Beyond these organizational and ideological challenges, Daesh faces a host of military challenges, including the growing casualty rate of foreign fighters and a slow loss of territory. The ongoing siege of Tikrit and a late spring or summer Mosul offensive will only compound Daesh’s increasingly strenuous position in Iraq. These offensives alone cannot eradicate Daesh from Iraq. At the very least, however, they will put the group on the defensive until alternative government structures can be built. In Syria, on the other hand, Daesh’s territorial control is currently being challenged by both a U.S.-led air campaign and a separate ground campaign conducted by the Syrian army and Hezbollah. The group will therefore be increasingly squeezed territorially and financially as it loses access to smuggling routes, oil facilities, and urban sanctuaries. Nonetheless, Daesh’s likely to avoid complete defeat in Syria as long as a political solution to that country’s ongoing civil war remains elusive. Regardless of its ability to hold territory or finance itself, Daesh’s destruction is sewn into the organization’s deficiencies and ideology. A government at war is a government not focused on state building, and the natural moderation needed for governing compared to fighting a war will lead to splits within the organization and a struggle over the allocation of resources. A “state” then increasingly fueled and sustained by its own radicalism and violence will never become the idealized state that many of its most radical supporters struggle for. Instead, it will be a ruin within the sands of Iraq and Syria. It is thus wiser for the United States, the EU, and their regional partners to reinforce existing counter-ISIL strategies, while avoiding the temptation of a new military ground campaign in Syria and Iraq, which has its own risks and limitations. Regardless of CVE initiatives and counter-terrorism measures, Washington will defeat Daesh more so by waiting it out as the organization implodes from within. As such, the West should focus on supporting alternative governance options for Syria and Iraq, which can offer a more sustainable future than the violent and austere future Baghdadi has presented to Syrians and Iraqis.

ISIS is not an existential threat and other anti-ISIS states will defeat them in a regional, contained war

Buchanan 14 - Patrick J. Buchanan has been a senior advisor to three American Presidents. (“Is ISIS 'An Existential Threat?'” <http://townhall.com/columnists/patbuchanan/2014/08/12/is-isis-an-existential-threat-n1877527/page/full/8/12/2014>) STRYKER
“ISIS is a direct threat to the United States of America,” said Rep. Peter King. John McCain called for bombing ISIS in Syria and Iraq. But using air power to prevent ISIS from seizing the Kurdish capital of Irbil and Baghdad is not enough, said Sen. Lindsey Graham. “We need to go on offense,” he told FOX News, “There is no force within the Mideast that can neutralize or contain or destroy ISIS without at least American air power.”“The Islamic State is “an existential threat” to our homeland, Graham added, asking, “do we really want to let America be attacked?”“Came then this warning from Sen. Graham: “If he [Obama] does not go on the offensive against ISIS, ISIL, whatever you want to call these guys, they’re coming here. This is not just about Baghdad, not just about Syria. It is about our homeland.” “I think of an American city in flames because of the terrorists’ ability to operate in Syria and Iraq,” said Graham, “Mr. President ... what is your strategy to stop these people from attacking the homeland?” “This semi-hysterical talk of an “existential threat” to the “homeland,” and the dread specter of “an American city in flames” is vintage war party, designed to panic us into launching a new war. But before allowing these “Cassandras” to stampe us back into the civil-sectarian Middle East wars that resulted from our previous interventions, let us inspect more

closely what they are saying. If ISIS' gains are truly an "existential threat" to the republic and our cities are about to "go up in flames," why did these Republican hawks not demand that

President Obama call back Congress from its five-week vacation to vote to authorize a new war on ISIS in Syria and Iraq? After all, King, McCain and Graham belong to a party that is suing the president for usurping Congressional powers. Yet, they are also demanding that Obama start bombing nations he has no authority to bomb, as ISIS has not attacked us. King, McCain and Graham want Obama to play imperial president and launch a preemptive war that their own Congress has not authorized. What kind of

constitutionalists, what kind of conservatives are these? Is Graham right that an "existential threat" is at hand? Is our very existence as a nation in peril? Graham says no force in the Mideast can stop ISIL without us. Is this true?

Turkey, a nation of 76 million, has the second-largest army in NATO, equipped with U.S. weapons, and an air force ISIL does not have. If President Recep Tayyip Erdogan wanted to crush ISIS, he could seal his border to foreign fighters entering Syria and send the Turkish army to assist President Bashar Assad in annihilating ISIS in Syria. The jihadists of the Islamic State may be more motivated, but they are hugely outnumbered and outgunned in the region. The Syrian government and army, Hezbollah in Lebanon, the Shia-dominated government of Iraq, a Shia Iran of 70 million, and the Kurds in Syria and Kurdistan are all anti-Islamic State and willing to fight. All are potential allies in a coalition to contain or crush ISIS, as is Vladimir Putin's Russia. if U.S. diplomacy were not frozen in the 1980s. Only last August, McCain and Graham were attacking Obama for not enforcing his "red line" by bombing Syria's army, the most successful anti-ISIL force in the field. The threat of the Islamic State should not be minimized. It would provide a breeding and training ground for terrorists to attack us and the West. But it should not be wildly exaggerated to plunge us into a new war. For wherever ISIS has won ground, it has, through atrocities and beheadings, imposition of Sharia law, and ruthless repression, alienated almost everyone, including al-Qaida. Should ISIS succeed in holding northern Syria and western Iraq, who will recognize this caliphate? Who will trade with it? How will it hold the allegiance of peoples upon whom it is even now imposing terrorist rule? The Sunni of Iraq are already chaffing against ISIS rule. How long will Turks, Syrians, Iraqis, Kurds and Iranians tolerate a Talibanized Islamic State right next door? And should ISIS attack the United States, we have more than sufficient means to retaliate, without sending in American troops. Let Middle Easterners take the lead in fighting this newest Middle East war.

No ISIS threat—reject exaggerations

Beinart 14 – Peter Beinart is a contributing editor at The Atlantic and National Journal, an associate professor of journalism and political science at the City University of New York, and a senior fellow at the New America Foundation. ("How Serious a Threat Is ISIS?" <http://www.theatlantic.com/international/archive/2014/09/obama-iraq-syria-isis-war-sold/380026/> 9/11/2014) STRYKER

It's important to remember that moment now, amid our current bout of war fever. It may be worth attacking the Islamic State of Iraq and Syria for purely humanitarian reasons. After all, the United States launched air wars against Serbia (twice) and Libya without claiming that their regimes posed a national-security threat, and ISIS is more savage than either Slobodan Milosevic or Muammer al-Qaddafi. It may be worth attacking ISIS because of the threat it poses to our allies in the Middle East. If unchecked, the group could destabilize not only Iraq and Syria, but potentially Jordan and Saudi Arabia too. (Judging by social media, ISIS has a lot of fans in the kingdom of Saud.) But, for the most part, that's not how this war is being sold. It's being sold as a war to protect the United States homeland against a profound terrorist threat. Democratic Senator Dianne Feinstein recently said, "The threat ISIS poses cannot be overstated." Her Republican colleague Jim Inhofe has claimed that ISIS is "rapidly developing a method of blowing up a major U.S. city" and that as a result, "We're in the most dangerous position we've ever been in as a nation." This time, the press needs to aggressively investigate whether that's true. If it is, then the Obama administration should be considering ground troops, as General Lloyd Austin, commander of U.S. forces in the Middle East, reportedly requested—domestic politics be damned. We sent them into Afghanistan, after all. And if the ISIS threat really is greater than the al-Qaeda threat was on September 10, as Inhofe suggests, then there's a case for doing the same in Iraq and Syria today. If, on the other hand, ISIS lacks the motivation and capacity for anything close to 9/11, then President Obama's stated justification for even an air war looks weak. So far, the press hasn't done a good enough job of determining if this is the case. Many publications have uncritically accepted Secretary of Defense Chuck Hagel's claim about the number of Americans who have gone to fight with ISIS—a figure that New America Foundation terrorism expert Peter Bergen argues is dramatically exaggerated. Other media commentary simply assumes that if Westerners go to fight with ISIS in Iraq or Syria, they're destined to attack Europe or the United States. But that's not true. Bergen notes, for instance, that of the 29 Americans who have gone to fight with the Somali jihadist group al-Shabab, none have tried to commit terrorism against the United States. One reason is that many of them ended up dead. Press coverage of ISIS often ignores the fact that, in the past, the group has not targeted the American homeland. Jihadist groups, even monstrous ones, don't inevitably go after the United States. Al-Qaeda began doing so as part of a specific strategy. After fighting the Soviets in Afghanistan, it initially turned its attention to overthrowing regimes in Egypt and Saudi Arabia that Osama bin Laden and Ayman al-Zawahiri considered oppressive, corrupt, and un-Islamic. It was only when those direct efforts failed that al-Qaeda hatched a new strategy: attacking those regimes' patron, the United States. That's still al-Qaeda's strategy. And as a result, so far, the U.S. has arguably had more to fear from those Westerners who have joined the al-Nusra Front, al-Qaeda's affiliate in Syria, than from those who have joined ISIS. But, ironically, al-Nusra may be a beneficiary of America's war, as it takes territory that ISIS now claims. It's entirely possible that ISIS would, on its own, make the transition to attacks inside the United States. But, as Michael Morell, a former acting CIA director, has suggested, declaring war on the group makes that transition more likely, not less. It doesn't in any way lessen the despicable, barbaric nature of the beheadings of James Foley and Steven Sotloff to note that ISIS justified them as a response to U.S. airstrikes. It's also possible that even if ISIS as an organization doesn't plan complex, 9/11-style operations against the U.S., some of its operatives might take matters into their own hands, in "lone-wolf" attacks like the one initiated by the "underwear bomber" in the skies over Detroit. But lone-wolf attacks, serious as they are,

are highly unlikely to do anywhere near the damage al-Qaeda did on September 11. That's one reason The New York Times, in an article on Thursday that models the journalism we need, quotes former State Department counterterrorism coordinator Daniel Benjamin calling Beltway discussion of the ISIS threat a "farce," with "members of the cabinet and top military officers all over the place describing the threat in lurid terms that are not justified."¶ President Obama, to his credit, has not done that. Unlike President Bush in the run-up to the Iraq War, he has not hyped the threat. Look at what he said in his speech on Wednesday night (the italics are mine).¶ "If left unchecked, these terrorists could pose a growing threat beyond that region—including to the United States," he said. "While we have not yet detected specific plotting against our homeland, ISIL leaders have threatened America and our allies. Our intelligence community believes that thousands of foreigners—including Europeans and some Americans—have joined them in Syria and Iraq. Trained and battle-hardened, these fighters could try to return to their home countries and carry out deadly attacks."¶ Lots of things could threaten the United States. The critical question, as the U.S. launches a war against ISIS that will likely take years and have myriad unforeseen consequences, is what "could" actually means. This time, the press needs to do a better job of finding out.

Err negative—social media exaggeration

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I'm sure a lot of other people are as baffled as I am at the huge, galvanizing effect IS has achieved with its use of social media broadcasts of hostage beheadings. Yes, it's horrible, of course; so are all murders of innocents. But as Greg Sargent asks today, are the beheadings really an adequate justification for a reconvening of the Global War on Terrorism with all of its excesses and failures?¶ It would be nice if we could look at each new development in this conflict and make a rational assessment of what it actually changes, how it affects the United States, and what we should do, or not do, in response. But brutality overwhelms rationality, just as ISIS intends. A couple of hundred thousand Americans die every year from preventable medical errors and the response from the government amounts to "Gee, that's too bad," but all it takes is a few videos of brutal executions 6,000 miles away to spur a wholesale reexamination of American foreign policy....¶ To date, ISIS has killed four Americans, a horrible tragedy for those people and their families. But since the idea of the group's threat to America is at this point entirely hypothetical, we should be as specific as we can when we talk about that threat. Do we think they're going to try to hijack planes or send agents here to set off bombs? And if so, what do we need to do to counter those threats that we aren't already doing? If we're going to expand our military involvement in the Middle East, is there a way to do it that won't create more problems than it solves?¶ I'll put my cards right on the table: there is one, and only one, terrorist threat that rises to the level of an existential threat to the United States, and that's nuclear terrorism. There are few rational measures I would not support that would significantly lower the risk of a dirty bomb going off in an American city. You get the sense right now, however, that all too many Americans would favor the atomization of the Muslim Middle East if it meant no more beheadings by IS. This is precisely the kind of public opinion tendency that swollen to a large majority by 9/11 led the Bush administration to decide to invade Iraq; not because there was any fresh justification for doing so, but because they knew could get away with it.

ISIS isn't a threat – their capabilities are overhyped by politicians

Waldman, 3/20 [Paul, senior writer for The American Prospect., The Washington Post, "The Islamic State isn't actually much of a threat to the United States", 3/20/15, <http://www.washingtonpost.com/blogs/plum-line/wp/2015/03/20/the-islamic-state-isnt-actually-much-of-a-threat-to-the-united-states/>, 6/28/15]JRO

Now, let's entertain a truly radical notion: Even if the Islamic State could launch a successful terrorist attack in the United States, that still wouldn't make them much of a threat. How many Americans could they kill? A dozen? A hundred? That would be horrible. But car accidents kill almost a hundred Americans each and every day. It's easy to see why Republicans would want to make Americans as afraid as possible of the Islamic State: The emotional state of fear creates support for more belligerent policies and more use of military force, which are the things Republicans favor. So whatever they actually believe about the Islamic State, they have an interest in everyone being as afraid as possible. And the creation of that fear is, of course, what terrorism is all about: The spectacle and the reaction it produces are the whole point. For their part, Democrats may argue that a different set of policies is more likely to defeat the Islamic State, but you won't hear them say that the group doesn't actually

threaten the United States in any meaningful way — not when 94 percent of Americans are convinced otherwise. But we should try to see if we can simultaneously hold three separate thoughts in our heads: 1. The Islamic State has done ghastly things. 2. We should work to eliminate them in any way we can. 3. Even so, they are not actually much of a threat to the United States. The same people who want everyone to constantly proclaim the United States' awesomeness often act as though we're a nation on the verge of destruction, so weak and vulnerable are we in the face of knife-wielding masked men thousands of miles away. But we aren't on the verge of destruction. The Islamic State presents a profound challenge, because they are bringing misery wherever they go and uprooting them will be difficult and complex. But that isn't the same as saying that we here in the United States should live in a state of fear.

ISIS is weakening – The battle of Kobane proves they will be defeated shortly

Crompton, 15 [Paul, is a journalist for Al Arabiya News in Dubai., Al Arabiya News, "Experts: Kobane defeat a sign of ISIS weakening", 2/6/15, <http://english.alarabiya.net/en/perspective/analysis/2015/02/06/Kobane-defeat-a-sign-of-ISIS-weakening-experts.html>, 6/28/15]JRO

The rout of the Islamic State of Iraq and Syria (ISIS) from the long-embattled Syrian border town of Kobane is a sign that the militant group can be weakened and beaten, experts told Al Arabiya News. The fight over Kobane – which began in September last year – reached a conclusion this week after Kurdish fighters aided by heavy coalition airstrikes regained full control of the city, an event hailed by U.S. Secretary of State John Kerry as a "big deal." ISIS's defeat in Kobane "demonstrates that it is more adept at propaganda, terrorism and light guerrilla warfare than it is about performing as a significant military force when faced by a determined enemy," said Michael Ryan, a scholar at the Washington-based Middle East Institute and the author of "Decoding al-Qaeda's Strategy: The Deep Battle Against America." The group's "actual fighting force is probably much smaller than its overall reported numbers might suggest and thus the loss of hundreds of fighters is likely a significant blow to its power base," he added. Although ISIS is "far from defeated" in Syria and Iraq, the loss of Kobane is a major blow to the group and shows that it "can be beaten," Ryan said. But the success in the ground campaign by Kurdish fighters – including the Peshmerga from Iraq's Kurdistan – could have come much faster if the Kurds were better equipped by their Western allies, some experts say. "One of ISIS's primary assets since June 2014 has been the aura of momentum generated by its military gains," said Noah Bonsey, a Syria analyst at the Brussels-based International Crisis Group, referring to the group's sweeping takeover of the Iraq's second largest city of Mosul in summer last year. "The battle of Kobane halted that momentum in Syria, and in that sense ISIS's loss there is significant," he added. Hilal Khashan, a political science professor at the American University of Beirut, said that there is "no question" that ISIS has been contained. "ISIS is sustaining tremendous losses and, even though it has not yet been decimated, it is only a question of time before it is convincingly defeated." But the Kurds and the U.S.-led coalition - as well as other groups fighting ISIS on the ground in Syria and Iraq - should not rest on their laurels. "We should not be surprised if [ISIS] attempts further attacks against Kobane in the future in an attempt to erase what is widely perceived as a defeat," said Ryan. ISIS's steady stream of recruitment - with new fighters reportedly continuing to trickle in - could preserve the group's staying power, Bonsey said. The resolve

of Arab countries to combat ISIS may have been strengthened this week after the release of a gruesome video showing the burning alive of captured Jordanian fighter pilot Moaz al-Kasasbeh at the hands of the militants. News of his killing spurred Jordan - a neighbor of Iraq and Syria and an ally in the U.S.-led coalition - against the group to step up its bombing campaigns, reportedly killing 55 militants on Thursday. Additionally, such "Medieval thinking cannot possibly win against the 21st century," said Khashan. "ISIS is out of place and out of time."

ISIS is unstable – Infighting is causing the group to weaken

Kumar, 15 – [Anugrah, Christian Post Contributor, Christian Post, ISIS Being Weakened by Infighting, Says Mideast Expert; Loses Key Stronghold in Iraq, "ISIS Being Weakened by Infighting, Says Mideast Expert; Loses Key Stronghold in Iraq", 3/9/15, <http://www.christianpost.com/news/isis-being-weakened-by-infighting-says-mideast-expert-loses-key-stronghold-in-iraq-135345/>, 6/28/15]JRO

Even as reports suggest that the Islamic State is facing rising tensions between its foreign and local fighters amid growing attacks by local militias, Iraqi forces and pro-government militias in Iraq have regained control from the terror group in two key areas near the city of Tikrit. "The key challenge facing ISIS right now is more internal than external," The Washington Post quotes Lina Khatib, director of the Carnegie Middle East Center in Beirut, as saying. "We're seeing basically a failure of the central tenet of ISIS ideology, which is to unify people of different origins under the caliphate. This is not working on the ground. It is making them less effective in governing and less effective in military operations." For example, local recruits of ISIS, a Sunni terror group also known as ISIL, are expressing anger over preferential treatment that the expatriates receive in Syria, according to the Post. The salaries and living conditions of the two cannot be compared although it's the local recruits who risk their lives in rural areas. The two groups have fired at each other in the town of Abu Kamal on Syria's border with Iraq on several occasions. ISIS is an offshoot of al-Qaeda and wants to establish a caliphate in the Levant region and beyond. It has gained control over large swathes of territories in Syria and Iraq. However, the U.K.-based Syrian Observatory for Human Rights has recorded about 120 public executions by ISIS of its own members. While ISIS has not been able to deal with growing infighting, offensives on areas under its control are increasingly being launched by Kurds in northern Syria and northern Iraq as well as by Shiite militias in Iraq.> On Sunday, pro-government Shiite militias in Iraq managed to enter the village of Abu Ajeel, east of Tikrit, and the Dawr area, south of the city – which had been ISIS stronghold for several months. About 30,000 Iraqi troops and militia fighters were part of the Tikrit offensive. Meanwhile, 26 ISIS terrorists, including two commanders, were killed in airstrikes in Syria's Hama province during the weekend. Elsewhere, ISIS has been targeting Christian villages near Tal Tamr to get the corridor to the eastern border to Iraq. ISIS has attacked numerous villages of Assyrian Christians in recent weeks, and captured hundreds of villagers. Since last June, when ISIS declared its "caliphate," the terror group has killed roughly 2,000 people, about two-thirds of them civilians, according to the Observatory.

ISIS is weakening - prolonged combat, administrative and financial issues

Winsor, 15 [Morgan, is a Breaking News Reporter for International Business Times covering Africa and the Middle East., International Business Times, "ISIS Infighting: Islamic State Executions Signal Mistrust, Tensions, Power Struggles", 2/19/15, <http://www.ibtimes.com/isis-infighting-islamic-state-executions-signal-mistrust-tensions-power-struggles-1822482>, 6/28/15]JRO

Recent tensions, power struggles and even executions within the Islamic State's ranks of foreign fighters signal fractures within the extremist group, after its militants were defeated in the Syrian city of Kobani. Although the Islamic State -- also known as ISIS or ISIL -- retains a firm grip on swaths of Middle Eastern territory, the group appears to be on the defensive in Syria for the first time, suffering blows from U.S.-led coalition airstrikes, fighting on the ground and mistrust among its own members, the Associated Press reported. Tensions among foreign fighters within ISIS have emerged over different national backgrounds as well as administrative and financial issues. The Islamic State group has executed at least 120 of its own members, the majority of whom were foreign fighters trying to flee, the Syrian Observatory for Human Rights, a British-based monitoring group, said in December. The severed head of a senior ISIS official was found last month in eastern Syria with a cigarette between its lips, reportedly trying to show he was beheaded for smoking, which is banned under Sharia law. But there are rumors that the official -- who was an Egyptian national -- was actually killed on suspicion of spying, according to AP. "The prolonged battle for Kobani caused a lot of tensions -- fighters accused each other of treachery and eventually turned on each other," Bari Abdellatif, a resident of al-Bab who has fled to Turkey, told AP Thursday. ISIS suffered its worst defeat last month in Kobani where more than 1,000 militants were killed by Iraqi Kurdish forces, which have successfully repelled the group from the border town in northern Syria, the Syrian Observatory for Human Rights said in January. Kurdish forces have since joined with moderate Syrian rebels to recapture about 215 villages in the area, wrenching ISIS supply lines. Amplified coalition airstrikes in retaliation for the burning death of the Jordanian pilot have also strained the terror group. ISIS militants in Raqqa -- the group's de facto capital -- forced Syrian civilians to donate blood after dozens of ISIS fighters were seriously wounded, ARA News reported last week. Since September, U.S.-led coalition airstrikes have killed some 7,000 ISIS fighters or about 20 percent of the group's military capabilities, according to Al Arabiya News.> Still, the militants captured new territory in Iraq for the first time in months. Last week, the besieged western Iraqi town of al-Baghdadi fell to ISIS, who then burned to death 45 people, the local police chief told BBC News Tuesday.

ISIS is crumbling – Infighting and a loss of public support

Bender, 15 [Jeremy, received a BA in Middle Eastern Studies from Rutgers University and is a staff writer at Business Insider Business Insider, "Cracks in ISIS are becoming more clear", 3/9/15, <http://www.businessinsider.com/weaknesses-of-isis-2015-3>, 6/28/15]JRO

The Islamic State, also known as ISIS or ISIL, which controls a chunk of Iraq and Syria the size of Britain, is facing pressing internal problems, according to multiple reports. The so-called caliphate's promises of Muslim unity have not stopped bitter disputes between foreign fighters and native Iraqis and Syrians. "The key challenge facing ISIS right now is more internal than external," Lina Khatib, the director of the Carnegie Middle East Center in Beirut, told The Washington Post. "We're seeing basically a failure of the central tenet of ISIS ideology, which is to unify people of different origins under the caliphate. This is not

working on the ground. It is making them less effective in governing and less effective in military operations." The core dispute in the organization is the preferential treatment that foreign fighters receive over their local counterparts. Foreigners in the organization earn as much as twice as much pay as local fighters. Foreign fighters also receive nicer living accommodations in ISIS-controlled cities and are less frequently deployed to the frontline than their Syrian or Iraqi counterparts, The Wall Street Journal reports. This alleged preferential treatment has bred resentment within ISIS as locals feel they take a larger share of the military risk. The disparity has actually led to violence between the groups within ISIS: Foreign fighters and Syrian militants had a shootout in the town of Abu Kamal on the Iraqi border following an order that deployed the Syrians to the Iraqi front line, The Post reports. This treatment has led ISIS to lose support among ordinary Syrians, many of whom have always viewed ISIS, which has its origins in Al Qaeda's Iraqi franchise, as a foreign Iraqi force to begin with. ISIS "was never popular, but people supported them because they were scared or they needed money," Ahmed Mhidi, a Syrian businessman who fled to Turkey, told The Post. "Now people want nothing to do with them, and if the Islamic State puts pressure on them, they just flee." Foreign fighters are also reportedly disillusioned with the group. Foreigners who come to join ISIS generally have little military experience and little interest in actually fighting. Many had instead hoped to take part in the creation of the caliphate, a project that some view as both an exciting political and social experiment, as well as a religious obligation. When these foreigners are forced to fight, many have tried to desert only to face execution at the hands of ISIS.

AT//Lone Wolves

No lone wolf threat – no impact and can't be effectively surveilled

Gomez, 14 (David, 10/24/14, "The Myth of the Big Bad Lone Wolf", Foreign Policy, <http://foreignpolicy.com/2014/10/25/the-myth-of-the-big-bad-lone-wolf/>) KW

***We don't endorse the author's use of the "f word" or any other objectionable language

The terror attack on Canadian soldier Nathan Cirillo and the Canadian Parliament by recent Muslim convert Michael Zehaf-Bibeau has re-focused attention on the threat from "lone-wolf" terrorists, those who operate "without direction from abroad and without help from a terrorist organization or cell."[¶] The current discussion once again revolves around whether or not increased surveillance by Canadian law enforcement and intelligence agencies could have prevented the attack — and whether such efforts are worth the expense in terms of law enforcement manpower and the erosion of civil liberties in Canada. They are not. In the FBI, trying to prevent these type of lone wolf attacks is a Sisyphean task known among agents as a BFWAT, or ~~Big Fucking Waste of an Agent's Time~~. That's no less true for Canada's FBI equivalent, the Royal Canadian Mounted Police (RCMP).[¶] Much like the FBI in the United States, the RCMP has primary responsibility for preventing and investigating criminal terrorist activity in Canada. Along with Canadian Security Intelligence Service (CSIS) — the intelligence service that was created from the RCMP's Security Service in 1984 and that has no law enforcement function or powers — the RCMP has limited resources available to find and monitor every potential lone wolf in Canada. Particularly when the threat from lone-wolf terrorists is minimal compared to broader national security threats from al Qaeda- and Islamic State-trained terrorists in the United States, Canada, and abroad.[¶] The lone-wolf phenomenon — sometimes dismissively referred to within U.S. law enforcement circles as "stray-dogs" — is a real threat. But unlike the threat posed by criminal enterprises or even known terrorist organizations, lone wolves are nearly impossible to identify and investigate. By their very nature they have the power of anonymity. While most lone wolves have never heard of Louis Beam's theory of leaderless resistance, all true lone wolves ascribe to his tenant involving "very small or one-man cells of resistance." Beam understood that one-man cells are "an intelligence nightmare" and near impossible to police.[¶] True lone wolves remain a fairly rare phenomenon by law enforcement or criminal investigative standards. Michael Zehaf-Bibeau was not, however, a true lone wolf. The classic lone wolf often mirrors the personality, preparation, and actions of the successful serial killer. Like serial killer and rapist Ted Bundy, the lone wolf is intelligent, articulate, and personable to those he meets, particularly potential victims, yet perceived as somewhat aloof and a loner to outsiders. Like "Unabomber" Theodore Kaczynski, the lone wolf is organized and meticulous in the planning and preparation of his crimes and often provides a written rational or manifesto for committing his crimes. In spite of Kaczynski being a paranoid schizophrenic, he was able to remain undetected for 17 years until he wanted his manifesto published.[¶] Being an organized offender, the classic lone wolf often prepares escape and contingency plans. In the case of Eric Rudolph, a radical right-wing bomber in the 1990s, the lone wolf was able to commit multiple crimes and live for years as a fugitive in the mountains of North Carolina. Most importantly, the lone wolf offender, just like the serial killer he is or aspire to be, is successful. The true lone wolf hides in plain sight, never drawing attention until something prompts him to act on his fantasy.[¶] None of the above traits and characteristics fit Zehaf-Bibeau's profile.[¶] His life was a train wreck of drugs and mental illness with little or no evidence of organization. While all current evidence points to the fact that Zehaf-Bibeau was most-likely acting alone and without direction, he does not

appear to be a classic organized lone wolf. Rather he more closely resembles a spree killer who acts spontaneously, without a plan, attempting to kill as many people as possible in as short a time as possible. Zehaf-Bibeau was on a suicide mission with no expectation of survival, therefore no plan for escape. And as far as we know, he left no manifesto or explanation of his actions. In short, Zehaf-Bibeau was a disorganized murderer, acting out his fantasies.¶ The dilemma for law enforcement in a constitutional or parliamentary democracy centers around how to identify the Zehaf-Bibeaus of the world and prevent criminal acts when they represent such a small minority among a terrorism demographic that, by definition, is willing to act without the direction or support of any main terror organization.¶ The media has been quick to label this case an intelligence failure without considering the limitations on when an intelligence or criminal case can be initiated and pursued by CSIS or the RCMP. According to Canadian media reports, Zehaf-Bibeau was neither a "high priority" for CSIS nor on the RCMP's list of "90 or so individuals under criminal investigation as potential threats," unlike the previous week's lone wolf, Martin Couture-Rouleau "who waited in a parking lot for at least two hours before driving his car into two Canadian soldiers."¶ No one familiar with law enforcement procedures will be surprised to learn that Zehaf-Bibeau wasn't on the radar of the RCMP or CSIS. Until he began his shooting spree, Zehaf-Bibeau had committed no recent crime nor telegraphed any specific intent to do so. Yet the Globe and Mail reported later that Zehaf-Bibeau "tried and failed to use prayer as a shield against the drug addiction and mental instability stalking him through adulthood." And the New York Times reported "despite a criminal record, an embrace of extremist ideas and an intent to travel to Syria" Zehaf-Bibeau "was not identified as a threat."¶ Even if Zehaf-Bibeau had somehow signaled his growing radicalization, the RCMP would still have been constrained in its ability to investigate him. In the United States the standard is for "reasonable suspicion." In Canada it is the same. Prior to the shooting there was no evidence that the shooter presented a specific or articulable threat.¶ The public dilemma for the RCMP, and also the FBI in the U.S., is how to identify the less than one percent of offenders who will evolve and mature into violent, psychopathic, spree-killing terrorists – and, possibly, self-organized lone wolf offenders — without violating their civil rights — and everyone else's. Absent specific intelligence to direct law enforcement to the most dangerous terrorist threats and develop reasonable suspicion to open a case, the FBI or RCMP will be forced to conduct assessments on every wanna-be jihadist, angry teenager with a grudge, psychopath looking for an excuse to kill, and generally disorganized murderous wing-nut seeking revenge — whether religious or otherwise — in order to find that one percent reflecting a potential "lone wolf" terrorist.

Needless to say, that's a tremendous waste of officers' time and taxpayers' resources. Finding a true lone wolf offender is like trying to find the proverbial needle in a haystack. Finding a true lone wolf offender is like trying to find the proverbial needle in a haystack.

Any successful attack would have incredibly low lethality, like the Boston Marathon bombing or a school shooting
Harwood 2/5

[Matthew Harwood is a freelance writer, whose work has been published by the American Conservative, Columbia Journalism Review, the Guardian, Guernica, Reason, Salon, Truthout, and the Washington Monthly. "Lone Wolf Terrorists Are Exceedingly Rare, So Why Does Everyone Keep Talking About Them?" 2/5/15 <http://www.motherjones.com/politics/2015/02/government-using-fear-lone-wolf-terrorist-justify-police-state>]crk

Fortunately, what makes lone wolves so difficult to detect beforehand renders them more impotent when they strike. Because such individuals don't have a larger network of financing and training, and may be disturbed as well, they are likely to have a far less sophisticated skill set when it comes to arming themselves or planning attacks. Terrorism researcher Ramon Spaaij of Australia's Victoria University created a database of 88 identified lone wolves who perpetrated attacks between 1968 and 2010 in 15 countries. What he found should dispel some of the fear now being associated with lone-wolf terrorism and so the increasingly elaborate and overzealous government planning around it. Spaaij identified 198 total attacks by those 88 solo actors—just 1.8% of the 11,235 recorded terrorist incidents worldwide. Since lone wolves generally don't have the know-how to construct bombs (as the Unabomber did), they usually rely on firearms and attack soft, populated targets, which law enforcement responds to quickly. Therefore, Spaaij found that the average lethality rate was .062 deaths per attack while group-based terrorists averaged 1.6 people per attack. Inside the United States, 136 people died due to individual terrorist attacks between 1940 and 2012—each death undoubtedly a tragedy, but still a microscopic total compared to the 14,000 murders the FBI has reported in each of the last five years. In other words, you shouldn't be losing sleep over lone-wolf attacks. As an American, the chance that you'll die in any kind of terrorist violence is infinitesimal to begin with. In fact, you're four more times likely to die from being struck by lightning. If anything, the present elevation of the lone-wolf terrorist to existential threat status in Washington creates the kind of fear and government overreach that the perpetrators of such attacks want to provoke. If individual terrorists are the "new nightmare," it's only because we allow them to be.

The only groups who could have a devastating impact are organized terrorist groups

NYDN 2/17 [New York Daily News "No terrorist group is capable of a 9/11-type attack, but they could get weapons to take down an airliner: Ex-CIA chief" 2/17/15

<http://www.nydailynews.com/news/politics/ex-cia-chief-warns-lone-wolf-terror-attacks-article-1.2118984>]crk

Right now, there isn't a terrorist group out there capable of killing thousands of Americans with a 9/11-type attack — but it's possible one could get the weapons to shoot down an airliner. That was the dire warning the former acting director of the CIA gave Tuesday to the NYPD. "There is nobody in the world today who has the capability to bring complex sophisticated, simultaneous attacks to our homeland that kill thousands," Michael Morell said at an anti-terrorism conference at police headquarters. Al Qaeda had it once, "but they do not have it today, thanks to U.S. counterterrorism operations," he said. Left unchecked, however, it would take Al Qaeda just "three years" to pose that kind of threat again, he said. Another big worry, Morell said, is that terrorist outfits like the Al Qaeda-affiliated Khorasan Group in Syria or the Yemen-based Al Qaeda in the Arabian Peninsula could get their hands on enough firepower to shoot down jetliners.

State dept strategy solves

Boyer 1/14 [Dave Boyer is a White House correspondent for The Washington Times. "Obama's 'lone wolf' focus misguided as terrorist threat expands, critics say" 1/14/15

<http://www.washingtontimes.com/news/2015/jan/14/obama-lone-wolf-focus-misguided-as-terrorist-threa/?page=all>]

The Obama administration has expanded its counterterrorism efforts in recent years to prevent attacks by loners that are potentially harder to detect in the plotting stage, because such attacks are carried out by individuals operating outside known terrorist networks. "The most likely scenario that we have to

guard against right now ends up being more of a lone wolf operation than a large, well-coordinated terrorist attack," Mr. Obama said in 2011, after a lone gunman slaughtered 77 people at a youth camp in Norway. "When you've got one person who is deranged or driven by a hateful ideology, they can do a lot of damage, and it's a lot harder to trace those lone wolf operators." As part of the effort to prevent such attacks, **national security agencies under Mr. Obama have expanded outreach efforts to communities where such homegrown terrorists might arise. "They've done a really good job of reaching out to influencers, Muslim-American community leaders and others who are aware of the individuals and the influences of radicalization on the local level,"** said Dafna Rand, deputy director at the Center for a New American Security in Washington. "**There's also been an incredible amount of intelligence-sharing with other countries** that's really useful here. There's been a lot of progress. You can never assure all Americans that it would never happen, but there **has been a lot of progress, to the credit of this administration.**"

Lone Wolf threats hype to justify expanded surveillance – the threat isn't real

Harwood 2/5 [Matthew Harwood is a freelance writer, whose work has been published by the American Conservative, Columbia Journalism Review, the Guardian, Guernica, Reason, Salon, Truthout, and the Washington Monthly. "Lone Wolf Terrorists Are Exceedingly Rare, So Why Does Everyone Keep Talking About Them?" 2/5/15 <http://www.motherjones.com/politics/2015/02/government-using-fear-lone-wolf-terrorist-justify-police-state>]

The shadow of a new threat seems to be darkening the national security landscape: the lone-wolf terrorist. "The lone wolf is the new nightmare," wrote Washington Post columnist Charles Krauthammer recently, and the conservative pundit wasn't alone in thinking so. "I really see [lone wolves] as being a bigger threat than al-Qaeda, or the Islamic State, or the al-Qaeda franchises," Scott Stewart, vice president of tactical analysis at the global intelligence and advisory firm Stratfor, told VICE News. Similarly, in the aftermath of the Paris terrorist attacks, appearing on "Meet the Press," Attorney General Eric Holder said, "The thing that I think keeps me up most at night [is] this concern about the lone wolf who goes undetected." You could multiply such statements many times over. There's only one problem with the rising crescendo of alarm about lone wolves: most of it **simply isn't true.** There's **nothing new about the "threat" and the concept is notoriously unreliable, as well as selectively used.** (These days, "lone wolf" has largely become a stand-in for "Islamic terrorist," though the category itself is not bound to any specific ideological type.) Worst of all, its recent highlighting paves the way for the heightening of abusive and counterproductive police and national security practices, including the infiltration of minority and activist communities and elaborate sting operations that ensnare the vulnerable. In addition, the categorization of such solitary individuals as terrorists supposedly driven by ideology —left or right, secular or religious—often obscures multiple other factors that may actually cause them to engage in violence. Like all violent crime, individual terrorism represents a genuine risk, **just an exceedingly rare and minimal one.** It's not the sort of thing that the government should be able to build whole new, intrusive surveillance programs on or use as an excuse for sending in agents to infiltrate communities. National programs now being set up to combat lone-wolf terrorism **have a way of wildly exaggerating its prevalence and dangers—and in the end are only likely to exacerbate the problem.** For Americans to concede more of their civil liberties in return for "security" against lone wolves wouldn't be a trade; it would be fraud.

There's no deterring them – that's the psychological definition of a lone wolf – if an attack is coming it can't be stopped

Harwood 2/5

[Matthew Harwood is a freelance writer, whose work has been published by the American Conservative, Columbia Journalism Review, the Guardian, Guernica, Reason, Salon, Truthout, and the Washington Monthly. "Lone Wolf Terrorists Are Exceedingly Rare, So Why Does Everyone Keep Talking About Them?" 2/5/15 <http://www.motherjones.com/politics/2015/02/government-using-fear-lone-wolf-terrorist-justify-police-state>]

The "literature" on both terrorism and the lone wolf should be approached with a healthy degree of skepticism. To this day, there is little consensus on what exactly terrorism is; the same is true of the lone-wolf variety. In the media and in recent academic studies, what separates the lone-wolf terrorist from the phenomenon in general is the perpetrator. Lone wolves are, by definition, solitary individuals, almost always men, often with mental health problems, who lash out violently against civilian targets. At least in some fashion, they are spurred on by belief. Researcher Michael Becker defines it this way: "Ideologically driven violence, or attempted violence, perpetrated by an individual who plans and executes an attack in the absence of collaboration with other individuals or groups." Although you wouldn't know it at the moment in America, the motivation for such attacks can run the gamut from religiously inspired anti-abortion beliefs to white supremacism, from animal rights to an al-Qaeda-inspired worldview. According to the literature, lone wolves are unique in the annals of terrorism because of the solitariness with which they plan and carry out their acts. They lack peer or group pressure and their crimes are conceived and executed without assistance. In this way, they bear a strong resemblance to the individual school shooters and rampage killers that Americans are already so used to.

They're too immature, impatient, incompetent and small to cause serious damage

Stewart '11

(Scott Stewart, Supervisor for Stratfor's analysis of terrorism and security issues, former special agent with the U.S. State Department for 10 years, involved in hundreds of terrorism investigations, September 22, 2011, Stratfor, "Cutting Through the Lone-Wolf Hype", <https://www.stratfor.com/weekly/20110921-cutting-through-lone-wolf-hype>, SS)

However, in the jihadist realm, as in the white-supremacist realm before it, the shift to leaderless resistance was an admission of weakness rather than a sign of strength. Jihadists recognized that they have been extremely limited in their ability to successfully attack the West and while jihadist groups welcomed recruits in the past, they are now telling them it is too dangerous because of the steps taken by the United States and its allies to combat the transnational terrorist threat. Busting the Mystique: Having established that when a group promotes leaderless resistance as an operational model it is a sign of failure rather than strength, let's take a look at how the theory translates into practice. On its face, as described by strategists such as Beam and al-Suri, the leaderless-resistance theory is tactically sound. By operating as lone wolves or small, insulated cells, operatives can increase their operational security and make it more difficult for law enforcement and intelligence agencies to identify them. As seen by examples such as Fort Hood shooter Nidal Hassan and Roshonara Choudhry, who stabbed British lawmaker Stephen Timms with a kitchen knife in May 2010, such attacks can create a significant impact with very little cost. Lone wolves and small cells do indeed present unique challenges, but history has shown that it is very difficult to put the lone-wolf theory into practice For every Eric Rudolph, Nidal Hasan and Anders Breivik there are scores of half-baked lone-wolf wannabes who either botch their operations or are uncovered before they can launch an attack. It is a rare individual who possesses the requisite

combination of will, discipline, adaptability, resourcefulness and technical skill to make the leap from theory to practice and become a successful lone wolf. Immaturity, impatience and incompetence are frequently the bane of failed lone-wolf operators, who also frequently lack a realistic assessment of their capabilities and tend to attempt attacks that are far too complex. When they try to do something spectacular they frequently achieve little or nothing. By definition and operational necessity, lone-wolf operatives do not have the luxury of attending training camps where they can be taught effective terrorist tradecraft. Nasir al-Wahayshi has recognized this and has urged jihadist lone wolves to focus on simple, easily accomplished attacks that can be conducted with readily available items and that do not require advanced tradecraft to succeed. It must also be recognized that attacks, even those conducted by lone wolves, do not simply materialize out of a vacuum. Lone-wolf attacks must follow the same planning process as an attack conducted by a small cell or hierarchical group. This means that lone wolves are also vulnerable to detection during their planning and preparation for an attack – even more so, since a lone wolf must conduct each step of the process alone and therefore must expose himself to detection on multiple occasions rather than delegate risky tasks such as surveillance to someone else in order to reduce the risk of detection. A lone wolf must conduct all the preoperational surveillance, acquire all the weapons, assemble and test all the components of the improvised explosive device (if one is to be used) and then deploy everything required for the attack before launching it. Certainly, there is far more effort in a truck bomb attack than a simple attack with a knife, and the planning process is shorter for the latter, but the lone wolf still must follow and complete all the steps. While this operational model offers security advantages regarding communications and makes it impossible for the authorities to plant an informant in a group, it also increases operational security risks by exposing the lone operator at multiple points of the planning process. Operating alone also takes more time, does not allow the lone attacker to leverage the skills of others and requires that the lone attacker provide all the necessary resources for the attack. When we consider all the traits required for someone to bridge the gap between lone-wolf theory and practice, from will and discipline to self-sufficiency and tactical ability, there simply are not many people who have both the ability and the intent to conduct such attacks. This is why we have not seen more lone-wolf attacks despite the fact that the theory does offer some tactical advantages and has been around for so long. The limits of working alone also mean that, for the most part, lone-wolf attacks tend to be smaller and less damaging than attacks conducted by independent cells or hierarchical organizations. Breivik's attack in Norway and Hasan's attack at Fort Hood are rare exceptions and not the rule. When we set aside the mystique of the lone wolf and look at the reality of the phenomenon, we can see that the threat is often far less daunting in fact than in theory. One of the most vocal proponents of the theory in the white supremacist movement in the late 1990s was a young California neo-Nazi named Alex Curtis. After Curtis was arrested in 2000 and convicted of harassing Jewish figures in Southern

AT//Nuclear Terror

Nuclear material impossible for terrorists to obtain and handle

Salik 14 [Naeem - pursuing PhD at the Centre for Muslim States and Societies/Political Science and International Relations at the University of Western Australia and is former Director, Arms Control & Disarmament at Pakistan's National Command Authority (NCA). "Nuclear Terrorism: Assessing the Danger", Strategic Analysis, 2014 Vol. 38, No. 2, 173–184, <http://dx.doi.org/10.1080/09700161.2014.884437>] Schuler 51

The way these essential elements have been described makes the task look rather simple but in actual fact each of these steps presents a huge challenge of its own. The necessary technical and financial resources would mean the availability of expertise in nuclear physics, explosives chemistry, metallurgy, mechanical and electronic engineering and machining of special metals while the resources would run into at least tens of millions of dollars. The technical expertise in the above-mentioned specialities is rare and the experts are well known. It is hard to imagine that these people could remain involved in the project for months or maybe a year without arousing the suspicion of their families, friends and/or government agencies. Acquisition of sufficient fissile material is again a challenge since an IND would require a minimum of 50–60 kg of highly enriched uranium. No government is likely to gift or sell such a huge amount of material to a terrorist group. It is hard to imagine that theft of such significant quantities of sensitive material would not be noticed and diversion in small amounts would be a long drawn out process. There have been a large number of reported cases of theft or pilferage of fissile materials from facilities in Russia and some former Soviet republics but the quantity of material involved ranged between 100 g and 2 kg. The sum total of all reported cases of illicit trafficking of nuclear materials was around 16 pounds, none of which was nuclear grade material. Different criminal groups were involved in different episodes and the potential buyers were also varied; in fact, in many cases they were undercover security officials. This clearly proves that pilfered or stolen materials in small quantities will not necessarily end up with a single buyer and add up to a significant amount sufficient to fashion an IND. Plutonium is too difficult to handle and is susceptible to detection by normal detection equipment due to its strong radioactive signatures. Again, fabrication of an IND is an extremely complex task, although some experts such as Charles Ferguson and William Potter would have us believe that a crude gun assembly-type device is not very technically demanding especially if a sufficient amount of highly enriched uranium is available.²³ If the intended target is not located in the country where the material is acquired and the IND is fabricated, it will have to be transported across borders through land, air or sea, which is again a very costly and dangerous feat to accomplish.

There is absolutely no way they could get materials – assumes all your scenarios

Salik 14 [Naeem - pursuing PhD at the Centre for Muslim States and Societies/Political Science and International Relations at the University of Western Australia and is former Director, Arms Control & Disarmament at Pakistan's National Command Authority (NCA). "Nuclear Terrorism: Assessing the Danger", Strategic Analysis, 2014 Vol. 38, No. 2, 173–184, <http://dx.doi.org/10.1080/09700161.2014.884437>] Schuler 52

The whole idea of terrorists somehow obtaining a ready-to-use nuclear weapon is highly questionable. Several scenarios have been painted, such as the terrorists forcibly snatching a weapon from an inadequately guarded nuclear storage site in a 'new weapon state'. Nuclear weapons are considered to

be the crown jewels of any country and would therefore be protected with every means at their disposal. Assuming that despite all the security arrangements the potential terrorists somehow overpower the defences and run away with a weapon or two, they would raise alarm bells not only in that particular country but around the world and would be chased down all the way. With the security forces on their tail, they would not have an opportunity to transport the weapon to its intended target, especially if it happens to be across borders or overseas. The second scenario pertains to would-be terrorists buying a weapon from a country, and related to this is the third wherein a state with close links to a terrorist group 'gifts' or hands over a nuclear weapon to that group. Historically, no state has ever handed over a weapon to another state, even the closest of allies, let alone a non-state actor.²⁴ The issue was brought into the limelight by President Bush in his first State of the Union Address after the 9/11 attacks, in which he warned that, 'rogue states could provide weapons of mass destruction to terrorists, giving them the means to match their hatred'.²⁵ This theme was further amplified by Vice President Cheney and National Security Advisor Condoleezza Rice, in their bid to build a case for war against Iraq. Rice declared in a speech delivered to the Chicago Council of Foreign Affairs that '[t]errorists might acquire such weapons from Saddam Hussein's regime, to mount a future attack far beyond the scale of 9/11. This terrible prospect could not be ignored or wished away'.²⁶ It is not difficult to discern the context and the motives behind Rice's alarmist statement. Any state, rogue or otherwise, will do a cost-gain analysis before committing the reckless act of handing over a nuclear device or even nuclear material to a terrorist outfit because of the strong possibility of the bomb or the material being traced back to the source after an act of nuclear terrorism. 'Nuclear forensics' is making rapid advances and it would not be too difficult to determine the origin of nuclear materials. The experience of attribution of conventional terrorist attacks to those responsible suggests that 'three quarters of the attacks that kill 100 people or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the US homeland or the territory of a major US ally—97 per cent for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult'.²⁷ Again, the frequently discussed possibility of terrorist groups illicitly acquiring through theft or purchase post-Soviet suitcase bombs has failed to materialise. According to Russian nuclear officials, those weapons were built before 1991 and due to difficulty of maintenance their life span is as short as one to three years, after which they are no more than 'radioactive scrap'. The Centre for Non-proliferation Studies (CNS) has also concluded that there is no evidence to suggest that any such weapons have been lost and corroborates the statement of Russian experts that these weapons are very difficult to maintain. The officials also maintain that the weapons have either been destroyed or fully secured.²⁸ According to Anna Pluto and Peter Zimmerman, 'It is probably true that there are no loose nukes, transportable nuclear weapons missing from their proper storage locations and available for purchase in some way'.²⁹

Can't get the material

Kwok '13

(Augustine Kwok, Policy Analyst at Department of Foreign Affairs, Trade and Development, November 20, 2013, "EVALUATING THE THREAT OF NUCLEAR TERRORISM: Cutting through the rhetoric", <http://www.ruor.uottawa.ca/bitstream/10393/30520/1/KWOK%2c%20Augustine%2020139.pdf>, SS)

When it comes to theft, the primary fear among alarmists stems from the perception that the Russian arsenal is poorly defended and materials at facilities scattered throughout the former USSR are poorly secured and vulnerable to theft. On the contrary however, Russian nuclear weapons are found to be under the good control of elite troops hailing from the 12th Main Directorate, having similar functions and capacities as the US' Defense Nuclear Agency.⁶⁵ To date, the only unsecured sources of Russian nuclear material lie in the hulks of nuclear submarines on the ocean floor inaccessible to salvage operations, let alone any terrorist attempt to recover them. These concerns were most apparent during the disintegration of the former Soviet Union, as due to the "chaos and turbulent times," there was fear that the authorities would lose control over their nuclear material stockpiles. As history has shown however, nuclear weapons are of extreme importance to a nuclear weapon state, and this is enough to ensure that their stockpiles remain uncompromised, even during periods of transition or instability.⁶⁶ Pakistan is another potential source of theft due to its precarious state as a nation on the brink of losing control, giving rise to fears that weapons from its stockpile could become readily accessible to terrorists looking to acquire them. However, Islamabad has always reiterated that it has, "institutionalized numerous precautionary measures to guarantee that these weapons would be remained [sic] out of the reach of the transnational terrorist groups during chaos or political crisis."⁶⁷ Pakistan has installed sophisticated firing mechanisms as well as instigated Personnel and Human Reliability Programmes to prevent its nuclear personnel from being infiltrated.⁶⁸ As such, there is no evidence in open-source material that, "a single nuclear warhead from any national arsenal or another source, has ever made its way into the world's illegal arms bazaars, let alone into terrorist hands."⁶⁹ Even if a nuclear weapon was acquired by a terrorist organization it would not be able to access the device due to the built in protective code systems that accompany such devices.

Terrorists can't buy nuclear weapons either Kwok '13

(Augustine Kwok, Policy Analyst at Department of Foreign Affairs, Trade and Development, November 20, 2013, "EVALUATING THE THREAT OF NUCLEAR TERRORISM: Cutting through the rhetoric", <http://www.ruor.uottawa.ca/bitstream/10393/30520/1/KWOK%2c%20Augustine%2020139.pdf>, SS)

There is no evidence in open-source literature of the existence of an international black market for nuclear materials. Virtually all known cases of nuclear theft or smuggling have involved amateurs hoping for rich returns. The market is entirely driven by supply, there is no true demand. Organized crime has not gotten involved in nuclear trafficking."⁷⁰ Even if terrorists were able to acquire a nuclear weapon or device through the nuclear black market the logistical and technical difficulties in delivery and detonation would still prove insurmountable for terrorist groups.⁷¹ The potential sources from which a terrorist organization could purchase a nuclear weapon span the globe. Even though "many assume that nuclear weapons or materials are either too well guarded for a thief to obtain or too dangerous for an insider to contemplate selling," documented cases of Pakistani meetings with Al-Qaeda, the revelations about the AQ Khan network and the fear of "impoverished Russian scientists," continue to drive these fears.⁷² It is important to note that there has been no documented evidence to prove that Al-Qaeda has attempted to obtain fissile material or "ever has had a serious and sustained program to do so."⁷³ However, the continued close relationship between "elements of the Pakistani armed forces and their Inter-Services Intelligence Directorate (ISI) and the former Al-Qaeda regime in Afghanistan," in addition to "strong Islamist sentiments still held by many members of the Pakistani armed forces,"⁷⁴ remains a cause for concern. However, Pakistan has undertaken a number of unilateral and multilateral initiatives to shore up the security of its nuclear programme out of fear of punishment from potentially being the state which provides terrorists with the means by which to instigate a nuclear attack. In addition, the AQ Khan network was based on the proliferation of nuclear technology to states that were pursuing illegal

nuclear programmes and not on the sale of nuclear materials.⁷⁵ There is no evidence to suggest that any such network is currently operating. As such, the fears of alarmist with regards to terrorists purchasing the materials necessary for a nuclear attack are unfounded. Furthermore, if terrorists were able to purchase fissile materials, they would still have to find a way to transport the material is from point of purchase, to assembly point, to destination point. There are a number of initiatives set up in order to prevent such transit from being possible. Through the Global Initiative to Combat Nuclear Terrorism (GICNT), the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (GP), the US' National Nuclear Security Administration's (NNSA) Megaports initiative and INTERPOL; countries identified with major transshipment points have had their transport and maritime security infrastructure upgraded and supplemented with equipment to detect the transfer of nuclear material. Such safeguards, in addition to the implementation of norms across the global nuclear industry through the Nuclear Suppliers Group, the Wassenaar Arrangement and the Zangger Committee have ensured that the highest standards are applied to global transport infrastructure. Security is geared to facilitate the safe and secure transport of authorized nuclear materials while detecting, interdicting and preventing any illegal transfers of material. Finally, the largest piece of the global infrastructure to prevent the illegal transfer of nuclear material can be found in the IAEA's Incident and Trafficking Database (ITDB), which comprises 124 state participants and provides a comprehensive worldwide network to detect and prevent any unauthorized and illegal attempts to traffic nuclear materials. Between 1993 and 2012, there were a total of 2,331 incidents that were reported by participating States and some non-participating States. Of these 2,331 incidents, 419 were found to involve unauthorized possession and/or criminal activity. Of these 419 incidents, 16 were found to involve HEU or Pu. In total, there were 615 incidents reported that involved the theft or loss of nuclear or other radioactive material and a total of 1,244 cases involving other unauthorized activities, including the unauthorized disposal of radioactive materials or discovery of uncontrolled sources.⁷⁶ The total for all IAEA-confirmed trafficking cases involving HEU was just 8.35kg, with the total amount of Pu at 374.3g. ⁷⁷ With the number of cases that have been documented and still no indications that terrorists currently pose a credible nuclear threat, it is safe to assume that there is a high success rate for both detection and intervention.

Terrorists can't get WMD's – several hurdles and their authors are just paranoid Mueller '9

(John Mueller, political scientist in the field of international relations, March 25, 2009, "Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them" , SS)

Nonetheless, terrorism analyses tend to focus on lurid worst-case scenarios, a great portion of them involving weapons of mass destruction, a concept that, especially after the cold war, has been expanded to embrace chemical and biological and sometimes radiological as well as nuclear weapons.¹ Although chemical, radiological, and most biological weapons do not belong in the same category of destructiveness as nuclear weapons, all members of the WMD list are similar in that their acquisition and deployment present enormous difficulties, especially for terrorists. Nuclear weapons can indeed inflict massive destruction, and an atomic bomb in the hands of a terrorist or rogue state could kill tens of thousands of people or even, in exceptional circumstances, more. But it is also essential to note that making such a bomb is an extraordinarily difficult task. As the Gilmore Commission, a special advisory panel to the president and Congress, stresses, building a nuclear device capable of producing mass destruction presents "Herculean challenges." The process requires obtaining enough fissile material, designing a weapon "that will bring that mass together in a tiny fraction of a second, before the heat from early fission blows the material apart," and figuring out some way to deliver the thing. And the Commission emphasizes that these merely constitute "the minimum requirements." If each is not fully met, the result is not simply a less powerful weapon, but one that can't produce any significant nuclear yield at all or can't be delivered. Moreover, proliferation of these weapons has been remarkably slow. During the cold war there were many dire predictions about nuclear proliferation that proved to be greatly exaggerated. Among these was the nearly unanimous expectation in the 1950s and 1960s that dozens of countries would soon have nuclear weapons. For example, a report in 1958 predicted "a rapid rise" in the number of atomic powers by the mid-1960s, and a couple of years later, John Kennedy observed that there might be "ten, fifteen, twenty" countries with a nuclear capacity by 1964. In 1985 Time magazine devoted a cover story to the claim that "the

nuclear threat is spreading" and worried that "the rate of proliferation could grow rapidly worse" thanks to what it ominously called "phantom proliferators." Yet, twenty years later, the only clear addition to the nuclear club is Pakistan. similar alarms were issued in the early 1990s, in the aftermath of the cold war. Well over a decade ago, it was argued that Japan and Germany would, by natural impulse, soon come to yearn for nuclear weapons. The Japanese and the Germans themselves continue to seem viscerally uninterested, though problems with North Korea could alter that perspective for Japan. It is also worth noting that, although nuclear weapons have been around now for well over half a century, no state has ever given another state—even a close ally, much less a terrorist group—a nuclear weapon (or chemical, biological, or radiological one either, for that matter) that the recipient could use independently. For example, during the cold war, North Korea tried to acquire nuclear weapons from its close ally, China, and was firmly refused? Donors understand that there is always the danger the weapon will be used in a manner the donor would not approve—or even, potentially, on the donor itself. There could be some danger from private profiteers, like the network established by Pakistani scientist A. Q. Khan. However, its activities were rather easily penetrated by intelligence agencies, and it was closed down abruptly after 9/11.

Terrorists can't get nukes – building and buying is impossible

(Peter **Bergen**, CNN's national security analyst, December 5, **2008**, CNN, "Commentary: WMD terrorism fears are overblown", <http://www.cnn.com/2008/POLITICS/12/05/bergen.wmd/>, SS)

There is a semantic problem in any discussion of WMDs because the ominous term "Weapons of Mass Destruction" is something of a misnomer. In the popular imagination, chemical, biological and nuclear devices are all weapons of mass destruction. In fact, there is only one weapon of mass destruction that can kill tens or hundreds of thousands and that is a nuclear device So the real question is: Can terrorists deploy nuclear weapons any time in the next five years or even further in the future? To do so, terrorists would have one of four options: to buy, steal, develop or be given a nuclear weapon. But none of those scenarios are remotely realistic outside the world of Hollywood. To understand how complex it is to develop a nuclear weapon, it is worth recalling that Saddam Hussein put tens of millions of dollars into his nuclear program with no success. Iran, which has had a nuclear program for almost two decades, is still years away from developing a nuclear bomb. Terrorist groups simply don't have the massive resources of states, and so the notion that they could develop their own, even crude, nuclear weapons is fanciful. Well, what about terrorists being given nukes? Preventing this was one of the underlying rationales of the push to topple Hussein in 2003. This does not pass the laugh test. Brian Michael Jenkins, one of the leading U.S. terrorism experts in a book published this year, "Will Terrorists Go Nuclear?," points out that there are two reasons this is quite unlikely. First, governments are not about to hand over their crown jewels to organizations that are "not entirely under state control and whose reliability is not certain." Second, "giving them a nuclear weapon almost certainly exposes the state sponsor to retaliation." For the same reason that states won't give nukes to terrorists, they also won't sell them either, which leaves the option of stealing a nuclear weapon. But that is similarly unlikely because nuclear-armed governments, including Pakistan, are pretty careful about the security measures they place around their most valued weapons. None of this of course is to suggest that al Qaeda is not interested in deploying nuclear devices. Osama bin Laden and other al Qaeda leaders have repeatedly bled about the necessity of nuking the West and have even implied that they have the capability to do so. This is nonsense. Yes, in the mid-1990s when Al Qaeda was based in Sudan, members of the group tried to buy highly enriched uranium suitable for a nuke, but the deal did not go through. And it is certainly the case that a year or so before 9/11, bin Laden was meeting with veterans of Pakistan's nuclear program to discuss how al Qaeda might get into the nuclear weapons business. But all of this was aspirational, not operational. There is not a shred of evidence that any of this got beyond the talking stage. In 2002, former U.N. weapons inspector David Albright undertook a careful study of al Qaeda's nuclear research program and concluded it was virtually impossible for al Qaeda to have acquired any type of nuclear weapon.

-- Allison Indict

Allison is conclusively wrong and concedes it is unlikely terrorists could pull off a successful attack

Salik 14 [Naeem - pursuing PhD at the Centre for Muslim States and Societies/Political Science and International Relations at the University of Western Australia and is former Director, Arms Control & Disarmament at Pakistan's National Command Authority (NCA). "Nuclear Terrorism: Assessing the Danger", Strategic Analysis, 2014 Vol. 38, No. 2, 173-184, <http://dx.doi.org/10.1080/09700161.2014.884437>] Schuler 53

Graham Allison is convinced that a highly motivated terrorist group could eventually overcome all difficulties and challenges and would be able to somehow acquire a 'crude bomb or device', but concedes that such a device would be 'large, cumbersome, unsafe, unpredictable and inefficient'. 31 It is not difficult to imagine that a bomb or device of such description would be so unwieldy that it would not be deliverable by any conventional means. It would have to be detonated by a suicidal group of terrorists, and due to difficulty in stealthy transportation of this monstrous contraption it would ideally be used in the same country in which it was fabricated. The obvious conclusion would be that every state that possesses fissile materials would guard these as best as it could, because it would be the most likely victim if a terrorist group managed to steal a substantial amount of such material. In contrast to Allison, William Langewiesche, after evaluating the prospects of a terrorist group putting together a nuclear bomb, has come to the conclusion that 'it remains very, very unlikely. It's a possibility, but unlikely'. He further adds that, 'if you look carefully and practically at this process, you see that it is an enormous undertaking full of risks for the would-be terrorists. And so far there is no public case, at least known, of any appreciable amount of weapons-grade HEU [highly enriched uranium] disappearing. And that's the first step. If you don't have that, you don't have anything'. 32 Elsewhere he is not so unequivocal in his assessment, stating that 'if a would-be nuclear terrorist calculated the odds, he would have to admit that they are stacked against him, but they are not impossible'.

AT//Turns Case

Domestic surveillance and public paranoia drive the existence of the national security state – not the aff

LoCicero, 15 (Alice, certified clinical psychologist, former president of the Society for Terrorism Research, “Domestic Consequences of US Counter-Terrorism Efforts: Making it Harder to Prevent Homegrown Terrorism”, The Open Psychology Journal, 2015, <http://benthamopen.com/ABSTRACT/TOPSYJ-8-32>) KW

US counterterrorism policies have created hostility toward those who express antiwar perspectives. The unpopularity and intolerance for antiwar perspectives were expected. Beyond intolerance for antiwar perspectives, extreme pro-war imagery and enthusiasm has abounded. Military and security forces have become popular topics in Hollywood and on television. Government sanctioned violence, such as war, is idealized, rather than thoughtfully debated. Local police are now in possession of military style weaponry, vehicles, and gear. As witnessed in the summer of 2014, in Ferguson, Missouri, the use of this gear has a predictable effect: it makes the police more aggressive [19]. This could easily have been predicted (and thus avoided) by using principles of psychological science. When pro-war sentiment waned, as a result of the protracted and unsuccessful wars in Iraq and Afghanistan, it was easily regenerated by hysteria created by government and media portrayals of a group calling itself the Islamic State (although it is neither Islamic nor a state.) Although the government could not define or specify any threat to the US by this group, it insisted, and media portrayed, that such a threat was certain.¶ The group calling itself the Islamic State (more accurately called an un-Islamic, non-State) tried to get the US to provide ransom for the release of an American held hostage, James Foley. The government refused, and also informed members of Foley’s family, who considered trying to raise money and provide the ransom themselves, that it would be unlawful to do so [20]. When the group then, in a dramatic and well-publicized procedure, beheaded Foley and other American hostages, the actions of the media and government, rather than putting Americans’ fears into perspective in order to prevent panic, increased the panic.¶ At MacDill Air Force Base on September 19, 2014, President Obama made comments, later summarized and distributed by the White House, about the so-called Islamic State, (referred to in the comments as “ISIL”). The puzzling claim that ISIL is definitely threatening America, even though no specific plots have been detected, and no action is recommended, is reminiscent of the problems with color-coded threat levels referred to above. Vague suggestions of something to be afraid of with no suggested action to take, other than, perhaps, to support the bombings targeted at the group calling itself Islamic State, has, as would have been predicted, caused panic and hysteria among Americans. Here is part of a summary of those comments, as distributed by the White House.

Doesn’t turn the case – terrorism doesn’t produce widespread hysteria

Mawson, 05 (Anthony, Visiting Professor, School of Health Sciences, Jackson State University; Summer 2005; Psychiatry: Interpersonal and Biological Processes

Volume 68, Issue 2; “Understanding Mass Panic and Other Collective Responses to Threat and Disaster”; ProQuest; <http://www.tandfonline.com/doi/abs/10.1521/psyc.2005.68.2.95>)/JPM

While mass panic (and/or violence) and self-preservation are often assumed to be the natural response to physical danger and perceived entrapment, the literature indicates that expressions of mutual aid are common and often predominate, and collective flight may be so delayed that survival is threatened. In fact, the typical response to a variety of threats and disasters is not to flee but to seek the proximity of familiar persons and places; moreover, separation from attachment figures is a greater stressor than physical danger. Such observations can be explained by an alternative "social attachment" model that recognizes the fundamentally gregarious nature of human beings and the primacy of attachments. In the relatively rare instances where flight occurs, the latter can be understood as one aspect of a more general affiliative response that involves escaping from certain situations and moving toward other situations that are perceived as familiar but which may not necessarily be objectively safe. The occurrence of flight-and-affiliation depends mainly on the social context and especially the whereabouts of familiar persons (i.e., attachment figures); their physical presence has a calming effect and reduces the probability of flight-and-affiliation, while their absence has the opposite effect. Combining the factors of perceived physical danger and the location of attachment figures results in a four-fold typology that encompasses a wide spectrum of collective responses to threat and disaster. Implications of the model for predicting community responses to terrorist attacks and/or use of weapons of mass destruction are briefly discussed.⁴ The collective response to threat and disaster is often portrayed as tending toward hysteria and social breakdown, with mass panic (and/or violence) as the natural response to physical danger and perceived entrapment. However, mass panic is **uncommon** in situations such as combat (L'Etang, 1966), air-raid or bombing attacks (Janis, Chapman, Gillin, & Spiegel, 1955), structural fires (Best, 1978; Keating, 1982; Proulx, 2002), and disasters (Fritz & Williams, 1957; Kinston & Rosser, 1974; Noji, 1997; Quarantelli, 1960, 2001). On the contrary, **expressions of mutual aid are common and tend to predominate.**

AT: Terrorism D.A Mich 7

AT: Generic Link

Leading experts—surveillance doesn't solve terror

Baker and Sanger 2015 (Peter and David E; Why the NSA Isn't Howling over restrictions; May 1; www.nytimes.com/2015/05/02/us/politics/giving-in-a-little-on-national-security-agency-data-collection.html; kdf)

The foundation's analysis said the bill "should end" the bulk collection of "everybody's phone records." But it pointed out that the N.S.A. could still search for records beyond telephone data with fewer restrictions. And it noted that the bill would not address warrantless collection of Americans' international calls and e-mails under Section 702 of the Foreign Intelligence Surveillance Act amendments of 2008. The future of the bulk collection program may have been sealed in December 2013, when a panel of experts appointed by Mr. Obama found that the program had been of minimal intelligence value and ran considerable risks of invading privacy. "N.S.A. believes that on at least a few occasions, information derived" had "contributed to its efforts to prevent possible terrorist attacks, either in the United States or somewhere else in the world," the report said. But the panel concluded that its review showed that the information collected under the program "was not essential to preventing attacks and could readily have been obtained in a timely manner using conventional" court orders. The panel recommended legislation that "terminates the storage of bulk telephony metadata by the government" and that it be held instead by telecommunications companies or some other third party, ensuring that the government gained access only when the Foreign Intelligence Surveillance Court issued an order. Although the government said nothing at the time, General Alexander, then in his last months as the head of the N.S.A., told Mr. Obama that it would be preferable if legislation were passed that moved the program to private hands.

AT: Link – Drones Aff

Drones are inefficient mechanism to solve terrorism

Rothfuss 2014 (Ian F [George Mason School of Law]; Student Comment: An Economic Perspective on the Privacy Implications of Domestic Drone Surveillance; 10 J.L. Econ. & Pol'y 441; kdf)

Conclusion

U.S. citizens want to be safe from terrorist attacks and other threats, but not at the expense of their privacy rights. Therefore, a delicate balance must be achieved between privacy and security interests. Drones represent a surveillance technology advancement that threatens to dramatically alter the balance between these interests. As discussed in this comment, the current legal framework does not adequately protect privacy from the widespread surveillance that will likely result from the unrestricted domestic use of drones. Therefore, prompt legislative action is necessary to address the fundamental privacy challenges presented by the use of drones. Such legislation should allow for constructive use of drones within a framework that contains restrictions to protect individual privacy rights. While widespread general surveillance could make the nation safer from crime and terrorism, such extensive surveillance will ultimately be inefficient. The surveillance that could result from the domestic use of drones would detract from individual privacy and cause individuals to reduce productive activities and invest in countermeasures. Such "privacy disutility" will outweigh the societal benefits unless domestic drone surveillance is restricted. Therefore, [*462] without legislative action we may soon live in a world where "every time we walk out of our front door we have to look up and wonder whether some invisible eye in the sky is monitoring us." n175

Link turn

Surveillance makes counter-terror tools ineffective

Corrigan 2015 (Ray [senior lecturer in mathematics, computing, and technology at the Open University, U.K.]; Mass Surveillance Will Not Stop Terrorism; Jan 25; www.slate.com/articles/health_and_science/new_scientist/2015/01/mass_surveillance_against_terrorism_gathering_intelligence_on_all_is_statistically.html; kdf)

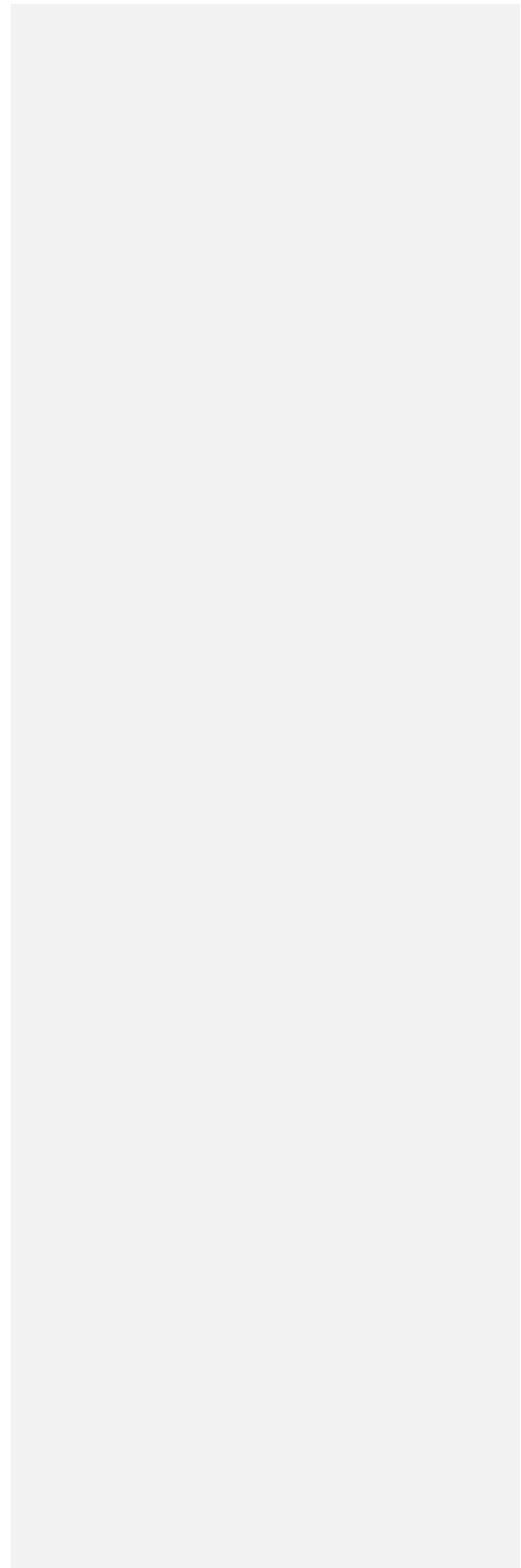
Police, intelligence, and security systems are imperfect. They process vast amounts of imperfect intelligence data and do not have the resources to monitor all known suspects 24/7. The French authorities lost track of these extremists long enough for them to carry out their murderous acts. You cannot fix any of this by treating the entire population as suspects and then engaging in suspicionless, blanket collection and processing of personal data. Mass data collectors can dig deeply into anyone's digital persona but don't have the resources to do so with everyone. Surveillance of the entire population, the vast majority of whom are innocent, leads to the diversion of limited intelligence resources in pursuit of huge numbers of false leads. Terrorists are comparatively rare, so finding one is a needle-in-a-haystack problem. You don't make it easier by throwing more needleless hay on the stack. It is statistically impossible for total population surveillance to be an effective tool for catching terrorists. Even if your magic terrorist-catching machine has a false positive rate of 1 in 1,000—and no security technology comes anywhere near this—every time you asked it for suspects in the U.K. it would flag 60,000 innocent people. Law enforcement and security services need to be able to move with the times, using modern digital technologies intelligently and through targeted data preservation—not a mass surveillance regime—to engage in court-supervised technological surveillance of individuals whom they have reasonable cause to suspect. That is not, however, the same as building an infrastructure of mass surveillance. **Mass surveillance makes the job of the security services more difficult and the rest of us less secure.**

Less data leads to effective data, the aff is key to solve terrorism

Schwartz 2015 (Mattathias [Staff writer @ The New Yorker]; The Whole Haystack; Jan 26; www.newyorker.com/magazine/2015/01/26/whole-haystack; kdf)

Before the event, every bit of hay is potentially relevant. "The most dangerous adversaries will be the ones who most successfully disguise their individual transactions to appear normal, reasonable, and legitimate," Ted Senator, a data scientist who worked on an early post-9/11 program called Total Information Awareness, said, in 2002. Since then, intelligence officials have often referred to "lone-wolf terrorists," "cells," and, as Alexander has put it, the "terrorist who walks among us," as though Al Qaeda were a fifth column, capable of camouflaging itself within civil society. Patrick Skinner, a former C.I.A. case officer who works with the Soufan Group, a security company, told me that this image is wrong. "We knew about these networks," he said, speaking of the Charlie Hebdo attacks. Mass surveillance, he continued, "gives a false sense of security. It sounds great when you say you're monitoring every phone call in the United States. You can put that in a PowerPoint. But, actually, you have no idea what's going on." By flooding the system with false positives, big-data approaches to counterterrorism might actually make it harder to identify real terrorists before they act. Two years before the Boston Marathon bombing, Tamerlan Tsarnaev, the older of the two brothers alleged to have committed the attack, was assessed by the city's Joint Terrorism Task Force. They determined that he was not a threat. This was one of about a thousand assessments that the Boston J.T.T.F. conducted that year, a number that had nearly doubled in the previous two years, according to the Boston F.B.I. As of 2013, the Justice Department has trained nearly three hundred thousand law-enforcement officers in how to file "suspicious-activity reports." In 2010, a central database held about three thousand of these reports; by 2012 it had grown to almost twenty-eight thousand. "The bigger haystack makes it harder to find the needle," Sensenbrenner told me. Thomas Drake, a former N.S.A. executive and whistle-blower who has become one of the agency's most vocal critics, told me, "If you target everything, there's no target." Drake favors what he calls "a traditional law-enforcement" approach to terrorism, gathering more intelligence on a smaller set of

targets. Decisions about which targets matter, he said, should be driven by human expertise, not by a database.



xt—Link Turn: DA=Self-fulfilling prophecy

The fear of terrorism justifies the expansion of surveillance, but fails to solve terror

Weiss 2015 (Leonard [visiting scholar at Stanford University's Center for International Security and Cooperation]; On fear and nuclear terror; Mar 3; Bulletin of the Atomic Scientists 2015, Vol. 71(2) 75–87; kdf)

The rise of the national surveillance state. Lowering the risk of terrorism, particularly the nuclear kind, is the quintessential reason that the mandarins of the national security state have given for employing the most invasive national surveillance system in history. "Finding the needle in the haystack" is how some describe the effort to discern terrorist plots from telephone metadata and intercepted communications. But the haystack keeps expanding, and large elements of the American population appear willing to allow significant encroachments on the constitutional protections provided by the Fourth Amendment. The fear of terrorism has produced this change in the American psyche even though there is no evidence that the collection of such data has resulted in the discovery of terrorist plots beyond those found by traditional police and intelligence methods. It is doubtful that we shall soon (if ever) see a return to the status quo ante regarding constitutional protections. This reduction in the freedom of Americans from the prying eyes of the state is a major consequence of the hyping of terrorism, especially nuclear terrorism. This is exemplified by the blithe conclusion in the previously referenced paper by Friedman and Lewis (2014), in which readers are advised to "be more proactive in supporting our government's actions to ameliorate potential risks." The National Security Agency should love this.

Link Turn - Drones

Federal regulation of drones is necessary to build safeguards against cyber war

Bernd 2013 (Candice [assistant editor/reporter with Truthout]; The Coming Domestic Drone Wars; Sep 19; www.truth-out.org/news/item/18951-the-coming-domestic-drone-wars#; kdf)

Domestic Drone Weaknesses Cyber warfare may prove to be the most enduring challenge for the FAA when it comes to ensuring guidelines that will protect Americans adequately as drone technology makes its transition into civilian life. Peter Singer is the director of the Center for 21st Century Security and Intelligence and a senior fellow in the Foreign Policy program at Brookings Institute. He is the author of *Wired for War: The Robotics Revolution and Conflict in the 21st Century*. According to him, the primary weakness of drone technology is many systems' dependence on GPS signals and remote operation. Even military-grade drone technology can be co-opted, he said. In December 2011, the Iranian Army's electronic warfare unit brought down an American drone, the RQ-170 Sentinel, after it crossed into Iranian airspace. In Iraq in 2009, Iraqi insurgents were able to use \$26 software to intercept the video feeds of US Predator drones in a manner "akin to a criminal listening in on the police radio scanner," Singer told Truthout. Most recently, a research team at the University of Texas was able to demonstrate successfully the spoofing of a UAV by creating false civil GPS signals that trick the drone's GPS receiver. "There aren't easy answers to these other than good encryption requirements," Singer told Truthout in an email. The Texas research team hoped to demonstrate the dangers of spoofing early on in the FAA's task to write the mandated rules for UAS integration in the national airspace, and the Department of Homeland Security invited the team to demonstrate the spoofing in New Mexico. "Vulnerability to jamming and spoofing depends highly on the design of the aircraft and control systems and vary across differing architectures. Minimum system performance and design standards developed for civil UAS designs will address these vulnerabilities," an FAA spokesman told Truthout. Whether minimum standards for system performance will be enough to address the changing dynamic of cyber warfare, and for that matter, technology, remains a question, but it's something the FAA and Homeland Security are examining as drone technology becomes more widespread in the US.

AT: Experts

Their “experts” have motive to exaggerate the likelihood of an attack

Weiss 2015 (Leonard [visiting scholar at Stanford University’s Center for International Security and Cooperation]; On fear and nuclear terror; Mar 3; Bulletin of the Atomic Scientists 2015, Vol. 71(2) 75–87; kdf)

There is a tendency on the part of security policy advocates to hype security threats to obtain support for their desired policy outcomes. They are free to do so in a democratic society, and most come by their advocacy through genuine conviction that a real security threat is receiving insufficient attention. But there is now enough evidence of how such advocacy has been distorted for the purpose of overcoming political opposition to policies stemming from ideology that careful public exposure and examination of data on claimed threats should be part of any such debate. Until this happens, the most appropriate attitude toward claimed threats of nuclear terrorism, especially when accompanied by advocacy of policies intruding on individual freedom, should be one of skepticism. Interestingly, while all this attention to nuclear terrorism goes on, the United States and other nuclear nations have no problem promoting the use of nuclear power and national nuclear programs (only for friends, of course) that end up creating more nuclear materials that can be used for weapons. The use of civilian nuclear programs to disguise national weapon ambitions has been hallmark of proliferation history ever since the Atoms for Peace program (Sokolski, 2001), suggesting that the real nuclear threat resides where it always has resided-in national nuclear programs; but placing the threat where it properly belongs does not carry the public-relations frisson currently attached to the word “terrorism.”

No Terror Attack

Terrorists lack the motivation to get the bomb – even if they did, they’d never pull off an attack

Weiss 2015 (Leonard [visiting scholar at Stanford University’s Center for International Security and Cooperation]; On fear and nuclear terror; Mar 3; Bulletin of the Atomic Scientists 2015, Vol. 71(2) 75–87; kdf)

A recent paper (Friedman and Lewis, 2014) postulates a scenario by which terrorists might seize nuclear materials in Pakistan for fashioning a weapon. While jihadist sympathizers are known to have worked within the Pakistani nuclear establishment, there is little to no evidence that terrorist groups in or outside the region are seriously trying to obtain a nuclear capability. And Pakistan has been operating a uranium enrichment plant for its weapons program for nearly 30 years with no credible reports of diversion of HEU from the plant. There is one stark example of a terrorist organization that actually started a nuclear effort: the Aum Shinrikyo group. At its peak, this religious cult had a membership estimated in the tens of thousands spread over a variety of countries, including Japan; its members had scientific expertise in many areas; and the group was well funded. Aum Shinrikyo obtained access to natural uranium supplies, but the nuclear weapon effort stalled and was abandoned. The group was also interested in chemical weapons and did produce sarin nerve gas with which they attacked the Tokyo subway system, killing 13 persons. AumShinrikyo is now a small organization under continuing close surveillance. What about highly organized groups, designated appropriately as terrorist, that have acquired enough territory to enable them to operate in a quasigovernmental fashion, like the Islamic State (IS)? Such organizations are certainly dangerous, but how would nuclear terrorism fit in with a program for building and sustaining a new caliphate that would restore past glories of Islamic society, especially since, like any organized government, the Islamic State would itself be vulnerable to nuclear attack? Building a new Islamic state out of radioactive ashes is an unlikely ambition for such groups. However, now that it has become notorious, apocalyptic pronouncements in Western media may begin at any time, warning of the possible acquisition and use of nuclear weapons by IS. Even if a terror group were to achieve technical nuclear proficiency, the time, money, and infrastructure needed to build nuclear weapons creates significant risks of discovery that would put the group at risk of attack. Given the ease of obtaining conventional explosives and the ability to deploy them, a terrorist group is unlikely to exchange a big part of its operational program to engage in a risky nuclear development effort with such doubtful prospects. And, of course, 9/11 has heightened sensitivity to the need for protection, lowering further the probability of a successful effort.

xt—No nuclear terror

No risk of nuclear terror – leading expert

Weiss 2015 (Leonard [visiting scholar at Stanford University's Center for International Security and Cooperation]; On fear and nuclear terror; Mar 3; Bulletin of the Atomic Scientists 2015, Vol. 71(2) 75–87; kdf)

Fear of nuclear weapons is rational, but its extension to terrorism has been a vehicle for fear-mongering that is unjustified by available data. The debate on nuclear terrorism tends to distract from events that raise the risk of nuclear war, the consequences of which would far exceed the results of terrorist attacks. And the historical record shows that the war risk is real. The Cuban Missile Crisis and other confrontations have demonstrated that miscalculation, misinterpretation, and misinformation could lead to a 'close call' regarding nuclear war. Although there has been much commentary on the interest that Osama bin Laden, when he was alive, reportedly expressed in obtaining nuclear weapons, evidence of any terrorist group working seriously toward the theft of nuclear weapons or the acquisition of such weapons by other means is virtually nonexistent. The acquisition of nuclear weapons by terrorists requires significant time, planning, resources, and expertise, with no guarantees that an acquired device would work. It requires putting aside at least some aspects of a groups more immediate activities and goals for an attempted operation that no terrorist group has accomplished. While absence of evidence does not mean evidence of absence, it is reasonable to conclude that the fear of nuclear terrorism has swamped realistic consideration of the threat.

AT: Lone Wolves

No lone wolf terror

Becker, 12/14/14 [The Foreign Policy Essay: Wolves Who Are Lonely By Michael Becker Sunday, December 14, 2014 at 10:00 AM, Michael Becker is a Ph.D. student in political science at Northeastern University. His research focuses on international security, conflict, and terrorism. He can be reached at becker.m@husky.neu.edu.http://www.lawfareblog.com/2014/12/the-foreign-policy-essay-wolves-who-are-lonely/]

But much of the fear surrounding lone wolves is unwarranted and based on ignorance of how they operate. My research shows that lone- actor terrorists tend to conform to certain distinct patterns that can be useful in preventing future attacks. Perhaps more important, my findings indicate that lone wolves are not nearly as threatening as either their name or the hype around them suggest. Becker photo The concern about lone-wolf terrorism pervades much of the U.S. national security establishment. President Obama, former Secretary of Homeland Security Janet Napolitano, and current DHS Secretary Jeh Johnson, among others, have cited lone wolves as one of the gravest potential threats to U.S. security. They point to the rise of social media and terrorist propaganda, like the sophisticated videos produced by the Islamic State, and express concern that socially isolated individuals can become radicalized with troubling ease. It is true that lone-wolf terrorism against the United States has become more common in the past several years. And several lone-actor attacks—including the 2011 shooting of Representative Gabrielle Giffords, which left six dead, and the 2009 Fort Hood shooting, which killed 13—have had deadly and tragic consequences. Concurrently, there has been little success in terms of identifying a lone wolf “profile.” They can be young or old; black or white; radical Islamists, right-wing extremists, anti-Semites, militant environmentalists, or of another ideological persuasion altogether. Given the diversity of their backgrounds, how can such a proban enemy be countered? I recently undertook an analysis of 84 lone-wolf attacks that occurred in the United States between 1940 and 2012 in an effort to identify patterns in the targets that lone wolves chose. I came away with several findings that have important national security implications. First, similar to our recent experience with the Ebola outbreak, the fear of the thing is usually worse than the thing itself. Few lone-wolf attacks in the United States actually kill anyone, and many others only succeed in killing one person the lone wolf himself (they are almost invariably men) Many lone wolves are incompetent loners with no experience discharging a bomb or firearm; oftentimes they exhibit behavior that, in retrospect, is more bizarre and sad than frightening. Take Dwight Watson, a.k.a. the “Tractor Man.” In 2003, Watson drove his tractor to Washington, D.C., and threatened to blow up explosives near the National Mall. After two days, he surrendered unceremoniously and it was revealed that he never had any weapons at all. Part of the reason for the low casualty rate in lone-wolf attacks is that unlike groups such as al-Qaeda that have significant resources at their disposal and, even more important, a sophisticated division of labor lone wolves have to do all the work of terrorism themselves: finding a target, planning an attack, gathering supplies, doing reconnaissance, actually carrying out the attack, and possibly executing an escape plan. This disadvantage is reflected in the weapons most lone wolves choose: firearms. Globally at the organizational level, most terrorist attacks are bombings but lone wolves mainly choose guns. In part, this is because guns can more easily be attained than bombs in the United States, but lone wolves’ preference for firearms obtains globally as well, suggesting it is driven by their lack of facility with explosives. And a lone gunman—while still potentially able to cause multiple casualties—is likely to produce fewer fatalities than a well-made and well-placed bomb. Another significant characteristic of lone wolves is their limited ability to select meaningful targets. The expertise needed to conduct a successful attack on a hardened target—not an easy task—is reflected in the targets most lone wolves choose and how they conduct themselves. Lone wolves tend to choose unhardened, undefended targets like college campuses, churches, and local government buildings. Only rarely do they opt for significant or symbolic targets like the National Mall. I suspect that this tendency is due to two factors: the more personal motives that—alongside their political ideologies—inform lone wolves’ violent tendencies; and the desire to carry out a successful attack a task made easier by choosing a softer target. The targets lone wolves choose tend to be congruent with the ideologies that they say motivate them: so anti-abortion lone wolves go after clinics or doctors who perform abortions, while right-wing extremists target government buildings and officials. What is even more striking is that these small, ball targets tend to be found in or near places well known to perpetrators—the square in their hometown, the synagogue they pass on their way to work, etc. Their daily routines, in other words, are usually the scene of the crime. What should all these patterns mean to counterterrorism officials? They indicate most notably that lone wolves are not as fearsome as they are often made out to be. Lone wolves are only rarely deadly. What is more, when they do manage to kill people, their incompetence and reliance on firearms usually limit the number of deaths. As a result, policymakers concern about lone wolves is probably overblown, and the allocation of resources for counterterrorism purposes should take account of this. In some

sense, this requires us to learn to live with the existence of lone-wolf terrorism.

Even if the threat were more severe, there are too many potential targets and too many potential lone wolves to expect law enforcement to monitor, detect, and interdict them all.

AT: Cyber attacks

No cyber threats

Healey 13 Jason, Director of the Cyber Statecraft Initiative at the Atlantic Council, "No, Cyberwarfare Isn't as Dangerous as Nuclear War", 3/20, www.usnews.com/opinion/blogs/world-report/2013/03/20/cyber-attacks-not-yet-an-existential-threat-to-the-us

America does not face an existential cyberthreat today, despite recent warnings. Our cybervulnerabilities are undoubtedly grave and the threats we face are severe but far from comparable to nuclear war. ¶ The most recent alarms come in a Defense Science Board report on how to make military cybersystems more resilient against advanced threats (in short, Russia or China). It warned that the "cyber threat is serious, with potential consequences similar in some ways to the nuclear threat of the Cold War." Such fears were also expressed by Adm. Mike Mullen, then chairman of the Joint Chiefs of Staff, in 2011. He called cyber "The single biggest existential threat that's out there" because "cyber actually more than theoretically, can attack our infrastructure, our financial systems." ¶ While it is true that cyber attacks might do these things, it is also true they have not only never happened but are far more difficult to accomplish than mainstream thinking believes. The consequences from cyber threats may be similar in some ways to nuclear, as the Science Board concluded, but mostly, they are incredibly dissimilar. ¶ Eighty years ago, the generals of the U.S. Army Air Corps were sure that their bombers would easily topple other countries and cause their populations to panic, claims which did not stand up to reality. A study of the 25-year history of cyber conflict, by the Atlantic Council and Cyber Conflict Studies Association, has shown a similar dynamic where the impact of disruptive cyberattacks has been consistently overestimated. ¶ Rather than theorizing about future cyberwars or extrapolating from today's concerns, the history of cyberconflict that have actually been fought, shows that cyber incidents have so far tended to have effects that are either widespread but fleeting or persistent but narrowly focused. No attacks, so far, have been both widespread and persistent. There have been no authenticated cases of anyone dying from a cyber attack. Any widespread disruptions, even the 2007 disruption against Estonia, have been short-lived causing no significant GDP loss. ¶ Moreover, as with conflict in other domains, cyberattacks can take down many targets but keeping them down over time in the face of determined defenses has so far been out of the range of all but the most dangerous adversaries such as Russia and China. Of course, if the United States is in a conflict with those nations, cyber will be the least important of the existential threats policymakers should be worrying about. Plutonium trumps bytes in a shooting war. ¶ This is not all good news. Policymakers have recognized the problems since at least 1998 with little significant progress. Worse, the threats and vulnerabilities are getting steadily more worrying. Still, experts have been warning of a cyber Pearl Harbor for 20 of the 70 years since the actual Pearl Harbor. ¶ The transfer of U.S. trade secrets through Chinese cyber espionage could someday accumulate into an existential threat. But it doesn't seem so seem just yet, with only handwaving estimates of annual losses of 0.1 to 0.5 percent to the total U.S. GDP of around \$15 trillion. That's bad, but it doesn't add up to an existential crisis or "economic cyberwar."

ISIS is structurally incapable of being a threat

Matthews and Preble 2015 (Dylan and Christopher [Cato's vice president for defense and foreign policy studies]; Ignore the headlines. The world is getting safer all the time.; Jan 15; www.vox.com/2015/1/14/7546165/world-getting-safer; kdf)

DM: Did ISIS change your thinking on this at all? ISIS fighter An ISIS fighter in Syria. (AFP/Getty Images)
CP: Not really, for a couple reasons. ISIS may be a terrorist organization, and may be an insurgency, and may be a quasi-nation-state or attempting to become a quasi-nation-state, but it's hard to be all of those things simultaneously. Austin Long writes about this in his chapter, about the differences between insurgents and terrorists. Most terrorists operate in the shadows. The hard part is not killing them, it's finding them. That's why traditional counterterrorism is an intelligence and information-gathering process. It's a lot like police work. By declaring itself a state and raising a flag over territory it seizes and holds, ISIS is trading away one of its key advantages, and opening itself up to more traditional military

attacks. It's a virulent, reprehensible state, but it's not clear to me that it's a greater terrorist threat than other organizations that are continuing to operate in the shadows.

AT: Right Wing Extremism

Surveillance only increases the risks of right-wing terror

Cannon 6/19/2015 (Gabrielle; Should the Charleston Attack Be Called Terrorism;
www.motherjones.com/politics/2015/06/charleston-shooting-terrorism-american-extremism; kdf)

The Southern Poverty Law Center, a nonprofit advocacy organization, still maintains a database called "The Extremist Files" that profiles prominent hate groups and extremist movements and ideologies, but Johnson hopes more will be done to get lawmakers to take note. "Hopefully this will get the attention of those in charge of not only enforcement, but also those making our laws," he said. "Try to wrap your arms around this problem and try to actually develop a strategy to combat it and mitigate it. That is not being done." Still, as former Mother Jones reporter Adam Serwer pointed out in his 2011 coverage of the Sikh temple shooting, surveillance doesn't always lead to prevention and can impede constitutional rights: "Mike German, a former FBI agent who did undercover work infiltrating extremist groups including neo-Nazis and militia groups and is now senior policy counsel for the ACLU, told me that more government surveillance isn't the solution, and that it's a mistake to think there's a technological silver bullet that can flawlessly identify threats before they can be carried out. Most people with extreme views, German says, hold horrible (but constitutionally protected) beliefs they never act on." After Johnson left the DHS, the agency contended it was doing all it could to prevent domestic terror. As WIRED reported, DHS spokesman Matt Chandler responded by saying that the "DHS continues to work with its state, local, tribal, territorial, and private partners to prevent and protect against potential threats to the United States by focusing on preventing violence that is motivated by extreme ideological beliefs."

AT: ISIS

ISIS is structurally incapable of being a threat

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xt – No ISIS Terror

No threat of ISIS terrorism – litany of reasons

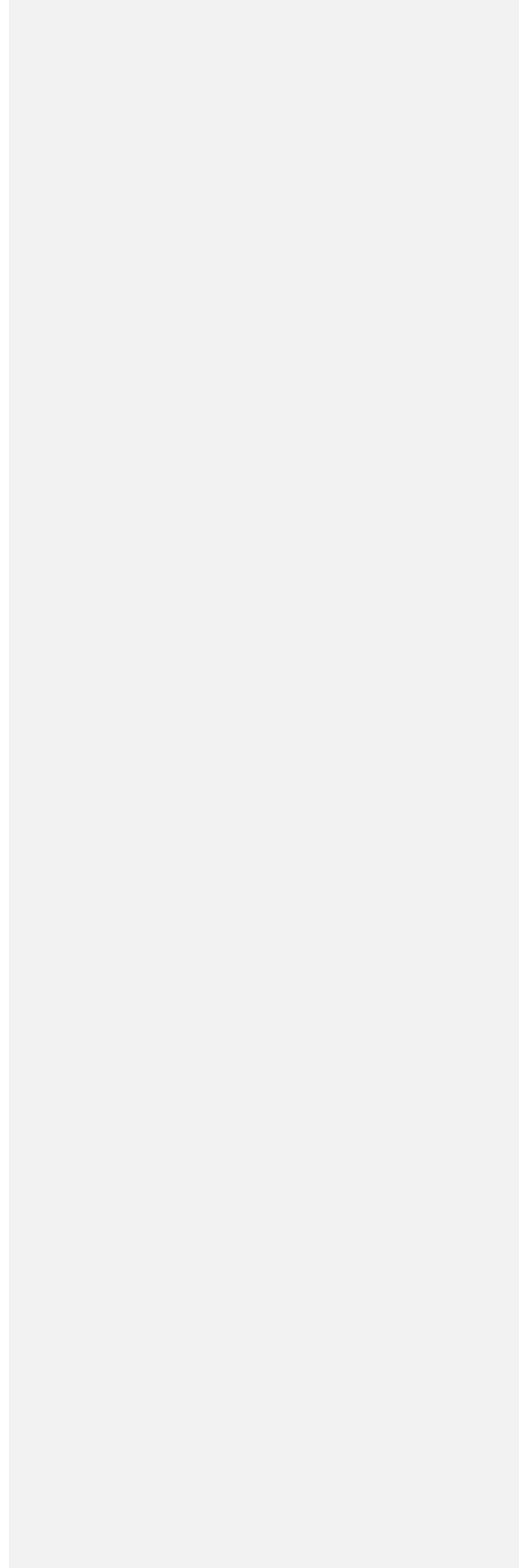
Byman and Shapiro 2015 (Daniel L [research director @ Center for Middle East Policy, Brookings] and Jeremy [Fellow @ Brookings]; Be Afraid. Be A Little Afraid: The Threat of Terrorism from Western Foreign Fighters in Syria and Iraq; January; www.brookings.edu/research/papers/2015/01/western-foreign-fighters-in-syria-and-iraq-byman-shapiro?rssid=LatestFromBrookings; kdf)

Despite these fears and the real danger that motivates them, the Syrian and Iraqi foreign fighter threat can easily be exaggerated. Previous cases and information emerging from Syria suggest several mitigating effects that may reduce—but hardly eliminate—the potential terrorist threat from foreign fighters who have gone to Syria. Those mitigating factors include: • Many die, blowing themselves up in suicide attacks or perishing quickly in wildfires with opposing forces. • Many never return home, but continue fighting in the conflict zone or at the next battle for jihad. • Many of the foreign fighters quickly become disillusioned, and a number even return to their home country without engaging in further violence. • Others are arrested or disrupted by intelligence services. Indeed, becoming a foreign fighter—particularly with today's heavy use of social media—makes a terrorist far more likely to come to the attention of security services. The danger posed by returning foreign fighters is real, but American and European security services have tools that they can successfully deploy to mitigate the threat. These tools will have to be adapted to the new context in Syria and Iraq, but they will remain useful and effective. Key Policy Recommendations The model below shows how the various mitigating factors and effective policies can (though not necessarily will) lessen the danger presented by foreign fighters. Complex Model of Foreign Fighter Radicalization Complex Model of Foreign Fighter Radicalization Decide First is the decision stage. It makes sense to reduce the numbers of those going to the conflict zone in the first place by interfering in the decision to go. After all, those who do not go cannot be radicalized by foreign fighting. Western countries should push a counter-narrative that stresses the brutality of the conflict and the internecine violence among jihadists. However, in general, governments are poor at developing counter-narratives and lack community credibility. It is usually better to elevate existing voices of community leaders who already embrace the counter-narrative than to try to handle this directly through government channels. Also vital is developing peaceful alternatives for helping the people affected by the conflicts in the Middle East. Some fighters—certainly not all but a significant portion—were originally motivated by a genuine desire to defend the Syrian people against the brutality of the Assad regime. Encouraging charitable activities, identifying legitimate channels for assistance, and otherwise highlighting what concerned individuals can do to help alleviate the suffering of the Syrian people may siphon off some of the supply of foreign fighters. Local programs for providing assistance can also improve domestic intelligence gathering capabilities in two ways, according to Western security service officials. First, simply being out and about in the community gives government officials more access to information about potential radicals. Families become comfortable with intelligence services, as do community leaders. Second, such programs allow intelligence officials to gain access to individuals who can potentially be recruited to inform on other would-be jihadists. Desired Results: • Talked out of joining the foreign militias by family or community intervention. • Choose peaceful alternative to fighting. Travel The second stage in the foreign fighter radicalization process is the travel to Syria. Disrupting the transit route via Turkey is one of the most promising ways of reducing the threat of foreign fighters to Europe and the United States. Doing so will primarily require better cooperation between Western governments and Turkish authorities, who have not always seen stopping the flow of fighters as their highest priority. But as Turkish authorities are now becoming more worried about the jihadist threat to Turkey, Western security services should establish channels with Turkish intelligence and police to warn them of the presence of specific individuals headed to Syria through Turkey and to encourage Turkey to turn them away from the Turkish border or stop them at the Syrian border and deport them. Though there are other ways into Syria, all are far harder and more costly for Western fighters. Security cooperation among European services and between European and American services is also essential. Intelligence collected from the communications of foreign fighters, shared open source monitoring, and other information from one service can prove vital for discovering transnational networks. Cooperation within Europe is indispensable for stopping travel as jihadists from one European country often try to travel to Turkey and then on to Syria via another European country in an effort to avoid detection. Desired Results: • Arrested en route. • Stopped at border and deported. Train and Fight In the third stage of the process, the foreign fighters receive training and fight in Syria or Iraq, mostly out of the reach of European or American influence. But even here, there are subtle ways of influencing the terrorist indoctrination process. Western security agencies should do everything they can to sow doubt in the minds of extremist leaders in Iraq and Syria about the true loyalties of Western Muslim volunteers. Highlighting information gained from recruits and even disinformation about the degree of infiltration by security services can heighten fears. If jihadist organizations come to view foreigners as potential spies or as corrupting influences, they might assign them to non-combat roles, test their allegiances by offering them the one-way ticket of suicide bombings, or even avoid recruiting them altogether. Desired Results: • Die in the combat zone. • Stay abroad and fight. • Become disillusioned with the struggle. Return Upon the foreign fighters' return, the fourth stage, it is critical to turn them away from violence and jihad. Western services report that they usually know when individuals return and that many return with doubts. As a first step, security services must triage returnees, identifying which ones deserve the most attention: our interviews indicate triaging is done inconsistently (and in some cases not at all) among the Western security services. Inevitably, some dangerous individuals will be missed, and some individuals identified as not particularly dangerous might later become a threat, but a first look is vital for prioritization. Efforts to promote a counter-narrative are valuable, particularly if they involve parents, preachers and community leaders. Community programs deserve considerable attention. The goal should be to move potential terrorists towards non-violence; since many are in that category already, hounding them with the threat of arrest or otherwise creating a sense of alienation can backfire. In the past, family and community members have at times been successful in steering returned fighters toward a different path, even getting them to inform on their former comrades. Indeed, sending returnees to jail for relatively minor crimes such as going abroad to fight with a foreign terrorist organization against a distant enemy may simply put them in prison for a few years and expose them to the radicalizing elements present in many European prisons, where many minor players become exposed to hardened jihadists and integrate into broader networks. Desired Results: • Arrested and jailed. • De-radicalized and reintegrated. • No desire to attack at home. Plot To disrupt foreign fighters in the fifth and final stage of plotting terrorist attacks, security services must remain focused on the returnee problem and have sufficient resources to monitor the problem as it emerges in their countries. The good news is that going to Syria and Iraq and returning home usually does bring one to the attention of the security services. But maintaining vigilance as the numbers increase will be difficult purely for reasons of resources. Marc Hecker, a French expert on terrorism, commented that France could handle the "dozens" who returned from Iraq but would be over-whelmed by the "hundreds" who may come back from Syria. Keeping track of that many suspects, is exceptionally resource

intensive, particularly if it involves full-time surveillance. For intelligence services, often the problem is not in accessing or gathering the data, but in processing, analyzing, and following up on it in a timely manner. At the same time, their own effectiveness can work against them: by reducing the problem considerably, they decrease the danger, thereby creating the impression that they need fewer resources. One way to mitigate this effect is for security services to spread the burden of responsibility around by training and sharing information with local police and other law-enforcement and community organizations. Security cooperation among European services and between European and American services is absolutely necessary. Intelligence from the communications of foreign fighters, shared open-source monitoring, and other information obtained by one service can prove crucial for discovering transnational networks. As noted earlier, cooperation within Europe is critical for stopping travel, as jihadists from one European country often try to travel to Turkey and then on to Syria via another European country in order to avoid detection. Desired Results: • Attack foiled by law enforcement. • Attack fails due to lack of training or wrong skills. Conclusion The United States and Europe already have effective measures in place to greatly reduce the threat of terrorism from jihadist returnees and to limit the scale of any attacks that might occur. Those measures can and should be improved—and, more importantly, adequately resourced. But the standard of success cannot be perfection. If it is, then Western governments are doomed to fail, and, worse, doomed to an overreaction which will waste resources and cause dangerous policy mistakes.

AT: Vaccines D.A

Privacy Link



No Spillover

No spillover — pro-privacy legislative action is dependent without crisis.

Kerr 4 — Orin S. Kerr, Associate Professor of Law, George Washington University Law School, B.S.E. 1993, Princeton University; M.S. 1994, Stanford University; J.D. 1997, Harvard Law School, 2004 (“Technology, Privacy, And The Courts: A Reply To Colb And Swire,” *Michigan Law Review* (102 Mich. L. Rev. 933), Available Online to Subscribing Institutions via Lexis-Nexis)

Contrary to Swire's suggestion, I think that statutory protections also tend to reach a middle ground. If there is a general trend toward lesser statutory protection over time, it is not clear to me. Swire focuses on the fact that Congress did not act on an Internet privacy bill that the House Judiciary Committee approved in 2000, but then passed the USA Patriot Act in 2001. To Swire, this suggests that the legislative process is broken: Congress passed (bad) pro-government legislation but not (good) pro-privacy legislation, leading to less privacy.ⁿ¹⁹ I find it difficult to draw a lesson from this example. It is worth noting, however, that in Swire's own example the legislative process rejected FBI and DOJ proposals and instead attempted to push the law in a strongly pro-privacy direction. Then, when Congress passed some of the proposals a few years later, it did so only under remarkable circumstances and even then only subject to a sunset provision.ⁿ²⁰ If Swire's example is supposed to show a trend toward [*938] lessening privacy protection over time, then it is at best a mixed signal. More broadly, the privacy/security pendulum swings both ways; while there may be times of crisis when the pendulum swings in favor of law enforcement, there are other periods when the pendulum swings in favor of privacy. I would pose this question to Swire: if there is a systematic tendency toward greater surveillance, in what year was privacy most protected by the legislative process? In 1960, when federal law did not forbid wiretapping? In 1970, before FISA was enacted? In 1980, before Congress passed ECPA?

Turn: Surveillance Backlash

Turn: Surveillance causes public backlash which increases privacy.

Moncrieff, Venkatesh, and West 9 — Simon Moncrieff, research fellow in the Department of Computing at Curtin University of Technology, Svetha Venkatesh, professor in the Department of Computing at Curtin University of Technology, and Geoff West, professor in the Department of Spatial Sciences at Curtin University of Technology and at the Cooperative Research Centre for Spatial Information, 2009 (“Dynamic privacy in public surveillance” *Computer*, 42(9) <http://dro.deakin.edu.au/eserv/DU:30044204/venkatesh-dynamicprivacy-2009.pdf>)

As surveillance becomes increasingly intrusive, public opposition to these technologies will grow. Lawmakers will be pressured to force organizations that develop and deploy surveillance systems to incorporate additional privacy protections. However, because legislation tends to lag behind technology, such measures will inevitably inhibit preexisting systems’ functionality. Designing surveillance systems with privacy in mind, rather than as an afterthought, will accelerate the adoption of privacy policies in surveillance and reduce the impact of enforced privacy measures.⁶ For example, Google did not foresee privacy issues with Street View and thus did not incorporate privacy protections into the initial release of this feature in 2007. In response to public outcry, the company instituted several measures including the blurring of facial images and vehicle number plates and reducing image resolution to limit discernible information about pedestrians and vehicles. However, there is still considerable debate as to whether these measures go far enough; other identifying data such as location, clothes, and stature/gait are evident in Street View and may violate local privacy laws.

Link Non-Unique

Link non-unique — people are concerned about their privacy now

Trujillo 15 — Mario Trujillo, Professor in the Engineering department at University of Wisconsin – Madison, PhD from the University of Illinois, 2015 (“Poll: Large concern over data collection through smart devices,” *TheHill*, January 15th, Available online at <http://thehill.com/policy/technology/228472-poll-large-concern-over-data-collection-through-smart-devices>, Accessed 7-20-15)

Nearly eight in 10 people are concerned about their personal information being collected through smartphones and other devices, according to a poll released Monday.

The survey commissioned by TRUSTe, a consumer privacy company, also found that 69 percent of people believe they should own the data that is collected through their smart devices.

Twenty percent, on the other hand, believe the benefits of the products outweigh privacy concerns.

Eighty-seven percent expressed concern about their personal information being used in ways they are not aware of. Eighty-six percent said they are concerned about identity theft or their device being infected by malware. Seventy-eight percent expressed concern about their geographical location being unknowingly revealed.

Link non-unique — NFA, Snowden, activists, journalists, and increased internet use

Bartlett 15 — Jamie Bartlett, Director of the Centre for Analysis of Social Media, 2015 (“How we all became obsessed with online privacy,” *Content Loop*, June 16th, Available Online at <http://www.content-loop.com/how-we-all-became-obsessed-with-online-privacy/>, Accessed 7-20-2015)

It began with radical 'cypherpunks' who wanted to destroy the state. Now it's a hot-button issue for every Facebook user. How did the notion of internet privacy gain so much traction, and where will it take us next?

Cast your mind back to just 5 or ten years ago. Did you ever think about data, your digital footprint, the NSA, or what happened to your social media posts? Doubtful, even though you might have been doing much the same online. The question of internet privacy wasn't something many of us gave much thought to.

In the last couple of weeks, a handful of events have demonstrated how much that has all changed. Earlier this month the US Congress passed the 'Freedom Act' (which, in American tradition, stands awkwardly for Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection and Online Monitoring). It placed limits of mass data collected on US citizens by the National Security Agency, something many privacy advocates thought impossible. Last week, David Anderson published an independent review of the UK government's investigatory powers – it's very good by the way – and made over 100 recommendations about how to make surveillance simpler, clearer, and with more oversight. Perhaps even more surprising, although barely reported, Facebook decided to allow users to send encrypted messages on their messenger service.

This is all driven by growing public concern of course. According to the 2014 Deloitte Data Nation survey, 24 per cent of people in the UK do not trust any type of organisation with their personal information. Recent research by my think-tank Demos found half of young people said they were either extremely or

very concerned by 'online privacy' – more than environmental issues, immigration, tax avoidance, or the EU. There are more people are using tools and techniques to cover their digital tracks, especially since Edward Snowden blew his whistle.

Internet privacy has become a major political and social preoccupation. But very few people know much about the origins of the idea. The hope that modern, digital cryptographic software could change society goes back to the 1990s Californian 'Cypherpunks' (a mash up of the word cypher with cyber-punk). All were radical libertarians and early adopters of computer technology, sharing an interest in the effects it would have on politics and society. But while many West Coast liberals at the time were toasting the dawn of a new and liberating electronic age, these Cypherpunks spotted that networked computing might just as likely herald a golden age of state spying and control. They all believed that the great political issue of the day was whether governments of the world would use the internet to strangle individual freedom and privacy through digital surveillance, or whether autonomous individuals would undermine and even destroy the state through the subversive tools digital computing also promised.

At their first meeting, Tim May, as close to a leader as the group ever had, set out his vision to the excited group of rebellious, ponytailed twenty-and thirty-somethings. If the government can't monitor you, he argued, it can't control you. Fortunately, said May, thanks to modern computing, individual liberty can be assured by something more reliable than man-made laws: the unflinching rules of math and physics, existing on software that couldn't be deleted. 'Politics has never given anyone lasting freedom, and it never will,' he wrote in 1993. But computer systems could. What was needed, May argued, was new software that could help ordinary people evade government surveillance.

The group quickly grew to include hundreds of subscribers who were soon posting on a dedicated email list every day: exchanging ideas, discussing developments, proposing and testing cyphers. This remarkable email list predicted, developed or invented almost every technique now employed by computer users to avoid government surveillance. Tim May proposed, among other things, secure crypto-currencies, a tool enabling people to browse the web anonymously, an unregulated marketplace—which he called 'BlackNet'—where anything could be bought or sold without being tracked. Twenty years before the notorious Silk Road.

Ultimately they also hoped their endeavors would eventually bring about an economic, political and social revolution. In 1994 May published Cyphernomicon, his manifesto of the cypher-punk world view, on the mailing list. In it, he explained that 'many of us are explicitly anti-democratic and hope to use encryption to undermine the so-called democratic governments of the world.' On the whole, the cypherpunks were rugged libertarians who believed that far too many decisions that affected the liberty of the individual were determined by a popular vote of democratic governments. They saw internet privacy as the way out. (Julian Assange was joined the mailing list in late 1993 or early 1994).

Of course, not everyone who cared about internet privacy shared the cypherpunks' view that internet privacy was a route to pulling down governments. Each time governments – especially the US government - overreached by trying to spy on citizens too much, new movements and organisations would join the fray. And through the course of the 1990s and 2000s, internet privacy slowly started to inch into people's peripheral vision as something worth worrying about.

But it's really only the last 5 years or so that it's moved from periphery to centre. Partly it's Snowden. Partly it's the relentless work of activists and journalists who share concerns. But mostly it's the amount

of time we now spend online, and a dawning realization that all that data we produce must be going somewhere. These days we share inordinate amounts of digital information about ourselves: our bank details, our love life, our holiday snaps; our whole lives are online. And it's no longer just governments snaffling it all up – it is private companies, too. Think for a moment: do you ever wonder why it is that we get all these amazing internet services – Facebook, Twitter, YouTube, Gmail – for free? I rarely think about it, either, because I'm used to it all just being there, and always working. But it costs an awful lot of money to run these platforms: the server space, the highly skilled engineers, the legal teams. We are paying all right, just not in cash. We pay with our data and our privacy.

Public opinion is moving in favor of privacy — Congressional security rhetoric is the only opposition

Margolis 13 — Jason Margolis, reporter on economics and politics, M.A. in Journalism from the University of California at Berkeley, citing Joseph Nye, former Dean of the John F. Kennedy School of Government at Harvard University, PhD in political science from Harvard University, 2013 ("After Snowden, Global Debate Over Privacy vs. National Security Gaining Momentum," *PRI*, July 17th, Available Online at <http://www.pri.org/stories/2013-07-17/after-snowden-global-debate-over-privacy-vs-national-security-gaining-momentum>, Accessed 7-22-15)

Those figures mirror the mood in the US: There's a clear conflict between the need to protect our national security and our civil liberties.

There's a pendulum that constantly moves between security and privacy needs, said Harvard political scientist Joseph Nye, author of the new book, "Presidential Leadership and the Creation of the American Era."•

"I mean we saw it in the Civil War when Lincoln suspended Habeas Corpus, or in World War II when Franklin Roosevelt basically interned American citizens of Japanese origin,"• he said. "And then later the country swung back to saying this was excessive."•

Nye said nearly 12 years after the September 11th attacks the pendulum is beginning to swing back toward more calls for civil liberties. He adds Congress and the Administration need to find an acceptable middle ground.

That's difficult, because many members of Congress say the surveillance programs are working successfully and have thwarted terrorist attacks.

The link is non-unique – people are concerned with their privacy – prefer our studies

Doherty 13 — Carroll Doherty, director of political research at Pew, develops the research agenda, masters in international studies and bachelor in political science, regularly provides public opinion for BBC and NPR, 2013, ("Balancing Act: National Security and Civil Liberties in Post-9/11 Era" Pew Research Center, June 7th, Available Online at <http://www.pewresearch.org/fact-tank/2013/06/07/balancing-act-national-security-and-civil-liberties-in-post-911-era/>, Accessed 07-14-15

The revelations that Obama administration secretly collected phone records and accessed the internet activity of millions of Americans have raised new questions about the public's willingness to sacrifice civil liberties in the interests of national security. Since 9/11, Americans generally have valued protection from terrorism over civil liberties, yet they also have expressed concerns over government overreach

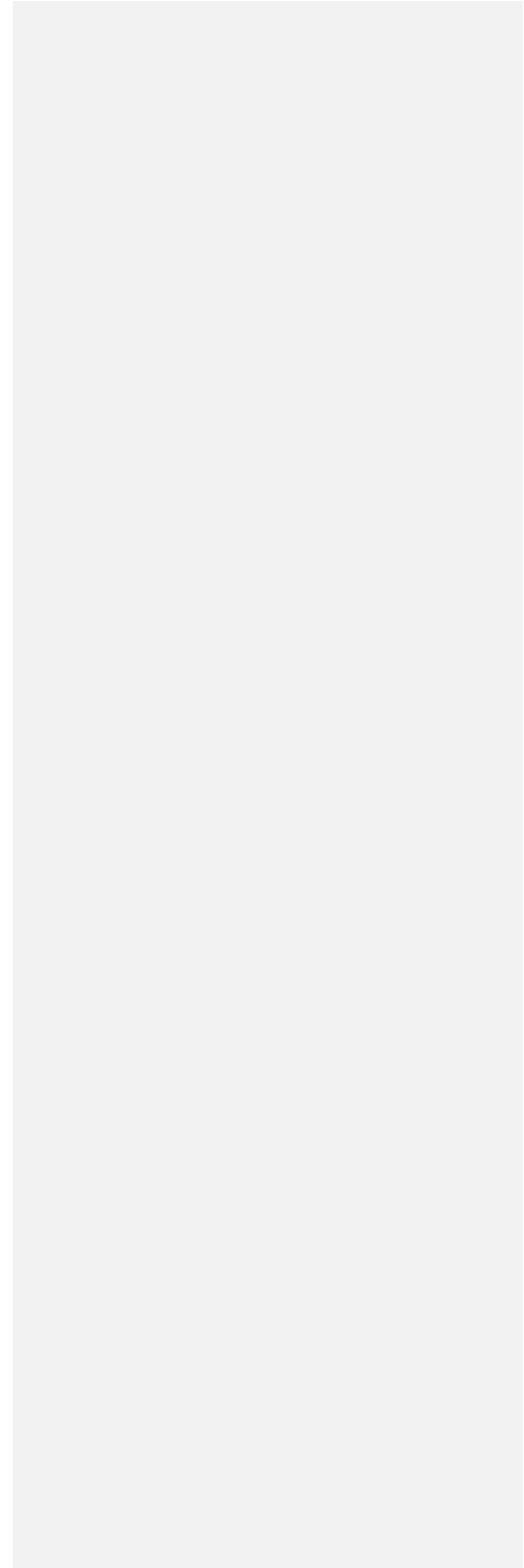
and intrusions on their personal privacy. Security First. Since shortly after 9/11, Pew Research has asked whether people's greater concern is that anti-terror policies will go too far in restricting civil liberties, or that they won't go far enough in adequately protecting the country. The balance of opinion has consistently favored protection. Most recently, in 2010, 47% said they were more concerned that government policies "have not gone far enough to adequately protect the country," while 32% said they were more concerned that "they have gone too far in restricting the average person's civil liberties." But Fewer See Need to Sacrifice Civil Liberties. Yet fewer Americans think it will be necessary to sacrifice civil liberties to combat terrorism than did so shortly after the 9/11 attacks. In a poll conducted in 2011, shortly before the 10th anniversary of 9/11, 40% said that "in order to curb terrorism in this country it will be necessary for the average person to give up some civil liberties," while 54% said it would not. A decade earlier, in the aftermath of 9/11 and before the passage of the Patriot Act, opinion was nearly the reverse (55% necessary, 35% not necessary).

The link is non-unique – Snowden leaks made people concerned about their privacy

Pierce June 5th — Charles Pierce, working journalist since 1976, author of four books, 2015, ("There Would Be No USA Freedom Act Without Edward Snowden," Esquire, June 5th, Available Online at <http://readersupportednews.org/opinion2/277-75/30564-there-would-be-no-usa-freedom-act-without-edward-snowden>, Accessed 07-14-15

The passage of the USA Freedom Act paves the way for telecom companies to assume responsibility of the controversial phone records collection program, while also bringing to a close a short lapse in the broad NSA and FBI domestic spying authorities. Those powers expired with key provisions of the Patriot Act at 12.01 am on Monday amid a showdown between defense hawks and civil liberties advocates. The American Civil Liberties Union praised the passage of the USA Freedom Act as "a milestone" but pointed out that there were many more "intrusive and overbroad" surveillance powers yet untouched. The ambivalence about Edward Snowden, International Man Of Luggage, all clears away at one simple point -- without him, none of this happens. Without what he did, nobody looks closely enough at the NSA and its surveillance programs even to think of reforming them even in the mildest way, which is pretty much what this is. Without what he did, the conversation not only doesn't change, it doesn't even occur. Oregon senator Ron Wyden, a Democrat on the intelligence committee who has railed against NSA surveillance for years, praised the breakthrough but said the work is far from complete. "This is the only beginning. There is a lot more to do," Wyden told reporters after the vote. "We're going to have very vigorous debate about the flawed idea of the FBI director to require companies to build weaknesses into their products. We're going to try to close the backdoor search loophole – this is part of the Fisa Act and is going to be increasingly important, because Americans are going to have their emails swept up increasingly as global communications systems begin to merge." Without what Edward Snowden did, even these first tremors of a rollback from the politics of fear that have encrusted the country in the wake of the attacks of September 11, 2001 would not have been felt in Washington this week.

Vaccine DA — Culture of Rights Uniqueness



Non-unique – Culture of privacy/rights now

Increasing numbers of young people think parental choice outweighs mandatory vaccination – age is the most influential factor – it comparatively outweighs other variables like class, race, gender, and political affiliations.

Anderson 15 – Monica Anderson, Research Analyst at Pew Research Center, holds a Master's degree in Communication, Culture, and Technology from Georgetown University and a BA in Political Science and Feminist Studies from Southwestern University, 2015 ("Young adults more likely to say vaccinating kids should be a parental choice", Pew Research Center, February 2, Available Online at <http://www.pewresearch.org/fact-tank/2015/02/02/young-adults-more-likely-to-say-vaccinating-kids-should-be-a-parental-choice/>, accessed 7/14/15, KM)

As the number of measles cases linked to the California outbreak climbs to over 100, health officials are urging parents to properly immunize their children, citing unvaccinated individuals as a main contributor to the disease's spread. Some have linked the outbreak to the anti-vaccination movement – a group whose members claim vaccinations are unsafe and ineffective. A Pew Research Center report released last week shows that a majority of Americans say children should be required to get vaccinated. Further analysis of the survey data reveals significant age differences in views about vaccines. In 2009, by contrast, opinions about vaccines were roughly the same across age groups. Also, some modest partisan divisions have emerged since 2009, when Pew Research last polled on the issue. Overall, 68% of U.S. adults say childhood vaccinations should be required, while 30% say parents should be able to decide. Among all age groups, young adults are more likely to say vaccinating children should be a parental choice. Some 41% of 18- to 29-year-olds say parents should be able to decide whether or not their child gets vaccinated; only 20% of adults 65 or older echo this opinion. Measles Cases fall with vaccine Older Americans are strong supporters of requiring childhood vaccinations – 79% say they hold that view, compared with 59% of those under 30. One possible reason that older groups might be more supportive of mandatory vaccinations is that many among them remember when diseases like measles were common. Prior to the first licensed measles vaccine in 1963, hundreds of thousands of measles cases were reported annually in the U.S. In 1958 alone, there were more than 750,000 cases. A decade later, in 1968, that number fell to about 22,000, according to an analysis of data from the Centers for Disease Control and Prevention. Today, measles cases are extremely rare, but the CDC reported a spike in 2014, with more than 600 measles cases, the first such jump in more than a decade. The CDC attributed the increase to an outbreak among unvaccinated Ohio Amish communities and cases related to an outbreak in the Philippines. Although some have linked the anti-vaccination movement to more-affluent, highly educated parents, Pew Research data show little difference in people's views based on income or education. Vaccines Public Opinion About 30% of adults living in households earning \$75,000 or more a year say parents should decide whether or not their child gets vaccinated. This holds true even among the highest of earners (those in households making \$100,000 or more). These opinions are on par with people living in lower- and middle-income households. Men and women share similar views on whether vaccines should be required or not and opinions on this issue vary little by race. At the same time, slightly more parents of minor children than those without children believe vaccinating children is a parental choice. There are slight differences in views about vaccines along political lines. A majority of Democrats (76%), Republicans (65%) and independents (65%) say that vaccines should be required. But Republicans and independents are somewhat more inclined than are Democrats to say that parents should be able to decide. In 2009, there was no difference in views on vaccinations along party lines.

Non-unique – No pro-vax influence

Influencing anti-vaccination proponents is impossible – a consensus of studies agree.

Marcotte 14 – Amanda Marcotte, American blogger who writes on feminism and politics, 2014

("According to a New Study, Nothing Can Change an Anti-Vaxxer's Mind", Slate, March 3, Available

Online at

http://www.slate.com/blogs/xx_factor/2014/03/03/effective_messages_in_vaccine_promotion_when_it_comes_to_anti_vaxxers_there.html, accessed 7/22/15, KM)

While some false beliefs, such as astrology, are fairly harmless, parents who believe falsely that vaccination is dangerous or unnecessary for children present a real public health hazard. That's why researchers, publishing in *Pediatrics*, decided to test four different pro-vaccination messages on a group of parents with children under 18 and with a variety of attitudes about vaccination to see which one was most persuasive in persuading them to vaccinate. As Chris Mooney reports for *Mother Jones*, the results are utterly demoralizing: Nothing made anti-vaccination parents more amenable to vaccinating their kids. At best, the messages didn't move the needle one way or another, but it seems the harder you try to persuade a vaccination denialist to see the light, the more stubborn they get about not vaccinating their kids. Brendan Nyhan of Dartmouth College and his colleagues tested four different messages on parents. Mooney describes them: The first message, dubbed "Autism correction," was a factual, science-heavy correction of false claims that the MMR vaccine causes autism, assuring parents that the vaccine is "safe and effective" and citing multiple studies that disprove claims of an autism link. The second message, dubbed "Disease risks," simply listed the many risks of contracting the measles, the mumps, or rubella, describing the nasty complications that can come with these diseases. The third message, dubbed "Disease narrative," told a "true story" about a 10-month-old whose temperature shot up to a terrifying 106 degrees after he contracted measles from another child in a pediatrician's waiting room. The fourth message was to show parents pictures of children afflicted with the diseases they could get without vaccination. Both the pictures and the horrible story about measles increased parental fears about vaccinations. Researchers don't know why but theorize that the problem might be that invoking fears of sick children just makes parents more fearful in general of all risks, whether real or imagined. The cooler, more distant "disease risks" message didn't change parents' minds either way, but what was most startling was what happened with the message correcting misinformation on autism: As for "Autism correction," it actually worked, among survey respondents as a whole, to somewhat reduce belief in the falsehood that vaccines cause autism. But at the same time, the message had an unexpected negative effect, decreasing the percentage of parents saying that they would be likely to vaccinate their children. In other words, learning that they were wrong to believe that vaccines were dangerous to their kids made vaccine-hostile parents more, not less likely to reject vaccination. Mooney calls this the "backfire effect," but feel free to regard it as stubborn, childish defensiveness, if you'd rather. If you produce evidence that vaccination fears about autism are misplaced, anti-vaccination parents don't apologize and slink off to get their kids vaccinated. No, according to this study, they tend to double down. This reaction, where people become more assured of their stupid opinions when confronted with factual or scientific evidence proving them wrong, has been demonstrated in similar studies time and time again. (This is why arguing with your Facebook friends who watch Fox News will only bring you migraines.) Mooney suggests that state governments should respond by making it harder to opt out of vaccinations. That would be helpful, but there's also some preliminary research from the James Randi Educational Foundation and Women Thinking Inc. that shows that reframing the argument in positive terms can help. When parents were prompted to think of vaccination as one of the steps you take to protect a child, like buckling a seat belt, they were more invested in doing it than if they were reminded that vaccine denialists are spouting misinformation. Hopefully, future research into pro-vaccination messaging, as opposed to just anti-anti-vaccination messaging, will provide further insight.

The influence of the pro-vaccination movement is irrelevant – studies say there’s only a risk that pro-vax messages make it worse – anti-vaccination parents are too suspicious of the science.

Alter 14 – Charlotte Alter, covers women, culture, politics and breaking news for TIME, 2014 (“Nothing, Not Even Hard Facts, Can Make Anti-Vaxxers Change Their Minds”, Times, March 4, Available Online at <http://healthland.time.com/2014/03/04/nothing-not-even-hard-facts-can-make-anti-vaxxers-change-their-minds/>, accessed 7/22/15, KM)

Maybe there should be a vaccine for stubbornness, because it sure seems tough to cure. A new study shows that when presented with four different scientifically proven arguments that vaccinations are safe, some anti-vaccination parents seemed even less inclined to inoculate their kids against measles, mumps and rubella (MMR) once they saw the evidence. “We shouldn’t overestimate how effective facts and evidence are in convincing people to accept a claim and change their behavior,” said Brendan Nyhan, who authored the study published in Pediatrics, “but throwing facts and evidence at them isn’t likely to be the most effective approach.” Nyhan and his colleagues surveyed almost 1,800 parents of young children after seeing one of four vaccination messages similar to those provided by the CDC. The first messages were focused on conveying the dangers of measles, mumps, and rubella: the “Disease Risk” message detailed the medical risk of contracting MMR, the “Danger Narrative” told the story of a woman whose son contracted the measles from another child and got a 106-degree fever, and the “Disease Images” showed disturbing pictures of infected children. A fourth message, “Autism Correction,” provided heavy scientific evidence that disproved the link between vaccinations and autism. All that sounds convincing, but none of it really works. The researchers found that none of the four messages significantly increased rates of intended vaccination (they only measured whether parents intended to vaccinate, not whether they actually did) and some even provoked an anti-vaccination backlash. The least successful messages were “Disease Narrative” and “Disease Images,” which actually increased the misconception that vaccinations will have negative side effects by 6%, and looking at the photos of the sick kids increased the subjects’ perception that vaccines cause autism. Nyhan said that he thought this was because when people saw children in distress, they became preoccupied with other dangers their child could encounter. “Disease Risks” and “Autism Correction” had slightly better results, but neither seemed to convince parents. And while “Autism Correction” proved to some parents that there’s no link between vaccines and autism, it produced a strong backlash in others that just reinforced their sense that vaccinations are a conspiracy theory. Only 45% of the already anti-vaccine parents said they would vaccinate after they saw the “Autism Correction” message, compared to 70% of the control group. Nyhan thinks that these parents are suspicious of the scientists and that the pro-vaccine movement is trying to pull a fast one on them. “People think, ‘what are they trying to convince me?’” he explained. “The ‘don’t worry, don’t worry, everything is safe’ approach is not often effective, because they think ‘why are they trying so hard to reassure me that everything is safe?’” The fact that none of these messages were particularly effective is a little disconcerting considering that vaccinations only work if a majority of the population is vaccinated. And Nyhan also pointed out that these diseases are more dangerous than ever, because MMR is so rare that we almost never encounter them. Regardless, it seems that the CDC has a serious PR problem, since none of their pro-vaccination messages seem to actually convince people. “We need to test the messages we use in public health the way we test other kinds of inventions,” Nyhan said. “There isn’t a crisis now, but this is about making sure we don’t have one.”

Pro-vaccination has zero influence – there’s too much skepticism in its benefits and acceptance of the vaccine-autism link. Our evidence assumes events like the Disneyland outbreak, or as anti-vaxxers like to say, “hype”.

Haberman 15 – Clyde Haberman, American journalist who was a longtime columnist and correspondent for The New York Times, 2015 (“A Discredited Vaccine Study’s Continuing Impact on Public Health”, New York Times, February 1, Available Online at

http://www.nytimes.com/2015/02/02/us/a-discredited-vaccine-study-continuing-impact-on-public-health.html?_r=0, accessed 7/22/15, KM)

In the churning over the refusal of some parents to immunize their children against certain diseases, a venerable Latin phrase may prove useful: Post hoc, ergo propter hoc. It means, "After this, therefore because of this." In plainer language: Event B follows Event A, so B must be the direct result of A. It is a classic fallacy in logic. An outbreak of measles several weeks ago at Disneyland in Southern California focused minds and deepened concerns. It was as if the amusement park had become the tragic kingdom. Dozens of measles cases have spread across California. Arizona and other nearby states reported their own eruptions of this nasty illness, which officialdom had pronounced essentially eradicated in this country as recently as 2000. But it is back. In 2014, there were 644 cases in 27 states, according to the Centers for Disease Control and Prevention. Should the pace set in January continue, the numbers could go still higher in 2015. While no one is known to have died in the new outbreaks, the lethal possibilities cannot be shrugged off. If the past is a guide, one or two of every 1,000 infected people will not survive. To explore how matters reached this pass, Retro Report, a series of video documentaries studying major news stories of the past and their consequences, offers this special episode. It turns on a seminal moment in anti-vaccination resistance. This was an announcement in 1998 by a British doctor who said he had found a relationship between the M.M.R. vaccine — measles, mumps, rubella — and the onset of autism. Typically, the M.M.R. shot is given to infants at about 12 months and again at age 5 or 6. This doctor, Andrew Wakefield, wrote that his study of 12 children showed that the three vaccines taken together could alter immune systems, causing intestinal woes that then reach, and damage, the brain. In fairly short order, his findings were widely rejected as — not to put too fine a point on it — bunk. Dozens of epidemiological studies found no merit to his work, which was based on a tiny sample. The British Medical Journal went so far as to call his research "fraudulent." The British journal Lancet, which originally published Dr. Wakefield's paper, retracted it. The British medical authorities stripped him of his license. Nonetheless, despite his being held in disgrace, the vaccine-autism link has continued to be accepted on faith by some. Among the more prominently outspoken is Jenny McCarthy, a former television host and Playboy Playmate, who has linked her son's autism to his vaccination: He got the shot, and then he was not O.K. Post hoc, etc. Steadily, as time passed, clusters of resistance to inoculation bubbled up. While the nationwide rate of vaccination against childhood diseases has stayed at 90 percent or higher, the percentage in some parts of the country has fallen well below that mark. Often enough, these are places whose residents tend to be well off and well educated, with parents seeking exemptions from vaccinations for religious or other personal reasons. At the heart of the matter is a concept known as herd immunity. It means that the overall national rate of vaccination is not the only significant gauge. The rate in each community must also be kept high to ensure that pretty much everyone will be protected against sudden disease, including those who have not been immunized. A solid display of herd immunity reduces the likelihood in a given city or town that an infected person will even brush up against, let alone endanger, someone who could be vulnerable, like a 9-year-old whose parents rejected inoculations, or a baby too young for the M.M.R. shot. Health professionals say that a vaccination rate of about 95 percent is needed to effectively protect a community. Fall much below that level and trouble can begin. Mass vaccinations have been described by the C.D.C. as among the "10 great public health achievements" of the 20th century, one that had prevented tens of thousands of deaths in the United States. Yet diseases once presumed to have been kept reasonably in check are bouncing back. Whooping cough is one example. Measles draws especially close attention because it is highly infectious. Someone who has it can sneeze in a room, and the virus will linger in the air for two hours. Any unvaccinated person who enters that room risks becoming infected and, of course, can then spread it further. Disneyland proved a case in point. The measles outbreak there showed that it is indeed a small world, after all. What motivates vaccine-averse parents? One factor may be the very success of the vaccines. Several generations of Americans lack their parents' and grandparents' visceral fear of polio, for example. For those people, "you might as well be protecting against aliens — these are things they've never seen," said Seth Mnookin, who teaches science writing at the Massachusetts Institute of Technology and is the author of "The Panic Virus," a 2011 book on vaccinations and their opponents. Mr. Mnookin, interviewed by Retro Report, said skepticism about inoculations is "one of those issues that seem to grab people across the political spectrum." It goes arm in arm with a pervasive mistrust of many national institutions: the government that says vaccinations are essential, news organizations that echo the point, pharmaceutical companies that make money on vaccines, scientists who have hardly been shown to be error-free. Then, too, Mr. Mnookin said, scientists don't always do themselves favors in their choice of language. They tend to shun absolutes, and lean more toward constructions on the order of: There is no vaccine-autism link "to the best of our knowledge" or "as far as we know." Those sorts of qualifiers leave room for doubters to question how much the lab guys do, in fact, know. Thus far, the Disneyland measles outbreak has failed to deter the more fervent anti-vaccine skeptics. "Hype." That is how the flurry of concern in California and elsewhere was described by Barbara Loe Fisher, president of the National Vaccine Information Center, an organization that takes a dim view of vaccinations. The hype, Ms. Fisher said in a Jan. 28 post on her group's website, "has more to do with covering up vaccine failures and propping up the dissolving myth of vaccine acquired herd immunity than it does about protecting the public health." Clearly, she remained untroubled that most health professionals regard her views as belonging somewhere in Fantasyland.

Anti-vaxxers are winning the propaganda fight – they are dominating sites like Twitter and using social media to collectively harass pro-vaccination individuals.

DiResta and Lotan 15 – Renee DiResta, Principal of O'Reilly AlphaTech Ventures and Gilad Lotan, Chief data scientist at betaworks, 2015 ("Anti-Vaxxers Are Using Twitter to Manipulate a Vaccine Bill",

Wired, June 8, Available Online at <http://www.wired.com/2015/06/antivaxxers-influencing-legislation/>, accessed 7/22/15, KM)

To take a closer look at how anti-vax Twitter organizes its attacks, specifically against the California legislation, we analyzed the hashtags used by people in the network. In network graphs like the one above, circular nodes are Twitter handles; larger nodes indicate accounts with more followers within the network, making their tweets more likely to be seen and acted upon. That's called "high centrality." The lines between the nodes represent follower relationships. Different colors represent communities of people who are sharing a similar message, and the distance between regions is based on common ties—the closer a colored group is to another, the more shared connections its members have, and the more likely information is to spread amongst the groups. Much like any other group with a message, anti-vaxxers have leveraged Facebook, Twitter, and YouTube for quite some time. In the early days, the majority of their activism focused on propagating the myth of the autism-vaccination connection. In August of 2014, anti-vax activity began to coalesce into one primary hashtag: #cdcwhistleblower, a reference to an anti-vaxxer conspiracy theory that claims the CDC is concealing information that proves a link between the MMR vaccine and autism in African American children. Within two days, autism-vaccine proponents had looped in celebrity sympathizers such as Donald Trump and Rob Schneider to amplify their message. Andrew Wakefield, author of the original fraudulent study linking MMR and autism, got involved. CDC scientists responded, but the idea of the conspiracy—and the hashtag—continued to grow in popularity. There were 250,000 #cdcwhistleblower tweets between August 18 and December 1 of 2014. A whopping 63,555 of these came from 10 prominent anti-vax accounts. In terms of massive events and national conversations, 250,000 tweets is rather small (there were 19.1 million tweets sent in a 12 hour period about the Oscars). But it became apparent to anti-vax leaders that this Twitter hashtag had attracted a loyal following among true believers. And so, in December 2014, "hashtag organizers" began to publish nightly "Trends and Tips" (TaTips) instruction videos on YouTube, containing instructions on what to tweet to advance the cause, and to improve the SEO of "vaccine questioning" websites. There are over 150 of these videos now—a testament to how much the anti-vax movement prioritizes Twitter. Like any good brand, that messaging has evolved to tie to current events—including legislation to increase vaccination rates. As the California personal exemption bill progressed, tweets with the #cdcwhistleblower hashtag started to shift to include #sb277, the number of the bill. When we dig into the activity in the #sb277 hashtag over time, trends and ties emerge. If you look at the first network graph, several distinct clusters emerge based on the hashtags and topics tweeted by each account. In other words, we didn't search for the group labels deliberately; they revealed themselves. Pink is tweeters focused on anti-vax content; orange is the autism community. These groups tweet about many of the same topics, but don't share the exact same material or use the same hashtags. Blue are social conservatives, many of whom use popular Tea Party hashtags. The long strands between the blue groups and the anti-vaxxer group indicates minimal overlap among accounts following each other; the networks are not tightly connected. But as you look at this second network graph, you can see how antivax political strategy has shifted. A new group emerges in the space between "Antivax Twitter" and "Conservative Twitter"—we call it "vaccine choice" Twitter. The tweeters are the same individuals who have long been active in the autism-vaccine #cdcwhistleblower network. And originally, much of the content shared in #sb277 focused on the same anti-vax pseudoscience underlying #cdcwhistleblower. However, as bad science and conspiracies repeatedly lost in legislative votes, anti-vaxxers updated their marketing: They are now "pro-SAFE vaccine" parental rights advocates. Instructions to the group now focus on hammering home traditionally conservative "parental choice" and "health freedom" messaging rather than tweeting about autism and toxins. Twitter activity around #sb277 is part of a multipronged strategy that takes place alongside phone, email, and fax campaigns, coordinated by well-funded groups including the Canary Party and the NVIC. The net effect is that legislators and staffers feel besieged on all fronts. In one unfortunate video, a movement leader encouraged supporters to use Twitter to harass and stalk a lobbyist, who has since filed police reports. In a very recent creation, that same leader excoriates her "Twitter army" for diluting the power of the #cdcwhistleblower movement by creating their own hashtags rather than using the ones they've been assigned. She also requests that the entire network tweet at Assembly representatives to inform them that their political careers will be over if they vote in favor of SB277. Much like Food Babe leverages her #foodbabearmy to flood corporations with demands for change, the goal of anti-vax twitter is to dominate the conversation and make it look as if all parents are vehemently opposed to the legislation. The other finding from observing anti-vax network graphs is that despite the vast majority vaccinating—national vaccination rates remain above 90 percent—there is no offsetting pro-vaccine Twitter machine; most parents simply vaccinate and move on with their lives. People don't organize in groups around everyday life-saving measures; there is no pro-seatbelt activist community on Twitter. The recent emergence, lack of central coordination, and weak connections seen among pro-vaccine Twitter users, who often use the hashtag #vaccineswork, means that the pro-vax message (in green) is not amplified to the same degree. "Tweiatrician" doctors, lawyers, and pro-vaccine parents often do attempt to join the conversation around the antivax hashtags. Unfortunately, many of the most active accounts experience the same attention received by the legislators: They become the target of harassment that includes phone calls to their places of employment, tweets posting identifying information or photos of their children, or warnings that they are being watched. Pro-vaccine activists and legislators alike often encounter paranoia when they attempt to engage the

anti-vax community. They face accusations of being shells paid by Big Pharma to sway the narrative and keep “vaccine choice” activists from spreading The Truth. Like many fringe communities, while the group is extremely well-organized and passionate they are largely tweeting into an echo chamber. Twitter users who don’t look for these hashtags would likely not know that they exist. Besides occasional celebrity amplification, very little percolates out to a mainstream audience or trends at a meaningful level. And even theoretically-sympathetic affinity groups that they occasionally reach out to, such as anti-GMO, conservative, and autism groups, are not amplifying their hashtags. However, the broader public health implications of propagating these memes and articles make anti-vax activities more than a bizarre online curiosity. Most of the material that the #cdcwhistleblower accounts tweet are designed to erode confidence in vaccination. The goal is to make new parents question everything, says anti-vax leader Dana Gorman in one of her instructional videos. Public health officials are concerned. “It is important to remember that today, the vast majority of people follow the recommended vaccine schedule—they take the advice of their doctors, supported by professional medical bodies and the WHO,” says Gary Finnegan, editor of Vaccines Today. “However, it is essential that when people go online for information they are left with the clear impression that vaccines are safe and effective.” If that’s going to change, the people fighting misinformation need to understand how it gets spread in the first place.

Vaccine DA — Link Answers

Link turn – big data

Big data link turns their unfounded vaccination claims – by using datasets, big data allows for powerful visual representations of the impact of immunization.

Munro 14 – Dan Munro, write about the intersection of healthcare innovation and policy, Quora Top Writer from 2013 to 2015, 2014 (“Big Data Crushes Anti-Vaccination Movement”, Forbes, January 23, Available Online at <http://www.forbes.com/sites/danmunro/2014/01/23/big-data-crushes-anti-vaccination-movement/>, accessed 7/21/15, KM)

For years it’s been relatively easy to ignite medical controversy with emotional (but often anecdotal) evidence. TV is a popular format for doing just that. It’s quick, colorful and dramatic (and increasingly in high-def and big-screen). Add a well known celebrity (or two) and the effects can be powerful, long term and hard to refute. Much of that power, however, is changing and will continue to change with large datasets that are freely available online – or soon will be. When we talk about the science of “Big Data” as a new discipline, it’s often the datasets that we’re referencing – and the visualization of those datasets can be equally powerful and dramatic. As a single example, I wrote about the release of one such dataset on hospital pricing released last year by the Government (here). On Monday, Aaron Carroll (over at the Incidental Economist here) highlighted another chart that was based on a dataset recently published by the Council On Foreign Relations. The chart shows “vaccine preventable outbreaks” around the world from 2006 to present day. The original chart is online here and is interactive by year, outbreak type, location and number of people. The data covers outbreaks for Measles, Mumps, Rubella, Polio, “other” – and is also available as a downloadable CSV file (for use with most spreadsheet applications – here). The CSV data also includes source citation, country, longitude/latitude, number of cases and fatalities by outbreak type. The graphic and the data it represents is a compelling argument against those who think that the vaccinations themselves are dangerous and should be avoided. The Mayo Clinic has a great Q&A section which flatly states: “Vaccines do not cause autism. Despite much controversy on the topic, researchers haven’t found a connection between autism and childhood vaccines. In fact, the original study that ignited the debate years ago has been retracted.” Mayo Clinic – Childhood Vaccines: Tough questions, straight answers (here)

Alt causes

Too many alt causes to solve immunization, especially internationally – anti-American sentiment, religious differences, logistical issues, cost.

Welsh 15 – Teresa Welsh, foreign affairs reporter at U.S. News & World Report, 2015 (“Anti-Vaccine Movements Not Unique to the U.S.”, US News, February 18, Available Online at <http://www.usnews.com/news/articles/2015/02/18/anti-vaccine-movements-not-just-a-us-problem>, accessed 7/22/15, KM)

With widespread access to medical care and immunizations, the U.S. typically doesn't see massive outbreaks of preventable diseases like the measles. But American anti-vaxxers – parents who refuse to have their children vaccinated and seek exemptions from immunization requirements – aren't alone in their misgivings: Skepticism abounds in many other countries about the safety and effectiveness of disease-fighting injections. “There is opposition to vaccine I think in every country around the world, and the nature of the opposition varies from place to place.” says Dr. Alan Hinman, a senior public health scientist with The Task Force for Global Health. Vaccine hesitancy, according to a World Health Organization working group created to study the phenomenon, is a “delay in acceptance or refusal of vaccines despite availability of vaccine services.” The group studied the issue for more than two years and found that it is “complex and context-specific, varying across time, place and vaccines.” “It can be due to religious beliefs, it can be through personal beliefs or it can just be through misinformation on the need and importance of vaccination,” says Hayate Hasan, a technical officer in the WHO's Department of Immunization, Vaccines and Biologicals. In the U.S., where a recent measles outbreak has renewed calls for parents to vaccinate their children, some parents are still hesitant to do so because of a 1998 study linking the vaccine for measles, mumps and rubella to autism, even though that study has long since been debunked. Similarly, misconceptions about the potentially adverse effects of vaccinations also impact the rates at which certain communities abroad vaccinate their children. Researchers often cite an episode in northern Nigeria about a decade ago, when political and religious leaders instructed parents not to immunize their children against polio. The leaders said they believed the vaccines could be contaminated with an antifertility agent meant to sterilize the population, as well as with HIV, and immunizations stopped. Polio cases spread, and the vaccines were shown not to have been tainted. “The leaders actually admitted that they didn't really believe the vaccine was contaminated, but they were opposed to the polio eradication effort because they viewed it as a Western-led activity.” Hinman says. In India, suspicion of the West also has sparked aversion to vaccinations. Lois Privor-Dumm, director of policy, advocacy and communications at the Johns Hopkins Bloomberg School of Public Health's International Vaccine Access Center, says her team works with Indian physicians to provide them with data so they can make informed decisions about immunizations. She says some vaccines have been widely accepted in India for years while other, newer vaccines have been resisted because they aren't manufactured by Indian suppliers and Indians think they are too expensive. Distrust of efforts to battle disease also isn't unique to immunization programs. In West Africa – the heart of the recent Ebola epidemic – some have considered Ebola a government conspiracy or not a real malady, and vulnerable residents have resisted amending burial practices to avoid spreading the disease. Health workers trying to increase awareness about the dangers of Ebola have even been attacked and killed. The WHO working group found that efforts tailored to specific countries are most effective in addressing vaccine hesitancy around the world. In Bulgaria, an analysis of the Roma population – a nomadic ethnic group also known as Gypsies – found the main reason the community resisted vaccination wasn't a lack of knowledge about vaccines or a lack of confidence in their effectiveness; rather, it was due to a lack of immunization programs that were welcoming to Roma. For that community, the quality of the patient's encounter with a health worker was the most important factor. “These diagnostic findings were used to tailor and target programs designed to address the main cause of Roma vaccine hesitancy,” the working group explained. Religious beliefs also have been a barrier to vaccination efforts around the world, with some Muslim communities in the U.K. objecting to porcine elements in a nasal flu vaccine. The porcine gelatin is used

to stabilize the vaccine, but Islam does not permit the consumption of pork. Officials have also sought to allay concerns among Jews in the U.K. about the vaccine. Last year in Kenya, a group of Catholic bishops vocally opposed a WHO-led tetanus vaccination campaign because they said the immunization was "laced" with a birth-control hormone that could eventually lead to sterilization. The bishops were suspicious of the campaign, which targeted women of reproductive age, and said they were convinced it was "a disguised population control program." They also said the Catholic Church had not been given "adequate stakeholder engagement." "There's the belief that vaccines may be some type of plot against their religion" to control the population, Privor-Dumm says. All 50 U.S. states have immunization requirements for public school students, but vaccine mandates vary around the world. In Canada, only a small number of provinces require vaccinations for students, while a study of Iceland, Norway and 27 European Union countries published in 2012 found that 15 countries had no vaccination requirements. Vaccine opposition in England dates back to the 1800s, when people objected to smallpox vaccinations. Many low-income countries also lack an advisory body to make vaccine recommendations, so governments often take the WHO's advice for what vaccines to recommend to their populations. Dr. Kathy Neuzil, program leader for vaccine access and delivery at PATH, an international nonprofit that focuses on global health, says many developing countries also lack a program the U.S. has to provide compensation for those who suffer a vaccine-related injury. Neuzil notes that adverse effects such as sudden illness from vaccinations do occur, so the medical community must be careful to document such cases to show that they are very rare. But proximity doesn't necessarily prove cause: A child could have a seizure for the first time two hours after being vaccinated – leading parents to believe the vaccination caused the problem – but that may not be the case, Neuzil says. "Some of these adverse events or safety concerns are going to occur by chance, but it's very difficult as a mother to not believe that a vaccine may have caused something that's temporally related," Neuzil says. In developed countries like the U.S., Hasan says the WHO leaves it to national health authorities to address vaccine hesitancy, because they are better able to identify the cause behind it. "Is it because people don't understand the need for immunization? Is it because people are questioning does vaccine cause autism, even though billions of children around the world have been vaccinated with the measles vaccine since the 1960s?" Hasan asks. Measles was declared eliminated from the U.S. in 2000. In comparison, Hinman says there are more than 100,000 deaths from the disease around the world each year, mostly in India and sub-Saharan Africa, where children rarely receive vaccinations for it. "That means that today's parents of young children [in the U.S.] have never seen measles. It also means that many younger physicians have also not seen measles, and so it's difficult for them to maintain what we consider to be the proper respect for a highly contagious and potentially fatal disease," Hinman says. Heidi Larson, an anthropologist who leads The Vaccine Confidence Project at the London School of Hygiene and Tropical Medicine, says the "back-to-nature movement" fueling oppositions to vaccines in the U.S. is also present in Japan and elsewhere. Some also refuse vaccinations because they object to government intervention, she says. But in some developed countries, Hasan says, children are not vaccinated simply because their parents don't have time to take them to the doctor. Some children receive a first round of vaccinations, but don't get booster shots and therefore don't develop full immunity. And in poorer countries where parents must travel long distances to clinics or take time off work, time constraints and transportation can also be barriers. Many parents and caregivers in developing countries also simply haven't learned why vaccines are important. Logistically, it can be difficult for health workers to reach populations to educate them about the necessity of immunization, while properly storing vaccinations that require refrigeration also presents a challenge for ensuring populations are vaccinated according to schedule. The Gavi Alliance, an organization that seeks to improve access to vaccines in poor countries, says the key to the success of an immunization program is having buy-in from the community. And when children aren't vaccinated, it can impact more than just their immunity to particular diseases, Privor-Dumm says. Healthy children don't have to miss school and can stay on track to climb out of poverty. While some Americans have grown "complacent" about vaccinations, Neuzil says, parents in poorer countries can't afford that luxury. "That's a major difference as compared to these places where it's ... an everyday part of their life that children are dying from vaccine-preventable diseases," Neuzil says.

Budget cuts are an alt cause – the CDC is targeting vaccinations

NACCHO 15 — NACCHO, The National Association of County and City Health Officials (NACCHO) represents the nation's 2,800 local governmental health departments. These city, county, metropolitan, district, and tribal departments work every day to protect and promote health and well-being for all people in their communities. For more information about NACCHO, please visit www.naccho.org, 2-2-2015 ("NACCHO Expresses Concern Over the President's Budget Cuts To Immunization Funding During Measles Outbreak," 2-2-2015, Available Online at <http://naccho.org/press/releases/budget-proposal-2016.cfm>, Accessed 7-21-2015)

Washington, D.C. (February 2, 2015) - The National Association of County and City Health Officials (NACCHO) today expressed concern that the Obama Administration is proposing to cut discretionary

funding for immunization and other programs that are key to preventing disease outbreaks and other disasters, especially while the country is in the midst of a measles outbreak. It is the role of local health departments to monitor, prevent, and control disease to reduce health risks through vaccine awareness and immunization programs. The President's FY2016 budget proposal cuts funding to the Centers for Disease Control and Prevention's (CDC) immunization program by \$50 million. The program supports the purchase of vaccines, as well as immunization operations at the local, state, and national levels.

According to CDC, the United States experienced a record number of measles cases during 2014, with 644 cases from 27 states. In January 2015 alone, 102 people from 14 states were reported to have measles.

NACCHO commends other aspects of the budget, including the \$141 million increase to the CDC and removing the harmful across-the-board budget cuts that have kept discretionary spending at historically low levels. The budget also provides new funding for important public health activities, such as viral hepatitis prevention, antibiotic resistance, drug overdose prevention, and the strategic national stockpile.

"Despite this new funding, the President's budget misses an important opportunity to bolster the capacity of the nation's public health departments to prevent infectious disease outbreaks, including those that are vaccine preventable," said NACCHO's executive director Robert M. Pestronk.

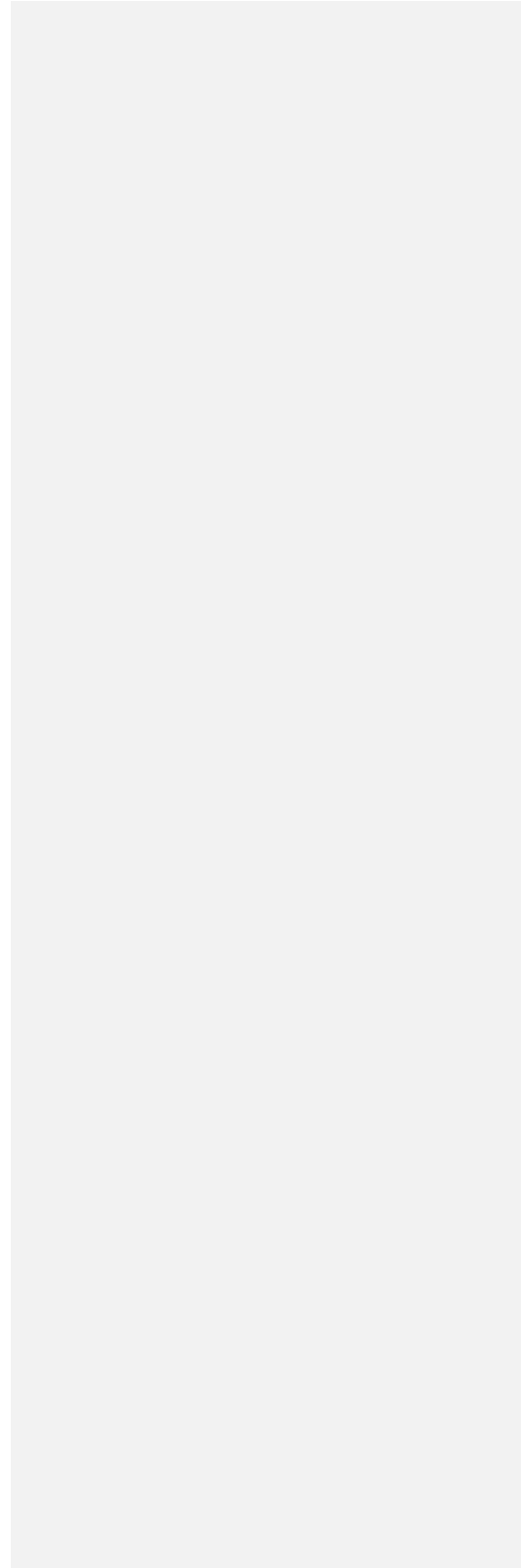
No link – Court rulings solve

No link – Courts have already ruled multiple times that mandatory vaccination is constitutional – no risk the plan’s surveillance reform overturns vaccination rulings.

Farias 15 – Cristian Farias, Legal Affairs Writer with a special focus on civil rights, criminal justice, and the U.S. Supreme Court, holds a JD from City University of New York School of Law, 2015 (“Yes, the Government Can Make You Vaccinate Your Child”, New Republic, February 3, Available Online at <http://www.newrepublic.com/article/120950/courts-have-upheld-governments-constitutional-right-vaccine-laws>, accessed 7/20/15, KM)

New Jersey Governor Chris Christie’s comments on Monday—later clarified—that the government has to find a “balance” between public health policy and giving parents “some measure of choice” has renewed the debate over vaccine laws. But it’s instructive to remember that the Supreme Court settled the question of compulsory vaccinations more than 100 years ago. And just last month, the U.S. Court of Appeals for the Second Circuit, which sits in Manhattan, cited that century-old precedent in rejecting a constitutional challenge to a New York law requiring that all kids attending public schools be vaccinated. The case involved a group of parents who had religious objections to the law. Two of the parents, both of them Catholic, had obtained religious exemptions for their children, which the law permits so long as the parents “hold genuine and sincere religious beliefs” against vaccines; the law also contains a separate exemption for medical reasons. The parents balked, however, when their kids were excluded from school after a schoolmate contracted chicken pox. It turns out a separate New York regulation provides that children with immunization exemptions be excluded from attendance in the event of an outbreak. Unhappy with both the law and the regulation, the parents sued in federal court. A third parent also sued, but on the grounds that she couldn’t obtain a religious exemption. At a hearing, the woman had testified that decisions about her child’s health were guided “strictly by the word of God.” But the judge, after hearing the woman testify that vaccination “could hurt my daughter. It could kill her.... It could cause any number of things,” found the woman’s religious beliefs to be neither genuine nor sincere, but merely health-related. The court denied her request. That’s when the three parents joined forces and mounted a constitutional challenge to New York’s vaccination requirement. They threw the book at the state, arguing, among other things, violations of their rights under the First and Fourteenth Amendments, as well as under state and municipal law. The rub of their arguments: that the state was infringing on their liberty and religious interests. A federal judge in Brooklyn dismissed all their claims. That’s when the Second Circuit court, as it’s wont to do on appeal, took up all of these grievances anew and rejected them one by one. Citing Jacobson v. Massachusetts, the 1905 case, a three-judge panel ruled in a short opinion that New York was well within its “police power” to mandate vaccinations for schoolchildren. Since immunizations are “in the interest of the population as a whole,” the court said they trump the parents’ individual wishes. The court brushed aside their claim that “a growing body of scientific evidence demonstrates that vaccines cause more harm to society than good,” noting that only the legislature—and not the parents or the court—could make the call on the alleged body of evidence. Turning to the parents’ religious claims, the court relied on a 1944 case, *Prince v. Massachusetts*, where the Supreme Court stated that a parent “cannot claim freedom from compulsory vaccination for the child more than for himself on religious grounds.” The court went on to note that the First Amendment right to religious freedom “does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death.” And because the law compelling vaccinations is neutral—that is, it applies to everyone and doesn’t specifically target a particular religion—no constitutional violation occurred. Plus, two of the parents had received exemptions, so the court viewed New York’s limited exclusion during an outbreak as permissible. Of course, the ruling is only binding within the context of public education; nothing prevents the parents from homeschooling their children and keeping them vaccination-free. And it remains to be seen whether these parents will be appealing to a higher court to review the case. But given that the Supreme Court has already spoken loudly on the matter, here’s hoping faith in the judgment of the courts and the rule of law will prevail.

Vaccine DA — Impact Defense



Anti-science

There is science behind anti-vaxxer's claims.

Walia 13 — Arjun Walia, 8-2-2013 ("Polish Study Confirms Vaccines Can Cause Large Number of Adverse Effects," Collective-Evolution, 8-2-2013, Available Online at <http://www.collective-evolution.com/2013/08/02/polish-medical-school-study-determines-vaccines-can-cause-irreparable-harm/>, Accessed 7-22-2015)

Despite the conviction of the necessity and safety of vaccinations, there are a number of studies coming forward that illustrate the potential dangers they may pose. A scientific review published by the Department of Paediatric Rehabilitation from the Medical School at the University of Bialystok has determined that there are a number of neurological adverse events that follow vaccination. This research is specific to Polish vaccinations, but is still useful given the fact that many ingredients used and examined in the study are still used in vaccinations all over the world.

The University of Bialystok is a well known medical university that has published a tremendous amount of research on various topics. The evidence that's out there supporting the hazards of vaccines is irrefutable. There is a lot of research that medical professionals are not privy to, this is credible research coming out of Universities done by doctors and professors. Medical professionals are usually guided to research done by pharmaceutical companies and the vaccine manufactures themselves. It's important to look at both sides of the coin, and examine all information available before coming to a conclusion.

It is not reasonable to assume that manipulation of the immune system through an increasing number of vaccinations during critical periods of brain development will not result in adverse neurodevelopment outcomes(1)

The study addresses the use of vaccines in terms of adverse effects, immune system effects, neurological symptoms following vaccinations and a history of vaccines demonstrating little benefit. We often hear of studies only from the western world, expanding our sphere of research to a global one provides us with a broad range of information coming from a variety of different sources. A report like this coming from a medical school should not be taken lightly. It coincides with a lot of other research that's emerging to suggest that vaccines can be hazardous to human health.

Post-Vaccine Neurological Complications

The authors focused on thimerosal, otherwise known as ethylmercury. It's known to be a key ingredient in vaccines for preservation. A number of conditions are associated with thimerosal including toxicity of the heart, liver, kidneys and the nervous system. Over the last two decades, neurological conditions such as epilepsy, autism, ADHD and mental retardation have increased dramatically all over the world.

From the 1990s new vaccines for infants containing thimerosal began to be used in America. In the DTP, Hib and Hep B vaccines, children received a dose 62.5 ug of mercury, which is 125-fold more than the dose considered safe, which is 0.1 ug a day. These reports were the reason that Scandinavian countries already prohibited the use of mercury in 1990(1)

Research has shown that there is a direct relationship between thimerosal and the rate of autism. The paper determined that there was also a correlation between the number of measles-containing vaccines and autism prevalence during the 1980's. A couple of years ago, an Italian court ruled that the MMR

vaccine was the cause of Autism in the case presented. A recent study by the University of British Columbia came out exposing the HPV vaccine as being dangerous to health as well. UBC doctors also exposed a Vaccination cover-up, demonstrating through official documents that vaccine manufactures have been aware of their adverse effects for a number of years.

Adverse Effects

Reports in many Polish and foreign medical journals lead us to conclude that postvaccinal complications among children can be observed in sporadic cases and that they are disproportionate to the benefits of vaccination in the elimination of dangerous diseases in childhood(1)

This study and many others leave little doubt that vaccines can be extremely hazardous to human health.

They first illustrate the adverse effects that occur shortly after vaccination as they are acknowledged by Polish law. These include:

Local reactions, including:

local reactions after the BCG (tuberculosis) vaccine

swelling

lymphadenopathy

abscess at the injection site

Postvaccinal adverse events of the central nervous system:

encephalopathy

febrile convulsions

non-febrile convulsions

paralytic poliomyelitis caused by vaccine virus

encephalitis

meningitis

Guillain-Barré syndrome

Other adverse events following immunization:

joint pain

hypotonic-hyporesponsive episode

fever above 39°C

thrombocytopenia

continuous inconsolable crying

Next they explore the fact that the vaccine schedule has increased dramatically since the time of these studies and antigens are being injected again and again.

Doctors and researchers point to the worsening state of the health of the child population since the 1960s, which coincided with increasingly introduced vaccinations. Allergic diseases, including asthma autoimmune diseases, diabetes and many neurological dysfunctions-difficulty in learning, ADD, ADHD, seizures, and autism – are chronic conditions, to which attention has been brought(1)

As far as immune system effects, they go on to state that the common practice of administering more than one adjuvant at a time or repeatedly injecting the same antigen can produce autoimmune disorders. They also point out that the toxicity of adjuvants can produce a range of adverse reactions. The hepatitis B vaccine has been known to cause Fatal Auto-Immune Disorder.

Experimental evidence clearly shows, that simultaneous administration of as little as two to three immune adjuvants, or repeated stimulation of the immune system by the same antigen can overcome genetic resistance to autoimmunity(1)

We continue to vaccinate en mass despite the growing body of evidence that clearly reveals how vaccines can be harmful to the body. The manner in which the body responds to vaccines is not well understood. With the amount of studies published, alarm bells should be ringing for the medical industry to start making adjustments and at least warning parents. This isn't meant to create an anti-vaccines position, but instead to look at all the facts vs. just some.

Often times, Doctors are not fully aware of the dangers associated with vaccines nor the ingredients and studies available to show they can be hazardous. Doctors should be encouraged to independently seek out a variety of sources and look at a variety of journals on the subject. It is quite possible that they would realize the vaccine world is not black and white and serious consideration needs to be taken when looking at the current vaccine schedule.

A burgeoning body of evidence shows that immune molecules play integral roles in CNS development, affecting processes such as neurogenesis, neuronal migration, axon guidance, synaptic connectivity and synaptic plasticity. Despite the dogma that peripheral immune responses do not affect CNS function, substantial evidence points exactly to the contrary. Thus, it is not reasonable to assume that manipulation of the immune system through an increasing number of vaccinations during critical periods of brain development will not result in adverse neurodevelopment outcomes(1)

Ableism — No solvency

The neg's narrow focus on autism in the vaccination debate is insufficient – a complete critical examination of ableist structures and mindsets should be the priority.

Choicewords 14 – Choicewords is a blog that highlights the young people's views on issues related reproductive justice and gender equity, 2014 ("Challenging Ableism: Autism and the Conversation About Vaccines", Unite for Reproductive and Gender Equality, March 24, Available Online at <http://urges.org/challenging-ableism-autism-and-the-conversation-about-vaccines/>, accessed 7/21/15, KM)

Recently there has been a debacle in the public health field about the connection between vaccines and autism. The Center for Disease Control will tell you there is no connection, while plenty of Americans and Jenny McCarthy believe that there is a definite link between the two. First off, there is such a range of autism. I will be using the term autism spectrum disorders (ASD) to cover the range of them, including Asperger syndrome, since there is rarely the distinction around this conversation. If you are not familiar with ASD, check out what information the Center for Disease Control has. But I am not here to debate with you about whether vaccines "cause" ASD. But here's the thing: Why are we so afraid of autism and children with disabilities? One of the problems I have with this debate is how we talk about oppression and autism. Why is it that we talk about being afraid of having children with autism, rather than ways to change ableist mindsets? I acknowledge that the quality of life with autism is not high for a number of reasons beyond social circumstances; but why aren't we focusing on eliminating oppression, rather than the disorder itself? Why is our biggest debate about whether or not autism is caused by vaccines, rather than why kids with ASD are more likely to grow up to be unemployed, or why children of color with ASD are less likely to have access to services? Ableism and ableist language is a huge problem in public health communities, with language about "eliminating" particular disabilities being very prominent. While the intentions of folks in the public health field are to improve the well-being of the community, it ignores how this language impacts how people with ASD are perceived. When we put down ASD, we are putting down people with ASD. When we talk about "preventing" ASD, we are creating a hierarchy of, able bodies > disabled bodies. It perpetuates oppression of people with ASD. In social justice, we also must ask the question to ourselves: why are we so obsessed with "curing" disabilities, instead of focusing on making life easier for folks with disabilities? Why are we so content with putting expensive prosthetic limbs on people with an amputated leg, instead of making the 2nd floor of a building accessible? This is especially true in reproductive justice movements, when we consider the ethics of terminating pregnancies with fetuses with disabilities and predicting them in utero. In the end, our obsession with curing and preventing disabilities comes down to internalized ableism, and people being terrified of themselves or their children being diagnosed with a disability. Ultimately, creating accessible and accepting spaces, uplifting voices of folks with ASD and other disabilities, and dismantling an ableist mindset should be our priority, rather than dueling out how to prevent autism in the battle of the vaccines.

AT: War Powers D.A

Uniqueness



Restrictions inev

Restrictions inevitable – it's only a question of making them deliberate or haphazard

Wittes 9 - senior fellow and research director in public law at the Brookings Institution, author of *Law and the Long War: The Future of Justice in the Age of Terror*, member of the Hoover Institution's Task Force on National Security and Law (Benjamin, "Legislating the War on Terror: An Agenda for Reform," 11-3-9, Book, p. 17) //AD

A new administration now confronts the same hard problems that plagued its ideologically opposite predecessor, and its very efforts to turn the page on the past make acute the problems of institutionalization. For while the new administration can promise to close the detention facility at Guantanamo Bay and can talk about its desire to prosecute suspects criminally, for example, it cannot so easily forswear noncriminal detention. While it can eschew the term "global war on terror," it cannot forswear those uses of force—Predator strikes, for example—that law enforcement powers would never countenance. Nor is it hastening to give back the surveillance powers that Congress finally gave the Bush administration. In other words, its very efforts to avoid the Bush administrations vocabulary have only emphasized the conflicts hybrid nature—indeed- emphasized that the United States is building something new here, not merely applying something old.[¶] That point should not provoke controversy. The evidence that the United States is fumbling toward the creation of hybrid institutions to handle terrorism cases is everywhere around us. U.S. law, for example, now contemplates extensive- probing judicial review of detentions under the laws of war—a naked marriage of criminal justice and wartime traditions. It also contemplates warrantless wiretapping with judicial oversight of surveillance targeting procedures—thereby mingling the traditional judicial role in reviewing domestic surveillance with the vacuum cleaner-type acquisition of intelligence typical of overseas intelligence gathering. Slowly but surely, through an unpredictable combination of litigation, legislation, and evolutionary developments within executive branch policy, the nation is creating novel institutional arrangements to authorize and regulate the war on terror. The real question is not whether institutionalization will take place but whether it will take place deliberately or haphazardly, whether the United States will create through legislation the institutions with which it wishes to govern itself or whether it will allow an endless sequence of common law adjudications to shape them.[¶] The authors of the chapters in this book disagree about a great many things. They span a considerable swath of the U.S. political spectrum, and they would no doubt object to some of one another's policy prescriptions. Indeed, some of the proposals are arguably inconsistent with one another, and it will be the very rare reader who reads this entire volume and wishes to see all of its ideas implemented in legislation. What binds these authors together is not the programmatic aspects of their policy prescriptions but the belief in the value of legislative action to help shape the contours of the continuing U.S. confrontation with terrorism. That is, the authors all believe that Congress has a significant role to play in the process of institutionalization—and they have all attempted to describe that role with reference to one of the policy areas over which Americans have sparred these past several years and will likely continue sparring over the next several years.

War power checks good and inevitable – either that non-uniques the DA or means the plan is key to solve

Flower and Beavers 13 (Ruth, Elizabeth, "Congress must rein in president's war power," *The Hill*, 9-29-13, <http://thehill.com/blogs/congress-blog/foreign-policy/325205-congress-must-rein-in-presidents-war-power>) //AD

Congress passed the War Powers Resolution over President Nixon's veto in an effort to curb the president's rapidly growing powers, as evidenced by the Vietnam War. The law sets up a clear framework: the president must "in every possible instance" consult with Congress, report to Congress within 48 hours of introducing armed forces into hostilities, and withdraw troops after 60 to 90 days if Congress does not

provide authorization. Finally, Congress retains the power to order the troops withdrawn by concurrent resolution. Yet no president has considered the War Powers Resolution binding, nor fully complied with its requirements. Thus, a law meant to decisively scale back executive war powers has become effectively useless. But does this matter? Is it necessary to have a clearly-defined, fully functional framework which requires the president to involve Congress in decisions of war? The example of Syria clearly demonstrates the benefits of the democratic process. When President Obama asked Congress for authorization, that decision slowed the process enough to allow the American people to voice their clear opposition. It also allowed the international community the opportunity to coalesce toward diplomacy and peace. Further, the pas de deux of consultation, deliberation, and decision-making between the political branches in a lead-up to war is consistent with the requirements of the Constitution. Fearing an all-powerful executive capable of singlehandedly plunging the nation into senseless war, the Founders intentionally separated the war powers by giving to Congress the power to declare war and to the president, the role of commander-in-chief, once war had been initiated. Clearly, the War Powers Resolution as it stands is insufficient to ensure that Congress will be involved in the process. If democratic principles of war-making are to be revived, some key policies must be in place. First, Congress must decide what war actually is. The War Powers Resolution fails to define “hostilities,” and this is a giant loophole through which presidents have become accustomed to slipping unilateral hostile actions. For example, President Obama did not consider the enforcement of a no-fly zone, without troops on the ground in Libya in 2011 to constitute “hostilities” or “war,” as imagined by the law. Long gone are the days of uniformed armies fighting clearly declared wars between states. Instead, modern warfare seems destined to involve such unconventional aspects as civilian rebel groups, unmanned drones, and air strikes. By clearly defining “hostilities” and “war,” Congress asserts its own authority and upholds the democratic process as an effective means of oversight over the wide-ranging technologies and tactics of modern warfare. Second, Congress should stop providing “blank check” authorizations for military force to the president. Perhaps the best and most recent example is the vague language of the Authorization for the Use of Military Force in 2001, which was best described by Representative Barbara Lee of California as giving the president “the authority to wage war at any time, in any place, for nearly any purpose.” Indeed, the test of time has demonstrated the danger of such broad authority, as the AUMF has been cited as legal authority for a multitude of controversial practices, including the indefinite detentions in Guantanamo Bay and the assassination of U.S. citizen Anwar al-Awlaki. The congressional power to limit presidential authority is meaningless if not exercised, and the failure to exercise such power may have unintended far-reaching consequences. Lastly, Congress should utilize its most potent tool – the “power of the purse.” The Constitution is clear that the legislative branch controls the borrowing and appropriation of money. Thus, Congress should refuse to allow money to be borrowed for purposes of war, and especially not for military actions in contravention of the War Powers Resolution. In addition to limiting the president’s widespread powers, the requirement of specific revenue for military action would cause both political branches to pause before entering into impulsive or potentially endless war. Further, it would encourage fiscal responsibility and draw much-needed public attention to the truly exorbitant cost of war. This is the time for elected representatives to re-assert themselves and the voices of the American people into the decision-making process. Rather than enabling the president to unilaterally commit American life and treasure, Congress must set up an effective framework to ensure that even decisions of war are subject to the consent of the governed.

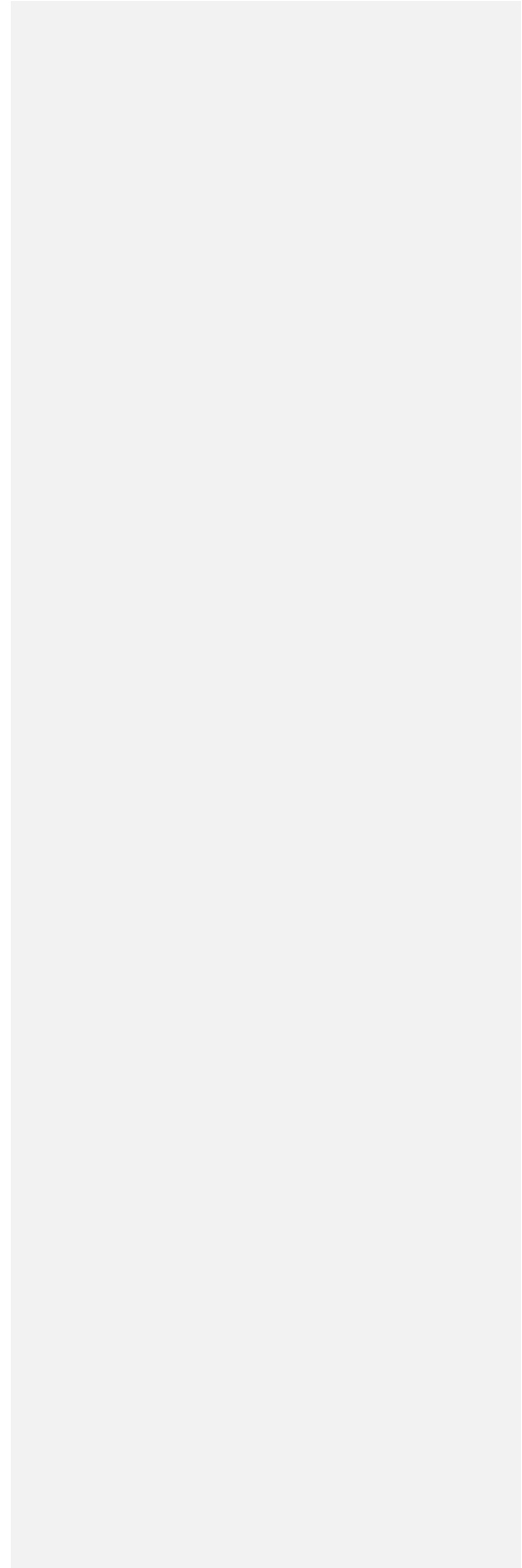
Decline inev

War power decline inevitable through the court – plan’s action key

Wittes 8 - Senior Fellow in Governance Studies at the Brookings Institution, co-founder and editor-in-chief of the Lawfare blog, member of the Hoover Institution’s Task Force on National Security Law (Benjamin, Law and the Long War: The Future of Justice in the Age of Terror, June 2008, google books)
//AD

What the Supreme Court has done is carve itself a seat at the table. It has intimated, without ever deciding, that a constitutional basis for its actions exists—in addition to the statutory bases on which it decided the cases—meaning that its authority over overseas detentions may be an inherent feature of judicial power, not a policy question on which the legislature and executive can work their will. Whether the votes exist on the court to go this extra step we will find out soon enough. But the specter of a vastly different judicial posture in this area now haunts the executive branch—one in which the justices assert an inherent authority to review executive detention and interrogation practices, divine rights to apply with that jurisdiction based on due process and vaguely worded international humanitarian law principles not clearly implemented in U.S. law, and allow their own power to follow the military’s anywhere in the world. Such a posture would constitute an earthquake in the relationships among all three branches of government, and the doctrinal seeds for it have all been planted. Whether they ultimately take root depends on factors extrinsic to the war on terror—particularly the future composition of a Supreme Court now closely divided on these questions. It will also pivot on the manner in which the political branches posture the legal foundations of the war in the future. Building a strong legislative architecture now may be the only way to avert a major expansion of judicial power over foreign policy and warfare.

Link



Link turn – balance

The plan's balance of power solves – boosts policy effectiveness

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For the Founding Fathers, that balance emerged from the fundamental structure of constitutional government that they created. "Ambition must be made to counteract ambition," James Madison wrote in a powerful argument for the separation of powers.² At first glimpse, this might seem to contradict Ford's advice to avoid "a constant rivalry" over the conduct of America's war efforts. But, if the rivalry over control of war powers occurs not with the branches fighting over the right to use this or that particular power but rather involves the presidency and Congress wielding their own specific powers both in pursuit of a coherent policy as well as to prevent the other from becoming too strong, then Ford's vision can be merged with that of the Founders. While constant rivalry and competition between the branches may not be desirable, neither is a situation in which one branch exercises unchecked power. A sound theory of war powers should create a situation in which each branch uses its unique strengths and weaknesses not only to check the ambitions of the other but also to develop common solutions to the challenges that threaten the security of the nation.³ The war on terror has posed considerable problems for the constitutional balance of powers between the executive and legislative branches. In its efforts to protect the United States in the wake of the September 11 attacks, the Bush administration has tried to expand the scope and breadth of executive power. Time and time again, when the constitutionality of its policies have been challenged, the executive branch has responded with claims of inherent presidential power to take actions necessary to defend the country. However, in almost every instance of a legal challenge to those policies, the administration has lost. What do these challenges and defeats mean for the overall distribution of war powers? On the one hand, the powers claimed by the executive branch would give the president unprecedented powers for a potentially indefinite period, as it is hard to imagine that terrorism—a tactic rather than an enemy—will ever be defeated. On the other hand, it must be recognized that the threat of international terrorism is no idle matter. Terrorism of the kind that manifested itself on September 11, 2001, is a threat unlike any other that the United States has ever faced. The question of allocating war powers between the president and Congress is a critical one. If too much power is concentrated in the hands of the executive, the country risks undermining basic constitutional protections of individual freedoms and eroding the democratic nature of the republic; if too much of a role is given to Congress, the country may not be able to effectively develop policies to protect itself. And when there is no clear theory guiding the actions of the government, policy muddles along, with the executive branch taking the lead by putting an idea into action and hoping that it will withstand judicial scrutiny. Thus there is a need for a balanced theory of war powers that respects the constitutional allocation of power and heeds the advice of President Ford.

Link turn – terror/rights

Executive flex undermines counterterror and liberty – legal limits are a more effective security strategy

Sayre 14 – citing Tiberiu Dragu: Assistant Professor, Wilf Family Department of Politics, New York University, and Mattias Polborn: Professor, Department of Economics and Department of Political Science, University of Illinois (Mike, “THE RULE OF LAW IN THE FIGHT AGAINST TERRORISM: LESS EXECUTIVE POWER, MORE SECURITY,” American Journal of Political Science, 5-4-15, <http://ajps.org/2015/05/04/the-rule-of-law-in-the-fight-against-terrorism-less-executive-power-more-security/>) //AD

In the aftermath of 9/11 terrorist attacks, it has become increasingly difficult to argue that the executive branch of the United States be bounded by constitutional rules that might hamper its capacity to ensure collective security. Given the potentially horrific costs of failing to stop another large-scale terrorist attack, the citizens themselves viewed a rigid adherence to legal limits as problematic and were willing to grant the executive more powers at the expense of fundamental rights and liberties. But does increasing the executive’s counterterrorism powers make us safer from terrorism? Our article, “The Rule of Law Against Terrorism”, shows that legal limits on executive counterterrorism powers can be beneficial on security grounds alone and therefore strengthening institutions that uphold the rule of law in the fight against terrorism can be an effective way to achieve security from terrorism. Security crises pose fundamental challenges to the constitutional structure of liberal governments. Unexpected security dangers such as catastrophic terrorist attacks serve as a reminder that collective security is a precondition for the proper functioning of a liberal order, raising the following question: What is the role of legal limits on executive power, if any, when citizens demand more security and allowing executive officials legal flexibility of action appears necessary to achieve it? This question becomes most compelling when governments seek to prevent a security crisis rather than simply react to it. Few if any would argue that executive officials should wait until the actual realization of catastrophic terrorist attacks and not take preventive actions to ward off such security threats. To prevent crises of such proportions, the executive must have the means to act proactively. Crisis prevention seemingly requires permanent executive discretionary powers, and thus represents a constant challenge to the ideal of limited government enshrined in the U.S. Constitution and the Federalist Papers. The tension between the institutional structure of liberal government and successful crisis prevention came to the fore in the aftermath of the 9/11 terrorist attacks. To enhance their governments’ capacities to prevent terrorist attacks, the discretionary powers of the executive were promptly augmented in the United States and other liberal societies. In turn, many of the executive’s counterterrorism activities have infringed upon the rights and liberties of aliens and non-citizens, in particular. In the United States, for example, the executive undertook scores of repressive counterterrorism policies, ranging from ethnic profiling to increased restrictions on immigration, to increased surveillance of certain ethnic and religious communities and even torture of aliens suspected of terrorist activities. The rationale for such repressive policies is that executive discretion is essential to respond effectively to terrorist activities, and thus the executive should be afforded legal flexibility to thwart security dangers. Without necessarily denying that the ethnic and religious communities in which potential terrorists have roots are important in fighting terrorism, the presumption is that executive discretion increases security from terrorism because there are political controls on how executive counterterrorism powers are used. If repressive policies would be harmful for terrorism prevention, so the argument goes, the executive will restrain itself from undertaking such suboptimal counterterrorism policies because citizens can punish ineffective usage of executive power at election times. The logic behind the security rationale for executive discretion appears simple and intuitive. If the executive cares about security from terrorism and also about being in office, and if the citizens are more likely to reelect the executive if it is successful in preventing terrorism, then allowing executive officials legal flexibility of action should translate into more security from terrorism. Our research questions this security rationale on its own terms. To this end, we developed a game-theoretic model to show that that even if citizens are less

likely to reelect the government when failing to prevent terrorist attacks, that is, even if electoral controls on how executive counterterrorism powers are used are effective, security from terrorism can actually decrease if the executive has legal flexibility to choose any policy it finds optimal. In contrast, security from terrorism always increases if there are explicit legal limits on the executive's counterterrorism actions. We also show that the executive achieves the objective of terrorism prevention more effectively when there are some limitations on its counterterrorism powers rather than when executive officials have legal flexibility to devise security policy. At the minimum, the analysis suggests that the burden of empirical proof should be on executive officials who must show that discretionary powers achieve the intended security benefits and, perhaps, whether such benefits can be achieved without setting aside fundamental liberal-democratic principles. Moreover, our analysis indicates that even when citizens want a readjustment in the balance between security and liberty, it is not necessarily security-beneficial if the executive itself decides on the scope of government power. Our research underscores a novel rationale for legal limits and checks on executive powers. The traditional Madisonian argument for such institutions is that they stem abuses of governmental power and thus help preserve citizens' rights and liberties. Security crises challenge this very rationale. Times of duress are associated with unfettered governmental powers; ordinary, regular situations with separation of powers and checks and balances institutions. Without disputing the importance of constitutional limits and institutional checks within the tradition of a liberal distrust of government, the analysis here underscores another, perhaps less intuitive virtue: such institutional arrangements can increase a government's capacity to prevent crises. Thus they might be a necessary component of structuring the government if the social objective is terrorism prevention. Our paper also contributes to an empirical literature on terrorism and political violence. Scholars have noted that liberal democracies often resort to repressive policies and focus their coercive efforts on political, ethnic or religious communities associated with a particular security threat. Scholars have also empirically shown that repressive tactics at odds with fundamental liberal-democratic principles can negatively affect security from terrorism, empirical findings that raise the following puzzle: why would a rational government intending to achieve security from terrorism nevertheless engage in repressive tactics that undermine it? Our model shows that it can be an equilibrium behavior for the executive to undertake repressive policies that harm security from terrorism, a behavior induced by electoral incentives to provide security from terrorism.

Flex bad

Total flex results in net worse decision-making – the aff makes the process more effective

Pearlstein 9 - lecturer in public and international affairs, Woodrow Wilson School of Public & International Affairs (Deborah N, ""Form and Function in the National Security Constitution," July 2009, Connecticut Law Review, 41 Conn. L. Rev. 1549, LN) //AD

It is in part for such reasons that studies of organizational performance in crisis management have regularly found that "planning and effective [*1604] response are causally connected." n196 Clear, well-understood rules, formalized training and planning can function to match cultural and individual instincts that emerge in a crisis with commitments that flow from standard operating procedures and professional norms. n197 Indeed, "the less an organization has to change its pre-disaster functions and roles to perform in a disaster, the more effective is its disaster [sic] response." n198 In this sense, a decision maker with absolute flexibility in an emergency-unconstrained by protocols or plans-may be systematically more prone to error than a decision-maker who is in some way compelled to follow procedures and guidelines, which have incorporated professional expertise, and which are set as effective constraints in advance.¶ Examples of excessive flexibility producing adverse consequences are ample. Following Hurricane Katrina, one of the most important lessons independent analysis drew from the government response was the extent to which the disaster was made worse as a result of the lack of experience and knowledge of crisis procedures among key officials, the absence of expert advisors replacing those rules with more than the most general guidance about custodial intelligence collection. available to key officials (including the President), and the failure to follow existing response plans or to draw from lessons learned from simulations conducted before the fact. n199 Among the many consequences, [*1605] basic items like food, water, and medicines were in such short supply that local law enforcement (instead of focusing on security issues) were occupied, in part, with breaking into businesses and taking what residents needed. n200¶ Or consider the widespread abuse of prisoners at U.S. detention facilities such as Abu Ghraib. Whatever the theoretical merits of applying coercive interrogation in a carefully selected way against key intelligence targets, n201 the systemic torture and abuse of scores of detainees was an outcome no one purported to seek. There is substantial agreement among security analysts of both parties that the prisoner abuse scandals have produced predominantly negative consequences for U.S. national security. n202 While there remain important questions about the extent to which some of the abuses at Abu Ghraib were the result of civilian or senior military command actions or omissions, one of the too often overlooked findings of the government investigations of the incidents is the unanimous agreement that the abuse was (at least in part) the result of structural organization failures n203 -failures that one might expect to [*1606] produce errors either to the benefit or detriment of security.¶ In particular, military investigators looking at the causes of Abu Ghraib cited vague guidance, as well as inadequate training and planning for detention and interrogation operations, as key factors leading to the abuse. Remarkably, "pre-war planning [did] not include[] planning for detainee operations" in Iraq. n204 Moreover, investigators cited failures at the policy level- decisions to lift existing detention and interrogation strictures without n205 As one Army General later investigating the abuses noted: "By October 2003, interrogation policy in Iraq had changed three times in less than thirty days and it became very confusing as to what techniques could be employed and at what level non-doctrinal approaches had to be approved." n206 It was thus unsurprising that detention and interrogation operations were assigned to troops with grossly inadequate training in any rules that were still recognized. n207 The uncertain effect of broad, general guidance, coupled [*1607] with the competing imperatives of guidelines that differed among theaters of operation, agencies, and military units, caused serious confusion among troops and led to decisionmaking that it is overly kind to call arbitrary. n208¶ Would the new functionalists disagree with the importance of government planning for detention operations in an emergency surrounding a terrorist nuclear attack? Not necessarily. Can an organization anticipate and plan for everything? Certainly not. But such findings should at least call into question the inclination to simply maximize flexibility and discretion in an emergency, without, for example, structural incentives that might ensure the engagement of professional expertise. n209 Particularly

if one embraces the view that the most potentially damaging terrorist threats are nuclear and biological terrorism, involving highly technical information about weapons acquisition and deployment, a security policy structure based on nothing more than general popular mandate and political instincts is unlikely to suffice; a structure that systematically excludes knowledge of and training in emergency response will almost certainly result in mismanagement.ⁿ²¹⁰ In this light, a general take on role effectiveness might suggest favoring a structure in which the engagement of relevant expertise in crisis management is required, leaders have incentives to anticipate and plan in advance for trade-offs, and [*1608] organizations are able to train subordinates to ensure that plans are adhered to in emergencies. Such structural constraints could help increase the likelihood that something more than arbitrary attention has been paid before transcendent priorities are overridden.

Checks good

Stronger checks on war powers boost foreign threat perception – increases deterrence credibility

Waxman 14 - Professor of Law, Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations (Matthew C, "The Constitutional Power to Threaten War," 8-25-14, Yale Law Journal, vol. 123 (2014), 2013, PDF) //AD

A second argument, this one advanced by some congressionalists, is that stronger legislative checks on presidential uses of force would improve deterrent and coercive strategies by making them more selective and credible. The most credible U.S. threats, this argument holds, are those that carry formal approval by Congress, which reflects strong public support and willingness to bear the costs of war; requiring express legislative backing to make good on threats might therefore be thought to enhance the potency of threats by encouraging the President to seek congressional authorization before acting.¹⁸¹ A frequently cited instance is President Eisenhower's request (soon granted) for standing congressional authorization to use force in the Taiwan Straits crises of the mid- and late-1950s – an authorization he claimed at the time was important to bolstering the credibility of U.S. threats to protect Formosa from Chinese aggression.¹⁸² (Eisenhower did not go so far as to suggest that congressional authorization ought to be legally required, however.) "It was [Eisenhower's] seasoned judgment ... that a commitment the United States would have much greater impact on allies and enemies alike because it would represent the collective judgment of the President and Congress," concludes Louis Fisher. "Single-handed actions taken by a President, without the support of Congress and the people, can threaten national prestige and undermine the presidency. Eisenhower's position was sound then. It is sound now."¹⁸³ A critical assumption here is that legal requirements of congressional participation in decisions to use force filters out unpopular uses of force, the threats of which are unlikely to be credible and which, if unsuccessful, undermine the credibility of future U.S. threats.¶ A third view is that legal clarity is important to U.S. coercive and deterrent strategies; that ambiguity as to the President's powers to use force undermines the credibility of threats. Michael Reisman observed, for example, in 1989: "Lack of clarity in the allocation of competence and the uncertain congressional role will sow uncertainty among those who depend on U.S. effectiveness for security and the maintenance of world order. Some reduction in U.S. credibility and diplomatic effectiveness may result."¹⁸⁴ Such stress on legal clarity is common among lawyers, who usually regard it as important to planning, whereas strategists tend to see possible value in "constructive ambiguity", or deliberate fudging of drawn lines as a negotiating tactic or for domestic political purposes.¹⁸⁵ A critical assumption here is that clarity of constitutional or statutory design with respect to decisions about force exerts significant effects on foreign perceptions of U.S. resolve to make good on threats, if not by affecting the substance of U.S. policy commitments with regard to force then by pointing foreign actors to the appropriate institution or process for reading them.

No link

Congressional checks are meaningless – no hamper on authority

Cooper 15 – National correspondent, Reed College (Ryan, “Obama's war-powers farce: If you want to limit presidential power, don't start illegal wars,” The Week, 2-17-15, <http://theweek.com/articles/539263/obamas-warpowers-farce-want-limit-presidential-power-dont-start-illegal-wars>) //AD

President Obama is seeking a new Authorization for Use of Military Force, as the U.S. continues its bombing campaign against the Islamic State. It comes just a tad late: about three and half months after it was necessary, according to the War Powers Act. This raises the question: Why is he even bothering? Matt Yglesias, following on the heels of his interview with the president, argues that this drive for a new AUMF is about limiting presidential power, because it would introduce a more limited legal framework for future wars. I don't doubt that's a major part of the administration's rationale. Scrambling to hem in the next person's ability to do stuff you consider bad is a traditional end-of-presidency activity. But as Greg Sargent points out, this is closing the barn door after the horse has bolted. When it comes to legal limits on the president's authority to start new wars, Obama has already blown a hole in them big enough to drive through an aircraft carrier. If the president wanted to stop President Cruz's future wars of aggression, he should have done so in 2011, when he started his first illegal war in Libya. The War Powers Act, as commonly interpreted, says that the president can use force for 60 days without congressional authorization, and if he doesn't get it, then he has to stop hostilities within 30 days. Even that might not have passed legal muster in Libya, because the law states that any unauthorized use of force has to be in response to "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces." At any rate, Obama casually blew off the 90-day limit anyway. The Justice Department's Office of Legal Counsel is supposed to be the authoritative voice on legal interpretation for the executive branch, but when the OLC insisted the War Powers Act applied in this situation, Obama ignored the lawyers and brought in political hacks to cook up another rationale. Eventually they settled, ludicrously, on arguing the new war didn't really constitute "hostilities." When Congress refused to pass a new AUMF, he ignored that, too. The latest war with the Islamic State has followed the same script, except this time Obama is claiming it's the 2001 AUMF that covers the use of force. Though somewhat less preposterous than the Libya case, it's still nonsense. That statute is clearly directed at those who "planned, authorized, committed, or aided " the 9/11 attacks, and the Islamic State didn't even exist in 2001. Of course, the 2001 AUMF has turned into a blank legal check for dirty wars around the globe, and Obama's proposal leaves it in place, making this whole exercise pointless. As Jameel Jaffer of the ACLU told Sargent: "If you don't repeal the original AUMF, you create the possibility the president will continue to rely on it," Jaffer said. "Any limitations Congress imposes under the new AUMF could be ignored. This is a meaningless exercise unless it includes repeal of the original AUMF." [The Washington Post] Finally, there's the political reality. Congressional restrictions on presidential power are only as good as Congress' willingness to act when the restrictions are breached. And right now there is approximately zero reason to think that Congress gives a crap about illegal war. In response to Libya, Congress should have threatened to remove him from office. But the best it could do was offer some annoyed muttering, which lapsed into virtual silence by the time Obama turned to the Islamic State. In other words, in today's political climate, Obama is basically asking for the authority to start war against anyone who's watched an Islamic State video. Indeed, the main axis of debate is whether the proposed authority is broad enough. Except for Sen. Rand Paul, Republicans are basically fine with Obama being able to make war wherever he wants. So until Congress starts caring about fulfilling its constitutional prerogatives, lawmakers might as well save their breath when it comes to new authorizations.

Flexibility link is wrong – no impact

Streichler 8 – Stuart Streichler, Adjunct Faculty at Seattle University School of Law. Ph.D. at Johns Hopkins University; J.D. at the University of Michigan Law School; B.S. at Bowling Green State University, "Mad about Yoo, or Why Worry about the Next Unconstitutional War", *The Journal of Law & Politics*, Winter, 24 J. L. 26 *Politics* 93, Lexis) //AD

When Yoo discusses the need for flexibility in the process for warmaking, he creates a false dilemma. He suggests that the president has discretionary power to start wars or that the president must secure prior authorization from Congress through a "fixed, legalistic process."²³⁰ For Yoo, the latter would inevitably hamper the government's ability to respond to terrorist threats.²³¹ Yet even if Congress has the power to decide whether to go to war, the president retains substantial powers to respond quickly to defend the country. No lawmaker would insist on Congress deliberating while terrorists set off weapons of mass destruction in the United States. Americans who lived with the risk of nuclear attack during the Cold War accepted the president's authority to respond to the Soviet Union without waiting for the results of legislative debate. Additionally, Congress has demonstrated that it can move quickly to authorize the use of military force. Three days after September 11, the Senate voted 98-0 to authorize the president to use force in response to the attacks,²³² and the House approved the measure a few hours later (420-1).²³³ Another four days passed before the president signed it.²³⁴ The last time Congress declared war in response to an attack on the United States, it did not take lawmakers long to do so. The Senate (82-0) and the House (388-1) issued a declaration of war thirty-three minutes after President Franklin D. Roosevelt's "Day of Infamy" speech.²³⁵ Furthermore, whatever their capacity for dynamic response, presidents do not always react to security threats with speed and energy. position with flexibility, there is more to constructing an adaptive foreign policy than letting the president initiate military hostilities. Executive decisions on war that appear, in the short term, to reflect a flexible approach may limit policy options over the long run, constraining foreign policymakers and military planners. Yoo expresses no doubt that the president's capacity to make decisions in foreign affairs and defense—to "consider policy choices" and to "evaluate threats"—is "far superior" to Congress's.²³⁶ That overstates the reach such an unqualified conclusion. Seemingly for every example where executive decision-making works well, another can be cited exposing its de v affect the president's decision on whether to take the nation to ficiencies. President John F. Kennedy's management of the Cuban missile crisis, though not without its critics, is often cited as a classic model of decision-making in crisis. The same president's handling of the Bay of Pigs invasion has been roundly criticized.²³⁷ As Yoo presents his argument on executive decision-making, it does not matter who occupies the office of the president. In fact, that can make a good deal of difference. With the presidency structured around one individual, the decision-making process is shaped by the chief executive's native abilities, judgment, and experience.²³⁸ A whole range of personal qualities matter: how the president assesses risk (especially with the uncertain conditions that prevail in foreign affairs); whether he or she engages in wishful thinking; whether he or she is practical, flexible, and openminded.²³⁹ While every president consults with advisers, small group dynamics add another layer of difficulties in the executive decision-making process. Even talented White House staffers and independent-minded cabinet secretaries succumb to groupthink, as it has been called—the overt and subtle pressures driving group cohesiveness that can distort the decisionmaking process.²⁴⁰ This effect can be pronounced in foreign policy, with stressful crises that often involve morally difficult choices.²⁴¹ Members of the president's team, not fully aware they are doing so, may overrate their own power or moral position, cut off the flow of information, downplay contrary views of outside experts, limit consideration of long-term consequences, underestimate the risks of a particular policy, or fail to develop contingency plans.²⁴² Once the group coalesces around a particular view, it becomes increasingly difficult for individual members to press the group to reassess rejected alternatives.²⁴³ The unique circumstances of working for the president can make matters worse. Members of the administration generally share the president's outlook, ideology, and policy preferences because executive officials give advice based on what they think the president wants to hear. Even if the president's subordinates differ with the chief executive on particular questions, they can only go so far to challenge the president.²⁴⁴ In short, there are more questions surrounding presidential decisionmaking on war than Yoo is willing to admit. Congress, with the president still involved, may be able to offset the structural disadvantages of a decision-making process taking place behind closed doors in the White House. While the executive branch tends to concentrate command authority in one person, power is dispersed on Capitol Hill. Not all members of Congress are equal, but no person has influence comparable to the president's power within the executive branch. In comparison with the select handful of advisers who have the most influence with the president, the number of elected legislators and their diverse ideologies, constituencies, and perspective to the president's decision-making process, insulated by executive privilege, the legislative process involves on-the-record votes and speeches by elected representatives and thus provides a forum for public deliberation.²⁴⁵ To be sure, Congress is not an idealized debating society. Lawmakers have parochial concerns. They often bargain in private. Their public debates can be grounded in

emotional appeals as much as reason.²⁴⁶ Yet in eagerness to rate the president far above Congress in deciding to go to war, Yoo overlooks the value in having a decision-making process conducted in relatively open view and the possibilities for lawmakers to engage in serious deliberations on vital questions of national security.

link defense

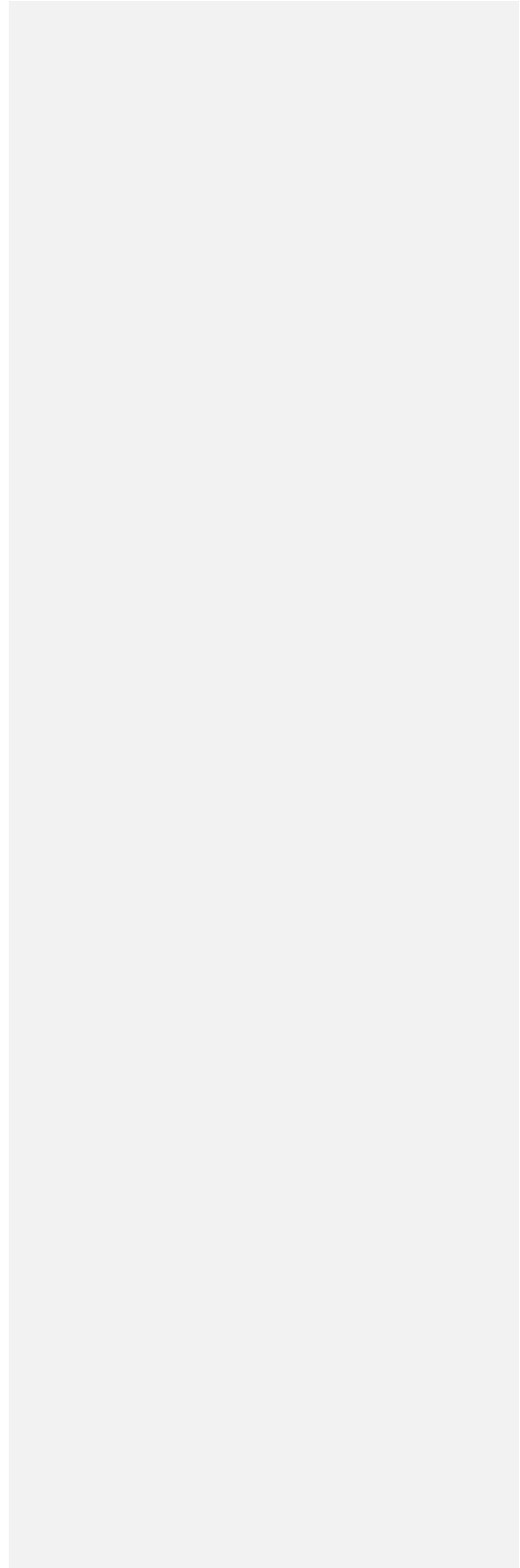
Surveillance not key to war powers and Congressional checks boost presidential powers – FISA and recent restraints disprove the link

Levy 06 – (Robert A, “Wartime Executive Power and the NSA’s Surveillance Authority II,” Cato Institute, 2-28-06, <http://www.cato.org/publications/congressional-testimony/wartime-executive-power-nsas-surveillance-authority-ii>) //AD

I respectfully disagree — which is not to say I believe the president is powerless to order warrantless wartime surveillance. For example, intercepting enemy communications on the battlefield is clearly an incident of his war power. But warrantless surveillance of Americans inside the United States, who may have nothing to do with al-Qaeda, does not qualify as incidental wartime authority. The president’s war powers are broad, but **not boundless**. Indeed, the war powers of Congress, not the president, are those that are constitutionalized with greater specificity.⁴⁴ The question is not whether the president has unilateral executive authority, but rather the extent of that authority. And the key Supreme Court opinion that provides a framework for resolving that question is Justice Robert Jackson’s concurrence in *Youngstown Sheet & Tube v. Sawyer*⁴⁵ — the 1952 case denying President Truman’s authority to seize the steel mills. Truman had argued that a labor strike would irreparably damage national security because steel production was essential to the production of war munitions. But during the debate over the 1947 Taft-Hartley Act,⁴⁶ Congress had expressly rejected seizure. Justice Jackson offered the following analysis, which was recently adopted by the Second Circuit in holding that the administration could no longer imprison Jose Padilla:⁴⁷ First, when the president acts pursuant to an express or implied authorization from Congress, “his authority is at its maximum.”⁴⁸ Second, when the president acts in the absence of either a congressional grant or denial of authority, “there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain.”⁴⁹ But third, where the president takes measures incompatible with the express or implied will of Congress — such as the NSA program, which violates an express provision of the FISA statute — “his power is at its lowest.”⁵⁰ Even under *Youngstown’s* second category (congressional silence), the president might have inherent wartime authority to interpret the “reasonableness” standard of the Fourth Amendment in a manner that would sanction certain warrantless surveillance. But the NSA program does not fit in *Youngstown’s* second category. It belongs in the third category, in which the president has acted in the face of an express statutory prohibition. Naturally, if the statutory prohibition is itself unconstitutional, the administration is not only permitted but obligated to ignore it. That’s the argument administration supporters have proffered to excuse the NSA’s defiance of FISA.⁵¹ To bolster their case, they cite the only opinion that the FISA Court of Review has ever issued, *In re: Sealed Case*.⁵² There, the appellate panel mentioned several earlier cases⁵³ that concluded the president has “inherent authority to conduct warrantless searches to obtain foreign intelligence information.”⁵⁴ The Court of Review then added: “We take for granted that the President does have that authority and, assuming that is so, FISA could not encroach on the President’s constitutional power.”⁵⁵ Three responses: First, I do not contend that the president lacks “inherent authority to conduct warrantless searches to obtain foreign intelligence information.” He has such authority, but Congress, exercising its own concurrent wartime powers, has limited the scope of that authority by excluding warrantless surveillance intentionally targeted at a U.S. person in the United States. Second, the surveillance in the earlier cases cited by *Sealed Case* took place pre-FISA, so Congress had not yet laid out the rules. Third, the quote from *Sealed Case* conveniently stops one sentence short. Here is the very next sentence: “The question before us is the reverse, does FISA amplify the President’s power by providing a mechanism that at least approaches a classic warrant and which therefore supports the government’s contention that FISA searches are constitutionally reasonable.”⁵⁶ In resolving that question, the Court of Review did not conclude that FISA “encroach[ed] on the President’s constitutional power.” Quite the contrary, according to the court, **FISA permissibly amplified the president’s power.** The restrictive provisions in FISA were simply a clarification of his new and expanded authority. Thus, *Sealed Case* provides **no support for the assertion that FISA unconstitutionally constrains the president’s inherent wartime authority.** Moreover, such claims leave important questions unanswered. For example: If warrantless domestic surveillance is incidental to the president’s inherent powers, so too are sneak-and-peek searches, roving wiretaps, library records

searches, and national security letters — all of which were vigorously debated in deciding whether to reauthorize the PATRIOT Act. Could the president have proceeded with those activities even if they were not authorized by Congress? If so, what was the purpose of the debate? And if not, what makes the NSA program different? Further, the attorney general asserts that the AUMF and the commander-in-chief power are sufficient to justify the NSA program. He, or his predecessor, made similar claims for military tribunals without congressional authorization,⁵⁷ secret CIA prisons,⁵⁸ indefinite detention of U.S. citizens,⁵⁹ enemy combatant declarations without hearings as required by the Geneva Conventions,⁶⁰ and interrogation techniques that may have violated our treaty commitments banning torture.⁶¹ Is any of those activities outside the president's commander-in-chief and AUMF powers? If not, what are the bounds, if any, that constrain the president's unilateral wartime authority?

Internal link



No signaling

No internal link – war power authority is irrelevant for signaling

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For all the talk of credibility, political scientists have offered devastating critiques of credibility arguments in the context of military threats. They have demonstrated not only that the concept is often deployed in incomplete and illogical ways but also that as a historical matter, a country's "credibility" based on its reputation and past actions has little or no effect on the behavior of opponents in high-stakes international crises. In the crises in the run-up to World War I, in the Berlin crises of the late 1950s and early 1960s, and even in the crises leading to World War II, threats from countries that had previously backed down were not seen as less credible by their opponents. In some cases, the threats were even thought to be more credible. For constitutional lawyers, this research should be particularly troubling because credibility has migrated from foreign policy into the constitutional law of war powers. In a series of opinions, including on Somalia (1992), Haiti (2004), and Libya (2011), the Justice Department's Office of Legal Counsel (OLC) has argued that the credibility of the United Nations Security Council is a "national interest" that can justify presidential authority to use military force without prior congressional authorization.⁴ This Essay argues that the credibility justification for the use of force should be removed from the constitutional law of presidential war power. Incorporating credibility as one of the "national interests" that justify presidential use of force expands the President's war powers significantly without a legitimate policy justification.¹

Understanding Credibility As a justification for the use of military force, the preservation of credibility is ubiquitous in foreign policy. President Clinton thought that if the United States failed to uphold its commitments in Somalia after the Black Hawk Down incident, then "[o]ur own credibility with friends and allies would be severely damaged. Our leadership in world affairs would be undermined . . ."⁵ President Reagan argued that if the United States failed to confront guerrillas in Central America, "our credibility would collapse."⁶ Years earlier, President Truman said that defeat in Korea "would be an open invitation to new acts of aggression elsewhere."⁷ For decades during the Cold War, credibility arguments were prominent in game theory analyses of deterrence, arms control, and U.S.-Soviet relations.⁸ Despite the importance of these theories, political scientists at the time acknowledged that they "know remarkably little" about credibility⁹ and had "neither theoretically grounded expectations nor solid evidence" of how behavior affects expectations of future action.¹⁰ More recently, political scientists have turned to serious study of credibility. These studies call into question the use of credibility arguments in the context of military threats. A. Theories of Credibility The credibility of a threat is "the perceived likelihood that the threat will be carried out" if the conditions that are supposed to trigger it are met.¹¹ When people believe a threat will be carried out, it is credible; when they believe it is a bluff, the threat is not credible. Credibility is an audience's perception. If the United States thinks its threats are credible, but opponents do not, then the threats are not credible. Credibility is also not universal. Different actors might assess the credibility of a threat differently — and different individuals within the same government might debate the credibility of a threat.¹² Political scientists have identified five different theories by which people perceive threats as credible. The most prominent — and the one consistently invoked as "credibility" in foreign policy debates from Vietnam to Syria — is the past actions theory.¹³ The past actions theory links credibility to a country's historical record of fulfilling its threats. It has two central claims: First, credibility is determined by the historical evidence of a country's actions. Second, there is a direct relationship between the perception that a country historically follows through on its commitments and the country's credibility. The theory's rationale is that past actions might illustrate something important about the adversary's character, interests, or capacity to act. But the core of the theory is narrower: the likelihood of a country following through on a threat today is dependent on whether the country followed through on its threats in the past. Commentators have also frequently offered a variation of the past actions theory of credibility that focuses on

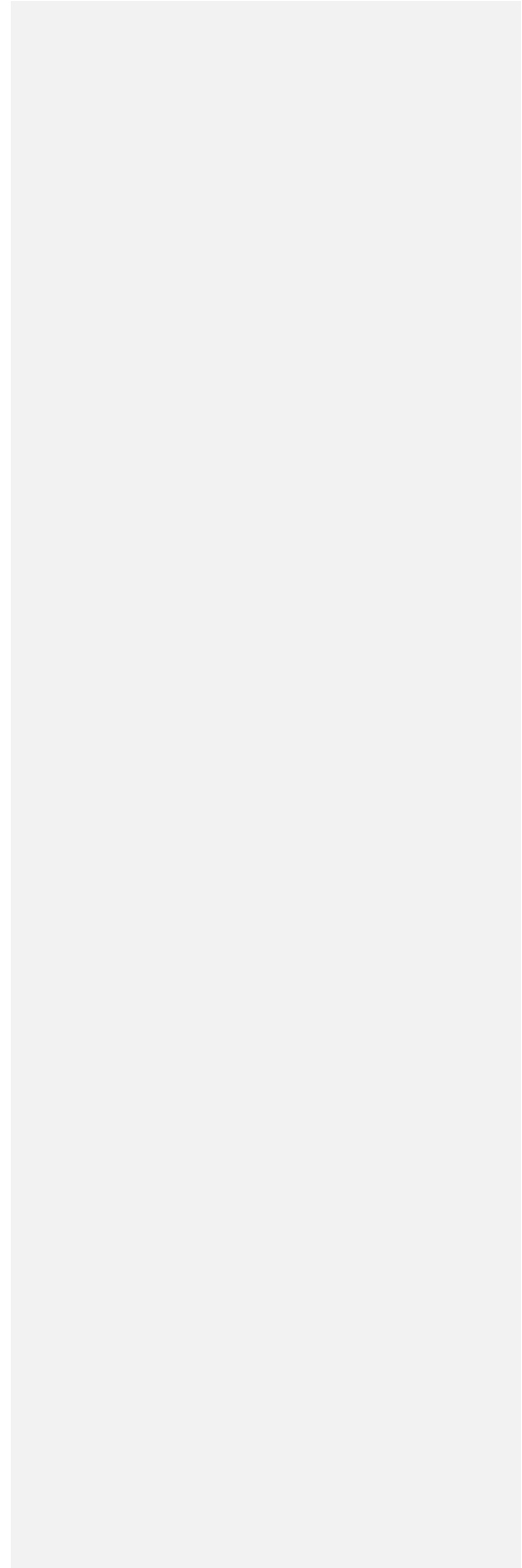
reputation arguments.¹⁴ A reputation is a “judgment of someone’s character (or disposition) that is then used to predict or explain future behavior.”¹⁵ Reputation arguments in international politics assume that decisionmakers attribute behavior to character or dispositional traits, rather than to situational factors (such as national interests, public pressure, or military capabilities). When decisions are attributed to situation, the assumption is that most people in the same situation would act the same way. When decisions are attributed to disposition, it means that this individual actor will behave a certain way, independent of the situation. Note that the reputation and past actions theories are not exactly the same: A nation’s past actions may lead to a reputation if others interpret its behavior in dispositional rather than situational terms and then use that past conduct to predict similar behavior in the future. A nation’s reputation, however, might also be ascribed to other dispositional traits (such as ideological commitments or inherent characteristics). The leading alternative to the past actions and reputation theories of credibility is the current calculus theory.¹⁶ Current calculus theory holds that credibility is not a function of past actions or reputation, but rather a function of a country’s present capabilities and interests in a particular situation. On this theory, an adversary assesses credibility based on the country’s ability to effectuate its threat and the costs and benefits to that country in enforcing its threat. Two other theories are worth noting. The ingrained lessons theory holds that decisionmakers do not look to the threatening country’s history, but instead to their own history. For example, they will expect today’s adversary to back down if their previous adversaries also backed down. The never again theory holds that breaking a commitment actually increases credibility of future threats because decisionmakers will understand that backing down a second time is too costly. This Essay focuses on the past actions and reputation theories, and given their dominance in foreign policy, refers to them together as “credibility arguments.”

B. The Logical Limits of Credibility Arguments In the context of military threats and the use of force, credibility arguments suffer from some important limitations. First, because both past actions and reputation are based on audience interpretations, a country can have multiple reputations and a single action can create different reputations among different audiences.¹⁷ To some, following through on a threat demonstrates resolve; to others, foolishness. Second, action in one context might not migrate into reputation in another.¹⁸ If the United States sets a “red line” on a fishing issue for Micronesia and then backs down, it is unlikely to send a signal to Iran that all American “red lines” are bluffs. The Iranians may ignore the Micronesian case because it is fundamentally different from their own. Third, if we assume that credibility matters, then both sides know that it matters, and both sides can take it into account. Social scientists call the resulting problem recursion,¹⁹ but we generally know it as the “if she knows that I know that she knows . . .” problem. Take Syria.²⁰ If we assume Assad is simpleminded, and the United States backs down, then Assad will think he can use chemical weapons again. But if Assad also knows that credibility is important, and the United States backs down, then Assad knows President Obama has paid a reputation cost in bluffing. Perhaps some in the United States will even say “never again!” If Assad then uses chemical weapons again, it will be harder for Obama to bluff a second time. As a result, backing down the first time actually makes any future threat by Obama more credible. And Assad knows this. Now take it one step further. If Assad knows that Obama knows this, then Assad will reason that Obama’s threat is a bluff because Obama knows Assad will think Obama’s action is more credible. “Keeping the logic straight is difficult,” as Jonathan Mercer puts it, “but it is also irrelevant: no one knows how many rounds the game will go on, for there is no logical place to stop.”²¹ Credibility arguments are self-defeating because if we assume they matter, everyone else knows they matter too — and can account for them. Because the recursion game goes on ad infinitum, it is impossible to determine what policy to pursue.

C. Evidence from History Credibility arguments could also be justified with real world evidence. For example, data could shed light on the manner of leaders’ credibility determinations: Do they actually pay attention to the disposition of the opponent based on their past actions? Or do they undertake a current calculus and focus on interests, capabilities, and the immediate situational context? In a series of qualitative studies, political scientists have shown that past actions and reputation theories of credibility have little historical basis for support.²² When leaders evaluate their opponents, they assess threats based on current calculations, not on past actions. And when leaders have justified conflicts based on preserving a reputation for resolve, others have not always interpreted their actions as was intended. Note that these studies are limited to the context of military threats and international crises. Scholars hypothesize that military threats might differ from other contexts because the stakes are so high that leaders analyze the situation instead of using heuristics like reputation.²³ These findings therefore do not extend to all international issues.²⁴ In the most extensive research on credibility theories, Professor Daryl Press reviewed thousands of pages of archival documents and found that the current calculus theory, not the past action theory, best explains decisionmaking in the “appeasement crises” of the 1930s, the Berlin crises of the late 1950s and early 1960s, and the deliberations during the Cuban Missile Crisis. On the past actions theory, the Nazis should have interpreted British and French threats as not credible because the Allies repeatedly backed down when Germany took aggressive steps in the 1930s. The historical evidence, however, shows that German leaders believed British and French threats were credible — even after the Allies backed down. For the German leaders, credibility was a function of the Allies’ power, not their reputation. Indeed, Press finds that German leaders almost never referenced past actions by the British and French. Accordingly, he concludes that appeasement was poor strategy not because the Allies undermined their credibility, but because it allowed Germany to increase its power.²⁵ From 1958 to 1961, the world watched a number of Berlin crises unfold between the Soviets and the West. Soviet Premier Nikita Khrushchev set six-month deadlines for the Allies to withdraw from West Berlin, and he threatened

to cut off access to the city. Yet every time, Khrushchev backed down. On the past actions theory, British and American leaders should have interpreted each successive threat as less credible. However, Press found that Soviet threats actually became more credible, not less credible.²⁶ During this same period, the Soviets expanded their nuclear arsenal; as their nuclear prowess grew, so did their credibility. Indeed, by the time of the Cuban Missile Crisis, American leaders strongly believed that Khrushchev would not back down if the United States acted in Cuba. Here too Press finds that British and American leaders almost never mentioned Khrushchev's record of bluffing.²⁷ In an important book on reputation, Mercer analyzed the crises leading up to World War I.²⁸ He finds that decisionmakers interpreted their adversaries' backing down based more on the specific situational context, rather than on the disposition of the actors.²⁹ Thus, when the Germans backed down, the Triple Entente of Britain, France, and Russia attributed those defeats to situational factors. To the extent they considered past actions, the Entente believed Germany would be more likely to follow through on its threats in the future because it had previously been defeated. Note also that both Press's and Mercer's cases stack the deck in favor of past actions theory: the players were the same, there were repeated crises in a short period of time, and the crises involved the same issues. These are precisely the situations in which we would expect past action theories of credibility to be most powerful at explaining behavior. Looking specifically at military actions justified by credibility arguments, political scientists have also provided historical evidence that allies and adversaries do not necessarily interpret these actions as enhancing America's reputation or credibility. In a study of the Korean War, Mercer recounts how Secretary of State Dean Acheson believed that Western European allies were at "near-panic" over whether the United States would act.³⁰ They were not. When the British Cabinet met to discuss the issue, Korea was fourth on their agenda and some of the ministers could not locate Korea on the map.³¹ Meanwhile, the French were concerned that the Americans would be too resolute. They worried that the United States would start a world war over what they saw as an area that was strategically unimportant.³² In another study, Professor Ted Hopf analyzed the Soviet reaction to the United States's withdrawal from Vietnam. Hopf found that the Soviets did not see United States withdrawal as decreasing American credibility in the Cold War.³³

Impact



Prez Powers

No impact to Presidential powers

Healy 11 - vice president at the Cato Institute (Gene, "Book Review: Hail to the Tyrant," The CATO Institute, June 2011, <http://www.cato.org/publications/commentary/book-review-hail-tyrant>) //AD

Legal checks "have been relaxed largely because of the need for centralized, relatively efficient government under the complex conditions of a modern dynamic economy and a highly interrelated international order." What's more, the authors insist, America needs the legally unconstrained presidency both at home (given an increasingly complex economy) and abroad (given the shrinking of global distances). These are disputed points, to say the least. If Friedrich Hayek was at all correct about the knowledge problem, then if anything increasing economic complexity argues for less central direction. Nor does the fact that we face "a highly interrelated international order" suggest that we're more vulnerable than we were in 1789, as a tiny frontier republic surrounded by hostile tribes and great powers. Economic interdependence — and the rise of other modern industrial democracies — means that other players have a stake in protecting the global trading system. Posner and Vermuele coin the term "tyrannophobia," which stands for unjustified fear of executive abuse. That fear is written into the American genetic code: the authors call the Declaration of Independence "the ur-text of tyrannophobia in the United States." As they see it, that's a problem because "the risk that the public will fail to trust a well-motivated president is just as serious as the risk that it will trust an ill-motivated one." They contend that our inherited skepticism toward power exacerbates biases that lead us to overestimate the dangers of unchecked presidential power. Our primate brains exaggerate highly visible risks that fill us with a sense of dread and loss of control, so we may decline to cede more power to the president even when more power is needed. Fair enough in the abstract — but Posner and Vermuele fail to provide a single compelling example that might lead you to lament our allegedly atavistic "tyrannophobia." And they seem oblivious to the fact that those same irrational biases drive the perceived need for emergency government at least as much as they do hostility towards it. Highly visible public events like the 9/11 attacks also instill dread and a perceived loss of control, even if all the available evidence shows that such incidents are vanishingly rare. The most recent year for which the U.S. State Department has data, 2009, saw just 25 U.S. noncombatants worldwide die from terrorist strikes. I know of no evidence suggesting that unchecked executive power is what stood between us and a much larger death toll. Posner and Vermuele argue that only the executive unbound can address modernity's myriad crises. But they spend little time exploring whether unconstrained power generates the very emergencies that the executive branch uses to justify its lack of constraint. Discussing George H.W. Bush's difficulties convincing Congress and the public that the 1991 Gulf War's risks were worth it, they comment, "in retrospect it might seem that he was clearly right." Had that war been avoided, though, there would have been no mass presence of U.S. troops on Saudi soil — "Osama bin Laden's principal recruiting device," according to Paul Wolfowitz — and perhaps no 9/11. Posner and Vermuele are slightly more perceptive when it comes to the home front, letting drop as an aside the observation that because of the easy-money policy that helped inflate the housing bubble, "the Fed is at least partly responsible for both the financial crisis of 2008-2009 and for its resolution." Oh, well — I guess we're even, then. Sometimes, the authors are so enamored with the elegant economic models they construct that they can't be bothered to check their work against observable reality. At one point, attempting to show that separation of powers is inefficient, they analogize the Madisonian scheme to "a market in which two firms must act in order to supply a good," concluding that "the extra transaction costs of cooperation" make "the consumer (taxpayer) no better off and probably worse off than she would be under the unitary system." But the government-as-firm metaphor is daffy. In the Madisonian vision, inefficiency isn't a bug, it's a feature — a check on "the facility and excess of law-making ... the diseases to which our governments are most liable," per Federalist No. 62. If the "firm" in question also generates public "bads" like unnecessary federal programs and destructive foreign wars — and if the "consumer (taxpayer)" has no choice about whether to "consume" them — he might well favor constraints on production. From Franklin Roosevelt onward, we've had something close to vertical integration under presidential command. Whatever benefits that system has brought, it's imposed

considerable costs — not least over 100,000 U.S. combat deaths in the resulting presidential wars. That system has also encouraged hubristic occupants of the Oval Office to burnish their legacies by engaging in “humanitarian war” — an “oxymoron,” according to Posner. In a sharply argued 2006 Washington Post op-ed, he noted that the Iraq War had killed tens of thousands of innocents and observed archly, “polls do not reveal the opinions of dead Iraqis.”

Impact turn – prez powers bad

Unchecked presidential powers destroy privacy and result in less effective policies through a dictatorship – war power checks key

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Yoo's memo ignored this. Written 11 days after Congress refused to grant the president wide-ranging powers, it admitted that "the Joint Resolution is somewhat narrower than the President's constitutional authority," but argued "the President's broad constitutional power to use military force ... would allow the President to ... [take] whatever actions he deems appropriate... to pre-empt or respond to terrorist threats from new quarters." Even if Congress specifically says no. The result is that the president's wartime powers, with its armies, battles, victories, and congressional declarations, now extend to the rhetorical "War on Terror": a war with no fronts, no boundaries, no opposing army, and -- most ominously -- no knowable "victory." Investigations, arrests, and trials are not tools of war. But according to the Yoo memo, the president can define war however he chooses, and remain "at war" for as long as he chooses. This is indefinite dictatorial power. And I don't use that term lightly; the very definition of a dictatorship is a system that puts a ruler above the law. In the weeks after 9/11, while America and the world were grieving, Bush built a legal rationale for a dictatorship. Then he immediately started using it to avoid the law. This is, fundamentally, why this issue crossed political lines in Congress. If the president can ignore laws regulating surveillance and wiretapping, why is Congress bothering to debate reauthorizing certain provisions of the Patriot Act? Any debate over laws is predicated on the belief that the executive branch will follow the law. This is not a partisan issue between Democrats and Republicans; it's a president unilaterally overriding the Fourth Amendment, Congress and the Supreme Court. Unchecked presidential power has nothing to do with how much you either love or hate George W. Bush. You have to imagine this power in the hands of the person you most don't want to see as president, whether it be Dick Cheney or Hillary Rodham Clinton, Michael Moore or Ann Coulter. Laws are what give us security against the actions of the majority and the powerful. If we discard our constitutional protections against tyranny in an attempt to protect us from terrorism, we're all less safe as a result.

Misc



Unconstitutional/nug

Executive war power authority is unconstitutional – congressional checks key and war power restraints are nonunquie

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When the Constitution provided Congress with the power to declare war, did it give the people the right to have Congress take the nation to war or could Congress transfer that power to the President, though the Constitution forbade it? The deliberations that began on June 1, 1787 are dispositive. The Constitutional Convention determined that the power to declare war could not be given by Congress to the President, except as the Constitution authorized the Congress to provide in advance for specified situations. The power itself was —legislative.! The President has no —legislative! power.⁴⁹⁴ Therefore Congress could not transfer that power to him any more than Marbury could sue Secretary of State Madison in the Supreme Court rather than a federal district court, or than the President could seize steel companies during war without congressional authority.⁴⁹⁵ From the adoption of the Constitution, voters had the right to evaluate their federal representatives on the basis of the legislator’s views on taking the nation to war. The AUMF destroys or dilutes that right by taking the vote away from the representative and allowing the President to make such decisions. This exercise of the electorate’s right to vote on the issue of taking the nation to war was emphasized at the Constitutional Convention and in ratifying conventions. Since Congress had this duty to vote on war, the voters had a corresponding right to consider their representatives’ votes on war. The AUMF destroys or dilutes that right, denying voters their Fifth Amendment rights. The nature of the right to vote has been extensively examined under the Due Process Clause of the Fourteenth Amendment, applicable to state and local governments. These twin due process clauses have been interpreted similarly.⁴⁹⁶ The test for recognizing a substantive right under the Fourteenth Amendment’s Due Process Clause was described by Chief Justice Rehnquist in 1997 as follows: Our established method of substantive-due-process analysis has two primary features: First, we have regularly observed that the Due Process Clause specially protects those fundamental rights and liberties which are, objectively, —deeply rooted in this Nation’s history and tradition,| . . . (—so rooted in the traditions and conscience of our people as to be ranked as fundamental), and —implicit in the concept of ordered liberty,| such that —neither liberty nor justice would exist if they were sacrificed.| . . . Second, we have required in substantive-due-process cases a —careful description| of the asserted fundamental liberty interest. . . . Our Nation’s history, legal traditions, and practices thus provide the crucial —guideposts for responsible decisionmaking.| . . . that direct and restrain our exposition of the Due Process Clause.⁴⁹⁷ Thus there may be an enforceable —fundamental right| to constitutionally required procedures when the right is —deeply rooted and carefully described. Both of these conditions apply to an AUMF. For more than 100 years, the Fourteenth Amendment’s Due Process Clause has protected the rights of citizens to vote. That right, as we have seen, includes influencing and electing representatives based on their views on taking the nation to war. By denying citizens the right to have their representatives vote on the issue of war, the President and Congress have denied both the Fifth and Fourteenth Amendment. Representatives no longer vote on that issue; they vote to let the President decide that issue. Ironically, on June 15, 1964, in Reynolds v. Sims, the Supreme Court, sitting across the street from Congress, explained that the right to vote was the —essence of a democratic society.⁴⁹⁸ Two months later, Congress, on August 17, 1964, enacted the Gulf of Tonkin AUMF that deprived voters of their rights to influence their representatives on whether to take the nation to war.⁴⁹⁹ Chief Justice Earl Warren wrote in Reynolds: [T]he Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. . . . It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, and to have their votes counted. . . . Racially based gerrymandering, and the conducting of white primaries, both of which result in denying to some citizens their right to vote, have been held to be constitutionally impermissible. And history has seen a continuing expansion of the scope of the right of suffrage in this country. The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.⁵⁰⁰ The AUMF that disregards the constitutional duty of Congress to declare war, coupled with the opportunity for legislators to evade their responsibility to the voters, is precisely a danger to the debasement of the right of suffrage described by Chief Justice Warren. The AUMF neatly removes an obligation that the founders

had assigned to Congress so that the public could make their views on going to war felt by their representatives. The enhanced power of the President as political leader, noted sixty-five years ago by Justice Jackson, may influence legislators to hew the —party line,¹ rather than the interest of their constituents.⁵⁰¹ It is time for the courts to honor the Constitution without hiding behind the political question doctrine. The AUMF eliminates the citizen’s opportunity to advise, reward or punish legislators depending on how they vote on declaring war, a right the Constitution confers on citizens. This right ultimately involves life or death, as important as the budgetary rights involved in *Clinton v. New York*,⁵⁰² the individual rights of a person subject to deportation in *INS v. Chadha*,⁵⁰³ and the right to own a gun for self defense at home in *District of Columbia v. Heller*.⁵⁰⁴ It meets all the criteria of a —fundamental right.¹ In Chief Justice Rehnquist’s terms, it is —objectively, deeply rooted in this Nation’s history and tradition,¹ and is —implicit in the concept of ordered liberty,¹ such that —neither liberty nor justice would exist if they were sacrificed.¹⁵⁰⁵ The Declare War Clause on its face and from the history of June 1 creates a mandatory process for the decision to go to war.⁵⁰⁶ The statutory AUMF is inconsistent with that process. Therefore, it violates both Article I, Section 8 and the Fifth Amendment. Congress and the President could resolve the —declaration of war issue by adopting a limited authorization for the use of force in the manner suggested in *Bas v. Tingy*. Other formulas may fit as well or better. The key is to make sure that the decision is made by Congress—and by no one else. The AUMF is exactly what Congress and the President might have achieved under one of Madison’s withdrawn proposals on June 1, 1787. Charles Pinckney led the Convention to reject the idea that Presidents might declare war, or permit Congress to authorize the President to take the nation to war.⁵⁰⁷ This rejection should carry the AUMF down with it. Pinckney’s struggle to —keep a republic on June 1, 1787 should be recognized as a major contribution to the making of America. The fact that June 1, 1787 has been ignored for so long and by so many federal courts of appeals does not matter. The Constitution cannot be amended by the actions of the President and Congress.⁵⁰⁸ The Supreme Court has the flexibility to reject the opinions of courts of appeals when the matter comes before it.⁵⁰⁹ CONCLUSION We have placed a heavy burden on June 1-4, 1787 to correct the errors of a dozen courts of appeals that have convinced each other that the power of Congress to —declare war really means the opposite of what it says—that the Framers intended to share these powers between Congress and the President. This supposed —sharing¹ of —joint¹ powers has produced two of America’s most damaging wars, killed more than 60,000 Americans and uncounted others, and piled an enormous debt on the United States with no visible gain to the country. We cannot prove that these two disasters would not have happened if Congress had taken the responsibility that June 1 imposed on its members. But there is one modest glimmer of hope in the otherwise tragic story of politics, law and war that has permeated this article. On September 12, 2001, when the President of the United States asked for the authority to —deter and pre-empt any future acts of terrorism and aggression against the United States,¹ something very important happened both in the Capitol and the White House.⁵¹⁰ Facing the enormous pressure that the 9/11 atrocities generated to give the President unlimited authority to protect the nation, members of Congress and their staffs resisted turning the entire war power over to the President. They forced changes to limit the presidential —blank check¹ demands as a response to 9/11.⁵¹¹ Weak as they proved to be the following year in adopting the AUMF against Iraq, they did manage to confine the President’s claim to unlimited power, in the immediate impact of the 9/11 carnage. The Congress must decide whether to take military action against an enemy even if we are faced with a —sudden attack¹ and the President has responded with military force. Most of the information on which Congress will rely will come from the President.⁵¹² The 9/11 Resolution was rushed through the House and Senate by September 14. The Senate voted 98-0; and the House acted later in the day.⁵¹³ The Gulf of Tonkin Resolution was passed by Congress on August 7, 1964 based on incidents that may have occurred on August 2 and 4.⁵¹⁴ In both situations the Congress was put under extraordinary pressure by the President that precluded careful consideration.⁵¹⁵ One lesson from these two experiences is clear: Congress must carefully evaluate its response to a President’s claims of serious attacks on the United States. Professor Phillip Bobbit has focused on the difficulties of assigning —blame¹ for a terrorist attack from an uncertain source, and the dangerous consequences of a rush to judgment.⁵¹⁶ An attack against our water supply, electrical grid, or the transportation system, where the perpetrators plant phony evidence that the plot originated in Russia, China, or Iran could lead us to a nuclear response that would —bomb us all into the stone age. This would suit only those who believe that western civilization is an abomination. Congress must be alert to determine what actions a President plans to take after a —terrorist incident¹ against the United States, and satisfy itself and the public that the President has not —rushed to judgment¹ about the culprits and their backers. The President’s claim that time is of the essence, is rarely the case. In connection with the Second Iraq War, the President pressured Congress to act favorably just before the bi-annual election in 2002, then waited five months to commence hostilities. The Gulf of Tonkin Resolution was rushed through on flimsy evidence in August, 1964. Johnson

had no intention of using it until after the presidential elections in November, so he could run for election on a policy of keeping our boys out of Vietnam.⁵¹⁷ After his victory, he made the decision to deploy more than half a million troops to Vietnam. Congress should gird itself for negotiations with the White House and for serious reviews of the facts, rather than the meaningless speechmaking that accompanied the 2002 AUMF against Iraq or the worry about the political consequences of a serious review of the Gulf of Tonkin Resolution. Congress has a problem of resources.⁵¹⁸ The presidential staff consists of thousands of professionals in the Departments of Justice, Defense, State and the Intelligence agencies.⁵¹⁹ Congress needs a stand-by committee of experts on both war and diplomacy to evaluate proposals for military action.⁵²⁰ While we believe that Presidents and Congresses will continue to rely on the AUMF because it simplifies life at both ends of Pennsylvania Avenue, we also believe that the AUMF has served the nation so badly that we cannot continue to rely on the Vietnam War cases. Congress may reform itself, but at the moment, hope lies with a judiciary that may yet absorb the significance of June 1, 1787. There are other views on how to remedy the ineffectiveness of the Declare War Clause. Political Science Professor Peter Irons concludes that only a —slow, incremental grassroots activism that marked the civil rights movement in its struggle against Jim Crow laws can bring Congress to comply with the Constitution.⁵²¹ Prolific analyst Louis Fisher concludes that a reform in education of the young to understand the limits of presidential power can lay a foundation for a change in perceptions concerning the balance of powers between the President and Congress, and that legislators should —participate in the daily grind of overseeing administration policies, passing judgment on them, and behaving as a coequal, independent branch.⁵²² We believe that the judgment of Congress must be brought to bear on the issue of war, and that this cannot be accomplished alone through patient evolutionary processes or in a willingness of Congress to reform itself.⁵²³ It is high time for the judiciary—which has stumbled badly—to recognize that the world is as hazardous today as in 1787-88, and that the dangers of personal and political ambition are magnified by modern politics and technology. The original understanding of the Constitution will serve us better than the system that brought us the Vietnam War and the war in Iraq. The appropriate remedy is a declaratory judgment, making clear that members of Congress must take personal responsibility for commencing war, as the nation was promised in 1787.

AT: Bitcoin DA

No link-Terrorists don't use bitcoin

Terrorist groups won't use bitcoin

Beckhusen 14 Managing editor of Medium (Robert, "Bitcoins Kind of Suck at Funding Terrorism", War is Boring, 11/16/2014, <https://medium.com/war-is-boring/bitcoins-kind-of-suck-at-funding-terrorism-9c46eece93e5>)

It's a recurring narrative in stories about Bitcoin and other digital crypto-currencies. Terrorists are out there waiting, ready to descend on the promise of limitless and untraceable financing for attacks. In a fit of panic, governments institute strict regulations on the nascent currencies. In other words, it's a Bitcoin enthusiast's worst nightmare. There's a grain of truth in this story. It's certainly true that terrorists—like those affiliated with Islamic State—are looking at crypto-currencies as a means to move money without spies and law enforcement agencies tracking them. But as a widespread way to circumvent currency controls, it's not really taking off. That's according to a new report by CTC Sentinel, West Point's counter-terror journal. Even as terror groups like Islamic State become more sophisticated—and even as they begin to use crypto-currencies more often—it's still likely to be a marginal source of financing, at best. "While these tools have gained in popularity, in recent years their expansion into various terrorist organizations has been slow and deliberate and has not matched pace with transnational criminal uses of these same technologies," states Aaron Brantly, the report's author and a professor of cybersecurity at the United States Military Academy at West Point. The crux of the problem for Islamic State is that these currencies are really not as anonymous as popularly assumed. They're the opposite of anonymous, in at least one important respect. Currencies like Bitcoin rely on openly sharing all transaction information across the entire network. Everyone can see the entire history of transactions involving the currency. This has several advantages. For one, this builds trust by showing that currency flowing from one place to another is in fact doing just that. Also, the history makes it harder to pull off a scam, like simultaneously paying for two different things—from two owners—with the same Bitcoin and stiffing one or both. What's anonymous is where the money is coming from and where it's going, except for an address—tied to one or more private keys—which the sender can reconfigure after every transaction. That's just enough for sleuths to potentially pinpoint your identity. Even better is that spies have the entire transaction history at their fingertips. "Novice users could provide a point of origin for intelligence and law enforcement agencies to begin work on deconstructing a terrorist finance network," Brantly states. "Specifically, the more transactions made to a single or set of public keys, the less likely it is that the parties involved will maintain anonymity in a distributed funding or donation network." A terror group would have to be highly disciplined to make this work. There are some tools out there—Dark Wallet and Bitcoin Fog are two of them—that are trying to make it easier to hide one's identity by further scrambling addresses or burying them behind the Tor private network. But even one screw-up could expose a whole terror-financing structure to prying eyes. Another thing is that terrorists happen to really like hard cash. And Bitcoin won't pay for most of the practical, everyday necessities that come with building an Islamic caliphate and financing a multi-sided war. "It is possible that as the technical capacity of these organizations increases, their use of digital currencies will also increase," Brantly writes. "This increase is likely to be small, however, in relation to overall terror financing through other channels such as hawala, kidnapping, front companies, narcotics sales, oil sales, and many more," he adds. To be sure, crypto-currencies have a lot of support among libertarians and anarchists who see it as a means of weakening state controls over how people spend their money. But Islamic State is in the state-building business. Islamic State even announced this month it's creating its own money made out of looted gold, silver and copper. But whether the jihadists have the ability to manufacture and distribute it is another question, let alone whether anyone would be willing to trade with it. Now can we expect the same group to build an economy on Bitcoins? Not in this world. Let's also see how they react to some huge market crashes.

Bitcoin will not finance terrorists

Delaney 14 - Masters in Public Administration, Bachelors in Management (P.J., "Will Bitcoin Be Used To Fund Terrorism?", CryptoCoin News, 8/13/2014, <https://www.cryptocoinsnews.com/bitcoin-supporting-fighting-terrorism/>)

One of the charges that has been levied against Bitcoin is that it is involved in the funding of terrorism. In the current media, such a charge is highly damaging, but is it entirely without foundation? In an article titled "'Bitcoin and the Charity of Violent Physical Struggle,' supporters of the Islamic State of Iraq and Syria (ISIS) called for terrorism-supporters around the world to fund a global jihadist campaign by using Bitcoin. The blog advises ISIS on how Bitcoin can facilitate the anonymous transfer that suit the needs of an army in jihad. However, the pro-ISIS blog that suggested the funding move did not take the time to consider if Bitcoin was Sharia compliant, something more hardcore Islamic fundamentalists will undoubtedly want to consider. The pro-ISIS blogpost stokes fears around the world that Bitcoin will be used for terrorist funding, though it is just a suggestion and ISIS is not currently accepting Bitcoin donations at all. In February this year, the Canadian Government warned that Bitcoin could be used as a means of funding terrorism. Indeed, last May, the US Government's Combating Terrorism Technical Support Office stated that there was a level of concern that: "The introduction of virtual currency will likely shape threat finance by increasing the opaqueness, transactional velocity, and overall efficiencies of terrorist attacks." The article, Bitcoin and the Charity of Violent physical struggle, advocates the encryption of transactions by the means of Dark Wallet, Thus making it harder for state agencies fighting terrorism to track the transactions. The post later goes on to explain that: "This allows our brothers stuck outside of the ardh Dawlatul-Islam to avoid government taxes along with secretly fund the Mujahideen with no legal danger upon them." It then goes on to remind Muslims of their need to give to charity, and then seeks to draw a similarity between this sunnah and funding terrorism. "This system has the potential to revive the lost sunnah of donating to the Mujahideen, it is simple, easy, and we ask Allah to hasten its usage for us." So, what does this mean for Bitcoin? Not what you might think! Let us look, for a moment, at where terror groups receive funding and why they are facilitated to operate. Let me then suggest that one solution to funding of terrorism may well turn out to be Bitcoin. One of the main weapons used to combat terrorism is the targeting of finance. Terrorists with modern weapons are far more effective, particularly in poorer countries, than uneducated and poorly funded fighters. It must be stated that one of the main sources of funding for terrorists is... governments! The late Colonel Gadaffi used massive amounts of Libyan oil money to fund many organisations, including, The Black Panther Party, Nation of Islam, Tupamaros, 19th of April Movement and Sandinista National Liberation Front in the Americas, the ANC among others in Africa, the Provisional Irish Republican Army, Action Directe, ETA, the Red Brigades, and the Red Army Faction in Europe, and the Armenian Secret Army, Japanese Red Army, Free Aceh Movement, and Moro National Liberation Front in Asia. Joseph Stalin funded the North Korean Army, he also provided Adolf Hitler with significant funds in the early days of the Nazi party. The use of terror as a method of control within the USSR must also not be underestimated. Stalin had a policy of funding Communist Party activities throughout the world, something that Chinese communist also emulated over the decades. When the USSR invaded Afghanistan the American CIA trained and armed the Taliban, facilitating them to carry out a campaign against the Soviet army. It is undoubtedly, not the only terror group that the US has, on various occasions, assisted throughout the world. There is indeed a fine line between freedom fighter and terrorist; it is often simply a matter of perspective. But, what have all of the above examples got in common? Well, for one thing, most of the organizations have been either stood down or defeated. One other they all have in common is that all of the above examples happened before Bitcoin, the funding they received was in the form of bullion, local currencies, arms and/or training. We know that the organizations were funded because of admissions made. Bitcoin can indeed be used to fund terrorism, but there will be a path; the path may well be encrypted, but there will still be a path. It is this writer's opinion that Bitcoin will present tools that the state may well choose to use to track terrorist funding. There is, of course, another matter to be considered. Many financial services providers allow workers to send home money. From London to certain African countries can cost as much as 12.5%. For an economic migrant, sending a portion of their wages home, this is almost criminal. Bitcoin allows almost free money transfers. Not all criminals wear masks, many wear suits. If ISIS is looking at Bitcoin as a means of funding terrorist activity, they are looking at Bitcoin in the same way that Western Union and Visa are looking at it. ISIS is looking for funding and in this it has nothing to hide, doesn't need to hide its interest for fear of commercial sensitivities. I have, over the years, visited several mosques including the very beautiful Blue Mosque in Istanbul. I was made feel welcome. I have also visited synagogues, I again felt welcome. Terrorism is not a matter of religion. It is a matter of power. The powerful must never be allowed to target the weak as a means to achieve their own objectives.

Link Turn

The more terrorists use bitcoin, the easier they become to catch

Brantly 14-Assistant Professor of International Relations and Cybersecurity in the Department of Social Sciences, Cyber Policy Fellow at the Army Cyber Institute, and Cyber Policy Fellow at the Combating Terrorism Center at the United States Military Academy at West Point [Aaron, "Financing Terror Bit by Bit," Combating Terrorism Center, 10/31/2014, <https://www.ctc.usma.edu/posts/financing-terror-bit-by-bit>, DKP]

While novice participation in Bitcoin is relatively straightforward, the maintenance of high levels of anonymity on Bitcoin requires substantial effort and technical skill. Amateur jihadist use of Bitcoin poses a technical problem for the widespread use of Bitcoin by terrorist organizations. The amateur (non-anonymous) use of Bitcoin by a participant in a network can reduce the anonymity of all network transactions. Novice users could provide a point of origin for intelligence and law enforcement agencies to begin work on deconstructing a terrorist finance network. Specifically, the more transactions made to a single or set of public keys, the less likely it is that the parties involved will maintain anonymity in a distributed funding or donation network. Unless terrorist organizations can sufficiently educate all members that use crypto currencies to do so at a very high level, the use of these networks may leave the overall organization vulnerable.

Soft Power



Info Rev k2 Soft Power

The information revolution is the biggest internal link to soft power—controlling spin is key

Nye 14-University Distinguished Service Professor, and former Dean of the Harvard's Kennedy School of Government, PhD in Political Science @ Harvard, Rhodes Scholar from Oxford University [Joseph, "The Information Revolution and Soft Power," Current History 113(759): 19-22, http://dash.harvard.edu/bitstream/handle/1/11738398/Nye-InformationRevolution.pdf?sequence=1_DKP]

One of the notable trends of the past century that is likely to continue to strongly influence global politics in this century is the current information revolution. And with it comes an increase in the role of soft power – the ability to obtain preferred outcomes by attraction and persuasion rather than coercion and payment. Information revolutions are not new – one can think back to the dramatic effects of Gutenberg's printing press in the 16th century – but the current information revolution is changing the nature of power and increasing its diffusion. The current information revolution, sometimes called "the third industrial revolution," is based on rapid technological advances in computers and communications that in turn have led to dramatic decreases in the cost of creating, processing and transmitting, and searching for information. One could date the current information revolution from Moore's Law in the 1960s -- the capacity to double the number of transistors on a computer chip every 18 months. As a result, computing power doubled every couple of years, and by the beginning of the twenty-first century it cost one-thousandth of what it did in the early 1970s. In 1993, there were about 50 websites in the world; by 2000, that number surpassed 5 million. Today, about a third of the world population is online; by 2020 that is projected to grow to 60 percent or five billion people, many connected with multiple devices. The key characteristic of this information revolution is not the speed of communications between the wealthy and powerful: for a century and a half instantaneous communication by telegraph has been possible between Europe and North America. The crucial change is the enormous reduction in the cost of transmitting information. If the price of an automobile had declined as rapidly as the price of computing power, one could buy a car for \$10-15. When the price of a technology declines so rapidly, it becomes readily accessible and the barriers to entry are reduced. For all practical purposes, transmission costs have become negligible; hence the amount of information that can be transmitted worldwide is effectively infinite. In the middle of the twentieth century, people feared that the computers and communications of the current information revolution would create the central governmental control dramatized in George Orwell's dystopian novel 1984. Instead, as computing power has decreased in cost and computers have shrunk to the size of smart phones and other portable devices, their decentralizing effects have outweighed their centralizing effects. Power over information is much more widely distributed today than even a few decades ago. Information can often provide a key power resource, and more people have access to more information than ever before. As I describe in The Future of Power, this has led to a diffusion of power away from governments to non-state actors ranging from large corporations to non-profits to informal ad hoc groups.

This does not mean the end of the nation-state. Governments will remain the most powerful actors on the global stage, but the stage will become more crowded. And many of those other actors will compete effectively in the realm of soft power. The increasingly important cyber domain provides a good example. A powerful navy is important in controlling sea lanes; it does not provide much help on the internet. The historian A.J.P. Taylor wrote that in 19th century Europe, the mark of a great power was the ability to prevail in war, but as John Arquilla notes, in today's global information age, victory may sometimes depend not on whose army wins, but on whose story wins.

A2-Hard Power Outweighs

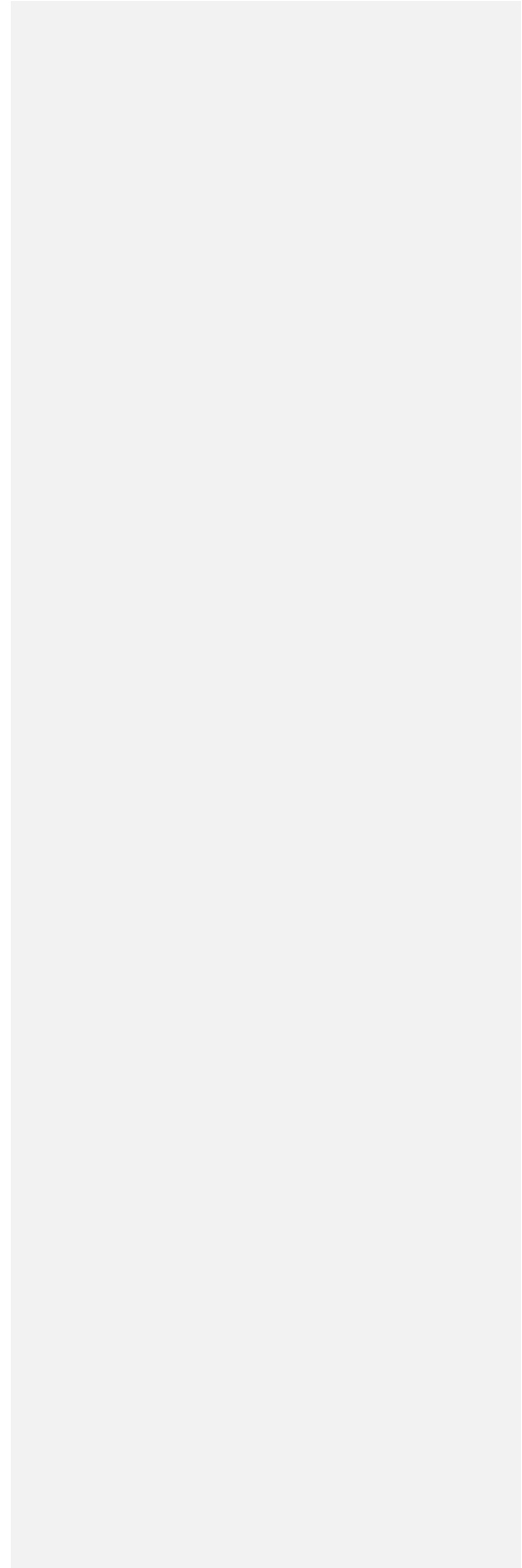
Even if hard power outweighs, soft power is crucial to ensuring effectiveness and sustainability—empirics

Burnett 15 - the editor of The World Tonight, a BBC News program [Alistair, "China, Russia and the US Juggle Soft and Hard Power," YaleGlobal Online, 1/8/2015, <http://yaleglobal.yale.edu/content/china-russia-and-us-juggle-soft-and-hard-power>, DKP]

LONDON: This year has seen marked resurgence in the use of hard power by states in pursuit of national interests. The US return to military action in Iraq and direct intervention in Syria, Russia's annexation of Crimea and destabilization of eastern Ukraine and China's assertion of its territorial claims in the East and South China seas are just three examples of major powers turning to force and coercion to achieve strategic aims. Yet, not so long ago, talk in diplomatic, academic and journalistic circles focused on the growing importance of soft power in international relations. In recent years, governments consider how to boost soft power, investing heavily in tools like international broadcasting and cultural institutes to win friends abroad. China has spent billions expanding China Central TV's broadcasts in English and other languages and opening 450 Confucius Institutes around the world teaching Chinese language and culture. It has even invested in trying to create global pop star Jia Ruhua. Russia has expanded its international TV news station, RT. The US continues to fund international broadcasting started during the Cold War. These are all efforts to influence the views of people in other countries, winning them over to a way of thinking so they will pressure their governments – even in authoritarian states – to fall into line with new policies. The US is considered the world leader in soft and hard power, and there's no doubt American culture is attractive to many around the world – consider the numbers wanting to migrate there and who wear baseball caps, eat American-style fast food, listen to American music and watch Hollywood movies. Much of the global attractiveness of the US has little to do with its government, and photographs of anti-American protesters in the Middle East in jeans and T-shirts demonstrate how it's possible to like American culture and dislike Washington's policies. The US is considered a leader in soft and hard power... its culture is attractive to many around the world. But while the US has accumulated a lot of this soft power without having to spend a cent, relying instead on the sheer attractiveness of American society, the government still takes steps to manipulate attitudes. One little publicized effort is how the Pentagon influences its on-screen image through its film liaison office which can save Hollywood producers millions in special effects by providing hardware and personnel on approved scripts. But do events of the past year suggest that in a world where the global balance of power is shifting and countries really want their own way, they turn to old-fashioned hard power? Harvard Professor Joe Nye who coined the term "soft power" argues it is not a binary choice. He developed on his original definition of power by identifying a third way states could convince others to do what they wanted – with "smart power" – basically wielding a mix of hard and soft power. Looking at how the United States, Russia and China have conducted themselves through this lens shows all three are trying – with varying levels of success – to use smart power. Before using military force in Iraq and Syria against Islamic State, the Obama administration utilized soft power to maximize impact of the use of its hard power. Washington was keen that its intervention was not seen as unilateral action by aggressive Christian states against Muslims, so it portrayed IS as an enemy of fellow Muslims. Washington also emphasizes it intervenes in Iraq at the invitation of Baghdad and has been successful in building a coalition including leading Sunni Arab states to carry out airstrikes in Syria. So far the campaign has slowed IS down. Events of the past year may suggest that countries are turning to hard power as the global balance of power shifts. In Ukraine, Russia's campaign to take Crimea and destabilize the eastern part of the country has been called hybrid warfare because of its mix of diplomacy. TV and social media propaganda about the threat to Russian speakers from Ukrainian nationalists, and use of irregular and disguised forces designed for ambiguity long enough to achieve Russian objectives. In the case of Crimea, annexed with little fighting, acute observers of Russian policy see this as an effective use of smart power. Stalemate in eastern Ukraine suggests it may be less effective there. Beijing's attempt to use smart power has met with mixed results. In the South China Sea, China claims waters also claimed by the Philippines, Vietnam, Malaysia, Brunei and Taiwan. It has spent recent years reassuring neighbors it's not a threat despite its growing economic and military strength. But, earlier this year, China sent an oil exploration vessel into an area Vietnam also claims leading to clashes between Chinese and Vietnamese ships. Tensions with the Philippines emerged after Chinese ships tried to block Filipino efforts to resupply a garrison of marines on a disputed atoll. The result was anti-Chinese riots in Vietnam, diplomatic protests by the Philippines, and both countries establishing closer military ties with the United States. Attractiveness is a result of complex interplay of what a country can offer and how the offer is perceived. The long-term effectiveness of the return to hard power is probably more dependent on the military and economic strength of the United States, Russia and China than their international image. Russia will probably hang on to Crimea because Ukraine is the weaker state and shows no real appetite to get it back. China's economic preponderance in the South China Sea region

means its neighbors, while not rolling over, will probably meet it more than halfway in the resolving the maritime disputes. The US battle with what's now called IS really goes back to the 2003 Iraq invasion which allowed jihadis to get a foothold in the country by presenting themselves as the resistance to infidel invaders. The extremists extended their power to western Iraq and Syria after 2011 when the Syrian civil war broke out and US troops left Iraq. Ultimately, defeating IS depends on a political solution in Syria and an Iraqi government truly inclusive of Sunnis as well as Shias and Kurds. In all these cases though, soft power is being deployed in subtle ways to attract support by trying to “shape the narrative” by portraying rivals and enemies as acting outside shared global norms and values. The United States claims to defend Muslims from the Islamic extremism; Russia says it defends Russian-speakers from Ukrainian nationalists; and China describes itself as a rising, but peace-loving nation. The success of these attempts depends not just on the language and imagery used by officials, but also on whether the media and other opinion-formers adopt similar language and imagery. Wielding soft and smart power is also complicated because one country's attractiveness to another is a result of a complex interplay of what a country has to offer and how the offer is perceived. For instance, the United States has appeal in a country like Burma, because many people there want democratic elections and free speech after decades of repression, while many Pakistanis dislike the United States, regarding it as a country that doesn't respect their sovereignty while also killing many of citizens in its anti-terror operations.

Soft Power Bad



Sift Power Fails-Generic

Soft Power fails-doesn't affect competing ideologies

Shah, 11-19-2014-BBC Journalist [Ritula, "Is US monopoly on the use of soft power at an end?" BBC News, <http://www.bbc.com/news/world-29536648>]

¶ But the limits of soft power are also apparent everywhere. ¶ If you look back across the period since the end of the Cold War, the US has actually deployed rather a lot of "hard power" around the world; two wars in Iraq, Bosnia, Kosovo and Afghanistan and the current airstrikes in Iraq and Syria, to name a few and not to mention the use of drones. ¶ In all these cases, soft power wasn't enough to avert a conflict or military intervention. ¶ Also, as Prof Nye concedes, soft power can only work when people are receptive to the messages it's peddling. ¶ So the movies may help to spread a US vision of what a free, democratic life might look like, but only if the people watching, recognise the importance of those values to them. ¶ It seems unlikely that the violent jihadists of Islamic State will be persuaded to abandon their anti-Western vision. ¶ But despite its brutal hard power approach to spreading its ideology through war, IS isn't averse to also exploiting soft power tactics, like using social media to disseminate their uncompromising views. ¶ In fact it may be that the distinction between "hard" and "soft" power may be morphing into a new concept put forward by Prof Nye, that of "smart power". ¶ He points to the World War Two as an example: the enemy was defeated with hard power but then brought back into the fold with the creation of institutions and alliances (soft power) which have lasted until now. ¶ A similar case is made by some in relation to IS in Iraq and Syria. Former US Assistant Secretary of State PJ Crowley argues that while military power can degrade IS, it can't defeat or destroy the ideology behind it. ¶ He says that will take soft power - although once again, that raises the question of whether you can successfully deploy soft power against an ideology which actively rejects Western values and ideas.

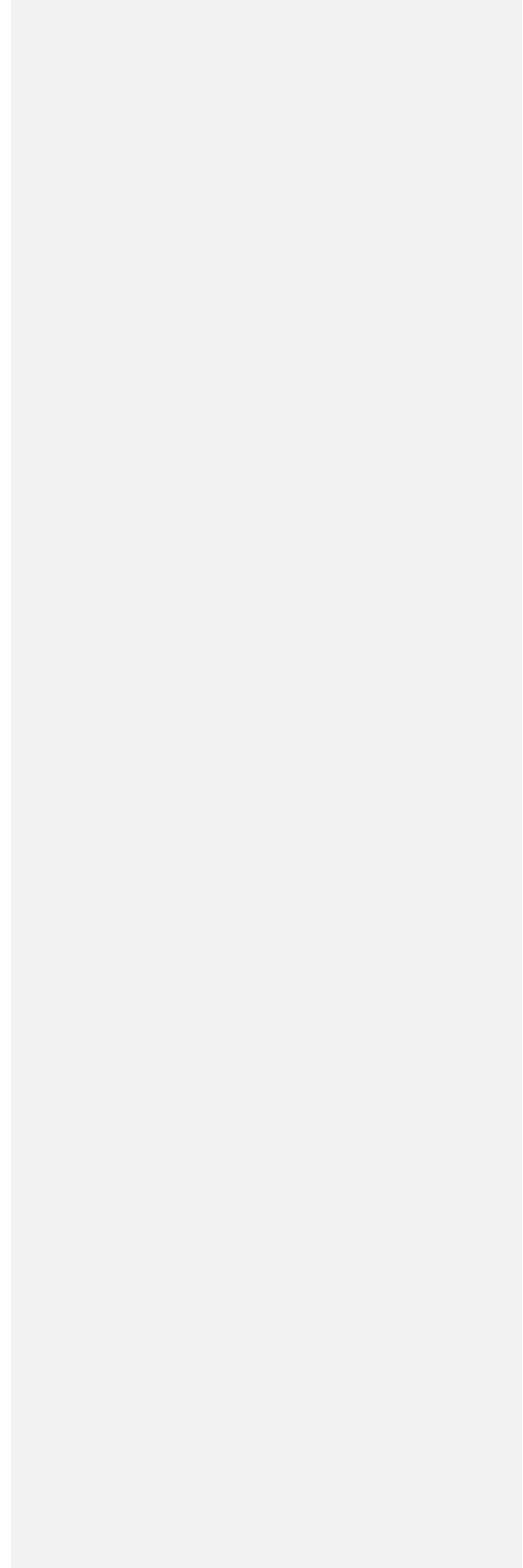
Soft Power → Terrorism and Instability

Soft power is a fantasy—diplomacy and dialogue just embolden aggression, terrorism, civil strife and armed conflict

McParland, 9-29-2014 [Kelly, staff writer @ the National Post, "Kelly McParland: Obama's about-face blows a hole in soft power's fantasy world," National Post, <http://news.nationalpost.com/full-comment/kelly-mcparland-obamas-about-face-blows-a-hole-in-soft-powers-fantasy-world>

President Barack Obama sudden about-face at last week's high-profile UN gathering has only exacerbated the difficulty "progressives" have in sorting out how to bring order to the world. Mr. Obama came to office preaching one approach — dialogue, diplomacy, co-operation, brotherhood — and it didn't work. Now he's trying bombs. For "progressives" it's a cruel blow. They approve of dialogue, diplomacy, co-operation and brotherhood. Mr. Obama won a Nobel peace prize for just talking about his plan. Now he's throwing it away, after six years of defending his reluctance to deploy U.S. power. His supporters — a dwindling crowd to begin with — are left holding an idealistic theory no one wants to claim. Mr. Obama's reversal was comprehensive. In his campaign for the White House, and his early years as President, he preached a new role for the U.S., one of greater respect and support for international institutions, increased co-operation and reliance on allies, an emphasis on dialogue in place of confrontation, and an extreme reluctance to commit U.S. military forces in any but the most self-evident of situations. The net result has been dismal. Mr. Obama succeeded in withdrawing U.S. troops from the two wars he inherited from George W. Bush, only to witness a sharp expansion of chaos in the Middle East. After six years in office, no one can claim he's made the world a safer or more rational place. Egypt has a new military ruler, just like the old one. Israel is still defending itself from missiles fired by terrorists who hide among civilians. Syria has been torn by civil war, Iraq is in disarray, and a new blood-crazed super-terrorism has arisen in the form of the Islamic State. The situation is so dire Mr. Obama was finally forced by public opinion to abandon the last vestiges of his isolationist instincts and head to the UN in search of allies to help pound ISIS into the footnotes of history. In doing so he has aped Mr. Bush in cobbling together an international alliance of supporting nations. The two men came at the task from different directions: Mr. Bush simply wanted a crowd of cheerleaders to provide cover for a U.S. war. Mr. Obama is motivated more by a belief that countries have a duty to protect their own before asking the U.S. to spend lives doing it for them. But the net result is the same: the U.S. will do the heavy lifting while Arab states clap quietly from the sidelines and contribute as little as they can get away with. It all makes it difficult for "progressives" to continue arguing that dialogue and quiet diplomacy are the preferred role for a country like Canada. One of the favoured myths of Canadian liberals is that Canada's natural role is that of honest broker, a nation of blue-helmeted peacekeepers who can be counted on to pursue the peaceful path between belligerents intent on war. It's more fantasy than reality, but it's dear to the heart of those who insist the Conservatives have frittered it away by taking sides and choosing between right and wrong. The late Jack Layton maintained western powers should be talking to the Taliban rather than simply dropping bombs on its caves. His successor Thomas Mulcair refuses to give NDP support to the limited co-operation Ottawa has pledged to the U.S.-led mission. Liberal leader Justin Trudeau is typically trying to play both sides of the fence, supporting the battle against ISIS in principle while hedging the Liberal position with caveats just in case things go wrong. Mr. Obama's reversal is not the only blow to the cause of soft power. The UN, the international institution "progressives" love best, has proven wholly ineffective in dealing with any of the ongoing crises: in Ukraine, in Syria, in Iraq, in Africa. Secretary General Ban Ki-moon opened last week's UN gathering by noting that "Not since the end of the Second World War have there been so many refugees, displaced people and asylum seekers." As with Mr. Bush's invasion, the UN's main contribution to the ISIS crisis has been to breath a sigh of relief and offer the Security Council's blessing to Mr. Obama's change of heart. In trying to rework the U.S. role as global policeman, Mr. Obama has mainly demonstrated that other countries have no Plan B: if the U.S. doesn't want the job, they're not about to take it upon themselves. Europe and NATO have shown themselves to be empty vessels. NATO can't even get agree to beef up its presence on the borders of Vladimir Putin's Russia, other than some token "rapid action" installations to shake their fist should Mr. Putin continue his aggression. Turkey, NATO's only Muslim member, continues to allow oil shipments that help finance the ISIS campaign. The European Union has spent most of its time wishing the Americans would get more involved. So the UN, dialogue, diplomacy and Mr. Obama's six years of trying have all failed to produce the kinder, gentler international relations that "progressives" argue is the desired path for the world, and the one Canada should be following. And while Mr. Obama used his address to the General Assembly to launch yet another argument on behalf of the policies that have failed so miserably to date, his immediate priority is rounding up friends with fighter jets and ground troops who can help wipe out the scourge that has grown in the absence of effective force.

ICANN BAD



ICANN Kills US-EU Relations

ICANN hurts US-EU relations and emboldens aggressive cybersecurity policy

Barbière 13-MA in Strategy, Public Political Decision making @ the Institut Supérieur de Management Public et Politique [Cécile, "EU challenges US hegemony in global internet governance," EurActiv, 1/8/2015, <http://www.euractiv.com/infosociety/eu-challenges-us-hegemony-global-news-532137>, DKP]

French lawmakers, supported by the EU's Digital Agenda Commissioner Neelie Kroes, are pressing the European Union to stand up more firmly against American domination in cyberspace. 33 French MPs launched an information mission on 3 December to explore the EU's role on the global governance of the Internet. "The European Union is not present enough in the different international fora on Internet governance although the future of the Internet is a significant challenge," said Catherine Morin-Desailly, vice-president of the EU Affairs Committee in the French Senate. She urged French and EU authorities alike to "truly take over the international digital challenges". "Only the EU has the necessary power to influence this new cyberspace where the USA dominates," she added. US hegemony The MPs' concerns stem largely from the massive and illegal wiretapping done by the Americans which were revealed by whistleblower Edward Snowden. America's digital hegemony is obvious in the influence it exerts over the Internet Corporation for Assigned Names and Numbers (ICANN), the body which deals with the attribution of domain names worldwide. The issue of attribution of domain names is becoming more sensitive in Europe and globally. Aside from the traditional extensions like .com or .fr, since 2011, ICANN has allowed more specific ones such as .paris or .vin. While there was no problem about the .paris attributed to the City of Paris, the .vin or .wine extensions are much coveted by three different companies specialised in the auctioning of domain names. The problem is that ICANN has no established rules to limit the speculation on domain names, or to protect the commercial use of winemaking geographical indications, which has angered winemakers. "It's not normal that ICANN is the only one to decide. Governments and the EU should have the same power, rather than just give simple recommendations, as is the case now", claims Pascal Bobiller-Monnet, the director of the French confederation of winemakers and alcohol producers with controlled designation of origin. Commission letter to ICANN The European Commission has already sent a letter to ICANN and the Commissioner in charge of digital issues, Neelie Kroes, requested ICANN to wait for a compromise which will protect geographical indications before attributing the names. "Our position is firm: in no case can we accept .vin and .wine extensions on the Internet if the rights and interests of the geographical indications and those of the consumers are protected," Kroes wrote. But for now, both sides remain at loggerheads. Inside the Governmental Advisory Committee (GAC) of the ICANN, countries are split in two groups. On one side, the US, New Zealand and Australia are opposed to framing the process. On the other 34 members including the EU, Latin America and French speaking African countries are in favour of it. The European Commission firmly stands on its position over the domain names and on the issue of governance imposed by ICANN. "For the Commission, the Internet governance issue is open," Pascal Bobiller-Monnet assures. "The current debate over .vin and .wine extensions also opens questions about the decision making process within the GAC," the EU Commissioner wrote in another letter from 28 October. Brussels is not alone in its battle against the American hegemony at ICANN. Countries like China and Russia are thinking about establishing their own regulation body.

ICANN Cap Link

Shifting ICANN globally only benefits the corporate elite—it encourages irrational buying and selling of domain names creating a speculative bubble that only benefit ICANN's corporate beneficiaries, expanding corporate exploitation

Harris 13 (Frederick, holds graduate degrees in philosophy, technology and law, his views are his own, PhD @ Univ of Toronto, 12/17/13, "Rewiring Internet Governance: U.S. Government Will Likely Be Forced to Jettison ICANN (Part 3)", http://www.circleid.com/posts/20131217_rewiring_internet_governance_us_likely_be_forced_to_jettison_icann/)[aps]

Is ICANN really "remarkably agile and successful? Is Internet actually under threat from some governments? Here's reality: **If Internet is tormented, the source of the threat is ICANN itself.** The latter ignored warnings from four separate senate and house committees, plus the Federal Trade Commission, and NTIA, to go slow; look out for the public interest; protect the Internet; cushion small business; try a "small pilot project" for subsequent evaluation before a large scale rollout. Instead of listening to Congress **ICANN took policy decisions that generated unwarranted complexity**, semantic gymnastics, related legal headaches, forthcoming land rushes, inevitable cybersquatting, unnecessary trademark controversies, **and avoidable predatory pricing**, the latter **which amounts to what economists call "asymmetrically dominated alternatives"**^(Ok et al, 2011). **In other words, economic domination by private interests that encourage less than rational buying, selling, trading, reselling and auctioning of domain names which are ethereal goods without a physical presence and where there is no U.S. legal consensus as to whether domains names are even real property to begin with.** What should reasonable people make of this? **ICANN resides in a Janus-like dream world where** its delusional agility and success in dealing with "burgeoning policy issues" actually amounts to the biggest policy boondoggle in the history of the Internet; and where **real world evidence shows itself in the double-talking promotions that are published on the web sites of ICANN's corporate beneficiaries.** Policy clearly reduces to Lowi's "who gets what"; but the problem runs deeper. The real politik behind ICANN's predicament stems from shifting political assessments about whether the rest of the world concurs with ICANN's ideology of the empire of business which blends into, and therefore corrupts, policy making. **If, as ICANN claims, a global and interoperable Internet is failing because of "emerging pressures", the stressors were created by ICANN** itself. Arguably the source stems from ICANN's "cognitive toolkit" (Kurbalija, 5th edition, Diplo Foundation) which in governance terms defies common sense. ICANN has done some things reasonably well, meaning security and steadiness of the root zone which in a technical sense supports internet governance. However, in ICANN's case stability and security are subordinate to its driving ambition to be king of the world insofar as "ruling the root" The result is "bad equilibrium" (Fukuyama, 2013) and policy perversity. **The practical effect of subordinating policy decisions to internal ideology is that bottom-up governance, however well meaning, contradicts political reality. When push comes to shove politics is about power. ICANN's narrative coupled with policy blunders that ignore political sensibility anticipate ICANN's sooner rather than later demise.** I will explain why that's a distinct possibility.

ICANN Fails

Internet fragmentation inevitable and ICANN only makes it worse

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That ICANN's policy actions contradict its implied and specific promises-of-performance is readily discerned. Consider the following: 1) ICANN's version of the "public interest" amounts to a world awash with privately run gTLDs, many of them from brand name entities that signal information silos controlled by big corporations. 2) ICANN's cognitive toolkit connected to an appetite for money that obviated applications from not-for-profits focused, for example, on world-wide hunger, in-country genocide, unspeakable poverty, rampant disease, or child mortality. 3) ICANN's clueless oblivion to the perceived cultural bias which obtains when the internet platform delivers technical virtuosity at the expensive of foreign political and cultural sensitivities. **All this speaks to the internet fragmentation that worries ICANN's** board, and with good reason. Its own policy blunders beg the larger question of the probable impacts of over extended ambition when politics on a large canvas confronts U.S. Congress and thus NTIA over root zone stability seriously impaired by incompetence. Sooner rather than later peer institutions may begin avoiding discredited ICANN. Foreign governments will likely begin demanding accountability. Congress might be compelled to discard ICANN which was precisely the outcome it sought to avoid. What is it about ICANN that warrants this?

Alt cause—Republicans will block the transition

Hill 14 (Jonah Force, MTS, MPP, is a technology and international affairs consultant and a Fellow of the Global Governance Futures (GGF 2025) program, 9/18/14, "No Guarantees on the ICANN Transition", <http://www.globalpolicyjournal.com/blog/18/09/2014/no-guarantees-icann-transition>)[aps]

The announcement of the transition, however, while supported internationally, was immediately met with sharp denunciations from the President's Republican opposition at home. The Republican resistance may derive from domestic political conflicts as much as an informed concern about the operability of the Internet, but many lawmakers and pundits have cited their fears that repressive governments, or even the United Nations (to their minds a proxy for authoritarian governments), could gain greater influence over the Internet as a result of the withdrawal, despite assurances to the contrary from the Administration.

For many Republicans and similarly-minded Obama critics, the ICANN transition is yet another example of the President's foreign policy capitulation to the demands of the international community. As former House of Representatives Speaker Newt Gingrich tweeted: "What is the global internet community that Obama wants to turn the Internet over to? This risks foreign dictatorships defining the Internet."

Republicans in the House of Representatives have not limited their opposition to speeches and social media. They have sought legislative action to prevent the President from following through with the planned transition.

Representative John Shimkus (R-IL) introduced a bill in April 2014, entitled the DOTCOM Act, that would, "...prohibit the National

Telecommunications and Information Administration from relinquishing responsibility over the Internet domain name system until the Comptroller General of the United States submits to Congress a report on the role of the NTIA with respect to such system.” The law would prohibit the Obama Administration from moving forward with the transition until Congress had received a report from the Government Accountability Office (also known as the Comptroller General) analyzing the implications of the transition plan.

In addition, Republicans have offered amendments to existing bills and spending authorizations to prevent the handover. Congressman Shimkus also introduced an amendment to the \$601 billion National Defense Authorization Act, the legislative authorization for U.S. military expenditures, which similarly would prohibit the transition. Congressman Sean Duffy (R-WI) added an amendment to the Commerce Justice and Science Appropriations bill that would cut the Commerce Department’s funding significantly if the withdrawal went through.

These bills and amendments have all been removed or voted down as part of negotiations between the two houses of the legislature, but other critics have even questioned whether the Department of Commerce even has the legal authority to withdraw from the contract with ICANN at all. L. Gordon Crovitz of the Wall Street Journal, an especially vocal opponent of the move, has highlighted a study from the Office of the General Counsel at the Government Accountability Office, which suggests that an ICANN transition may require a transfer of U.S. government property, an authority that the Department of Commerce may not have at its disposal. No legal action has been taken but that may be coming.

AT: Trafficking D.A

N/U-Can't Detect Drugs

Drug traffickers are turning to different types of drugs that security cant detect

BORYS 14- he writes for VICE Media, Inc., The Daily Beast, Black Hawk Digital and used to work at Shopify, Toronto Standard, New Alliance Media and got his education here Bitmaker Labs [Christian, "Drug Smuggling Is Getting a High Tech Makeover," motherboard/vice, 12/11/14, <http://motherboard.vice.com/read/drug-smuggling-is-getting-a-high-tech-makeover>, MHS]

Drug enforcement agents in America are constantly bewildered by the ingenuity of Sinaloa tools, like the firetruck sized drillers it used to tunnel into America. Yet, despite the effectiveness of expensive systems, drug traffickers have maintained a reliance on human drug mules—they're reinventing the age-old drug caravan. As researchers from the Journal of Forensic Science, Medicine and Pathology point out, "there are numerous and highly imaginative forms of smuggling, but one common method for illegal drug transport is intracorporeally in the gastrointestinal tract, usually by swallowing, and to a lesser extent, by rectal or vaginal insertion." There are two problems with this method of smuggling, however. The drug mule is forced to navigate, for one, through airports, the majority of which are heavily surveilled. And then the person smuggling the drugs is also highly susceptible to death if the drugs spill or leak inside their bodies, rendering the product unextractable. That's why cartels are increasingly turning to liquid cocaine. For narco traffickers, liquid cocaine is the future of drug trafficking. "Liquid cocaine is a novel method for smuggling drugs," said the same researchers. "Cocaine powder can be dissolved in a variety of solvents to produce a liquid form which allows later conversion back to powder. Liquid cocaine's radiologic properties are different than those of cocaine powder making it harder to detect on abdominal plain films." So hard to detect, in fact, that the packets of cocaine remain hidden to trained specialists. Unlike the powder form, the liquid packets have indistinct borders and can therefore resemble regular bowel content. That means a suspected drug mule would have to be processed all the way through to a CT scan in order to confirm the presence of cocaine. Airports don't exactly have CT scanners lying around, either. While they do have full body scanners, the level of detail from a full body scan doesn't give you the same thorough imaging a CT scan gives you. According to Dr. Andrew J. Einstein, director of cardiac CT research at Columbia University, those machines lack the sheer power of a CT scan. "A passenger would need to be scanned using a backscatter scanner, from both the front and the back, about 200,000 times to receive the amount of radiation equal to one typical CT scan," Einstein told me. One other enormous benefit of liquid cocaine is the ability to incorporate the substance into any other material, like clothing, or in one recent case, a very long hiking rope. The problem is so extensive that Bolivian government officials have even admitted to being wholly unable to detect the presence of liquid cocaine. Instead, the Bolivians are resorting to retraining airport agents to detect smugglers based on their appearance and behaviour. The problem is beginning to show itself stateside as well with U.S agents recently arresting a man at JFK airport who attempted to smuggle \$300,000 worth of liquid cocaine disguised as rum. Drug enforcement agents around the world will continue to face more and more of these attempts until surveillance systems capable of clear detection are built. The prospect of that however seems dim at this point in time and with the resources at their disposal, it's quite likely that the smugglers are already working on the next iteration which will keep them one step ahead. As officials from Argentina discovered in May, drug smugglers have already found a way to produce the liquid cocaine en masse. The shipment they tracked down in that particular case was worth over \$40 million, and headed right for the US. The crime syndicate mixed liquid cocaine into a shipment of insulating oil with the help of a Mexican chemist. With this type of ingenuity at play, and the lawlessness of Crimean ports, it's easy to understand how enormous the opportunity to smuggle drugs through new routes like Sevastopol into Europe really is. At this point, global authorities face a growing challenge when it comes to keeping up with the latest technologies and tactics of the world's narco elites.

