# DD SepOct Terror DA

### Topshelf

We have a ton of floating unfinished terror das so I’m trying to compile and get everything ready

### \*\*1NCs\*\*

### 1NC – Retaliation - Short

#### Global terrorism declining due to surveillance but risks remain.

Taylor 8/15, [Adam. BA in econ/focus on IR from University of Manchester, MA in journalism from Columbia, foreign reporter @ WaPo. "Terrorist attacks are quietly declining around the world". https://www.washingtonpost.com/world/2018/08/15/terrorist-attacks-are-quietly-declining-around-world/?noredirect=onandutm\_term=.40779f183a19. 15 Aug 2018.] EE

Despite such high-profile attacks and responses, however, statistics released this month by the University of Maryland suggest that 2017 was the third consecutive year that the number of terrorist attacks around the world — and the deaths caused by them — had dropped. So far, 2018 looks on track to be lower still.

The university’s Study of Terrorism and Responses to Terrorism (START) program found there were 10,900 terrorist attacks around the world last year, which killed a total of 26,400 people, including perpetrators. That was a drop from 2016, which was in turn a drop from 2015. Right now, the number of terrorist attacks and deaths from terrorism appears to have peaked in 2014, when there were nearly 17,000 attacks and more than 45,000 victims.

What explains the downward trend? In Western Europe, where the number of attacks increased slightly in 2017 — but the number of victims dropped by 65 percent — it may be matters of policing and counterintelligence. British Prime Minister Theresa May said Tuesday that the country had foiled 13 Islamist terrorism plots and four far-right plots since March 2017, when last year’s attack near the Houses of Parliament occurred.

On a global scale, however, the answer is clear. Though there was a surge in terrorist attacks in Europe in recent years, most attacks still occur in the Middle East and Africa, and those regions saw a big decline in 2017. The number of terrorist attacks in the Middle East and North Africa dropped by 38 percent year on year according to START; the number of victims declined by 44 percent.

That can largely be attributed to the Islamic States' loss of territory and military defeats throughout 2017. Without a stable base, the number of attacks the jihadist group could stage in countries like Iraq and Syria dropped sharply, as did the damage it could inflict on civilian populations.

Indeed, it was largely thanks to the rise of the Islamic State and other extremist groups like Boko Haram that 2014 became such a remarkable year for global terrorism in the first place. In 2015, the Institute for Economics and Peace released a report that found there was an 80 percent increase in the number of deaths from terrorism in just one year — and the number of deaths from terrorism in 2014 was ninefold what it had been in 2000.

But a closer read of the 2014 statistics paints a nuanced picture. START’s data from the year found just three countries — Iraq, Nigeria and Afghanistan — accounted for 60 percent of deaths from terrorism. Even though the total number of deaths globally from terrorism that year was clearly terrible (more than 45,000, according to START), it was still less than the number of deaths due to drug overdoses that same year in the United States alone.

The United States was largely spared from the worst of this global increase in terrorism — START found 27 deaths in the country from terrorism in 2014, which included perpetrators. But terrorism has still shaken American politics. A Pew poll from July 2016, for example, found that voters thought that terrorism should get more time than any other subject in presidential debates.

Trump voters, Pew found, felt most strongly about this. FiveThirtyEight polling expert Nate Silver suggested in March 2016 that Trump’s tweeting after terrorist attacks — at least ones involving Muslim perpetrators — helped him capitalize on anti-Muslim sentiment during the campaign (after he entered office, Trump continued his practice of rarely tweeting about attacks that targeted Muslims).

It’s too early to say whether 2018 will continue the encouraging trend of the past three years. Another monitoring group, Jane’s IHS Markit, has warned that there may be a surge in attacks in Europe as Islamic State fighters return from the Middle East. Notably, on Tuesday, two separate reports suggested the number of fighters still with the Islamic State in Iraq and Syria is considerably higher than previously estimated.

#### Anonymity of the press undermines the fight against terrorism by exposing government operations, undermining intel gathering, and creating an extra burden on the executive.

**Schoenfeld 14** Gabriel Schoenfeld,( Author, editor, political advisor and commentator, and public intellectual, is a senior fellow at the Hudson Institute.), 2014, "Time for a Shield Law?," No Publication, https://www.nationalaffairs.com/publications/detail/time-for-a-shield-law SP

The idea of a shield law is also fraught with serious problems, however, which its champions too often underplay or ignore. The implementation of such a law would be highly problematic, as it could artificially circumscribe the classification of "journalists" in America and thereby curtail freedom of expression by leaving some people out. Further, the rationale for the law is questionable, and its passage could have the untoward and counterintuitive effect of leading to increased restrictions on the press. But the biggest problem with a shield law is that, at a juncture when the United States remains under threat, it would undermine the government's ability to enforce the law and provide for the common defense, upsetting the delicate balance between freedom and security that we now struggle to maintain. drawing lines Many of the questions surrounding the idea of a shield law today have been under discussion for decades. More than 40 years ago, the Supreme Court adjudicated a case that hinged on several journalists' claim to a reporter's privilege under the First Amendment, and the Court's reasoning provides a useful starting point for understanding the potential implications of the law now being considered. Decided by the Supreme Court in 1972, Branzburg v. Hayes brought together three cases involving reporters who were resisting subpoenas to testify before grand juries about crimes they may have witnessed in the course of their newsgathering. Paul Branzburg, a staff reporter for the Louisville, Kentucky, daily Courier-Journal, had reported in detail about the local illicit drug trade; two other reporters had written extensively on violence and threats of violence involving the Black Panthers. The crimes under investigation by the grand juries were serious, including not only the sale of illegal drugs but also mail fraud, swindling, and conspiracy to assassinate the president. The reporters argued that if they were compelled to reveal their confidential sources to a grand jury, those sources — and, more importantly, other future confidential sources — would be deterred from providing newsworthy information, thereby stanching the free flow of information safeguarded by the First Amendment. Some prominent legal thinkers agreed. Constitutional-law scholar Alexander Bickel submitted an amicus brief (as the primary drafter) arguing that "off-the-record information obtained in confidence is of the utmost importance to the performance of the reporter's function." News reporting in the United States, Bickel argued, "would be devastatingly impoverished if the countless off-the-record and background contacts maintained by reporters with news sources were cut off." If news sources "cannot talk freely, and partly in off-the-record confidence, they will not talk at all, or speak only in handouts and releases." In a 5-4 decision, the Court ruled against the reporters. Justice Byron White, writing for the majority, explained why he and his colleagues declined "to grant newsmen a testimonial privilege that other citizens do not enjoy." To start, there was the nettlesome matter of determining who should be eligible for coverage under such a shield, a task which White saw as presenting "practical and conceptual difficulties of a high order." Among other things, journalists designated as eligible for the testimonial exemption would enjoy significant competitive advantages over those who were not. Sources concerned about retaining their anonymity — such as government officials leaking classified information — would be far more likely to talk to privileged journalists than to others. Those without the privilege would face a major professional disadvantage. Supporters of shield legislation are keenly aware of the difficulties entailed in legally defining who is a member of the press. In the bill currently before Congress, they attempt to surmount the inconvenience, as they have in draft bills in previous years, by putting forward a broad list of covered journalists. Thus, those who are covered this time around include both employees of "old media" organizations, such as newspapers, magazines, and television networks, and also those who work for "new media" forms, like "mobile applications" and "multichannel video programming distributors." Such novel categories suggest that changing technology, which is bringing into being new forms of journalism almost by the day, holds the potential to make Congress's compendium of "covered journalists" obsolete even before it becomes law. In spite of the bill's attempts to be inclusive, however, it altogether excludes a great many other kinds of conveyors of information and opinion, some of them explicitly mentioned by White in Branzburg. These include "lecturers, political pollsters, novelists, academic researchers, and dramatists," not to mention the innumerable unpaid web-based citizen journalists who, through blogs and social media, are now transforming how America receives its news. At the same time, the idea of defining exactly who is a protected journalist (and who is not) is in tension with the longstanding American tradition of defining the press in a maximally encompassing way. Liberty of the press, as White put it, "is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photocomposition methods." Our Constitution thus affords no extra protections for some special professional class called the "press." It is true, of course, that the First Amendment refers to both freedom of the press and freedom of speech, suggesting that the two are distinct and that the press, as an institution explicitly mentioned in the Constitution, could be thought to enjoy some special rights. But this is a misconception. The two appear adjacent to one another not because the framers wanted to give additional protection to the members of one particular profession. Rather, as suggested by the late Anthony Lewis, the New York Times opinion columnist and renowned student of the First Amendment, the two phrases actually guard the same right. Though information about the founders' intentions is sparse, Lewis argued that the "most natural explanation [for the presence of two clauses] seems the most probable: The framers wanted to protect expression whether in unprinted or printed form." The "press" in the era of the founding was not conceived narrowly as one particular expressive form (e.g., newspapers) or one particular class of individuals (e.g., journalists). Lewis echoed White in explaining that "[t]hose who called for 'freedom of the press' in the seventeenth and eighteenth centuries had in mind books and pamphlets and all kinds of occasional literature as much as newspapers." In drafting the First Amendment, as best we can tell from the historical record, the framers of the Constitution wanted to secure liberty of expression broadly in both oral and written form. As Lewis wrote, there "is no evidence that they meant to limit the freedom of 'the press' to newspapers, excluding books and other publications, or that they intended to afford newspapers a higher standard of protection than other forms of expression." By its very nature, a shield law, no matter how carefully crafted, would undercut the time-honored doctrine according to which everyone can express opinions or convey information to the public. Such a law would instead necessarily rest on a contrary doctrine — what Lewis memorably called "press exceptionalism" — that would establish a privileged class of officially recognized journalists. In other words, at the very moment when modern technology has enabled citizen journalism to come into its own, giving the "lonely pamphleteer" the ability to reach millions of readers simply through his own efforts on the internet, Congress is moving to give an elevated status to those whom it designates as "covered journalists" while diminishing the rights — and the competitive position — of everyone else. To reduce the impact of this shortcoming, the current Senate bill would give judges the power to determine, in the case of any particular proposed witness, whether the protections afforded by the shield law should be offered "in the interest of justice" or if they are "necessary to protect lawful and legitimate news-gathering activities." But this remarkable grant of discretion rests on standards that are both question-begging (what is the "interest of justice"?) and undefined (what are "legitimate" news-gathering activities?). Beyond ensuring endless litigation, this kind of caveat drags the courts into the unresolvable (if not un-American) business of determining who is a bona fide member of the press. upholding the law The line-drawing issue, however problematic, pertains to the law's structure and implementation. In Branzburg, White addressed an even more fundamental problem with a reporter's exemption: that it places the professional needs of reporters above the need of the community to stop crime. White considered two kinds of confidential informants that a newsman's privilege would safeguard: those engaged in actual criminal conduct and those with knowledge of actual criminal conduct. The preference for anonymity of those in the former group, wrote White, is presumably a product of their desire to escape criminal prosecution, and this preference, while understandable, is hardly deserving of constitutional protection....[W]e cannot seriously entertain the notion that the First Amendment protects a newsman's agreement to conceal the criminal conduct of his source, or evidence thereof, on the theory that it is better to write about crime than to do something about it. Insofar as any reporter in these cases undertook not to reveal or testify about the crime he witnessed, his claim of privilege under the First Amendment presents no substantial question. The crimes of news sources are no less reprehensible and threatening to the public interest when witnessed by a reporter than when they are not. As for those informants who were not themselves criminally culpable, White conceded that some might choose to stay silent if they know a reporter could be required to testify. But at the same time, scant evidence demonstrated that such silence had ever been the typical pattern. There was nothing in the constitutional rules that had ever posed a "serious obstacle to either the development or retention of confidential news sources by the press"; indeed, "[e]stimates of the inhibiting effect of such subpoenas on the willingness of informants to make disclosures to newsmen are widely divergent and to a great extent speculative." Sources themselves could hardly be queried about this, while "surveys of reporters on this topic are chiefly opinions of predicted informant behavior and must be viewed in the light of the professional self-interest of the interviewees," that is, the reporters who want to minimize the difficulties of reporting. Indeed, White noted that, from the founding to the present day, in spite of never having had a recognized reporter's privilege, "the press has flourished." In this respect, if Congress passes a shield law, it would be abetting a power grab by the "institutional" press that would place it above the legitimate needs of the community to fight crime. Even a sitting president of the United States does not enjoy such a power. Consider that during the Watergate scandal a subpoena was served on Richard Nixon, then the president of the United States, to produce the White House tapes. Nixon refused, citing executive privilege and pointing to the vitally important need for confidentiality of communications — the same need advocates of a shield law say is essential for the press to perform its mission. But in United States v. Nixon, Nixon did not prevail. Like every other American citizen, he was compelled to give testimony. Speaking for a unanimous Court (with Justice William Rehnquist recusing himself), Chief Justice Warren Burger ruled that "neither the doctrine of separation of powers nor the need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process." Concluding that the "legitimate needs of the judicial process may outweigh Presidential privilege," the Court explained its judgment with words that apply equally to the journalist's shield law: "The very integrity of the judicial system and public confidence in the system depend on full disclosure of all the facts, within the framework of the rules of evidence. To ensure that justice is done, it is imperative to the function of courts that compulsory process be available for the production of evidence needed either by the prosecution or by the defense." The Court reached this conclusion in the face of arguments put forward by Nixon's attorneys that an adverse ruling would "alter the nature of the American Presidency profoundly and irreparably" — an argument that echoes that of contemporary shield-law proponents. The president, like the press, does have a legitimate need to keep some communications secret, but the privilege stemming from this need is not absolute, as the Nixon case shows. The needs of the community to uphold the law, regardless of who is involved in the particular case, trump the professional needs of the press, and at times even the privileges of the presidency. The president, though, has an additional reason for maintaining confidentiality that the press lacks: As a constitutional officer, he is entrusted with enforcing the laws and securing the country against enemies. The executive branch over which he presides is part of the constitutional system of checks and balances, subject to the countervailing exertions of the legislative and judicial branches, each with unique obligations and rights. The problem with a reporter's privilege is that it would begin to integrate the press into the government in a way that is foreign to the Constitution, making the press resemble a formal branch of government. As Lewis argued: The whole idea of treating the press as an "institution" arouses uneasy feelings. In the American system, institutions are usually subject to external check. The press has operated as a freebooter, outside the system. The more formally it is treated as a fourth branch of government, the more pressing will be demands that it be made formally accountable. Moreover...the institutional view of the first amendment envisages a corporate organization of society, with groups assigned different roles and corresponding legal rights. The traditional American vision has been universal, positing a society of individuals with equal rights and responsibilities. Legally institutionalizing the press, Lewis suggested, could imperil the very independence that a shield law seeks to bolster. Granting the press special rights as an institution could undermine the government's ability to perform its most essential duty of upholding the law and providing security. To the extent that such undermining either occurs or is perceived to occur, it would inexorably lead to calls for formal checks on the press of the kind that are anathema to the American tradition. a chorus of doomsayers The position of the press has clearly changed in the decades since Branzburg. Back in 1972, White could say that the press had "flourished" despite the absence of a reporter's privilege, but that was long before the emergence of the full-blown post-9/11 hyper-secretive security state and President Obama's legal pursuit of journalists. In 2013, the Committee to Protect Journalists, an organization that defends newsgatherers around the world, was moved by the Obama crackdown to produce its first ever study of press freedom in the United States. It found the United States in a kind of crisis created by an administration that is "often unresponsive or hostile to press inquiries" and has instilled a "climate of fear" among potential sources. Leonard Downie, the study's author and a former executive editor of the Washington Post, regarded Obama's efforts to control leaks and information as the "most aggressive" since the Nixon administration. Given the crackdown, does White's reasoning still hold today? Might the new environment for journalists now justify a shield law that would have been unnecessary before? A shield law has never been on the federal law books, yet it is preposterous to call American journalism today "devastatingly impoverished," as Bickel predicted in 1972 it would become without a newsman's privilege. Indeed, it was not impoverished then, and it is not impoverished today. If anything, an overview of the most prominent news stories of the past decade indicates that this has been a golden age of leaking and, therefore, of reporting. During the presidency of the reputedly ultra-secretive George W. Bush, anonymous sources gave journalists information about the abuse of prisoners at Abu Ghraib, extraordinary renditions, warrantless wiretapping, clandestine CIA detention facilities abroad, secret monitoring of the movement of terrorist funds, and many other covert operations. The flow of sensitive classified information has only intensified under Obama, bringing us leaks by anonymous government officials about such ultra-sensitive matters as the introduction of the Stuxnet virus into Iran, the presence of a CIA mole in an al-Qaeda cell in Yemen, and the existence of CIA sources with access to the testing schedule of North Korean nuclear weapons. To top it all off, we have seen the massive disclosures by Bradley Manning and Edward Snowden. Despite the fear of prosecution, and without a federal shield law on the books, anonymous and not-so-anonymous informants have continued to provide journalists with the most sensitive of government secrets. One possible factor behind this hemorrhaging of secrets is that, notwithstanding the allegedly prevailing "climate of fear," the United States has not been especially aggressive in subpoenaing journalists. Before Branzburg, the Justice Department under President Nixon voluntarily introduced a set of highly restrictive guidelines limiting when it would issue such subpoenas. In those relatively rare instances when the Department of Justice considers taking such a step, the guidelines require that prosecutors weigh the benefits to law enforcement against the public's interest in the dissemination of information. To this end, before such a subpoena can be issued, all other avenues of investigation must have been foreclosed; the information sought has to be "essential" to a successful investigation; and, finally, the attorney general himself has to sign off on the subpoena. To appease its critics in the press, the Obama administration has tightened these guidelines even further. In short, subpoenaing a journalist is not something the U.S. government does lightly or often. What then should we make of the press's complaints? Flourishing or not, the press has a longstanding habit of painting itself as a species endangered by repressive government policies. The alarmed language of Downie's report is not something new. In the late 1970s, New York Times reporter Myron Farber was jailed on contempt charges for refusing to turn over his notes to a New Jersey court in the murder trial of Dr. Mario Jascalevich. This event stoked the darkest fears of the fourth estate: "[C]rippling to investigative journalism," "disastrous to journalism in general," and a "horrendous precedent," intoned the Washington Post in an editorial typical of the prevailing sentiment in the press at the time. A similar outburst came in the mid-2000s during the Valerie Plame affair, when New York Times reporter Judith Miller was jailed for protecting her source's anonymity. During that scandal — and while another push for a shield law was under way — Floyd Abrams, the celebrated First Amendment lawyer (and outside counsel for the Times), declared that the work of reporting has "never been as seriously threatened as it is today." Norman Pearlstine of Time Inc. warned that the situation "chills essential news gathering and reporting." Times columnist Nicholas Kristof, for his part, reported that "we're seeing a broad assault on freedom of the press that would appall us if it were happening in Kazakhstan." Today, we are once again hearing the same hyperbolic refrain. Beyond its utility in building political support for the passage of a shield law, the doomsayers' message is part of the self-congratulatory narrative of journalism, in which reporters portray themselves as heroic figures perpetually battling the authoritarian impulses of powerful government officials. But such mythmaking obscures the other side of the argument: While openness is essential to a democratic society, that same democratic society has a right to safeguard information it deems vital to its self-preservation. The need for freedom of the press must be balanced with the government's responsibility to fight crime and provide security. The press's liberty makes it a useful check on the government, but its liberty does not grant it a right to access governmental information — let alone sensitive classified information — unless specified by law. The Freedom of Information Act was enacted in 1966 to provide a legal mechanism for the public and press to gain such access, and in the aftermath of Branzburg, Congress created the Presidential Records Act to extend that access further. But outside of the law, the press does not enjoy some sort of extraordinary right to penetrate the inner workings of government. Justice Potter Stewart, a friend of the press and a dissenter in Branzburg, put the relationship succinctly in his famous 1974 address to Yale Law School: "The press is free to do battle against secrecy and deception in government. But the press cannot expect from the Constitution any guarantee that it will succeed. There is no constitutional right to have access to particular governmental information, or to require openness from the bureaucracy." Complaints from reporters that government officials now fear disclosing national-security secrets are not just self-serving; they rest upon a conception of government that, whatever else one may think about it, is alien to the legal and constitutional order in which we live. the responsible press? Despite the complaints, some in the press understand the tension between news reporting and national security, and they will occasionally stop a story from running because of security concerns. "We listen respectfully to such claims [of government's security concerns], and then we make our own decision," said Bill Keller, former executive editor of the New York Times. "If we are not convinced, we publish, sometimes over the fierce objections of the government. If we are convinced, we wait, or withhold details." This is how things work at the Times and at other leading news outlets. Acting as a good citizen, the Times has on occasion delayed stories or even killed them outright to avoid jeopardizing national security. But in a world in which bloggers compete successfully with mainstream media outlets, the Times is no longer representative of the journalistic spectrum. In any event, even mainstream media outlets like the Times do not always act as good citizens. The case of James Risen — the face of the present push for a shield law — illustrates both good and bad journalistic citizenship. In 2010 former CIA officer Jeffrey Sterling was indicted under the Espionage Act for leaking secrets. According to the government's charge sheet, in the early part of the last decade he began talking to Risen about a number of top-secret subjects, including some pertaining to CIA operations directed against Iran. In early April 2003, Risen told the CIA that he intended to publish a story in the Times about CIA operations aimed at thwarting Iran's nuclear weapons program. Risen's warning alarmed George Tenet, then CIA director, and Condoleezza Rice, then head of the National Security Council. They saw the story as a threat to the United States' efforts to prevent Iran from acquiring a nuclear weapon. Tenet and Rice invited Risen and Jill Abramson, the Times's Washington bureau chief, to a meeting where they detailed the harm that Risen's proposed story would inflict on the country and the "imminent danger" in which it would place at least one CIA source. Editors at the Times listened to the government's warning and decided to kill Risen's story. In short, the Times acted responsibly and did the right thing. The Times may have declined to print the story, but Risen opted to move ahead on his own, and he published the material given to him by Sterling in his 2006 book, State of War. It is impossible for outsiders to assess the damage caused by the revelations contained in that volume, but the fact that the Times declined to run the story, despite frequently publishing highly sensitive information in the teeth of government warnings, is powerful evidence that the consequences were likely significant. Yet not long after Risen's disclosure, and taking no cognizance of the fact that their employee had published information damaging to the country, the New York Times bestowed on him its "Publisher's Award," and he received a personal letter from the paper's owner and publisher, Arthur Sulzberger, Jr., saying, "Your investigative reporting has been an extraordinary asset to the paper since the day you joined us." By refusing to testify in the Sterling case as is required by law and as justice demands, Risen is adding a legal offense to the moral transgression he has already committed. Far from being an advertisement for the passage of a shield law, the Sterling case is a classic demonstration of why such a law is a bad idea. Risen obtained his story from his CIA source even without a shield law on the books. His promise of confidentiality was sufficient to induce his source to talk. There is scant public interest in bolstering that promise by giving it the force of law. Strengthening that promise would only make it easier for future Sterlings or Bradley Mannings and Edward Snowdens to pass along vital government secrets without being apprehended. The damage that they and other leakers have already wrought on our national security will be as long lasting as it has been severe. Offering leakers a legally unassailable promise of confidentiality with the enactment of a shield law would only widen sluice gates that are already open.

#### Strong intelligence gathering *discourages* initiation of attacks.

Pittenger 14 US Rep. Robert Pittenger, chair of Congressional Task Force on Terrorism, “Bipartisan bill on NSA data collection protects both privacy and national security” - Washington Examiner, 6/9/14, <http://washingtonexaminer.com/rep.-robert-pittenger-bipartisan-bill-on-nsa-data-collection-protects-both-privacy-and-national-security/article/2549456?custom_click=rss&utm_campaign=Weekly+Standard+Story+Box&utm_source=weeklystandard.com&utm_medium=referral>

This February, I took that question to a meeting of European Ambassadors at the Organization for Security and Cooperation in Europe. During the conference, I asked three questions: 1. What is the current worldwide terrorist threat? 2. What is America’s role in addressing and mitigating this threat? 3. What role does intelligence data collection play in this process, given the multiple platforms for attack including physical assets, cyber, chemical, biological, nuclear and the electric grid? Each ambassador acknowledged the threat was greater today than before 9/11, with al Qaeda and other extreme Islamist terrorists stronger, more sophisticated, and having a dozen or more training camps throughout the Middle East and Africa. As to the role of the United States, they felt our efforts were primary and essential for peace and security around the world. Regarding the intelligence-gathering, their consensus was, “We want privacy, but we must have your intelligence.” As a European foreign minister stated to me, “Without U.S. intelligence, we are blind.” We cannot yield to those loud but misguided voices who view the world as void of the deadly and destructive intentions of unrelenting terrorists. The number of terrorism-related deaths worldwide doubled between 2012 and 2013, jumping from 10,000 to 20,000 in just one year. Now is not the time to stand down. Those who embrace an altruistic worldview should remember that vigilance and strength have deterred our enemies in the past. That same commitment is required today to defeat those who seek to destroy us and our way of life. We must make careful, prudent use of all available technology to counter their sophisticated operations if we are to maintain our freedom and liberties.

#### Trump makes retaliation guaranteed---psychology proves and their defense is wrong

Gartner 16 (John Gartner Et. Al, 3-31-2016, John Gartner is a private-practice psychologist, part-time assistant professor of psychiatry at Johns Hopkins University Medical School and author of In Search of Bill Clinton: A Psychological Biography. "9/11: What Would Trump Do? ," POLITICO Magazine, http://www.politico.com/magazine/story/2016/03/donald-trump-2016-terrorist-attack-foreign-policy-213784 )

“Trump, a thin-skinned malignant narcissist who can leave no slight unavenged … is the candidate most likely to overreact to a terrorist event” Trump, a thin-skinned malignant narcissist who can leave no slight unavenged, no matter how slight (God help us if Kim Jong-un makes fun of his hands), is the candidate most likely to overreact to a terrorist event or threat in an impulsive, misguided and heavy-handed way that would win us enemies and influence people around the world to hate us. For example, his proposal to “register” all Muslims in America will humiliate a proud people and radicalize scores of young people. Malignant narcissists are not your garden-variety narcissists. They combine narcissism with paranoia, anti-social traits and a propensity for aggression. Trump sees threats where they don’t exist—like Mexican immigrants who “might be ISIS”—and feels no compunctions about breaking rules, such as those against torture or collective punishment, to lash out at those imaginary threats. The Geneva Convention is for politically correct suckers. The law of the jungle, not the rule of law, is the organizing principle of malignant narcissists. And if they can’t rule the jungle they’ll burn it down. Malignant narcissism is an untreatable personality disorder, for the simple reason that no one can ever tell the malignant narcissist he is wrong. Anyone who questions a malignant narcissist’s judgment is immediately dismissed as an idiot or attacked as a threat. Anyone who questions their ruthless tactics is belittled as soft and naive. It’s not accidental that Trump has said “my primary consultant is myself.” The appeal of narcissistic leaders is real and understandable. In America we’ve had a history of charismatic hypomanic narcissists, warm narcissists if you will, like TR and FDR, who were positive forces of nature, leading the country out of hard times by using their larger than life personalities to inspire a faith in America that made us feel larger against our enemies, while single handedly pushing the nation in a more progressive direction that broadened democracy to include the needs and voices of the many. But even malignant narcissists, who concentrate all the power in themselves, can lend strength, inspire confidence and chart a collective direction for their country. Hitler took a dispirited defeated nation in the throws of depression and with the promise to make Germany great again turned it into a world power. But the downsides are unimaginable: Hitler also replaced democracy with dictatorship, tolerance with genocide, and sowed the seeds of his nations destruction with his ruthless will to conquer. In short, a president Trump is one of the biggest threats imaginable to our national security. His need to appear strong will make us weak. A malignant narcissist is much like a malignant tumor. Sooner or later it will kill the body politic. \*\*\* “The nihilistic Trump, who regards human beings as brutish children, might well react to a terror attack like a brutish child” Michael D’Antonio is author of more than a dozen nonfiction books, including Mortal Sins and Never Enough, Donald Trump and the Pursuit of Success. Within moments of our first meeting, Donald Trump told me that if he is guided by any principle it is this: “If you hit me, I’ll hit back, ten times harder.” (I came to think of this as the Trump Rule of Ten.) In subsequent meetings he added to what might be called a personal philosophy with references to how much he enjoyed conflict—“I always loved to fight”—and his belief that people are “inherently dishonest.” Add Trump’s frequent references to the viciousness that dwells in the human heart and his belief that character is fixed at roughly age six, and you can imagine of way Trump could respond to a terror attack on America. The nihilistic Trump, who regards human beings as brutish children, might well react to a terror attack like a brutish child. President Trump would pressure intelligence agencies to immediately identify the source of the attack. Civil liberties may be suspended in the emergency pursuit of information, suspects and conspirators. Those taken into custody would be tortured, if Trump deemed it necessary. Speed would be an important part of the Trump response to terror, so we should not expect much deliberation or consultation with Congress or allies. And given his penchant for disproportional warfare, he would order a massive military response just as soon as he felt confident about a target. In such a scenario, the destruction of an office tower in New York would be answered with the annihilation of a city controlled by those Trump deemed to have sponsored the attack. To get a sense of how this might work, imagine the Bush administration’s tragedy in Iraq carried out in a matter of weeks, not years. If the targets of such a crude and violent response follow the established script, they would then attack the West on a scale that would make Brussels, and Paris, and San Bernardino seem like rehearsals. As the fight escalates, according to the Trump Rule of Ten, Americans would truly experience the terror the attackers intend. If the actions of the President Trump that I describe above seem too awful to consider, hope resides in the idea that much of what the man says and does is, to echo a term he recently used on CNN, “show business.” If this is true, then we might discount the bellicose rhetoric and the marginal figures he has named as advisers. However, this wish, that Trump doesn’t mean what he says, is a poor foundation on which to place our confidence in the future. We shouldn’t have to guess about our president’s temper. \*\*\* “As a self-professed America Firster, Trump seemingly thinks of statecraft in terms of profit-and-loss. Yet with apologies to Clausewitz, international politics is not the continuation of business by other means” Andrew Bacevich is author of the new book America’s War for the Greater Middle East: A Military History, to be published on April 5. Unmoored to principles and precedents, possessing a remarkably shallow grasp of history, Donald Trump is unlikely to demonstrate much by way of the cool calculation that successful crisis management requires. True, the actual exercise of power can educate, as it did in the case of John F. Kennedy, for example. By the time of the Cuban Missile Crisis, JFK’s “pay any price, bear any burden” inclinations had given way to let’s make a deal: my nukes in exchange for yours and let’s not do this again. Whether Trump is similarly educable stands as an open question. Confronted with some unexpected threat, would he pause to evaluate the precipitating factors? Kennedy did, and it served him well. Or would he give in to an impulse to lash out? That describes the George W. Bush administration’s response to 9/11. To put it another way, would intellect or emotion shape Trump’s approach to making decisions? More than anything else, of course, Trump prides himself in being the dealmaker par excellence. Yet based on his recent pronouncements—casually proposing to revive the practice of torture, for example, or speculating that Japan and South Korea might consider acquiring nuclear weapons—he appears all but incapable of appreciating the possibility of adverse second order consequences. True, for anyone running for president, a certain amount of shooting from the hip is to be expected. Trump is hardly the only candidate making bold statements—carpet bomb ISIS, move the U.S. embassy in Israel to Jerusalem on day one. But in most cases such promises are offered less as a serious basis for action than as a way of currying favor with particular constituencies. In Trump’s case, unfortunately, it’s hard to tell if he’s striking a pose or making statements that he intends to be taken seriously. (To be fair, it’s just as hard to interpret various off-the-wall statements made by Trump’s immediate rival Ted Cruz). As a self-professed America Firster, Trump seemingly thinks of statecraft in terms of profit-and-loss. Yet with apologies to Clausewitz, international politics is not the continuation of business by other means. The object of the exercise is not simply to gain some immediate advantage at the expense of others, but to enhance the freedom, abundance, and security enjoyed by the American people while at the same time promoting conditions that others—allies and adversaries alike—find tolerable. Surrounding himself with advisers who are somewhat more—what’s the word? seasoned? sane?—might encourage Trump to curb his wilder inclinations. But who in their right mind would sign up to serve in his administration? Probably people who think like Trump. Now there’s a scary prospect. \*\*\* “A 9/11-style attack on U.S. soil would mean that any remaining restraints to the use of weapons of mass destruction … would likely be swiftly swept aside” Elizabeth Borgwardt is a history professor at Washington University and the author of The Nuremberg Idea, forthcoming from Knopf. Donald Trump’s March 21 interview with the Washington Post editorial board should make every potential voter’s blood run cold. After noting that ISIS should be knocked out flat, yet indicating that large numbers of U.S. troops should not be involved, Mr. Trump suggested that it was better to be “unpredictable” in the face of U.S. enemies, before twice dodging a question about whether he would advocate the use of tactical nuclear weapons against ISIS. (To be fair, the interview transcript indicates that much more time was spent discussing Mr. Trump’s hand size than anything to do with nuclear weapons.) All this was before the attacks in Belgium; my sense is that a 9/11-style attack on U.S. soil would mean that any remaining restraints to the use of weapons of mass destruction—including nuclear weapons—would likely be swiftly swept aside. General Douglas MacArthur had notoriously floated the idea of using nuclear weapons against China in the Korean conflict (1950-53) when he was concerned about Chinese moves to support North Korean aggression. In posthumously published interviews, MacArthur said that he could have won the war in ten days: “I would have dropped 30 or so atomic bombs … strung across the neck of Manchuria. For at least 60 years there could have been no land invasion of Korea from the North.” Part of MacArthur’s logic was that the United States would have needed to fight communist China eventually, so it would be best to nuke them while they were still weak, recovering from World War II and the Chinese Revolution (1949), as opposed to fighting them later after they had become much stronger. “That makes sense to me!” opined a Trump backer with whom I recently spoke on this topic. And yet, I offered, most Americans today are probably pretty happy that we didn’t use nuclear weapons against China in the Korean war, or would be if they knew anything about that historical interlude. “I guess,” he said. “But why not press your advantage when you have one?” I offer this example because my sense is that in a putative Trump administration, “the gloves would be off” and all barriers—including public opinion—to the first use of various kinds of weapons of mass destruction would likely be at an all-time low. Bruce Cumings, the leading U.S. historian of Korea, has commented on the MacArthur incident in an analysis from back in 2004. Cumings noted that “MacArthur sounds like a warmongering lunatic” for advocating the use of nuclear weapons, but also explained that, astonishing as it might seem, the general actually had some support for his outlandish proposal. Cumings also noted that MacArthur’s conduct, quite appropriately, contributed to the celebrated war hero’s dismissal by President Truman. But that was then.

### 1NC – Retaliation - Long

#### Global terrorism declining due to surveillance but risks remain.

Taylor 8/15, [Adam. BA in econ/focus on IR from University of Manchester, MA in journalism from Columbia, foreign reporter @ WaPo. "Terrorist attacks are quietly declining around the world". https://www.washingtonpost.com/world/2018/08/15/terrorist-attacks-are-quietly-declining-around-world/?noredirect=onandutm\_term=.40779f183a19. 15 Aug 2018.] EE

Despite such high-profile attacks and responses, however, statistics released this month by the University of Maryland suggest that 2017 was the third consecutive year that the number of terrorist attacks around the world — and the deaths caused by them — had dropped. So far, 2018 looks on track to be lower still.

The university’s Study of Terrorism and Responses to Terrorism (START) program found there were 10,900 terrorist attacks around the world last year, which killed a total of 26,400 people, including perpetrators. That was a drop from 2016, which was in turn a drop from 2015. Right now, the number of terrorist attacks and deaths from terrorism appears to have peaked in 2014, when there were nearly 17,000 attacks and more than 45,000 victims.

What explains the downward trend? In Western Europe, where the number of attacks increased slightly in 2017 — but the number of victims dropped by 65 percent — it may be matters of policing and counterintelligence. British Prime Minister Theresa May said Tuesday that the country had foiled 13 Islamist terrorism plots and four far-right plots since March 2017, when last year’s attack near the Houses of Parliament occurred.

On a global scale, however, the answer is clear. Though there was a surge in terrorist attacks in Europe in recent years, most attacks still occur in the Middle East and Africa, and those regions saw a big decline in 2017. The number of terrorist attacks in the Middle East and North Africa dropped by 38 percent year on year according to START; the number of victims declined by 44 percent.

That can largely be attributed to the Islamic States' loss of territory and military defeats throughout 2017. Without a stable base, the number of attacks the jihadist group could stage in countries like Iraq and Syria dropped sharply, as did the damage it could inflict on civilian populations.

Indeed, it was largely thanks to the rise of the Islamic State and other extremist groups like Boko Haram that 2014 became such a remarkable year for global terrorism in the first place. In 2015, the Institute for Economics and Peace released a report that found there was an 80 percent increase in the number of deaths from terrorism in just one year — and the number of deaths from terrorism in 2014 was ninefold what it had been in 2000.

But a closer read of the 2014 statistics paints a nuanced picture. START’s data from the year found just three countries — Iraq, Nigeria and Afghanistan — accounted for 60 percent of deaths from terrorism. Even though the total number of deaths globally from terrorism that year was clearly terrible (more than 45,000, according to START), it was still less than the number of deaths due to drug overdoses that same year in the United States alone.

The United States was largely spared from the worst of this global increase in terrorism — START found 27 deaths in the country from terrorism in 2014, which included perpetrators. But terrorism has still shaken American politics. A Pew poll from July 2016, for example, found that voters thought that terrorism should get more time than any other subject in presidential debates.

Trump voters, Pew found, felt most strongly about this. FiveThirtyEight polling expert Nate Silver suggested in March 2016 that Trump’s tweeting after terrorist attacks — at least ones involving Muslim perpetrators — helped him capitalize on anti-Muslim sentiment during the campaign (after he entered office, Trump continued his practice of rarely tweeting about attacks that targeted Muslims).

It’s too early to say whether 2018 will continue the encouraging trend of the past three years. Another monitoring group, Jane’s IHS Markit, has warned that there may be a surge in attacks in Europe as Islamic State fighters return from the Middle East. Notably, on Tuesday, two separate reports suggested the number of fighters still with the Islamic State in Iraq and Syria is considerably higher than previously estimated.

#### Journalists will be used as tools to siphon away national insecurities to those with insidious goals.

Reiss ’09 [Cory Reiss (Virginia news reporter), 2009, “COMMENT CRIME THAT PLAYS: SHAPING A REPORTER’S SHIELD TO COVER NATIONAL SECURITY IN AN INSECURE WORLD” Wake Forest Law Review Vol 44, <http://wakeforestlawreview.com/wp-content/uploads/2014/10/Reiss_LawReview_01.09.pdf>] EE

Second, from the government’s perspective, the Rosen and Weissman prosecutions illustrate that classified information does not always flow from high-level officials to traditional journalists, as was the case in the Libby prosecution and the contempt citation of Miller. Leaks of national security information may come from midor low-level government employees to middlemen or nontraditional publishers.79 For example, Franklin gave Rosen and Weissman classified information about a draft presidential directive outlining a new U.S. posture toward Iran, an avowed enemy of Israel.80 Rosen, in turn, allegedly distributed the information to Israeli diplomats and American reporters, some of whom mentioned the material in stories.81 How damaging those leaks were to national security, as in most cases, is debatable. But the government’s concern about classified leaks gains added credence from evidence that individuals with agendas not necessarily in line with the American public’s are able to coax government sources into providing classified information that may be used to achieve those ends. Rather than attempting to entice mainstream journalists to use their information, lobbyists today might give it to bloggers for publication or post the material themselves. The political, financial, or diplomatic agendas at work in future cases could be more hostile to American interests. The U.S. government’s opposition to a federal shield law, therefore, appears more justifiable where the concern involves classified leaks to “less reputable entities or individuals who nevertheless would still qualify as ‘covered persons’” under the House bill,82 or to individuals who adopt some “trappings of journalism” under the Senate bill but are not yet known to be tied to terrorist or criminal organizations.83 The stakes, therefore, are especially high for the mainstream press, nontraditional journalists, and the government when the debate about a shield law intersects with justifiable national security considerations.

#### Anonymity of the press undermines the fight against terrorism by exposing government operations, undermining intel gathering, and creating an extra burden on the executive.

Schoenfeld 14 Gabriel Schoenfeld,( Author, editor, political advisor and commentator, and public intellectual, is a senior fellow at the Hudson Institute.), 2014, "Time for a Shield Law?," National Affairs, https://www.nationalaffairs.com/publications/detail/time-for-a-shield-law SP

The idea of a shield law is also fraught with serious problems, however, which its champions too often underplay or ignore. The implementation of such a law would be highly problematic, as it could artificially circumscribe the classification of "journalists" in America and thereby curtail freedom of expression by leaving some people out. Further, the rationale for the law is questionable, and its passage could have the untoward and counterintuitive effect of leading to increased restrictions on the press. But the biggest problem with a shield law is that, at a juncture when the United States remains under threat, it would undermine the government's ability to enforce the law and provide for the common defense, upsetting the delicate balance between freedom and security that we now struggle to maintain. drawing lines Many of the questions surrounding the idea of a shield law today have been under discussion for decades. More than 40 years ago, the Supreme Court adjudicated a case that hinged on several journalists' claim to a reporter's privilege under the First Amendment, and the Court's reasoning provides a useful starting point for understanding the potential implications of the law now being considered. Decided by the Supreme Court in 1972, Branzburg v. Hayes brought together three cases involving reporters who were resisting subpoenas to testify before grand juries about crimes they may have witnessed in the course of their newsgathering. Paul Branzburg, a staff reporter for the Louisville, Kentucky, daily Courier-Journal, had reported in detail about the local illicit drug trade; two other reporters had written extensively on violence and threats of violence involving the Black Panthers. The crimes under investigation by the grand juries were serious, including not only the sale of illegal drugs but also mail fraud, swindling, and conspiracy to assassinate the president. The reporters argued that if they were compelled to reveal their confidential sources to a grand jury, those sources — and, more importantly, other future confidential sources — would be deterred from providing newsworthy information, thereby stanching the free flow of information safeguarded by the First Amendment. Some prominent legal thinkers agreed. Constitutional-law scholar Alexander Bickel submitted an amicus brief (as the primary drafter) arguing that "off-the-record information obtained in confidence is of the utmost importance to the performance of the reporter's function." News reporting in the United States, Bickel argued, "would be devastatingly impoverished if the countless off-the-record and background contacts maintained by reporters with news sources were cut off." If news sources "cannot talk freely, and partly in off-the-record confidence, they will not talk at all, or speak only in handouts and releases." In a 5-4 decision, the Court ruled against the reporters. Justice Byron White, writing for the majority, explained why he and his colleagues declined "to grant newsmen a testimonial privilege that other citizens do not enjoy." To start, there was the nettlesome matter of determining who should be eligible for coverage under such a shield, a task which White saw as presenting "practical and conceptual difficulties of a high order." Among other things, journalists designated as eligible for the testimonial exemption would enjoy significant competitive advantages over those who were not. Sources concerned about retaining their anonymity — such as government officials leaking classified information — would be far more likely to talk to privileged journalists than to others. Those without the privilege would face a major professional disadvantage. Supporters of shield legislation are keenly aware of the difficulties entailed in legally defining who is a member of the press. In the bill currently before Congress, they attempt to surmount the inconvenience, as they have in draft bills in previous years, by putting forward a broad list of covered journalists. Thus, those who are covered this time around include both employees of "old media" organizations, such as newspapers, magazines, and television networks, and also those who work for "new media" forms, like "mobile applications" and "multichannel video programming distributors." Such novel categories suggest that changing technology, which is bringing into being new forms of journalism almost by the day, holds the potential to make Congress's compendium of "covered journalists" obsolete even before it becomes law. In spite of the bill's attempts to be inclusive, however, it altogether excludes a great many other kinds of conveyors of information and opinion, some of them explicitly mentioned by White in Branzburg. These include "lecturers, political pollsters, novelists, academic researchers, and dramatists," not to mention the innumerable unpaid web-based citizen journalists who, through blogs and social media, are now transforming how America receives its news. At the same time, the idea of defining exactly who is a protected journalist (and who is not) is in tension with the longstanding American tradition of defining the press in a maximally encompassing way. Liberty of the press, as White put it, "is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photocomposition methods." Our Constitution thus affords no extra protections for some special professional class called the "press." It is true, of course, that the First Amendment refers to both freedom of the press and freedom of speech, suggesting that the two are distinct and that the press, as an institution explicitly mentioned in the Constitution, could be thought to enjoy some special rights. But this is a misconception. The two appear adjacent to one another not because the framers wanted to give additional protection to the members of one particular profession. Rather, as suggested by the late Anthony Lewis, the New York Times opinion columnist and renowned student of the First Amendment, the two phrases actually guard the same right. Though information about the founders' intentions is sparse, Lewis argued that the "most natural explanation [for the presence of two clauses] seems the most probable: The framers wanted to protect expression whether in unprinted or printed form." The "press" in the era of the founding was not conceived narrowly as one particular expressive form (e.g., newspapers) or one particular class of individuals (e.g., journalists). Lewis echoed White in explaining that "[t]hose who called for 'freedom of the press' in the seventeenth and eighteenth centuries had in mind books and pamphlets and all kinds of occasional literature as much as newspapers." In drafting the First Amendment, as best we can tell from the historical record, the framers of the Constitution wanted to secure liberty of expression broadly in both oral and written form. As Lewis wrote, there "is no evidence that they meant to limit the freedom of 'the press' to newspapers, excluding books and other publications, or that they intended to afford newspapers a higher standard of protection than other forms of expression." By its very nature, a shield law, no matter how carefully crafted, would undercut the time-honored doctrine according to which everyone can express opinions or convey information to the public. Such a law would instead necessarily rest on a contrary doctrine — what Lewis memorably called "press exceptionalism" — that would establish a privileged class of officially recognized journalists. In other words, at the very moment when modern technology has enabled citizen journalism to come into its own, giving the "lonely pamphleteer" the ability to reach millions of readers simply through his own efforts on the internet, Congress is moving to give an elevated status to those whom it designates as "covered journalists" while diminishing the rights — and the competitive position — of everyone else. To reduce the impact of this shortcoming, the current Senate bill would give judges the power to determine, in the case of any particular proposed witness, whether the protections afforded by the shield law should be offered "in the interest of justice" or if they are "necessary to protect lawful and legitimate news-gathering activities." But this remarkable grant of discretion rests on standards that are both question-begging (what is the "interest of justice"?) and undefined (what are "legitimate" news-gathering activities?). Beyond ensuring endless litigation, this kind of caveat drags the courts into the unresolvable (if not un-American) business of determining who is a bona fide member of the press. upholding the law The line-drawing issue, however problematic, pertains to the law's structure and implementation. In Branzburg, White addressed an even more fundamental problem with a reporter's exemption: that it places the professional needs of reporters above the need of the community to stop crime. White considered two kinds of confidential informants that a newsman's privilege would safeguard: those engaged in actual criminal conduct and those with knowledge of actual criminal conduct. The preference for anonymity of those in the former group, wrote White, is presumably a product of their desire to escape criminal prosecution, and this preference, while understandable, is hardly deserving of constitutional protection....[W]e cannot seriously entertain the notion that the First Amendment protects a newsman's agreement to conceal the criminal conduct of his source, or evidence thereof, on the theory that it is better to write about crime than to do something about it. Insofar as any reporter in these cases undertook not to reveal or testify about the crime he witnessed, his claim of privilege under the First Amendment presents no substantial question. The crimes of news sources are no less reprehensible and threatening to the public interest when witnessed by a reporter than when they are not. As for those informants who were not themselves criminally culpable, White conceded that some might choose to stay silent if they know a reporter could be required to testify. But at the same time, scant evidence demonstrated that such silence had ever been the typical pattern. There was nothing in the constitutional rules that had ever posed a "serious obstacle to either the development or retention of confidential news sources by the press"; indeed, "[e]stimates of the inhibiting effect of such subpoenas on the willingness of informants to make disclosures to newsmen are widely divergent and to a great extent speculative." Sources themselves could hardly be queried about this, while "surveys of reporters on this topic are chiefly opinions of predicted informant behavior and must be viewed in the light of the professional self-interest of the interviewees," that is, the reporters who want to minimize the difficulties of reporting. Indeed, White noted that, from the founding to the present day, in spite of never having had a recognized reporter's privilege, "the press has flourished." In this respect, if Congress passes a shield law, it would be abetting a power grab by the "institutional" press that would place it above the legitimate needs of the community to fight crime. Even a sitting president of the United States does not enjoy such a power. Consider that during the Watergate scandal a subpoena was served on Richard Nixon, then the president of the United States, to produce the White House tapes. Nixon refused, citing executive privilege and pointing to the vitally important need for confidentiality of communications — the same need advocates of a shield law say is essential for the press to perform its mission. But in United States v. Nixon, Nixon did not prevail. Like every other American citizen, he was compelled to give testimony. Speaking for a unanimous Court (with Justice William Rehnquist recusing himself), Chief Justice Warren Burger ruled that "neither the doctrine of separation of powers nor the need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process." Concluding that the "legitimate needs of the judicial process may outweigh Presidential privilege," the Court explained its judgment with words that apply equally to the journalist's shield law: "The very integrity of the judicial system and public confidence in the system depend on full disclosure of all the facts, within the framework of the rules of evidence. To ensure that justice is done, it is imperative to the function of courts that compulsory process be available for the production of evidence needed either by the prosecution or by the defense." The Court reached this conclusion in the face of arguments put forward by Nixon's attorneys that an adverse ruling would "alter the nature of the American Presidency profoundly and irreparably" — an argument that echoes that of contemporary shield-law proponents. The president, like the press, does have a legitimate need to keep some communications secret, but the privilege stemming from this need is not absolute, as the Nixon case shows. The needs of the community to uphold the law, regardless of who is involved in the particular case, trump the professional needs of the press, and at times even the privileges of the presidency. The president, though, has an additional reason for maintaining confidentiality that the press lacks: As a constitutional officer, he is entrusted with enforcing the laws and securing the country against enemies. The executive branch over which he presides is part of the constitutional system of checks and balances, subject to the countervailing exertions of the legislative and judicial branches, each with unique obligations and rights. The problem with a reporter's privilege is that it would begin to integrate the press into the government in a way that is foreign to the Constitution, making the press resemble a formal branch of government. As Lewis argued: The whole idea of treating the press as an "institution" arouses uneasy feelings. In the American system, institutions are usually subject to external check. The press has operated as a freebooter, outside the system. The more formally it is treated as a fourth branch of government, the more pressing will be demands that it be made formally accountable. Moreover...the institutional view of the first amendment envisages a corporate organization of society, with groups assigned different roles and corresponding legal rights. The traditional American vision has been universal, positing a society of individuals with equal rights and responsibilities. Legally institutionalizing the press, Lewis suggested, could imperil the very independence that a shield law seeks to bolster. Granting the press special rights as an institution could undermine the government's ability to perform its most essential duty of upholding the law and providing security. To the extent that such undermining either occurs or is perceived to occur, it would inexorably lead to calls for formal checks on the press of the kind that are anathema to the American tradition. a chorus of doomsayers The position of the press has clearly changed in the decades since Branzburg. Back in 1972, White could say that the press had "flourished" despite the absence of a reporter's privilege, but that was long before the emergence of the full-blown post-9/11 hyper-secretive security state and President Obama's legal pursuit of journalists. In 2013, the Committee to Protect Journalists, an organization that defends newsgatherers around the world, was moved by the Obama crackdown to produce its first ever study of press freedom in the United States. It found the United States in a kind of crisis created by an administration that is "often unresponsive or hostile to press inquiries" and has instilled a "climate of fear" among potential sources. Leonard Downie, the study's author and a former executive editor of the Washington Post, regarded Obama's efforts to control leaks and information as the "most aggressive" since the Nixon administration. Given the crackdown, does White's reasoning still hold today? Might the new environment for journalists now justify a shield law that would have been unnecessary before? A shield law has never been on the federal law books, yet it is preposterous to call American journalism today "devastatingly impoverished," as Bickel predicted in 1972 it would become without a newsman's privilege. Indeed, it was not impoverished then, and it is not impoverished today. If anything, an overview of the most prominent news stories of the past decade indicates that this has been a golden age of leaking and, therefore, of reporting. During the presidency of the reputedly ultra-secretive George W. Bush, anonymous sources gave journalists information about the abuse of prisoners at Abu Ghraib, extraordinary renditions, warrantless wiretapping, clandestine CIA detention facilities abroad, secret monitoring of the movement of terrorist funds, and many other covert operations. The flow of sensitive classified information has only intensified under Obama, bringing us leaks by anonymous government officials about such ultra-sensitive matters as the introduction of the Stuxnet virus into Iran, the presence of a CIA mole in an al-Qaeda cell in Yemen, and the existence of CIA sources with access to the testing schedule of North Korean nuclear weapons. To top it all off, we have seen the massive disclosures by Bradley Manning and Edward Snowden. Despite the fear of prosecution, and without a federal shield law on the books, anonymous and not-so-anonymous informants have continued to provide journalists with the most sensitive of government secrets. One possible factor behind this hemorrhaging of secrets is that, notwithstanding the allegedly prevailing "climate of fear," the United States has not been especially aggressive in subpoenaing journalists. Before Branzburg, the Justice Department under President Nixon voluntarily introduced a set of highly restrictive guidelines limiting when it would issue such subpoenas. In those relatively rare instances when the Department of Justice considers taking such a step, the guidelines require that prosecutors weigh the benefits to law enforcement against the public's interest in the dissemination of information. To this end, before such a subpoena can be issued, all other avenues of investigation must have been foreclosed; the information sought has to be "essential" to a successful investigation; and, finally, the attorney general himself has to sign off on the subpoena. To appease its critics in the press, the Obama administration has tightened these guidelines even further. In short, subpoenaing a journalist is not something the U.S. government does lightly or often. What then should we make of the press's complaints? Flourishing or not, the press has a longstanding habit of painting itself as a species endangered by repressive government policies. The alarmed language of Downie's report is not something new. In the late 1970s, New York Times reporter Myron Farber was jailed on contempt charges for refusing to turn over his notes to a New Jersey court in the murder trial of Dr. Mario Jascalevich. This event stoked the darkest fears of the fourth estate: "[C]rippling to investigative journalism," "disastrous to journalism in general," and a "horrendous precedent," intoned the Washington Post in an editorial typical of the prevailing sentiment in the press at the time. A similar outburst came in the mid-2000s during the Valerie Plame affair, when New York Times reporter Judith Miller was jailed for protecting her source's anonymity. During that scandal — and while another push for a shield law was under way — Floyd Abrams, the celebrated First Amendment lawyer (and outside counsel for the Times), declared that the work of reporting has "never been as seriously threatened as it is today." Norman Pearlstine of Time Inc. warned that the situation "chills essential news gathering and reporting." Times columnist Nicholas Kristof, for his part, reported that "we're seeing a broad assault on freedom of the press that would appall us if it were happening in Kazakhstan." Today, we are once again hearing the same hyperbolic refrain. Beyond its utility in building political support for the passage of a shield law, the doomsayers' message is part of the self-congratulatory narrative of journalism, in which reporters portray themselves as heroic figures perpetually battling the authoritarian impulses of powerful government officials. But such mythmaking obscures the other side of the argument: While openness is essential to a democratic society, that same democratic society has a right to safeguard information it deems vital to its self-preservation. The need for freedom of the press must be balanced with the government's responsibility to fight crime and provide security. The press's liberty makes it a useful check on the government, but its liberty does not grant it a right to access governmental information — let alone sensitive classified information — unless specified by law. The Freedom of Information Act was enacted in 1966 to provide a legal mechanism for the public and press to gain such access, and in the aftermath of Branzburg, Congress created the Presidential Records Act to extend that access further. But outside of the law, the press does not enjoy some sort of extraordinary right to penetrate the inner workings of government. Justice Potter Stewart, a friend of the press and a dissenter in Branzburg, put the relationship succinctly in his famous 1974 address to Yale Law School: "The press is free to do battle against secrecy and deception in government. But the press cannot expect from the Constitution any guarantee that it will succeed. There is no constitutional right to have access to particular governmental information, or to require openness from the bureaucracy." Complaints from reporters that government officials now fear disclosing national-security secrets are not just self-serving; they rest upon a conception of government that, whatever else one may think about it, is alien to the legal and constitutional order in which we live. the responsible press? Despite the complaints, some in the press understand the tension between news reporting and national security, and they will occasionally stop a story from running because of security concerns. "We listen respectfully to such claims [of government's security concerns], and then we make our own decision," said Bill Keller, former executive editor of the New York Times. "If we are not convinced, we publish, sometimes over the fierce objections of the government. If we are convinced, we wait, or withhold details." This is how things work at the Times and at other leading news outlets. Acting as a good citizen, the Times has on occasion delayed stories or even killed them outright to avoid jeopardizing national security. But in a world in which bloggers compete successfully with mainstream media outlets, the Times is no longer representative of the journalistic spectrum. In any event, even mainstream media outlets like the Times do not always act as good citizens. The case of James Risen — the face of the present push for a shield law — illustrates both good and bad journalistic citizenship. In 2010 former CIA officer Jeffrey Sterling was indicted under the Espionage Act for leaking secrets. According to the government's charge sheet, in the early part of the last decade he began talking to Risen about a number of top-secret subjects, including some pertaining to CIA operations directed against Iran. In early April 2003, Risen told the CIA that he intended to publish a story in the Times about CIA operations aimed at thwarting Iran's nuclear weapons program. Risen's warning alarmed George Tenet, then CIA director, and Condoleezza Rice, then head of the National Security Council. They saw the story as a threat to the United States' efforts to prevent Iran from acquiring a nuclear weapon. Tenet and Rice invited Risen and Jill Abramson, the Times's Washington bureau chief, to a meeting where they detailed the harm that Risen's proposed story would inflict on the country and the "imminent danger" in which it would place at least one CIA source. Editors at the Times listened to the government's warning and decided to kill Risen's story. In short, the Times acted responsibly and did the right thing. The Times may have declined to print the story, but Risen opted to move ahead on his own, and he published the material given to him by Sterling in his 2006 book, State of War. It is impossible for outsiders to assess the damage caused by the revelations contained in that volume, but the fact that the Times declined to run the story, despite frequently publishing highly sensitive information in the teeth of government warnings, is powerful evidence that the consequences were likely significant. Yet not long after Risen's disclosure, and taking no cognizance of the fact that their employee had published information damaging to the country, the New York Times bestowed on him its "Publisher's Award," and he received a personal letter from the paper's owner and publisher, Arthur Sulzberger, Jr., saying, "Your investigative reporting has been an extraordinary asset to the paper since the day you joined us." By refusing to testify in the Sterling case as is required by law and as justice demands, Risen is adding a legal offense to the moral transgression he has already committed. Far from being an advertisement for the passage of a shield law, the Sterling case is a classic demonstration of why such a law is a bad idea. Risen obtained his story from his CIA source even without a shield law on the books. His promise of confidentiality was sufficient to induce his source to talk. There is scant public interest in bolstering that promise by giving it the force of law. Strengthening that promise would only make it easier for future Sterlings or Bradley Mannings and Edward Snowdens to pass along vital government secrets without being apprehended. The damage that they and other leakers have already wrought on our national security will be as long lasting as it has been severe. Offering leakers a legally unassailable promise of confidentiality with the enactment of a shield law would only widen sluice gates that are already open.

#### Strong intelligence gathering *discourages* initiation of attacks.

Pittenger 14 US Rep. Robert Pittenger, chair of Congressional Task Force on Terrorism, “Bipartisan bill on NSA data collection protects both privacy and national security” - Washington Examiner, 6/9/14, <http://washingtonexaminer.com/rep.-robert-pittenger-bipartisan-bill-on-nsa-data-collection-protects-both-privacy-and-national-security/article/2549456?custom_click=rss&utm_campaign=Weekly+Standard+Story+Box&utm_source=weeklystandard.com&utm_medium=referral>

This February, I took that question to a meeting of European Ambassadors at the Organization for Security and Cooperation in Europe. During the conference, I asked three questions: 1. What is the current worldwide terrorist threat? 2. What is America’s role in addressing and mitigating this threat? 3. What role does intelligence data collection play in this process, given the multiple platforms for attack including physical assets, cyber, chemical, biological, nuclear and the electric grid? Each ambassador acknowledged the threat was greater today than before 9/11, with al Qaeda and other extreme Islamist terrorists stronger, more sophisticated, and having a dozen or more training camps throughout the Middle East and Africa. As to the role of the United States, they felt our efforts were primary and essential for peace and security around the world. Regarding the intelligence-gathering, their consensus was, “We want privacy, but we must have your intelligence.” As a European foreign minister stated to me, “Without U.S. intelligence, we are blind.” We cannot yield to those loud but misguided voices who view the world as void of the deadly and destructive intentions of unrelenting terrorists. The number of terrorism-related deaths worldwide doubled between 2012 and 2013, jumping from 10,000 to 20,000 in just one year. Now is not the time to stand down. Those who embrace an altruistic worldview should remember that vigilance and strength have deterred our enemies in the past. That same commitment is required today to defeat those who seek to destroy us and our way of life. We must make careful, prudent use of all available technology to counter their sophisticated operations if we are to maintain our freedom and liberties.

#### Trump makes retaliation guaranteed---psychology proves and their defense is wrong

Gartner 16 (John Gartner Et. Al, 3-31-2016, John Gartner is a private-practice psychologist, part-time assistant professor of psychiatry at Johns Hopkins University Medical School and author of In Search of Bill Clinton: A Psychological Biography. "9/11: What Would Trump Do? ," POLITICO Magazine, http://www.politico.com/magazine/story/2016/03/donald-trump-2016-terrorist-attack-foreign-policy-213784 )

“Trump, a thin-skinned malignant narcissist who can leave no slight unavenged … is the candidate most likely to overreact to a terrorist event” Trump, a thin-skinned malignant narcissist who can leave no slight unavenged, no matter how slight (God help us if Kim Jong-un makes fun of his hands), is the candidate most likely to overreact to a terrorist event or threat in an impulsive, misguided and heavy-handed way that would win us enemies and influence people around the world to hate us. For example, his proposal to “register” all Muslims in America will humiliate a proud people and radicalize scores of young people. Malignant narcissists are not your garden-variety narcissists. They combine narcissism with paranoia, anti-social traits and a propensity for aggression. Trump sees threats where they don’t exist—like Mexican immigrants who “might be ISIS”—and feels no compunctions about breaking rules, such as those against torture or collective punishment, to lash out at those imaginary threats. The Geneva Convention is for politically correct suckers. The law of the jungle, not the rule of law, is the organizing principle of malignant narcissists. And if they can’t rule the jungle they’ll burn it down. Malignant narcissism is an untreatable personality disorder, for the simple reason that no one can ever tell the malignant narcissist he is wrong. Anyone who questions a malignant narcissist’s judgment is immediately dismissed as an idiot or attacked as a threat. Anyone who questions their ruthless tactics is belittled as soft and naive. It’s not accidental that Trump has said “my primary consultant is myself.” The appeal of narcissistic leaders is real and understandable. In America we’ve had a history of charismatic hypomanic narcissists, warm narcissists if you will, like TR and FDR, who were positive forces of nature, leading the country out of hard times by using their larger than life personalities to inspire a faith in America that made us feel larger against our enemies, while single handedly pushing the nation in a more progressive direction that broadened democracy to include the needs and voices of the many. But even malignant narcissists, who concentrate all the power in themselves, can lend strength, inspire confidence and chart a collective direction for their country. Hitler took a dispirited defeated nation in the throws of depression and with the promise to make Germany great again turned it into a world power. But the downsides are unimaginable: Hitler also replaced democracy with dictatorship, tolerance with genocide, and sowed the seeds of his nations destruction with his ruthless will to conquer. In short, a president Trump is one of the biggest threats imaginable to our national security. His need to appear strong will make us weak. A malignant narcissist is much like a malignant tumor. Sooner or later it will kill the body politic. \*\*\* “The nihilistic Trump, who regards human beings as brutish children, might well react to a terror attack like a brutish child” Michael D’Antonio is author of more than a dozen nonfiction books, including Mortal Sins and Never Enough, Donald Trump and the Pursuit of Success. Within moments of our first meeting, Donald Trump told me that if he is guided by any principle it is this: “If you hit me, I’ll hit back, ten times harder.” (I came to think of this as the Trump Rule of Ten.) In subsequent meetings he added to what might be called a personal philosophy with references to how much he enjoyed conflict—“I always loved to fight”—and his belief that people are “inherently dishonest.” Add Trump’s frequent references to the viciousness that dwells in the human heart and his belief that character is fixed at roughly age six, and you can imagine of way Trump could respond to a terror attack on America. The nihilistic Trump, who regards human beings as brutish children, might well react to a terror attack like a brutish child. President Trump would pressure intelligence agencies to immediately identify the source of the attack. Civil liberties may be suspended in the emergency pursuit of information, suspects and conspirators. Those taken into custody would be tortured, if Trump deemed it necessary. Speed would be an important part of the Trump response to terror, so we should not expect much deliberation or consultation with Congress or allies. And given his penchant for disproportional warfare, he would order a massive military response just as soon as he felt confident about a target. In such a scenario, the destruction of an office tower in New York would be answered with the annihilation of a city controlled by those Trump deemed to have sponsored the attack. To get a sense of how this might work, imagine the Bush administration’s tragedy in Iraq carried out in a matter of weeks, not years. If the targets of such a crude and violent response follow the established script, they would then attack the West on a scale that would make Brussels, and Paris, and San Bernardino seem like rehearsals. As the fight escalates, according to the Trump Rule of Ten, Americans would truly experience the terror the attackers intend. If the actions of the President Trump that I describe above seem too awful to consider, hope resides in the idea that much of what the man says and does is, to echo a term he recently used on CNN, “show business.” If this is true, then we might discount the bellicose rhetoric and the marginal figures he has named as advisers. However, this wish, that Trump doesn’t mean what he says, is a poor foundation on which to place our confidence in the future. We shouldn’t have to guess about our president’s temper. \*\*\* “As a self-professed America Firster, Trump seemingly thinks of statecraft in terms of profit-and-loss. Yet with apologies to Clausewitz, international politics is not the continuation of business by other means” Andrew Bacevich is author of the new book America’s War for the Greater Middle East: A Military History, to be published on April 5. Unmoored to principles and precedents, possessing a remarkably shallow grasp of history, Donald Trump is unlikely to demonstrate much by way of the cool calculation that successful crisis management requires. True, the actual exercise of power can educate, as it did in the case of John F. Kennedy, for example. By the time of the Cuban Missile Crisis, JFK’s “pay any price, bear any burden” inclinations had given way to let’s make a deal: my nukes in exchange for yours and let’s not do this again. Whether Trump is similarly educable stands as an open question. Confronted with some unexpected threat, would he pause to evaluate the precipitating factors? Kennedy did, and it served him well. Or would he give in to an impulse to lash out? That describes the George W. Bush administration’s response to 9/11. To put it another way, would intellect or emotion shape Trump’s approach to making decisions? More than anything else, of course, Trump prides himself in being the dealmaker par excellence. Yet based on his recent pronouncements—casually proposing to revive the practice of torture, for example, or speculating that Japan and South Korea might consider acquiring nuclear weapons—he appears all but incapable of appreciating the possibility of adverse second order consequences. True, for anyone running for president, a certain amount of shooting from the hip is to be expected. Trump is hardly the only candidate making bold statements—carpet bomb ISIS, move the U.S. embassy in Israel to Jerusalem on day one. But in most cases such promises are offered less as a serious basis for action than as a way of currying favor with particular constituencies. In Trump’s case, unfortunately, it’s hard to tell if he’s striking a pose or making statements that he intends to be taken seriously. (To be fair, it’s just as hard to interpret various off-the-wall statements made by Trump’s immediate rival Ted Cruz). As a self-professed America Firster, Trump seemingly thinks of statecraft in terms of profit-and-loss. Yet with apologies to Clausewitz, international politics is not the continuation of business by other means. The object of the exercise is not simply to gain some immediate advantage at the expense of others, but to enhance the freedom, abundance, and security enjoyed by the American people while at the same time promoting conditions that others—allies and adversaries alike—find tolerable. Surrounding himself with advisers who are somewhat more—what’s the word? seasoned? sane?—might encourage Trump to curb his wilder inclinations. But who in their right mind would sign up to serve in his administration? Probably people who think like Trump. Now there’s a scary prospect. \*\*\* “A 9/11-style attack on U.S. soil would mean that any remaining restraints to the use of weapons of mass destruction … would likely be swiftly swept aside” Elizabeth Borgwardt is a history professor at Washington University and the author of The Nuremberg Idea, forthcoming from Knopf. Donald Trump’s March 21 interview with the Washington Post editorial board should make every potential voter’s blood run cold. After noting that ISIS should be knocked out flat, yet indicating that large numbers of U.S. troops should not be involved, Mr. Trump suggested that it was better to be “unpredictable” in the face of U.S. enemies, before twice dodging a question about whether he would advocate the use of tactical nuclear weapons against ISIS. (To be fair, the interview transcript indicates that much more time was spent discussing Mr. Trump’s hand size than anything to do with nuclear weapons.) All this was before the attacks in Belgium; my sense is that a 9/11-style attack on U.S. soil would mean that any remaining restraints to the use of weapons of mass destruction—including nuclear weapons—would likely be swiftly swept aside. General Douglas MacArthur had notoriously floated the idea of using nuclear weapons against China in the Korean conflict (1950-53) when he was concerned about Chinese moves to support North Korean aggression. In posthumously published interviews, MacArthur said that he could have won the war in ten days: “I would have dropped 30 or so atomic bombs … strung across the neck of Manchuria. For at least 60 years there could have been no land invasion of Korea from the North.” Part of MacArthur’s logic was that the United States would have needed to fight communist China eventually, so it would be best to nuke them while they were still weak, recovering from World War II and the Chinese Revolution (1949), as opposed to fighting them later after they had become much stronger. “That makes sense to me!” opined a Trump backer with whom I recently spoke on this topic. And yet, I offered, most Americans today are probably pretty happy that we didn’t use nuclear weapons against China in the Korean war, or would be if they knew anything about that historical interlude. “I guess,” he said. “But why not press your advantage when you have one?” I offer this example because my sense is that in a putative Trump administration, “the gloves would be off” and all barriers—including public opinion—to the first use of various kinds of weapons of mass destruction would likely be at an all-time low. Bruce Cumings, the leading U.S. historian of Korea, has commented on the MacArthur incident in an analysis from back in 2004. Cumings noted that “MacArthur sounds like a warmongering lunatic” for advocating the use of nuclear weapons, but also explained that, astonishing as it might seem, the general actually had some support for his outlandish proposal. Cumings also noted that MacArthur’s conduct, quite appropriately, contributed to the celebrated war hero’s dismissal by President Truman. But that was then.

### 1NC – Global Nuke War - Long

#### Global terrorism declining due to surveillance but risks remain.

Taylor 8/15, [Adam. BA in econ/focus on IR from University of Manchester, MA in journalism from Columbia, foreign reporter @ WaPo. "Terrorist attacks are quietly declining around the world". https://www.washingtonpost.com/world/2018/08/15/terrorist-attacks-are-quietly-declining-around-world/?noredirect=onandutm\_term=.40779f183a19. 15 Aug 2018.] EE

Despite such high-profile attacks and responses, however, statistics released this month by the University of Maryland suggest that 2017 was the third consecutive year that the number of terrorist attacks around the world — and the deaths caused by them — had dropped. So far, 2018 looks on track to be lower still.

The university’s Study of Terrorism and Responses to Terrorism (START) program found there were 10,900 terrorist attacks around the world last year, which killed a total of 26,400 people, including perpetrators. That was a drop from 2016, which was in turn a drop from 2015. Right now, the number of terrorist attacks and deaths from terrorism appears to have peaked in 2014, when there were nearly 17,000 attacks and more than 45,000 victims.

What explains the downward trend? In Western Europe, where the number of attacks increased slightly in 2017 — but the number of victims dropped by 65 percent — it may be matters of policing and counterintelligence. British Prime Minister Theresa May said Tuesday that the country had foiled 13 Islamist terrorism plots and four far-right plots since March 2017, when last year’s attack near the Houses of Parliament occurred.

On a global scale, however, the answer is clear. Though there was a surge in terrorist attacks in Europe in recent years, most attacks still occur in the Middle East and Africa, and those regions saw a big decline in 2017. The number of terrorist attacks in the Middle East and North Africa dropped by 38 percent year on year according to START; the number of victims declined by 44 percent.

That can largely be attributed to the Islamic States' loss of territory and military defeats throughout 2017. Without a stable base, the number of attacks the jihadist group could stage in countries like Iraq and Syria dropped sharply, as did the damage it could inflict on civilian populations.

Indeed, it was largely thanks to the rise of the Islamic State and other extremist groups like Boko Haram that 2014 became such a remarkable year for global terrorism in the first place. In 2015, the Institute for Economics and Peace released a report that found there was an 80 percent increase in the number of deaths from terrorism in just one year — and the number of deaths from terrorism in 2014 was ninefold what it had been in 2000.

But a closer read of the 2014 statistics paints a nuanced picture. START’s data from the year found just three countries — Iraq, Nigeria and Afghanistan — accounted for 60 percent of deaths from terrorism. Even though the total number of deaths globally from terrorism that year was clearly terrible (more than 45,000, according to START), it was still less than the number of deaths due to drug overdoses that same year in the United States alone.

The United States was largely spared from the worst of this global increase in terrorism — START found 27 deaths in the country from terrorism in 2014, which included perpetrators. But terrorism has still shaken American politics. A Pew poll from July 2016, for example, found that voters thought that terrorism should get more time than any other subject in presidential debates.

Trump voters, Pew found, felt most strongly about this. FiveThirtyEight polling expert Nate Silver suggested in March 2016 that Trump’s tweeting after terrorist attacks — at least ones involving Muslim perpetrators — helped him capitalize on anti-Muslim sentiment during the campaign (after he entered office, Trump continued his practice of rarely tweeting about attacks that targeted Muslims).

It’s too early to say whether 2018 will continue the encouraging trend of the past three years. Another monitoring group, Jane’s IHS Markit, has warned that there may be a surge in attacks in Europe as Islamic State fighters return from the Middle East. Notably, on Tuesday, two separate reports suggested the number of fighters still with the Islamic State in Iraq and Syria is considerably higher than previously estimated.

#### Journalists will be used as tools to siphon away national insecurities to those with insidious goals.

Reiss ’09 [Cory Reiss (Virginia news reporter), 2009, “COMMENT CRIME THAT PLAYS: SHAPING A REPORTER’S SHIELD TO COVER NATIONAL SECURITY IN AN INSECURE WORLD” Wake Forest Law Review Vol 44, <http://wakeforestlawreview.com/wp-content/uploads/2014/10/Reiss_LawReview_01.09.pdf>] EE

Second, from the government’s perspective, the Rosen and Weissman prosecutions illustrate that classified information does not always flow from high-level officials to traditional journalists, as was the case in the Libby prosecution and the contempt citation of Miller. Leaks of national security information may come from midor low-level government employees to middlemen or nontraditional publishers.79 For example, Franklin gave Rosen and Weissman classified information about a draft presidential directive outlining a new U.S. posture toward Iran, an avowed enemy of Israel.80 Rosen, in turn, allegedly distributed the information to Israeli diplomats and American reporters, some of whom mentioned the material in stories.81 How damaging those leaks were to national security, as in most cases, is debatable. But the government’s concern about classified leaks gains added credence from evidence that individuals with agendas not necessarily in line with the American public’s are able to coax government sources into providing classified information that may be used to achieve those ends. Rather than attempting to entice mainstream journalists to use their information, lobbyists today might give it to bloggers for publication or post the material themselves. The political, financial, or diplomatic agendas at work in future cases could be more hostile to American interests. The U.S. government’s opposition to a federal shield law, therefore, appears more justifiable where the concern involves classified leaks to “less reputable entities or individuals who nevertheless would still qualify as ‘covered persons’” under the House bill,82 or to individuals who adopt some “trappings of journalism” under the Senate bill but are not yet known to be tied to terrorist or criminal organizations.83 The stakes, therefore, are especially high for the mainstream press, nontraditional journalists, and the government when the debate about a shield law intersects with justifiable national security considerations.

#### The impact is global. Leaks undermine international cooperation and data sharing – key to fight terrorism

Hoekstra 5 [(Peter, Former Member of the United States House of Representatives) “Secrets and Leaks: The Costs and Consequences for National Security”, The Heritage Foundation, 7/29/2005] TS

We also know that unauthorized leaks put strains on our relationships with foreign intelligence services. Despite being the best at what we do, it is impossible to collect every piece of intelligence in every corner of the world. As a result, we count on foreign intelligence services to help fill-in the gaps. Unauthorized leaks could have a significant impact on whether foreign governments continue to share critical information with our intelligence agencies. And quite frankly, I cannot blame them. The reality is, many foreign leaders and their governments provide us with valuable help in the war on terror, but they do so at tremendous political peril. If the United States cannot promise to protect classified information and where we got it from, why should we expect these leaders, or even our overt allies, to be willing to share their information? Information sharing with foreign intelligence services will play a significant role in our intelligence collection capabilities in the future. The loss of foreign partners would undoubtedly create overwhelming gaps in our ability to collect good intelligence around the globe. Some of you may have seen an article from a few weeks ago that discussed possible coordination between the U.S., France and other governments in the war on terror. While I understand the public has a certain interest in knowing what the government is doing to protect them, we have to ask, where is the balance. What was the benefit of publishing that story? Reports that discuss sensitive partnerships, whether accurate or not, hinder our abilities to work with our friends on intelligence activities. Some foreign nations work with our agencies because it is not widely known that they are doing it. That secrecy is important for future operations. The Commission on Weapons of Mass Destruction reports the Intelligence Community seriously misjudged the status of Iraq's biological weapons program in the 2002 National Intelligence Estimate and other pre-war intelligence products. The primary reason for this misjudgment was the Intelligence Community's heavy reliance on a source-codenamed "Curveball"-whose information later proved to be unreliable. This misjudgment could have been avoided if we were able to receive key information from our allies. The decision by a foreign intelligence service not to share a critical source seriously undermined our ability to assess his credibility. Despite numerous requests by the CIA, the foreign government refused to provide us direct access to Curveball because of past leaks from within our government. The classified annex to the Silberman-Robb Report on Weapons of Mass Destruction discusses numerous cases over the past several years that have cost American taxpayers plenty, not to mention the harm caused by the exposure of our assets, methods and capabilities. Because it is classified I cannot elaborate further, but you do not need to read a classified annex to get a sense of the frequency that leaks occur and the damage they cause. I am confident the terrorists are not reading the classified annex to get their information. Leaking sensitive information is like giving the enemy our playbook. In 2002 a newspaper obtained classified information about top-secret war plans leading up to the invasion in Iraq. Then last week, there were wire service stories on possible American and British plans to bring troops home by the end of the year. Whether accurate or not, these types of stories put our operational capabilities at risk and allow the enemy to manipulate the information for possible use against our brave men and women in uniform.

#### Intelligence is needed to counter non WMD terrorism

Karmon 02 [(Ely, Israeli political scientist who is a Senior Research scholar at the International Institute for Counter-Terrorism and Senior Research Fellow at the Institute for Policy and Strategy) “The Role of Intelligence in Counter-Terrorism”, Korean Journal of Defense Analysis, 14:1, 2002] TS

In light of the above threats and trends, what will be the task of the security and intelligence services, and how can they better cover the large array of terrorist groups and organizations? The threat of large-scale acts of terror and the potential of nonconventional terrorism will enhance the need to prevent terrorist schemes and give warning before such acts happen. In the case of chemical or nuclear terrorism without warning, even the first-responder teams could be destroyed before they act. In case of biological threat, the early warning could at least permit the immunization of the endangered population. The existence of small groups and cells of highly motivated religious extremists, right-wing fanatics, unpredictable esoteric or millenarian cults, which in many senses act anarchically, means that the work of penetration and infiltration of these groups is highly difficult. Thus, the use of human sources, or “humint,” should be expanded and perfected; the counter-terrorism expertise, the cultural knowledge and the language aptitudes of humint officers should be improved. Penetration of composite, multi-national groups, like the ones formed by Sheikh Omar Abdel Rahman in the US and Osama bin Laden, as well as cults, such as Aum Shinrikyo or Koresh, presents an especially formidable challenge. The inconclusive results of the US cruise missile strikes against bin Laden’s camps in Afghanistan are only a fresh example of the importance of good human sources in the heart of terrorist organizations. As migration, illegal immigration and globalization become part and parcel of the international environment, leaders and militants of terrorist organizations exhibit a tendency to transfer their activities, mainly logistics and funding, to the developed Western nations. From these countries, they coordinate terrorist or guerrilla activity against the regime against which they are fighting. For example, the Tamil LTTE has an extensive infrastructure abroad, as do the Islamist Egyptian, Saudi and Algerian “emirs.” It is therefore important to monitor the contacts between the “battle” areas and the countries serving as base for these activities, mainly Europe and North America. It is important that intelligence services also cover the so-called gray zones and do not permit the formation of blind spots in the overall intelligence picture, such as Afghanistan and Somalia. Intelligence holes in such places would permit terrorist groups to find safe haven there, from which to develop and proliferate to the outside world. Open sources are important in providing context, as well as warnings. Terrorist organizations have ideological programs, and they need to explain to their sympathizers and the public at large their goals and targets. In the age of the internet and open media, there is a need for careful examination and analysis of all their available materials. Often, intelligence agencies dealing with terrorism neglect the importance of this kind of information. It is perhaps the duty of academia and university researchers to deal with and to advance the knowledge of terrorist ideologies, doctrines and strategies. The internet will increasingly become the place where of the virtual clandestine activity takes place. For instance, a radical right-wing group, the Thule Netz in Germany, uses sophisticated ciphering and has many levels of encoding before reaching the highest echelons of their network. The Islamist groups use the net for funding, recruiting, as well as passing operational information and orders. One of the problems with which the security services will have to deal will be the encoding of communications between militants of terrorist cells and groups. The US administration has not succeeded in preventing the proliferation to clandestine organizations the PGP system of encryption. In this field it is important to invest technological efforts, to develop cooperation with the private sector and to enhance the cooperation between the technologically advanced countries. As for cyber-terrorism, a completely new approach is needed from the security and intelligence services, as well as the development of new doctrines. As regards the proliferation of non-conventional weapons, particularly to the extent that it may touch terrorism and affect the security of whole countries, the next decade will certainly present the intelligence agencies with the most formidable task. The challenge in this case is two-fold: on the one hand the necessity of penetrating and monitoring the activities of the various groups and organizations in their attempts to acquire or use these weapons. On the other hand, there is a need to identify, monitor and neutralize the providers of raw materials, technology and know-how used in the preparation of such weapons. This mission is linked to the overall task of preventing the proliferation of WMD to rogue states, but in many senses is more intricate. In the fields of structure, organization and coordination of intelligence and security agencies in those countries threatened by terrorism, there is much that needs improving and modernizing. The fight against terrorism will require higher national priorities, more human and financial resources, and better-trained and more cosmopolitan personnel, all of which may be at the expense of the more conventional military tasks. The vast amount of material that modern means of communication put in the hands of the terrorist organizations will require that security services process digital information—often in a wide variety of languages and sometimes in real time or very short time. For example, the Chechen militants use some six websites in fifteen languages; while the Turkish authorities, during the pursuit of Turkish Hizbullah militants last year, found a number of computers and CD-ROMs containing the names of tens of thousands of activists or sympathizers. This implies the need to train and maintain an important pool of capable and highly professional intelligence officers. In many Western countries, the law enforcement community is neither fully exploiting the growing amount of information collected in the course of terrorism investigations, nor distributing that information effectively to analysts and policymakers. Law enforcement agencies are traditionally reluctant to share information outside of their circles, so as not to jeopardize any potential prosecution. In some countries laws limit the sharing of law enforcement information, such as grand jury or criminal wiretap information, with the intelligence community. It is therefore necessary, within each country’s legal and constitutional limitations, to adapt laws and procedures to the special task of fighting terrorism. The trend of globalization, the internationalization of terrorist networks, and the existence of sponsor states or extraterritorial safe havens, could necessitate the intervention of military special forces, including the United Nations, NATO or European military units, as in Kosovo, the Middle East or Africa. These forces will need more intelligence concerning terrorist or guerrilla forces and activities. They will have to adapt to the new missions, developing their own intelligence capabilities and improve the coordination with the civil law enforcement agencies involved in the every day fight against terrorism. The last field that must be addressed in the fight against terrorism is that of international cooperation. It is an accepted axiom today that cooperation on the bilateral, regional and international levels is essential in preventing and neutralizing not only international terrorism, but also internal terrorism in many countries. Terrorism in Algeria and Egypt or in Sri Lanka and the Philippines is closely connected with the activity of exiled militants in other countries, and the raising of funds by expatriate humanitarian organizations. Without sincere and close cooperation among the various countries in the intelligence field, each country, as past experience has shown, will at one time become a victim of terrorism. A very interesting and important development has been the creation of the Terrorism Prevention Branch of the United Nations, in the framework of the Center for International Crime Prevention. There have also been initiatives on the part of countries such as France and Russia to improve the international legislation at the United Nations concerning the financing of terrorism or the prevention of nuclear terrorism. Nevertheless it must be clear that the activity of the intelligence agencies and international cooperation will be affected and influenced by the international environment, by new international laws and by human rights requirements. It will depend on the political limitations of the various countries with regard to the definition of terrorism, the threat of enlargement of conflicts to other countries, and the fear of creating additional innocent victims.

#### Risk of nuclear terrorism is real and high now – assumes construction and deployment

Jabr 6/11 [(Ferris, writer based in Portland Oregon) “This Is What a Nuclear Bomb Looks Like”, Daily Intelligencer, 6/11/2018] TS

--Gun type nuclear weapon = Hiroshima

In his efforts to Make America Great Again, Donald Trump has succeeded in reviving at least one aspect of America’s past: the fear of nuclear war. Since taking office, the president has boasted about the [size of his “Nuclear Button,”](http://nymag.com/daily/intelligencer/2018/01/trumps-tweet-wont-start-a-war-but-its-still-terrifying.html) jettisoned the nuclear deal with Iran, and threatened to unleash “fire and fury like the world has never seen” on North Korea. His national-security adviser, John Bolton, openly advocates a first-strike policy against nuclear-armed enemies, and the Pentagon, after decades of careful disarmament, wants to spend $1.2 trillion to upgrade its nuclear arsenal. If you’ve felt a new shiver of nuclear fear over the past year, you’re not alone: The Bulletin of the Atomic Scientists has moved its “[Doomsday Clock](http://nymag.com/daily/intelligencer/2017/06/what-is-the-doomsday-clock-and-what-makes-it-tick.html)” to [within two minutes of midnight](http://nymag.com/daily/intelligencer/2017/01/the-doomsday-clock-just-got-closer-to-midnight.html) — closer than it has been since the height of the Cold War. In January, when a state employee in Hawaii [mistakenly triggered an emergency alert](http://nymag.com/daily/intelligencer/2018/01/the-frightening-lessons-from-hawaiis-false-missile-alert.html), warning that a ballistic missile was inbound, many islanders raced to take shelter and unite with their loved ones, believing they were only minutes away from utter devastation. What made the false alarm all the more frightening is just how plausible the prospect of a nuclear strike has become. The U.S. and Russia, both of which maintain massive nuclear arsenals, are increasingly at odds. Iran has announced plans to ramp up its production of enriched uranium. North Korea may already have nuclear missiles capable of striking anywhere in the U.S., and there is no way to know whether Trump’s negotiations with Kim Jong-un will wind up increasing or decreasing the prospect of nuclear war. But the current state of dread, while entirely understandable, has overshadowed two crucial realities about the threat of a nuclear calamity. First, a nuclear attack on the United States could well come not from the skies but from the streets. Experts warn that it would be relatively easy for terrorists to build an “improvised nuclear bomb” and smuggle it into America. Building a ten-kiloton bomb nearly as destructive as the one dropped on Hiroshima would require little more than some technical expertise and 46 kilograms of highly enriched uranium — a quantity about the size of a bowling ball. The second reality we have failed to understand is what a nuclear detonation and its aftermath would actually look like. In our imaginations, fueled by apocalyptic fictions like The Road and The Day After, the scale and speed of nuclear annihilation seem too vast and horrific to contemplate. If nuclear war is considered “unthinkable,” that is in no small part because of our refusal to think about it with any clarity or specificity. In the long run, the best deterrent to nuclear war may be to understand what a single nuclear bomb is capable of doing to, say, a city like New York — and to accept that the reality would be even worse than our fears. There are currently at least 2,000 tons of weapons-grade nuclear material stored in some 40 countries — enough to make more than 40,000 bombs approximately the size of the one that devastated Hiroshima. Stealing the material would be challenging but far from impossible. [Russia stockpiles numerous bombs](http://nymag.com/daily/intelligencer/2018/03/are-putins-new-nukes-a-real-threat.html) built before the use of electronic locks that disable the weapons in the event of tampering. Universities that handle uranium often have lax security. And insiders at military compounds sometimes steal radioactive material and sell it on the black market. Since 1993, there have been 762 known instances in which radioactive materials were lost or stolen, and more than 2,000 cases of trafficking and other criminal activities. Once terrorists obtained the uranium, they would need only a small team of sympathetic engineers and physicists to build what is known as a gun-type nuclear bomb, like the one dropped on Hiroshima. A gun-type nuke uses traditional explosives to fire a slug of uranium through a tube directly into another chunk of uranium, fracturing huge numbers of atoms and unleashing a massive amount of energy. Compared to modern nuclear missiles, which are far more powerful and complex, constructing a crude gun-type nuke is fairly straightforward. In 2002, when Joe Biden was chairman of the Senate Foreign Relations Committee, he asked several nuclear laboratories whether a terrorist group could construct an off-the-shelf nuclear weapon. Several months later, they gave their answer: Without resorting to any illegal activities or drawing on classified information, and using only commercially available parts, they had built a nuclear bomb that was “bigger than a breadbox but smaller than a dump truck.” To underscore the danger, Biden had them bring the device to the Senate. The last step in the process — smuggling the weapon into the United States — would be even easier. A ten-kiloton bomb, which would release as much energy as 10,000 tons of TNT, would be only seven feet long and weigh about 1,000 pounds. It would be simple to transport such a device to America aboard a container ship, just another unseen object in a giant metal box among millions of other metal boxes floating on the ocean. Even a moderate amount of shielding would be enough to hide its radioactive signature from most detectors at shipping hubs. Given all the naturally radioactive items that frequently trigger false alarms — bananas, ceramics, Brazil nuts, pet deodorizers — a terrorist group could even bury the bomb in bags of Fresh Step or Tidy Cats to fool inspectors if a security sensor was tripped. In 1946, a senator asked J. Robert Oppenheimer, the physicist who played a key role in the Manhattan Project, what instrument he would use to detect a nuclear bomb smuggled into the United States. Oppenheimer’s answer: “A screwdriver.” Amazingly, our detection systems have still not caught up to this threat: One would essentially have to open and visually inspect every single crate and container arriving on America’s shores. Once the container ship reached a port like Newark, terrorists would have no trouble loading the concealed bomb into the back of an unassuming white van and driving it through the Lincoln Tunnel directly into Times Square.

#### Extinction and everything in between

Arguello and Buis 18 [(Irma, international security expert from Argentina. She founded and chairs the Nonproliferation for Global Security Foundation; Emiliano, lawyer and associate professor of public international law, international humanitarian law, international law of disarmament, and the origins of international law in antiquity. He teaches both at a graduate and postgraduate levels at the University of Buenos Aires Law School, the Central University (UNICEN), and the School of National Defense, Argentina) “The global impacts of a terrorist nuclear attack: What would happen? What should we do?”, Bulletin of the Atomic Scientists, 2/28/2018] TS

A small and primitive 1-kiloton fission bomb (with a yield of about one-fifteenth of the one dropped on Hiroshima, and certainly much less sophisticated; cf. Figure 1), detonated in any large capital city of the developed world, would cause an unprecedented catastrophic scenario. An estimate of direct effects in the attack’s location includes a death toll of 7,300-to-23,000 people and 12,600-to-57,000 people injured, depending on the target’s geography and population density. Total physical destruction of the city’s infrastructure, due to the blast (shock wave) and thermal radiation, would cover a radius of about 500 meters from the point of detonation (also known as ground zero), while ionizing radiation greater than 5 Sieverts – compatible with the deadly acute radiation syndrome – would expand within an 850-meter radius. From the environmental point of view, such an area would be unusable for years. In addition, radioactive fallout would expand in an area of about 300 square kilometers, depending on meteorological conditions (cf. Figure 2). But the consequences would go far beyond the effects in the target country, however, and promptly propagate worldwide. Global and national security, economy and finance, international governance and its framework, national political systems, and the behavior of governments and individuals would all be put under severe trial. The severity of the effects at a national level, however, would depend on the countries’ level of development, geopolitical location, and resilience. Global security and regional/national defense schemes would be strongly affected. An increase in global distrust would spark rising tensions among countries and blocs, that could even lead to the brink of nuclear weapons use by states (if, for instance, a sponsor country is identified). The consequences of such a shocking scenario would include a decrease in states’ self-control, an escalation of present conflicts and the emergence of new ones, accompanied by an increase in military unilateralism and military expenditures. Regarding the economic and financial impacts, a severe global economic depression would rise from the attack, likely lasting for years. Its duration would be strongly dependent on the course of the crisis. The main results of such a crisis would include a 2 percent fall of growth in global Gross Domestic Product, and a 4 percent decline of international trade in the two years following the attack (cf. Figure 3). In the case of developing and less-developed countries, the economic impacts would also include a shortage of high-technology products such as medicines, as well as a fall in foreign direct investment and a severe decline of international humanitarian aid toward low-income countries. We expect an increase of unemployment and poverty in all countries. Global poverty would raise about 4 percent after the attack, which implies that at least 30 million more people would be living in extreme poverty, in addition to the current estimated 767 million. In the area of international relations, we would expect a breakdown of key doctrines involving politics, security, and relations among states. These international tensions could lead to a collapse of the nuclear order as we know it today, with a consequent setback of nuclear disarmament and nonproliferation commitments. In other words, the whole system based on the Nuclear Non- Proliferation Treaty would be put under severe trial. After the attack, there would be a reassessment of existing security doctrines, and a deep review of concepts such as nuclear deterrence, no-firstuse, proportionality, and negative security assurances. Finally, the behavior of governments and individuals would also change radically. Internal chaos fueled by the media and social networks would threaten governance at all levels, with greater impact on those countries with weak institutional frameworks. Social turbulence would emerge in most countries, with consequent attempts by governments to impose restrictions on personal freedoms to preserve order – possibly by declaring a state of siege or state of emergency – and legislation would surely become tougher on human rights. There would also be a significant increase in social fragmentation – with a deepening of antagonistic views, mistrust, and intolerance, both within countries and towards others – and a resurgence of large-scale social movements fostered by ideological interests and easily mobilized through social media

### 1NC – Show Strategy

#### Terror is declining globally due to surveillance, but is still a big risk.

Taylor 8/15, [Adam. BA in econ/focus on IR from University of Manchester, MA in journalism from Columbia, foreign reporter @ WaPo. "Terrorist attacks are quietly declining around the world". https://www.washingtonpost.com/world/2018/08/15/terrorist-attacks-are-quietly-declining-around-world/?noredirect=onandutm\_term=.40779f183a19. 15 Aug 2018.] EE

Despite such high-profile attacks and responses, however, statistics released this month by the University of Maryland suggest that 2017 was the third consecutive year that the number of terrorist attacks around the world — and the deaths caused by them — had dropped. So far, 2018 looks on track to be lower still.

The university’s Study of Terrorism and Responses to Terrorism (START) program found there were 10,900 terrorist attacks around the world last year, which killed a total of 26,400 people, including perpetrators. That was a drop from 2016, which was in turn a drop from 2015. Right now, the number of terrorist attacks and deaths from terrorism appears to have peaked in 2014, when there were nearly 17,000 attacks and more than 45,000 victims.

What explains the downward trend? In Western Europe, where the number of attacks increased slightly in 2017 — but the number of victims dropped by 65 percent — it may be matters of policing and counterintelligence. British Prime Minister Theresa May said Tuesday that the country had foiled 13 Islamist terrorism plots and four far-right plots since March 2017, when last year’s attack near the Houses of Parliament occurred.

On a global scale, however, the answer is clear. Though there was a surge in terrorist attacks in Europe in recent years, most attacks still occur in the Middle East and Africa, and those regions saw a big decline in 2017. The number of terrorist attacks in the Middle East and North Africa dropped by 38 percent year on year according to START; the number of victims declined by 44 percent.

That can largely be attributed to the Islamic States' loss of territory and military defeats throughout 2017. Without a stable base, the number of attacks the jihadist group could stage in countries like Iraq and Syria dropped sharply, as did the damage it could inflict on civilian populations.

Indeed, it was largely thanks to the rise of the Islamic State and other extremist groups like Boko Haram that 2014 became such a remarkable year for global terrorism in the first place. In 2015, the Institute for Economics and Peace released a report that found there was an 80 percent increase in the number of deaths from terrorism in just one year — and the number of deaths from terrorism in 2014 was ninefold what it had been in 2000.

But a closer read of the 2014 statistics paints a nuanced picture. START’s data from the year found just three countries — Iraq, Nigeria and Afghanistan — accounted for 60 percent of deaths from terrorism. Even though the total number of deaths globally from terrorism that year was clearly terrible (more than 45,000, according to START), it was still less than the number of deaths due to drug overdoses that same year in the United States alone.

The United States was largely spared from the worst of this global increase in terrorism — START found 27 deaths in the country from terrorism in 2014, which included perpetrators. But terrorism has still shaken American politics. A Pew poll from July 2016, for example, found that voters thought that terrorism should get more time than any other subject in presidential debates.

Trump voters, Pew found, felt most strongly about this. FiveThirtyEight polling expert Nate Silver suggested in March 2016 that Trump’s tweeting after terrorist attacks — at least ones involving Muslim perpetrators — helped him capitalize on anti-Muslim sentiment during the campaign (after he entered office, Trump continued his practice of rarely tweeting about attacks that targeted Muslims).

It’s too early to say whether 2018 will continue the encouraging trend of the past three years. Another monitoring group, Jane’s IHS Markit, has warned that there may be a surge in attacks in Europe as Islamic State fighters return from the Middle East. Notably, on Tuesday, two separate reports suggested the number of fighters still with the Islamic State in Iraq and Syria is considerably higher than previously estimated.

#### The aff encourages leakers to publish—gets rid of chilling effect

Hardman 05 [Laura R. Handman, “Protection of Confidential Sources: A Moral, Legal, and Civic Duty,” 19 Notre Dame J.L. Ethics & Pub. Pol'y 573 (2005)]

While the legal duty to answer a subpoena and supply a grand jury or a court with relevant information does not target the press, that legal duty has a particularly devastating effect on reporters' ability to gain the confidence of sources who can provide them with the information crucial to investigating important and newsworthy stories. If potential informants believe that a subpoena can convert the media into "an investigative arm of the government," they will be far less likely to share controversial information."0 Because of their investigative activities, reporters are more likely to be targets of subpoenas."' Sources seek confidentiality usually out of a well-grounded fear of retaliation and will be less likely to provide information if they risk disclosure. Reporters may be forced to decline to print newsworthy items from confidential sources if they believe that courts will not respect the need to preserve confidentiality. Reporters must now also factor in the potential consequences of publishing stories based on information from confidential sources, consequences that currently include substantial fines and jail time. 32 Curbing an over-reliance on confidential sources may not be all bad where confidentiality is not truly vital to get the information, where the source does not want to be identified because of risk of embarrassment rather than retaliation, where the source, hiding behind anonymity, provides deliberately false information, or where the story itself does not involve disclosure of serious abuse. Unfortunately, refusal of any kind of protection would likely quash the important whistleblower stories that will not otherwise be told as well as celebrity gossip or other stories of less public moment.

#### Journalists will be used as tools to siphon away national insecurities to those with insidious goals.

Reiss ’09 [Cory Reiss (Virginia news reporter), 2009, “COMMENT CRIME THAT PLAYS: SHAPING A REPORTER’S SHIELD TO COVER NATIONAL SECURITY IN AN INSECURE WORLD” Wake Forest Law Review Vol 44, <http://wakeforestlawreview.com/wp-content/uploads/2014/10/Reiss_LawReview_01.09.pdf>] EE

Second, from the government’s perspective, the Rosen and Weissman prosecutions illustrate that classified information does not always flow from high-level officials to traditional journalists, as was the case in the Libby prosecution and the contempt citation of Miller. Leaks of national security information may come from midor low-level government employees to middlemen or nontraditional publishers.79 For example, Franklin gave Rosen and Weissman classified information about a draft presidential directive outlining a new U.S. posture toward Iran, an avowed enemy of Israel.80 Rosen, in turn, allegedly distributed the information to Israeli diplomats and American reporters, some of whom mentioned the material in stories.81 How damaging those leaks were to national security, as in most cases, is debatable. But the government’s concern about classified leaks gains added credence from evidence that individuals with agendas not necessarily in line with the American public’s are able to coax government sources into providing classified information that may be used to achieve those ends. Rather than attempting to entice mainstream journalists to use their information, lobbyists today might give it to bloggers for publication or post the material themselves. The political, financial, or diplomatic agendas at work in future cases could be more hostile to American interests. The U.S. government’s opposition to a federal shield law, therefore, appears more justifiable where the concern involves classified leaks to “less reputable entities or individuals who nevertheless would still qualify as ‘covered persons’” under the House bill,82 or to individuals who adopt some “trappings of journalism” under the Senate bill but are not yet known to be tied to terrorist or criminal organizations.83 The stakes, therefore, are especially high for the mainstream press, nontraditional journalists, and the government when the debate about a shield law intersects with justifiable national security considerations.

#### Leaking security documents publicizes US & allies’ approaches to terror and allows terrorists to circumvent them

Faulconbridge 13 [(Guy Faulconbridge, Reuters Bureau Chief, United Kingdom and Ireland. London.) "British spy chief warns Snowden data is a 'gift' for terrorists," U.S., 10-8-2013, https://www.reuters.com/article/us-usa-security-britain/british-spy-chief-warns-snowden-data-is-a-gift-for-terrorists-idUSBRE99711A20131008] whs-ee

LONDON (Reuters) - Revelations by Edward Snowden about British eavesdropping are a gift to terrorists because they weaken the ability of the security services to stop those plotting deadly attacks against the West, the head of the MI5 Security Service said on Tuesday. In an unusually frank public intervention in the debate over the powers of U.S. and British spy agencies, MI5 Director General Andrew Parker warned that his agents needed to read and listen to suspect communications to foil major attacks. The extent of U.S. and British surveillance was laid bare in media reports based on previously top secret documents stolen by U.S. National Security Agency contractor Snowden, prompting a spy scandal that pitted Barack Obama against the Kremlin and triggered calls for greater scrutiny of Western agents. Cautioning against complacency over the threat from militants, especially those returning from the battlefields of Syria, Parker dismissed as nonsense the idea that British spies gratuitously rummaged through private data of the innocent like the secret police of Communist East Germany or North Korea. Though he did not mention Snowden by name, Parker warned about the danger of disclosures about the work of Britain’s listening agency, known as GCHQ, whose capabilities were made public by media reports based on documents from Snowden stole. “It causes enormous damage to make public the reach and limits of GCHQ techniques. Such information hands the advantage to the terrorists. It is the gift they need to evade us and strike at will,” Parker said in his first public speech taking up his post as MI5 chief on April 22. “The idea that we either can or would want to operate intensive scrutiny of thousands is fanciful. This is not East Germany, or North Korea. And thank goodness it’s not,” he told an audience in London. The rare public intervention by one of the world’s most senior spies indicates the level of concern within Britain’s security services about the damage done by Snowden’s revelations on both public perceptions and intelligence capabilities. Snowden received temporary asylum in Russia in August. In a clear attempt to nudge politicians towards legislation that would allow greater monitoring of communications, Parker said the changes in electronic communication could erode MI5’s ability to stop trouble. “We cannot work without tools,” Parker said.

#### Terrorism escalates to nuclear war

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

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

# 2NR

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### Ethan’s OV

Potential terrorism is growing now but the government foils plots through collected data. The links: 1) The aff encourage leakers to give up government information on terror by giving them protection and keeping their identities anonymous. Leaks expose the limits of government surveillance which shows terrorists the government operations so they can circumvent them. 2) the plan makes info gathering harder since terrorists will know how the FBI monitors them in the squo. Terror attacks that are big enough to be checked by surveillance cause extinction—Trump will speedily retaliate and attack the West with nuclear weapons—that’s the Gartner ev.

O/w on magnitude—terrorism causes extinction which

O/w on timeframe—terrorism is increasing now and we need surveillance to check it—the

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### XT – Winning WOT

#### Trump is winning the WOT- along with everything else

Morell 9/3 (Michael Morell, Former CIA deputy director, https://www.dallasnews.com/opinion/commentary/2018/09/03/killed-top-terrorist-noticed)

Amid all the controversies and scandals from Washington dominating our news cycle, a major counterterrorism success by the United States did not get the attention it deserved: Government officials are confident that Ibrahim al-Asiri, al-Qaeda's chief bomb maker, was killed during a U.S. drone strike late last year. If the reports are true — and caution is in order since al-Asiri has been reported killed before, only to show up very much alive — he would be the most significant international terrorist removed from the battlefield since Osama bin Laden. Al-Asiri was born in Saudi Arabia, but has been in Yemen as a leader of al-Qaeda's affiliate in the Arabian Peninsula for many years. He was the mastermind behind a number of explosive devices that were able to evade security checkpoints. He was well known as a master of his craft and was as intelligent as he was evil. When I left government in 2013, I considered him the most dangerous terrorist on the planet. His removal leaves the world a safer place. Al-Asiri had a long history of building sophisticated explosive devices. In 2009, he recruited his younger brother Abdullah to conceal one such bomb in his rectum for an assassination attempt against Saudi Arabia's most-senior security official at the time, Prince Mohammed bin Nayef, who later became minister of the interior. Abdullah was able to get close to Nayef by pretending to be a repentant terrorist, and detonated the explosive device near the prince. Abdullah was killed; the prince, miraculously, was only slightly wounded. But al-Asiri's bomb exploits go well beyond this attack. He was also the architect of the device used by Nigerian Umar Farouk Abdulmutallab on Christmas Day 2009. This device was concealed in Abdulmutallab's underwear, and he tried to detonate it aboard a U.S. airliner flying from Amsterdam to Detroit. Only Abdulmutallab's failure to correctly detonate the device prevented the deaths of 290 people on board. Late in 2010, al-Asiri hid bombs in printer cartridges designed to bring down multiple cargo flights to the United States. The bombs could not be detected on traditional airport scanners, or by dogs trained to identify explosives. If not for coordinated intelligence work among our allies, this, too, would have resulted in American lives lost. In 2012, al-Asiri once again put his talents to evil use and built a nonmetallic suicide vest, which would not have been detected by airport scanners. Again, excellent work by multiple intelligence services prevented an attack. Undeterred, al-Asiri even reportedly tried to surgically implant his bombs inside human bodies. Most recently, the bomb maker successfully designed explosive devices that could be hidden in electronic equipment, which resulted in the current Transportation Security Administration requirement that travelers remove laptops and iPads from carry-on luggage as they go through airport security. The only caveat to the significance of removing al-Asiri from the battlefield was that, for a number of years, he actively trained an unknown number of other bomb makers. But, few, if any of those, likely have his talent and creativity. This successful U.S. operation shows that, despite the partisan politics of Washington that dominates the daily news cycle, the men and women of the U.S. national security community continue to work hard and effectively to keep our country safe. I am certain that politics are not affecting those working on the front lines protecting the country. Such work remains critical as both al-Qaeda and the Islamic State, according to a report recently released by the United Nations, retain significant strength across a swath of the globe that runs from western Africa all the way to Southeast Asia. The report noted that al-Qaeda's global network "continues to show resilience," with its allies showing greater strength than the Islamic State in many parts of the world. It is important to note that the U.S. fight against al-Qaeda in Yemen, still the strongest and most dangerous of all the al-Qaeda groups, is distinct from our support of the Arab coalition that is supporting pro-government forces in Yemen's civil war, which has dragged on for three years and has resulted in one of the largest humanitarian crises on the planet. Looking ahead, President Donald Trump's administration, as did the George W. Bush and Barack Obama administrations, needs to work more with allies and partners to deal with the underlying causes of terrorism that create extremists in the first place. This counter-radicalization work will not grab the headlines, but it is the only way to prevent the struggle against extremists from becoming multigenerational. In the meantime, the Trump administration gets high marks for keeping the pressure on existing extremist groups.

#### America’s war on terror has entered its critical phase and maintaining resolve is key.

**Berman and Thompson 6/26** Ilan Berman and and Chloe Thompson, 7-26-2018, "Fight against terror entering a new phase, still just as vital," USA TODAY, <https://www.usatoday.com/story/opinion/2018/07/26/donald-trump-war-terror-islamic-state-syria-iraq-europe-column/828886002/> OHS-AT

The war on terror now ranks as America’s longest-running war. Yet, increasingly, the fight against terrorism has receded from the headlines, supplanted by acrimonious domestic politics and flashpoints like North Korea’s nuclear program and trade disputes with China. Yet the war on terror still rages on — and the battlefield in that fight is changing significantly.

In the Middle East, the military campaign waged by the U.S. and its coalition partners over the past two years may have successfully degraded the Islamic State group’s physical “caliphate” in Iraq and Syria. But the group’s message and appeal continue to resonate, promulgated via the Internet and social media as part of a sophisticated global media strategy. Moreover, the Islamic State now also poses a different sort of threat, as the “alumni” of its radical proto-state in Syria and Iraq (who hail from more than 80 different nations) begin returning to their countries of origin.

A new round of terrorist threats

Other terror groups, meanwhile, have flourished in the shadows, aided by America’s preoccupation with the Islamic State group. Once on its heels as a result of coalition operations in Afghanistan, al-Qaeda has used the past several years to reconstitute its networks and rebrand itself as a more authentic and moderate local alternative to the Islamic State, with significant results. Experts now say that the Bin Laden network controls more territory than at any time in its history, and has positioned itself as a long-term threat to the West. The Taliban, too, is resurgent in Afghanistan, where it once again poses a growing challenge to that country’s weak central government. And in Africa, groups like Nigeria’s Boko Haram and Ethiopia’s al-Shabaab continue to threaten the continental peace, despite the best efforts of local authorities.

Indeed, countries the world over are now grappling with a new round of terrorist threats — one driven by the Islamic State group’s collapse, as well as by the resurgence of local extremism. Recent attacks in places like Surabaya, Indonesia, and plots such as the thwarted attempt to bomb a July Fourth parade in Cleveland, Ohio point to the fact that the Islamic State group and its ideological fellow travelers continue to wield the power to inspire, mobilize and threaten democratic societies.

Experts are ringing the alarm bells

Security professionals in the United States and Europe understand this very well, even if the general public and political elites increasingly do not. Indeed, Europol, Europe’s continent-wide law enforcement authority, recently classified the threat of terrorism in Europe as “high,” despite the decline of the Islamic State. Europe’s vulnerability stems from the large-scale migration from the Middle East and North Africa that has taken place over the past half-decade — migration that Islamic extremists have tried to exploit in order to penetrate the eurozone. Meanwhile, the enduring appeal of the Islamic State, al-Qaeda and their assorted local affiliates have prompted various nations from Central Asia to North Africa to step up their efforts to fight extremism ideologically.

What these experts and governments know should be more broadly understood here at home. The past decade has seen the United States score major strategic victories against the Bin Laden network, its affiliates and its offshoots (like the Islamic State). But America should not be lulled into a false sense of security by these successes. Continued vigilance and research is needed in order to understand the ongoing challenge posed by Islamic radicalism — and for American policymakers to be able to properly craft policies capable of addressing the changing nature of the terrorist threat.

### XT - Terror Rising

#### Domestic and European terror groups mounting after US preoccupation with ISIS

Berman and Thompson 7/26 [(Ilan Berman is Senior Vice President of the American Foreign Policy Council in Washington, DC. An expert on regional security in the Middle East, Central Asia, and the Russian Federation, he has consulted for both the U.S. Central Intelligence Agency and the U.S. Department of Defense, and provided assistance on foreign policy and national security issues to a range of governmental agencies and congressional offices. Chloe Thompson is a Ph.D candidate in Global Studies.) "Fight against terror entering a new phase, still just as vital," USA TODAY, 7-26-2018, https://www.usatoday.com/story/opinion/2018/07/26/donald-trump-war-terror-islamic-state-syria-iraq-europe-column/828886002/] whs-ee

The war on terror now ranks as America’s longest-running war. Yet, increasingly, the fight against terrorism has receded from the headlines, supplanted by acrimonious domestic politics and flashpoints like North Korea’s nuclear program and trade disputes with China. Yet the war on terror still rages on — and the battlefield in that fight is changing significantly. In the Middle East, the military campaign waged by the U.S. and its coalition partners over the past two years may have successfully degraded the Islamic State group’s physical “caliphate” in Iraq and Syria. But the group’s message and appeal continue to resonate, promulgated via the Internet and social media as part of a sophisticated global media strategy. Moreover, the Islamic State now also poses a different sort of threat, as the “alumni” of its radical proto-state in Syria and Iraq (who hail from more than 80 different nations) begin returning to their countries of origin. A new round of terrorist threats Other terror groups, meanwhile, have flourished in the shadows, aided by America’s preoccupation with the Islamic State group. Once on its heels as a result of coalition operations in Afghanistan, al-Qaeda has used the past several years to reconstitute its networks and rebrand itself as a more authentic and moderate local alternative to the Islamic State, with significant results. Experts now say that the Bin Laden network controls more territory than at any time in its history, and has positioned itself as a long-term threat to the West. The Taliban, too, is resurgent in Afghanistan, where it once again poses a growing challenge to that country’s weak central government. And in Africa, groups like Nigeria’s Boko Haram and Ethiopia’s al-Shabaab continue to threaten the continental peace, despite the best efforts of local authorities. Indeed, countries the world over are now grappling with a new round of terrorist threats — one driven by the Islamic State group’s collapse, as well as by the resurgence of local extremism. Recent attacks in places like Surabaya, Indonesia, and plots such as the thwarted attempt to bomb a July Fourth parade in Cleveland, Ohio point to the fact that the Islamic State group and its ideological fellow travelers continue to wield the power to inspire, mobilize and threaten democratic societies. Experts are ringing the alarm bells Security professionals in the United States and Europe understand this very well, even if the general public and political elites increasingly do not. Indeed, Europol, Europe’s continent-wide law enforcement authority, recently classified the threat of terrorism in Europe as “high,” despite the decline of the Islamic State. Europe’s vulnerability stems from the large-scale migration from the Middle East and North Africa that has taken place over the past half-decade — migration that Islamic extremists have tried to exploit in order to penetrate the eurozone. Meanwhile, the enduring appeal of the Islamic State, al-Qaeda and their assorted local affiliates have prompted various nations from Central Asia to North Africa to step up their efforts to fight extremism ideologically. What these experts and governments know should be more broadly understood here at home. The past decade has seen the United States score major strategic victories against the Bin Laden network, its affiliates and its offshoots (like the Islamic State). But America should not be lulled into a false sense of security by these successes. Continued vigilance and research is needed in order to understand the ongoing challenge posed by Islamic radicalism — and for American policymakers to be able to properly craft policies capable of addressing the changing nature of the terrorist threat.

### AT: Counter-terror ineffective/ AT: Losing WOT

#### It’s not a question of “have we defeated all the terrorists” but instead, “how do we most effectively combat terrorism?” – the plan robs intelligence agencies of the tools needed to prevent large scale attacks—that’s all of our link ev

### \*\*Links\*\*

### XT – Link - Expose Secrets

#### Whistleblowers expose key government national security programs and surveillance programs – Snowden proves

Benkler 14 (Benkler, Yochai. "A Public Accountability Defense for National Security Leakers and Whistleblowers," Harvard Law & Policy Review vol. 8, no. 2 (Summer 2014): p. 281-326. HeinOnline, (https://heinonline.org/HOL/P?h=hein.journals/harlpolrv8&i=289))

In June 2013 Glenn Greenwald, Laura Poitras, and Barton Gellman began to publish stories in The Guardian and The Washington Post based on arguably the most significant national security leak in American history.' By leaking a large cache of classified documents to these reporters, Edward Snowden launched the most extensive public reassessment of surveillance practices by the American security establishment since the mid-1970s. Within six months, nineteen bills had been introduced in Congress to substantially reform the National Security Agency's ("NSA") bulk collection program and its oversight process;' a federal judge had held that one of the major disclosed programs violated the Fourth Amendment; a special Presi- dent's Review Group ("PRG"), appointed by the President, had issued a report that called for extensive reforms of NSA bulk collection and abandonment of some of the disclosed practices;' and the Privacy and Civil Liberties Oversight Board ("PCLOB") found that one of the disclosed programs significantly implicated constitutional rights and was likely unconstitutional.6 The public debate and calls for reform across all three branches of government overwhelmingly support the proposition that the leaks exposed lax democratic accountability of the national security establishment as well as practices widely viewed as threatening to fundamental rights of privacy and association. Nonetheless, the Justice Department pursued a criminal indictment against the man whose disclosures catalyzed the public debate. That prosecutorial persistence reflects a broader shift in the use of criminal law to suppress national security leaks in the post-9/11 state of emergency. That shift by the executive branch, in turn, requires congressional response in the form of a new criminal law defense,' the Public Accountability Defense I outline here. The past decade has seen an increase in accountability leaks: unauthorized national security leaks and whistleblowing that challenge systemic practices, alongside aggressive criminal prosecution of leakers more generally. Most prominent among these have been leaks exposing the original "President's Surveillance Program" (known as "PSP" or "warrantless wire- tapping"),' AT&T's complicity in facilitating bulk electronic surveillance,9 and ultimately Snowden's leaks. The past decade has seen a dramatic increase in criminal prosecutions to deter national security leakers and whistleblowers. The technical ease of leaking large dumps of data offers an explanation for the form that two of the major leak cases took, but the driver of increased leaks appears to be individual conscience resisting perceived abuse of power under the post-9/11 state of emergency. As was true of the burst of national security whistleblowers in the 1970s, the response of the national security establishment to the state of emergency has led to conflicts between system behavior and the individual conscience of insiders. This tension destabilized the status quo that prevailed since the mid-1970s, where leaks were generally not prosecuted, or, in an extremely rare prosecution, punished at levels well below legal maxima. The new disruption has led to a significant heightening of risk of criminal prosecution, with its attendant risks of suppressing genuinely valuable exposure and public accountability. The national security establishment is not an abstract system of values. It is a set of organizations and institutions subject to the standard limitations that typify all organizations and collective sense-making processes. While the special risks associated with breaching the secrecy of national security agencies are well recognized, it is important to understand that precisely the critical role that these bureaucracies play also makes oversight, accountability, and error correction indispensable. The post-Watergate delegated oversight model proved adequate for a long period, but buckled under the post-9/ 11 state of emergency mindset. Whether it is in the macro decision to launch the Iraq War on false premises, the narrower but morally abhorrent decision to adopt torture, or the excesses of pervasive surveillance, the national security establishment has made systematic and significant operational and normative errors, and has successfully coopted or subverted its institutionalized oversight system to avoid accountability and error correction. The study of the national security establishment as a system should also undermine our confidence in current efforts to reform the bulk surveillance problem that has been the subject of our case analysis here. Heavy reliance on minimization rules and a somewhat improved FISC process ignores the systematic imbalance between the executive elements of the national security establishment and the FISC, the technical complexity of the bulk surveillance that makes judicial oversight vastly more difficult than in the normal case of warrants and subpoenas, and the pressure and systemic error dynamics that would, of necessity, pervade minimization procedures and their judicial oversight. In the face of repeated system failure, individual conscience and the refusal of individuals to play along-coupled with public pressure that comes from disclosure-require that we recreate the space for safe unauthorized disclosures of matters of grave public concern. A first step will be introduction of a public accountability defense in criminal law to protect sources who inform the public of significant violations of human and civil rights, major matters of war and peace, and other instances of substantial error, incompetence, and malfeasance. A review of the major cases arising from disclosures of national security secrets in the past fifty years suggests that adopting such a defense would be a less radical step than appears on its face. A public accountability criminal defense would be a first step only. As Jesselyn Radack's case illustrates, the Executive can use administrative sanctions to deter whistleblowers without recourse to criminal prosecution, and as Drake's case illustrates, it can use aggressive prosecution to impose punishment by process even if the defense ultimately prevails. To combat these, it will be important to complement the criminal defense with a private cause of action for abusive process, shaped along similar contours to those outlined here for the criminal defense. Moreover, given the critical role that whistleblowers play, the private cause of action should be coupled with a modification of the qualified immunity of prosecutors and investigators. In particular, as objective facts unfold that tend to support the availability of the defense, such as judicial or legislative corrective action, these should be incorporated into a determination of whether continuation of an investigation or prosecution reasonably open continues to be so, or has become abusive. Disclosure is no panacea. The politics of national security tend to lead majorities to be overly lenient even when disclosures show national security illegality or failure. 203 Accountability in the sense of people responsible for the illegality or systemic failure being prosecuted or losing their jobs, as appropriate, a reliable level of public discourse that would actually lead the public to pay attention to systemic failure, and a political system that translates such public opinion into action are all critical for our open, democratic society to utilize its greatest power to continuously learn about our failures and improve on them. But information about illegality and systemic failure is a critical element in the longer-term struggle to resist the inevitable risks associated with having a large, complex, and powerful national security system. A powerful legislative push against the increasingly aggressive prosecutions of the past decade, such a public accountability defense would restore something close to the pre-9/1 1 equilibrium in practice and, importantly, would do so by institutionalizing a basic skepticism about the extent to which the national security establishment can be trusted to avoid the humdrum failures that all large, complex organizations suffer. Recognizing our limitations is the beginning, even if only the beginning, of addressing them.

#### A federal shield law will unleash a tidal wave of national security leaks

Schoenfeld 07 (Gabriel, 2-1-07, Author, editor, political advisor and commentator, and public intellectual, is a senior fellow at the Hudson Institute, Why Journalists are not above the law, <https://www.commentarymagazine.com/articles/why-journalists-are-not-above-the-law/>, JKS)

A shield law, in other words, would effectively immunize one large category of leakers at a stroke, and perhaps immunize almost all leakers, dramatically intensifying the flow of even the most sensitive secrets into the public domain. Every bureaucrat with a private agenda would feel free to contact a Judith Miller or an even more prolific collector of leaks like the New Yorker’s Seymour Hersh to relay classified national-defense information without any apprehension of ever being arrested or prosecuted on the basis of something that might one day be disclosed by a reporter in a court proceeding. Protecting national secrets is already a problematic venture. Some of the most notorious leaks of the past several years have been not of the confidential but of the secret and top-secret variety. Thus, in 2005, the Washington Post revealed a highly classified network of clandestine CIA prisons in Europe for al-Qaeda captives. That same year, the New York Times disclosed the existence of a highly classified National Security Agency program of government surveillance of al-Qaeda suspects.3 In 2006, the Times revealed a highly classified program monitoring al-Qaeda financial transactions; most recently, it published the contents of a highly classified memo revealing administration misgivings about the prime minister of Iraq, a leak described by one government official as among the most damaging in recent memory. And this is not even to take account of leaks from the criminal-justice system like police and FBI investigative reports, surveillance tapes, and grand-jury transcripts (as in the Holy Land Foundation case) that are not marked with a classification stamp. Such leaks have proliferated, even though Branzburg is on the books and the shadow of Judith Miller’s imprisonment has supposedly given pause to informants considering whether they can trust a reporter. This hardly suggests that journalists are in desperate need of a shield law to induce leakers to impart information to them. On the contrary, such a law would only unleash a great tidal wave of leaks, to be followed inevitably by an equally destructive backwash of litigation. In the case of each such contested leak, courts would be asked to weigh whether the disclosed information caused “significant and actual harm” to national security, which in every instance the press would deny, claiming (a) that the information at issue, even if secret or top secret, was improperly classified and (b) that disclosure of this information provided a vital service to the public weal. The main effect of a shield law would thus be to the draw the judicial branch into the very heart of foreign-policy decisionmaking, requiring judges to evaluate matters that they lack either the expertise or the experience to assess. As a result, the confusion that now exists among the various federal circuit courts would not be cleared up; it would be deepened.

#### Leaking security documents publicizes US & allies approaches to terror and allows terrorists to circumvent them

Faulconbridge 13 [(Guy Faulconbridge, Reuters Bureau Chief, United Kingdom and Ireland. London.) "British spy chief warns Snowden data is a 'gift' for terrorists," U.S., 10-8-2013, https://www.reuters.com/article/us-usa-security-britain/british-spy-chief-warns-snowden-data-is-a-gift-for-terrorists-idUSBRE99711A20131008] whs-ee

LONDON (Reuters) - Revelations by Edward Snowden about British eavesdropping are a gift to terrorists because they weaken the ability of the security services to stop those plotting deadly attacks against the West, the head of the MI5 Security Service said on Tuesday. In an unusually frank public intervention in the debate over the powers of U.S. and British spy agencies, MI5 Director General Andrew Parker warned that his agents needed to read and listen to suspect communications to foil major attacks. The extent of U.S. and British surveillance was laid bare in media reports based on previously top secret documents stolen by U.S. National Security Agency contractor Snowden, prompting a spy scandal that pitted Barack Obama against the Kremlin and triggered calls for greater scrutiny of Western agents. Cautioning against complacency over the threat from militants, especially those returning from the battlefields of Syria, Parker dismissed as nonsense the idea that British spies gratuitously rummaged through private data of the innocent like the secret police of Communist East Germany or North Korea. Though he did not mention Snowden by name, Parker warned about the danger of disclosures about the work of Britain’s listening agency, known as GCHQ, whose capabilities were made public by media reports based on documents from Snowden stole. “It causes enormous damage to make public the reach and limits of GCHQ techniques. Such information hands the advantage to the terrorists. It is the gift they need to evade us and strike at will,” Parker said in his first public speech taking up his post as MI5 chief on April 22. “The idea that we either can or would want to operate intensive scrutiny of thousands is fanciful. This is not East Germany, or North Korea. And thank goodness it’s not,” he told an audience in London. The rare public intervention by one of the world’s most senior spies indicates the level of concern within Britain’s security services about the damage done by Snowden’s revelations on both public perceptions and intelligence capabilities. Snowden received temporary asylum in Russia in August. In a clear attempt to nudge politicians towards legislation that would allow greater monitoring of communications, Parker said the changes in electronic communication could erode MI5’s ability to stop trouble. “We cannot work without tools,” Parker said.

### XT – Link – Alienates Minorities

#### Leaks about Trump’s policies breathe new life into systemic Islamophobia. This alienates minorities from efforts at integration, which emboldens extremism --- multiple experts agree: this evidence post dates Lewis and puts us as approaching the brink now.

Miller & Ryan ’17 [Greg Miller (Reporter covering national security Education: University of California at Davis, BS; Stanford University, MA) and Missy Ryan (Reporter covering the Pentagon, military issues and national security, Education: Georgetown University, BA in English; Harvard University, master's in public policy), 1-29-2017, "Officials worry that U.S counterterrorism defenses will be weakened by Trump actions," Washington Post, <https://www.washingtonpost.com/world/national-security/officials-worry-that-us-counterterrorism-defenses-will-be-weakened-by-trump-actions/2017/01/29/1f045074-e644-11e6-b82f-687d6e6a3e7c_story.html?utm_term=.114e6bb15ba0>] KD

Trump’s inauguration vow to put America first and “only America” rattled allies. A leaked draft of an order on U.S. detention policies compounded those concerns by raising the prospect of rebuilding the CIA’s network of notorious “black site” prisons around the world. The immigration measures imposed late Friday were seen by U.S. counterterrorism officials and analysts as particularly counterproductive and poorly conceived. “The whole order is and will be read as another anti-Islam, anti-Muslim action by this president and his administration,” said Paul Pillar, a former top official at the CIA’s Counterterrorism Center. “It is not targeted at where the threat is, and the anti-Islam message that it sends is more likely to make America less safe.” Absent from the Trump list: Saudi Arabia or any of the other countries connected to the Sept. 11, 2001, attacks. Nor does the president’s action limit travel from Pakistan, where al-Qaeda’s leadership still resides. Former CIA director Michael V. Hayden said that the order and other possible measures have probably forced U.S. diplomats, military commanders and agency station chiefs abroad into damage-control mode. “We’ve got good people who will work hard at it, but there is no question that this has already created an irretrievable cost,” Hayden said. The refu­gee order “inarguably has made us less safe. It has taken draconian measures against a threat that was hyped. The byproduct is it feeds the Islamic militant narrative and makes it harder for our allies to side with us.” Despite acute concerns about the impact overseas, analysts said much of the damage may happen in the United States. Counterterrorism officials have for years cast the successful integration of Muslims in the United States as a major security advantage over countries in Europe, where Muslims are more likely to be isolated and marginalized. Those who study extremism fear that the sense of belonging among U.S. Muslims may begin to fray, increasing the likelihood that a U.S. citizen or resident becomes radicalized, and complicates the already-difficult task for the FBI and local authorities to cultivate relationships with Muslim community leaders. “It was already an uphill climb,” said Seamus Hughes, a former National Counterterrorism Center official who frequently traveled the country to meet with Muslim community members after terrorist attacks. [A raid in Yemen leads to the first combat death of the Trump era ] Tips to the FBI or local police from concerned parents, religious leaders and concerned Muslim citizens have been “the lifeblood of most terrorism investigations” in the United States, said Hughes, who is now at George Washington University. “I don’t see anyone hesitating to report an imminent threat,” he said, but adding, “I can’t see these orders as helping.” Marcel Lettre, who oversaw intelligence matters at the Pentagon until earlier this month, said the new measures could affect decisions by allies in Europe or the Middle East, possibly affecting intelligence-sharing and law enforcement cooperation. “The political and policy environment might make it such that their publics will insist that they distance themselves from us in terms of tight partnering,” Lettre said. ​

### XT – Link – Secrets Key

#### State secrets are vital to preventing terrorism — open-proceedings reveal critical national intelligence information.

Barnsby 12 — Robert Barnsby, Associate Professor of Law at West Point University, Former Lecturer in Law at Williams and Mary College, J.D. from the U.S. Army General and Staff College, 2012 (“So Long and Thanks for All the Secrets: A Response to Professor Telman,” *University of Alabama Law Review,* Vol. 63, accessible online via subscribing institution to Lexis-Nexus, accessed on 6-20-15)

A. The Impossibility of Un-Ringing the Bell

Obviously, if discovery reveals state secrets, a result which the entire rule is designed to prevent, then discovery cannot proceed (i.e., if it does, and sensitive information is released, we cannot unring the bell). Indeed, "it would be absurd to accept an interpretation" of SSP that results in the government "possessing the legal authority" to assert the SSP during litigation "but lacking the legal authority" to assert the SSP during discovery in anticipation of the very same litigation. Significant and critical intelligence vulnerabilities can result when "other critical, sensitive means of gathering intelligence," including "specifics on the means and methods of intelligence collection... [the list of] nations involved in supporting U.S. efforts at combating terrorism, [and the actual names] of informants," are revealed in court.

One needs to look no further than the first World Trade Center bombing case in the 1990s for a perfect example of the damage done to national security through the course of normal litigation. In that instance, trial discovery and the concomitant public airing of important intelligence information put al Qaeda on notice of United States intelligence on its network and, specifically, led Osama bin Laden to go into hiding. Through normal discovery rules requiring the government to put defendants on notice regarding unindicted co-conspirators, "al Qaeda acquired valuable intelligence from the [conspiracy trial of ten al Qaeda terrorists in 1995]." n98 As former Attorney General Michael Mukasey stated in a recent Wall Street Journal article, "bin Laden knew not only that [the United States] knew about him but also who else they knew about." In this way, al Qaeda gathered extremely valuable information from the 1995 trials; having access to this intelligence clearly did not hurt the terror group's ability to inflict the devastating attacks of September 11, 2001. Again, this is something we may be willing to accept in our system--as the 1995 trials were public--but at the same time can clearly be a vulnerability to our national defense. If, however, the government is not allowed to protect national security-related information through the SSP in its current form, the situation will be exacerbated. In particular, bad actors and weak states can make up for deficiencies in their intelligence-gathering abilities by gaining "secrets" from the government's inability to invoke the SSP.

In the current armed conflict, the adversary represents a significant threat to the United States and its citizens. Indications and warnings of hostile activity are huge aspects of intelligence. The 9/11 attacks were a U.S. intelligence failure in this regard. Put simply: when you advertise the subject matter at which you are looking, you will tip off to potential adversaries the importance of possessing this same knowledge. Revealing information in open court can, therefore, risk the lives of those fighting in ongoing hostilities. Without getting into any classified areas of discussion, Foreign Intelligence Services (FIS) are continually monitoring our sources, methods, location, personnel, technology, scientific data, and economic information at all times.

As the landmark 1976 Senate Committee Report on Intelligence Activities and Rights of Americans, known as the Church Report, noted, "[a] tension between order and liberty is inevitable in any society. A Government must protect its citizens from those bent on engaging in violence and criminal behavior . . . and other hostile foreign intelligence activity." Perhaps we will be fortunate, and no information will be revealed during civil litigation. But there is no reason to take this chance, particularly during times of armed conflict when our nation's security--and the safety of the individuals in this great nation--depends on it. As foremost academicians acknowledge, "the conflict with Al Qaeda and its affiliates may last decades." n102 Several aspects of intelligence and, by extension, warfighting, will be affected if the government is unable to put an end to litigation through the SSP. These effects include not only the actual information revealed in the litigation, which may help enemy efforts, but also several other less readily apparent effects, which may result without continued use of the SSP in its current form. It is these second- and third-order effects to which this paper now turns.

Any release of information of the sort involved in Jeppesen Dataplan will have a chilling effect on informants or the entities with whom they are cooperating. Neither they, nor other individuals or the countries for whom they work will want to work with us. Courts have themselves recognized that "[e]ven a small chance [of risked outing] . . . could . . . cause sources to 'close up like a clam.'" Relatedly, we need to protect those who do business with our intelligence agencies--particularly those who follow the laws and regulations overseeing their activities--or they will never have any incentive to do business with us. Additionally, coordination with host nation forces is increasingly required for our intelligence collection efforts. These efforts will be undermined if sources and techniques are revealed. Thankfully, to this point, the majority of these collaborative efforts with other nations and their intelligence agencies have generally worked, as evidenced by the astounding accomplishment of ultimately locating and killing Osama bin Laden in 2011.

### XT – Link – Counterterror

#### Shield law kills counterterror capabilities and intelligence sharing

Hoekstra 5 (Peter, Former Member of the United States House of Representatives, 7/29/2005, “Secrets and Leaks: The Costs and Consequences for National Security”, https://www.heritage.org/homeland-security/report/secrets-and-leaks-the-costs-and-consequences-national-security-0)

Each year, countless unauthorized leaks cause severe damage to our intelligence activities and expose our capabilities. The fact of the matter is, some of the worst damage done to our intelligence community has come not from penetration by spies, but from unauthorized leaks by those with access to classified information. Were it not for a leak, there is a chance we could have brought Usama bin Laden to justice by now and have a better understanding of the al-Qaida operation. Several years ago, highly sensitive information was disclosed regarding the intelligence communities' ability to collect information on bin Laden. Reportedly as a result, bin Laden changed his methods of operation, and we lost a valuable means of understanding al-Qaida's movements and future plans. Now I realize there may be times when a person entrusted with classified information makes an unintentional disclosure. But, the Intelligence Community must be prepared to deal with these instances because all classified leaks can be dangerous. When it comes to deliberate disclosures of classified information, however, we must create a culture within the Intelligence Community where zero tolerance is the norm. People entrusted with a security clearance must realize their clearance is not a right, it is a privilege, and it must be treated as such. Just because a person has a security clearance does not give them the authority to exercise leadership in determining what should and should not be classified. Earlier this year, for example, the Department of Justice arrested Lawrence Franklin, a Pentagon defense analyst, for removing 83 documents from the Pentagon. Amazingly, this is not the first time Mr. Franklin was accused of compromising classified information, but his clearances were never suspended or revoked. We have to ask, did the previous leniency shown to Mr. Franklin contribute to his decision to go even further in revealing classified information? And then we should be outraged. It is painfully obvious we must change the culture within the Intelligence Community. The inability to protect our sources and methods from intentional leaks causes substantial damage to our intelligence services and national security. After 9/11, the intelligence community was blamed for not sharing information or translating pieces of intelligence in a timely manner to prevent the attacks from occurring. People should be equally upset that there are individuals who deliberately leak classified information. If that information gets into the hands of our enemies it can help them plan future attacks. We know the enemy pays very close attention to open-source materials, like U.S. newspapers and the Internet, in order to gain a better understanding of our objectives and capabilities. A June 2002 memo from the CIA discusses the damage caused when classified information is reported in the media. It reads in part, "Information obtained from captured detainees has revealed that al-Qaida operatives are extremely security-conscious and have altered their practices in response to what they have learned from the press about our capabilities. A growing body of reporting indicates that al-Qaida planners have learned much about our counter-terrorist capabilities from U.S. and foreign media." By combining traditional open source materials with leaked classified materials our opponents have gained powerful insights into what our plans, capabilities and intentions are. We also know that unauthorized leaks put strains on our relationships with foreign intelligence services. Despite being the best at what we do, it is impossible to collect every piece of intelligence in every corner of the world. As a result, we count on foreign intelligence services to help fill-in the gaps. Unauthorized leaks could have a significant impact on whether foreign governments continue to share critical information with our intelligence agencies. And quite frankly, I cannot blame them. The reality is, many foreign leaders and their governments provide us with valuable help in the war on terror, but they do so at tremendous political peril. If the United States cannot promise to protect classified information and where we got it from, why should we expect these leaders, or even our overt allies, to be willing to share their information? Information sharing with foreign intelligence services will play a significant role in our intelligence collection capabilities in the future. The loss of foreign partners would undoubtedly create overwhelming gaps in our ability to collect good intelligence around the globe. Some of you may have seen an article from a few weeks ago that discussed possible coordination between the U.S., France and other governments in the war on terror. While I understand the public has a certain interest in knowing what the government is doing to protect them, we have to ask, where is the balance. What was the benefit of publishing that story? Reports that discuss sensitive partnerships, whether accurate or not, hinder our abilities to work with our friends on intelligence activities. Some foreign nations work with our agencies because it is not widely known that they are doing it. That secrecy is important for future operations. The Commission on Weapons of Mass Destruction reports the Intelligence Community seriously misjudged the status of Iraq's biological weapons program in the 2002 National Intelligence Estimate and other pre-war intelligence products. The primary reason for this misjudgment was the Intelligence Community's heavy reliance on a source-codenamed "Curveball"-whose information later proved to be unreliable. This misjudgment could have been avoided if we were able to receive key information from our allies. The decision by a foreign intelligence service not to share a critical source seriously undermined our ability to assess his credibility. Despite numerous requests by the CIA, the foreign government refused to provide us direct access to Curveball because of past leaks from within our government. The classified annex to the Silberman-Robb Report on Weapons of Mass Destruction discusses numerous cases over the past several years that have cost American taxpayers plenty, not to mention the harm caused by the exposure of our assets, methods and capabilities. Because it is classified I cannot elaborate further, but you do not need to read a classified annex to get a sense of the frequency that leaks occur and the damage they cause. I am confident the terrorists are not reading the classified annex to get their information. Leaking sensitive information is like giving the enemy our playbook. In 2002 a newspaper obtained classified information about top-secret war plans leading up to the invasion in Iraq. Then last week, there were wire service stories on possible American and British plans to bring troops home by the end of the year. Whether accurate or not, these types of stories put our operational capabilities at risk and allow the enemy to manipulate the information for possible use against our brave men and women in uniform. How much damage has to be done before people finally say enough is enough? We must get serious about re-evaluating leaks and our response to them. The primary question is how do we do that? If you talk to the different agencies, especially the Justice Department, they will tell you that leaks occur so frequently because it is extremely difficult to identify who leaked the information and then obtain a successful prosecution. This is a problem I expect to get worse, not better, as we continue to press for increased information sharing community-wide. Agencies do not have the resources to spend months investigating a case when there is no way to narrow down the list of people who had access to the information. Simply put, more people have access to more information than ever before, and while it is necessary, it makes investigating leaks even that more difficult. We also have to contend with the fact that there is no comprehensive statute that provides criminal penalties for the unauthorized disclosure of classified information regardless of the type of information or the recipient involved. As a result, the Department of Justice is left with a "patchwork" of statutes to go after those who leak. Subsequently, there has only been one prosecution for non-espionage disclosure of classified information in the last 50 years. In the case of United States v. Morrison, the courts found the defendant guilty of providing classified information to Jane's Defense. And President Clinton pardoned Morison before he left office. We need to bring new energy to this debate. The threat leaks pose to our national security is alarming, and it is imperative we do more to protect our national secrets. Whether people deliberately leak information or they don't realize the information they are discussing is classified, the fact that leaks continue is evidence that people in the intelligence community are not being properly educated on the importance of protecting our secrets. The community, upon direction from the DNI, should implement a community-wide campaign to educate individuals about their legal obligations and possible penalties for failing to safeguard intelligence information. In addition, we need to give the Department of Justice all the tools it needs to identify and prosecute individuals who deliberately share classified intelligence. The time has come for a comprehensive law that will make it easier for the government to prosecute wrongdoers and increase the penalties, which hopefully will act as a deterrent for people thinking about disclosing information. In the coming months, I intend to hold a round of hearings on this issue and invite key officials from Justice, CIA and the Defense Department, among others, to testify on ways the Intelligence Community can do more to prevent leaks. If they agree to attend, I would also like to invite members of the press to testify before the committee. Journalists provide an important service to the American people, but they can also play a key role in preserving our national security. The recent interest in leaks has inspired some Members of Congress to introduce a Media Shield Law, which would protect journalists from disclosing their sources. While I believe this may be permissible in most cases, this bill could have serious implications if passed without exceptions when our national security is at risk. There needs to be a balance between protecting journalists and protecting national security. I believe we can find that balance.

### Turns Case – Crackdowns

#### Negative effects of leaks will cause greater crackdown in the future

Schoenfeld 13 (Gabriel, SeniorFellow@Hudson, PhD Harvard, <https://www.hudson.org/research/9729-journalism-or-espionage->, 9-23)

Today, the U.S. government is bleeding truly vital information to the press, harming our ability to thwart terrorists, counter the terrible risks of nuclear proliferation, and conduct statecraft effectively. The classified CIA report evidently obtained by James Rosen was stamped “Top Secret/Special Compartmented Information,” the security designation for the most sensitive of all intelligence materials. Included in the story Rosen published on foxnews.com was the fact that the CIA had learned of an impending nuclear test not from overhead reconnaissance, as most observers would have assumed, but from “sources inside North Korea.” What possible benefits to the public from such a revelation could offset the potential risk of sending hard-won CIA sources in North Korea to their deaths? In the face of such journalistic recklessness, it would seem that a crackdown is inevitable. Indeed, the most liberal president in a generation, a president who came into office promising unparalleled transparency, has seen the need for such a crackdown and has already set it in motion. More prosecutions are inescapable as national-security leaks continue and journalists seek to uncover every aspect of our intelligence activities. But in exposing vital secrets for our enemies to read, leakers within the government and the journalists who pursue and publish the information they possess have forced the hand of the Justice Department. These proponents of freedom of information have collectively struck a terrible blow against the very openness they purport to champion.

**Terrorism leads to crackdowns**

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

“Today,” the French newspaper Le Monde announced on September 12, 2001, “we are all Americans.” People around the world agreed: The terrorist attacks of the previous day had felt like attacks on everyone, everywhere. They provoked an unprecedented expression of shock, horror, solidarity and sympathy for the victims and their families. Citizens of 78 countries died in New York, Washington, D.C., and Pennsylvania on September 11, and people around the world mourned lost friends and neighbors. They held candlelight vigils. They donated money and goods to the Red Cross and other rescue and relief organizations. Flowers piled up in front of American embassies. Cities and countries commemorated the attacks in a variety of ways: The Queen Mother sang the American national anthem at Buckingham Palace’s Changing of the Guard, while in Brazil, Rio de Janeiro put up huge billboards that showed the city’s famous Christ the Redeemer statue embracing the New York City skyline. Meanwhile, statesmen and women rushed to condemn the attacks and to offer whatever aid they could to the United States. Russian president Vladimir Putin called the strikes “a blatant challenge to humanity,” while German chancellor Gerhard Schroeder declared that the events were “not only attacks on the people in the United States, our friends in America, but also against the entire civilized world, against our own freedom, against our own values, values which we share with the American people.” He added, “We will not let these values be destroyed.” Canadian Prime Minister Jean Chretien denounced the “cowardly and depraved assault.” He tightened security along the border and arranged for hundreds of grounded airplanes to land at Canadian airports. Even leaders of countries that did not tend to get along terribly well with the American government expressed their sorrow and dismay. The Cuban foreign minister offered airspace and airports to American planes. Chinese and Iranian officials sent their condolences. And the Palestinian leader Yasser Arafat, visibly dismayed, told reporters in Gaza that the attacks were “unbelievable, unbelievable, unbelievable.” “We completely condemn this very dangerous attack,” he said, “and I convey my condolences to the American people, to the American president and to the American administration.” But public reaction was mixed. The leader of the Islamic militant group Hamas announced that “no doubt this is a result of the injustice the U.S. practices against the weak in the world.” Likewise, people in many different countries believed that the attacks were a consequence of America’s cultural hegemony, political meddling in the Middle East and interventionism in world affairs. The Rio billboards hadn’t been up for long before someone defaced them with the slogan “The U.S. is the enemy of peace.” Some, especially in Arab countries, openly celebrated the attacks. But most people, even those who believed that the United States was partially or entirely responsible for its own misfortune, still expressed sorrow and anger at the deaths of innocent people. On September 12, the 19 ambassadors of the North Atlantic Treaty Organization (NATO) declared that the attack on the United States was an attack on all of the member nations. This statement of solidarity was mostly symbolic–NATO did not authorize any specific military action–but it was still unprecedented. It was the first time that the organization had ever invoked the mutual defense section of its charter (intended to protect vulnerable European nations from Soviet invasion during the Cold War). NATO eventually sent five airplanes to help keep an eye on American airspace. Likewise, on September 12 the United Nations Security Council called on all nations to “redouble their efforts” to thwart and prosecute terrorists. Two weeks later, it passed another resolution that urged states to “suppress the financing of terrorism” and to aid in any anti-terrorism campaigns. But these declarations of support and solidarity didn’t mean that other countries gave the United States a free hand to retaliate however, and against whomever, it pleased. Allies and adversaries alike urged caution, warning that an indiscriminate or disproportionate reaction could alienate Muslims around the world. In the end, almost 30 nations pledged military support to the United States, and many more offered other kinds of cooperation. Most agreed with George Bush that, after September 11, the fight against terrorism was “the world’s fight.”

### Turns Case – Rollback

#### The Disad turns the case via rollback and new civil liberty violations. Status Quo detection is key.

Clarke 13 (et al; This is the Final Report and Recommendations of The President’s Review Group on Intelligence and Communications Technologies. President Obama ordered a blue-ribbon task force to review domestic surveillance. This report releases the findings of that group. The report was headed by five experts – including Richard Alan Clarke, who is the former National Coordinator for Security, Infrastructure Protection, and Counter-terrorism for the United States. Other expert contributors include Michael Joseph Morell, who was the deputy director of the Central Intelligence Agency and served as acting director twice in 2011 and from 2012 to 2013 and Cass Robert Sunstein, who was the Administrator of the White House Office of Information and Regulatory Affairs in the Obama administration and is currently a Professor of Law at Harvard Law School. “LIBERTY AND SECURITY IN A CHANGING WORLD” – December 12th, 2013 – Easily obtained via a google search. <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CB4QFjAA&url=https%3A%2F2Fwww.whitehouse.gov%2Fsites%2Fdefault%2Ffiles%2Fdocs%2F2013-12> 12\_rg\_final\_report.pdf&ei=Db0yVdDjKIKdNtTXgZgE&usg=AFQjCNH0S\_Fo9dckL9bRarVpi4M6pq6MQ&bvm=bv.91071109,d.eXY)

The September 11 attacks were a vivid demonstration of the need for detailed information about the activities of potential terrorists. This was so for several reasons. First, some information, which could have been useful, was not collected and other information, which could have helped to prevent the attacks, was not shared among departments. Second, the scale of damage that 21st-century terrorists can inflict is far greater than anything that their predecessors could have imagined. We are no longer dealing with threats from firearms and conventional explosives, but with the possibility of weapons of mass destruction, including nuclear devices and biological and chemical agents. The damage that such attacks could inflict on the nation, measured in terms of loss of life, economic and social disruption, and the consequent sacrifice of civil liberties, is extraordinary. The events of September 11 brought this home with crystal clarity. Third, 21st-century terrorists operate within a global communications network that enables them both to hide their existence from outsiders and to communicate with one another across continents at the speed of light. Effective safeguards against terrorist attacks require the technological capacity to ferret out such communications in an international communications grid. Fourth, many of the international terrorists that the United States and other nations confront today cannot realistically be deterred by the fear of punishment. The conventional means of preventing criminal conduct—the fear of capture and subsequent punishment—has relatively little role to play in combating some contemporary terrorists. Unlike the situation during the Cold War, in which the Soviet Union was deterred from launching a nuclear strike against the United States in part by its fear of a retaliatory counterattack, the terrorist enemy in the 21st-century is not a nation state against which the United States and its allies can retaliate with the same effectiveness. In such circumstances, detection in advance is essential in any effort to “provide for the common defence.” Fifth, the threat of massive terrorist attacks involving nuclear, chemical, or biological weapons can generate a chilling and destructive environment of fear and anxiety among our nation’s citizens. If Americans came to believe that we are infiltrated by enemies we cannot identify and who have the power to bring death, destruction, and chaos to our lives on a massive scale, and that preventing such attacks is beyond the capacity of our government, the quality of national life would be greatly imperiled. Indeed, if a similar or even more devastating attack were to occur in the future, there would almost surely be an impulse to increase the use of surveillance technology to prevent further strikes, despite the potentially corrosive effects on individual freedom and self-governance.

#### Psychoanalytic studies confirm our rollback args. It overcomes durable fiat.

Givens ’13 Austen D. Givens is a PhD student in the Department of Political Economy at King’s College London. His forthcoming book with Nathan E. Busch, The Business of Counterterrorism: Public-Private Partnerships in Homeland Security, will be published by Peter Lang. “The NSA Surveillance Controversy: How the Ratchet Effect Can Impact Anti-Terrorism Laws” – Harvard Law School: National Security Journal - July 2, 2013 - http://harvardnsj.org/2013/07/the-nsa-surveillance-controversy-how-the-ratchet-effect-can-impact-anti-terrorism-laws/

Second, policymakers should beware of reflexive legislation. Terror attacks create conditions in which emotions can run high; feelings of terror, anger, sadness, confusion, and frustration are natural consequences of these circumstances. Behavioral psychology teaches us that human beings’ higher-order thinking skills (e.g. logic, reasoning, analysis, reflection) are poorly integrated with baser, emotionally-rooted thinking (e.g. irrational prejudices, unreasonable fears, self-destructive desires).[11] One researcher has gone so far as to say that the amygdala—the portion of the brain that controls reactive emotion—can hijack the higher-order parts of the brain, impeding effective decision-making in crises.[12] Considering this, it is reasonable to suggest that laws passed in the immediate aftermath of terrorist attacks may be rooted more in baser, emotionally-driven thinking than in careful, analytical, higher-order thinking. In other words, they may be mostly reflexive, not reflective. This is not to say that all laws passed after terrorist attacks are emotionally-driven. Nor is it the case that all laws created in these circumstances are somehow “bad” laws. But during and after terrorist attacks, leaders’ judgment of what may or may not be good law can become clouded by emotion. Similarly, terrorist attacks can drive public support for reflexive anti-terrorism legislation. And this is not an instinct that can be somehow “shut off” or “tuned out.” Legislators and citizens should be aware of this potential, and must walk a fine line between meeting immediate post-crisis needs and championing laws that will remain effective for the long haul. Third, “sunset” provisions are prudent and reasonable. Given that anti-terrorism laws passed in the wake of terrorist attacks may be partly driven by emotion and that initial laws may prove difficult to undo, it is wise for government leaders to include “sunset” provisions in new anti-terrorism laws. Generally “sunset” provisions allow portions of a law to expire if not renewed by a pre-determined date. In a sense, democracies must deliver a new mandate for the law—or at least part of the law—to avoid this expiration. With “sunset” provisions in place, unwise, irrelevant, or ineffective components of a law can be allowed to wither and die when necessary. Letting these provisions lapse requires virtually no political capital from government leaders, unlike actively changing or removing a law, which can require a great deal. For elected officials, this means that letting part of an anti-terrorism law expire is relatively easy. Re-examining and pruning anti-terrorism laws in this way is a healthy practice. It can head off potential abuses of particularly aggressive anti-terrorism measures and forces a continual re-thinking of anti-terrorism laws as circumstances change over time. The recent NSA surveillance controversy highlights the relevance of the ratchet effect to broader discussions of anti-terrorism laws. The ratchet effect can affect anti-terrorism laws generally, entrenching and expanding them over time and potentially leading to those laws being interpreted in unexpected and undesirable ways. The USA PATRIOT Act, developed in the aftermath of the 9/11 terrorist attacks, has been difficult to scale back since then, and has now been interpreted in a way that at least one of the Act’s authors did not intend. This unintended interpretation of the Act led, in part, to today’s NSA surveillance controversy. Scholars can benefit from future explorations of the ratchet effect, which may help illuminate further why anti-terrorism laws remain in place and how their influence can expand in unanticipated ways.

### Turns Case – Freedom

#### Terrorist attack exacerbates loss of freedoms

**Saga Foundation 08** (Non-partisan, Non-profit for Nuclear Safety, July 2008, “Nuclear Terrorism: Local Effects, Global Consequences” http://www.sagafoundation.org/SagaFoundationWhitePaperSAGAMARK7282008.pdf) BB

Localizing these nuclear terror scenarios helps people envision and comprehend the unthinkable but it also creates a misleading perception that the damage from such an attack would be confined to the site of the attack itself. In considering these scenarios, former Senator Sam Nunn, who has worked for two decades to secure the world’s nuclear material, has observed that these ground- zero narratives provide only the physical impact of nuclear terrorism. If you were trying to draw a circle to mark the overall impact of the blast – in social, economic, and security terms -- the circle would be the equator itself. No part of the planet would escape the impact. People everywhere would fear another blast. Travel, international trade, capital flows, commerce would initially stop, and many freedoms we have come to take for granted would quickly be eroded in the name of security. The confidence of America and the world would be shaken to the core.

### Turns Case – Econ

#### A terrorist attack would cause a global recession---collapses the economy.

**Crutsinger 01** (Martin, AP Economics writer, “IMF warns terrorist attacks could trigger global recession”, lexis)

The International Monetary Fund warned Wednesday that severe fallout from the terrorist attacks in the United States could trigger a growth recession worldwide. But the 183-nation lending agency insisted that this outcome could still be avoided by aggressive government policy actions to stimulate growth. IMF chief economist Kenneth Rogoff called a recession in the United States a "done deal." However, later in his briefing he sought to soften that comment by saying it was still too early to tell whether the Sept. 11 terrorist attacks would push the already weak U.S. economy into a full blown recession. Rogoff said the real question was whether the United States had entered a sustained recession or would bounce back quickly. Rogoff said there was "every reason" to believe the U.S. economy would enjoy a quick rebound next year, noting that the Federal Reserve has been cutting interest rates aggressively all year and Congress has approved billions of dollars in increased funding for reconstruction and to help cushion the economic fallout at U.S. airlines. The global economy was already flirting with recession because of a longer-than-expected slowdown in the United States and spreading weakness around the world, the IMF said in its latest "World Economic Outlook" forecast. Even before the Sept. 11 attacks, the IMF had slashed its global growth forecast to just 2.6 percent for this year. That would be the poorest showing since 1993 and down 0.6 percentage point from a May forecast of 3.2 percent growth for 2001. In the view of economists, global growth below 2.5 percent constitutes a growth recession because economic activity at that pace is not strong enough to keep unemployment from rising substantially in parts of the world with high population growth. The IMF said even its reduced figure of 2.6 percent may not be realized depending on the severity of the fallout from the terrorist attack which Rogoff said was having "a negative effect on activity now in many regions of the globe." Rogoff, however, said that there are reasons to be optimistic that a global recession can be avoided. He cited the sizable government stimulus that has been injected through interest rate cuts in the United States and many other countries and large increases in U.S. spending for reconstruction and increased security. For that reason, Rogoff said, the IMF would not be changing its reduced 2.6 percent growth forecast for this year or its projection of 3.5 percent growth for 2002. However, he conceded that actual growth in 2002 is likely to be rather lower than 3.5 percent. The IMF compared the attacks to the costliest natural disaster in modern history, the 1995 earthquake in Kobe, Japan. That quake caused over 6,400 deaths, 35,000 injuries and property damage of $120 billion, or about 2.5 percent of Japan's gross domestic product. The direct impact of the Kobe quake on the Japanese economy was larger than that of the attacks on the American economy,the IMF said. However, the total effect of the terrorist attacks on the U.S. economy could be more far-reaching, particularly if shaken consumer confidence does not rebound, it said. "Since the terrorist attack was a deliberate action with long-term security implications, the effects on consumer psychology may well not be comparable," the IMF said. The IMF's latest "World Economic Outlook" described unusually large uncertainties and risks facing industrialized countries and the developing world. "There is now no major region providing support to global activity," the IMF said. "This has increased the vulnerability of the global economy to shocks and heightened the risk of a self-reinforcing downturn whose consequences could prove difficult to predict." For the United States, the IMF projected the GDP would grow a weak 1.3 percent this year, 0.2 percentage point lower than its May forecast. For 2002, the IMF forecast U.S. growth would rebound slightly to 2.2 percent. The U.S. economy grew 4.1 percent in 2000. The IMF's outlook for Japan, the world's second-largest economy, was even gloomier. Japan is probably already in its fourth recession of the decade, the IMF said in projecting Japan's GDP would shrink by 0.5 percent this year and manage only a tiny 0.2 percent gain in 2002. For Germany, the largest economy in Europe, the IMF put growth this year at 0.8 percent, 1.1 percentage point below its May projection. It forecast Germany would grow by 1.8 percent next year. The 12 European nations that have adopted the euro as a joint currency will see growth of 1.8 percent this year and 2.2 percent in 2002, the IMF estimated. In one of its few upward revisions, the IMF said it expected China's economy would grow by 7.5 percent this year, up by 0.5 percentage point from the May forecast, and by 7.1 percent in 2002. Growth in developing countries was expected to be 4.3 percent this year and 5.3 percent in 2002. Last year, the developing world managed growth of 5.8 percent.

**Domestic terrorism deters foreign direct investment – even small attacks crush investor confidence**

**Bandyopadhyay et al 15** -- Subhayu Bandyopadhyay is Research Officer at the Federal Reserve Bank of St. Louis and Research Fellow at IZA, Bonn, Germany. Todd Sandler is Vibhooti Shukla Professor of Economics and Political Economy at the University of Texas at Dallas. Javed Younasis Associate Professor of Economics at the American University of Sharjah, United Arab Emirates. “The Toll of Terrorism” http://www.imf.org/external/pubs/ft/fandd/2015/06/bandyopa.htm

Scaring off investors Increased terrorism in a particular area tends to depress the expected return on capital invested there, which shifts investment elsewhere. This reduces the stock of productive capital and the flow of productivity-enhancing technology to the affected nation. For example, from the mid-1970s through 1991, terrorist incidents reduced net foreign direct investment in Spain by 13.5 percent and in Greece by 11.9 percent (Enders and Sandler, 1996). In fact, the initial loss of productive resources as a result of terrorism may increase manyfold because potential foreign investors shift their investments to other, presumably safer, destinations. Abadie and Gardeazabal (2008) showed that a relatively small increase in the perceived risk of terrorism can cause an outsized reduction in a country’s net stock of foreign direct investment and inflict significant damage on its economy. We analyzed 78 developing economies over the period 1984–2008 (Bandyopadhyay, Sandler, and Younas, 2014) and found that on average **a relatively small increase** in a country’s domestic terrorist incidents per 100,000 persons **sharply reduced** net foreign direct investment. There was a similarly large reduction in net investment if the terrorist incidents originated abroad or involved foreigners or foreign assets in the attacked country. We also found that greater official aid flows can substantially offset the damage to foreign direct investment—perhaps in part because the increased aid allows recipient nations to invest in more effective counterterrorism efforts. Most countries that experienced above-average domestic or transnational terrorist incidents during 1970–2011 received less foreign direct investment or foreign aid than the average among the 122 in the sample (see table). It is difficult to assess causation, but the table suggests a troubling association between terrorism and depressed aid and foreign direct investment, both of which are crucial for developing economies. It is generally believed that there are higher risks in trading with a nation afflicted by terrorism, which cause an increase in transaction costs and tend to reduce trade. For example, after the September 11 attacks on New York City and the Washington, D.C., area, the U.S. border was temporarily closed, holding up truck traffic between the United States and Canada for an extended time. Nitsch and Schumacher (2004) analyzed a sample of 200 countries over the period 1960–93 and found that when terrorism incidents in a pair of trading countries double in one year, trade between them falls by about 4 percent that same year. They also found that when one of two trading partners suffers at least one terrorist attack, it reduces trade between them to 91 percent of what it would be in the absence of terrorism. Blomberg and Hess (2006) estimated that terrorism and other internal and external conflicts retard trade as much as a 30 percent tariff. More specifically, they found that any trading partner that experienced terrorism experienced close to a 4 percent reduction in bilateral trade. But Egger and Gassebner (2015) found more modest trade effects. Terrorism had few to no short-term effects; it was significant over the medium term, which they defined as “more than one and a half years after an attack/incident.” Abstracting from the impact of transaction costs from terrorism, Bandyopadhyay and Sandler (2014b) found that terrorism may not necessarily reduce trade, because resources can be reallocated. If terrorism disproportionately harmed one productive resource (say land) relative to another (say labor), then resources would flow to the labor-intensive sector. If a country exported labor-intensive goods, such as textiles, terrorism could actually lead to increased production and exportation. In other words, although terrorism may reduce trade in a particular product because it increases transaction costs, its ultimate impact may be either to raise or reduce overall trade. These apparently contradictory empirical and theoretical findings present rich prospects for future study. Of course terrorism has repercussions beyond human and material destruction and the economic effects discussed in this article. Terrorism also influences immigration and immigration policy. The traditional gains and losses from the international movement of labor may be magnified by national security considerations rooted in a terrorism response. For example, a recent study by Bandyopadhyay and Sandler (2014a) focused on a terrorist organization based in a developing country. It showed that the immigration policy of the developed country targeted by the terrorist group can be critical to containing transnational terrorism. Transnational terrorism targeted at well-protected developed countries tends to be more skill intensive: it takes a relatively sophisticated terrorist to plan and successfully execute such an attack. Immigration policies that attract highly skilled people to developed countries can drain the pool of highly skilled terrorist recruits and may cut down on transnational terrorism.

### Turns Case – Heg Good

#### **Turns credibility/hegemony – we respond in unpredictable and unintelligent ways that overstretch our military**

Rothkopf 14

(David J., a visiting scholar at the Carnegie Endowment as well as CEO and editor of Foreign Policy. “National Insecurity: American Leadership in an Age of Fear,” PublicAffairs, p. 7, ES)

None of us that day in Georgetown could possibly have imagined the degree to which the al-Qaeda attacks would achieve their goals of shaking America to its very foundations. Indeed, it hardly seems possible that bin Laden himself could have imagined that the superpower against which he had struck would so consume itself with a desire for revenge and to restore a sense of security that it would spend trillions of dollars it could ill afford, deplete to the point of near inoperability its armed forces, violate the most fundamental principles for which it had long stood, alienate its allies, and ultimately turn inward. Nor could bin Laden have dared hope that the United States and indeed the international system would eventually largely abandon Middle Eastern battlefields, leaving them to decend into a void that Islamic extremists battled to fill. (Although that is the strategy he implied in the quote that appears among those that begin this book.) Further, none of us, nor our attackers, could have imagined the greater costs associated with ill-conceived reactions to the perceived new threat to a degree that made it impossible for us to truly identify, debate, or respond to the greater next-generation threats to American leadership and prosperity.

#### Turns leadership and presidential powers

Rothkopf 14

(David J., a visiting scholar at the Carnegie Endowment as well as CEO and editor of Foreign Policy. “National Insecurity: American Leadership in an Age of Fear,” PublicAffairs, p. 7, ES)

Running the World traced the evolution of a system developed in the wake of a world war that left America as the only major power in the world that was unscathed-the clear victor and principal architect of the new international order. The book followed that post-WWII growth from the remarkable flowering of creativity and institution-building that led to the creation of the UN and the Bretton Woods institutions globally, and to the birth of the Department of Defense, the CIA, and the National Security Council in the United States, through the first term of the administration of President George W. Bush. Throughout that period-through the Cold War and its immediate aftermath and on to the first years after the 9/11 attacks-America may have been threatened from time to time and stumbled not infrequently, but the country’s strength and resolve were such that there was a belief at home and abroad that this was a nation in a commanding position, with leaders who regularly demonstrated a willingness, for better or worse, to wield that power. ¶ The men and women at the top form the days of Truman through those of Bush ran the world if not literally then figuratively, dominating their respective eras. American presidents, paramount symbols of that strength, were typically called “the most powerful man in the world.” ¶ But in the decade since that book was finished, from the second term of the Bush administration and the Obama years, something has changed. Suffering self-inflicted wounds in Iraq and Afghanistan as a result of unilateralism and violation of international laws, reckless military spending, and fecklessness and political division at home, our perceived power waned, and the wellsprings of a real power sputtered. Backlash against those policies produced an era in which America pulled away from her leadership role more strongly than at any time since the aftermath of World War I. The financial crisis, the rise of new powers, and geopolitical shifts for which we were unprepared compounded the problems. ¶ During that same period, that past decade, there have also been changed in the way that the national security apparatus of the United States was used. At times, leaders appeared to heed the lessons of the decades since its establishment that I wrote about in Running the World – notably that the president’s national security team in the White House focused on their role of helping the President to make decisions by bringing together those same agencies. When this happened, the system worked well. But at times, especially recently, the president’s White House advisors and an even more bloated national security staff played a role that history should have warned them would cause problems – they supplanted the agencies they were supposed to lead, attempted to do their jobs for them, micromanaged decisions, and as a result did not have the time to do the strategic planning and coordination work that only they could do. This, too, undercut American leadership. ¶ Indeed, for reasons including these, it may well be that Barack Obama is the first American president of the modern era who is not universally perceived to be the most powerful man in the world. Nowhere has the change to America been felt more sharply than among the inner workings of the US national security establishment – it has impacted the president and his advisors, collaborators, and rivals within the political realm of this country, who together shape US policies worldwide. By the second term of the Obama era the National Security Council was ten times the size it had been during the Nixon-Kissinger years; the Directorate of National Intelligence (DNI), Central Intelligence Agency (CIA), and the massive new bureaucracy portentously named Department of Homeland Security, plus the tiers of political operatives and those who influence their thinking, had overwhelmed the other agencies of the government. They had become the national psyche, for better or worse.

#### Attack sets up a downward spiral of US leadership – misallocation of resources and strategic errors

Rothkopf 14

(David J., a visiting scholar at the Carnegie Endowment as well as CEO and editor of Foreign Policy. “National Insecurity: American Leadership in an Age of Fear,” PublicAffairs, p. 7, ES)

We looked at every event, report, and commentary produced by these organizations of the eight year period in question, one roughly corresponding to the period of time that is the focus of this book. Just a list of every item covered filled a three-inch-thick binder to bursting. The total number of entries is 9,858.¶ The top individual countries covered included China with 878 items, Russia with 618, Afghanistan with 405, Iran with 334, Iraq with 286, India with 262, Pakistan with 256, Israel-Palestine with 204, Turkey with 194, Brazil with 125, North Korea with 109, and Egypt with 92. Stragglers included Syria with 54 and Libya with 27. The regional focus of events included the Americas with 611, Africa with 590, the Middle East with 547, non-EU Europe and Euroasia with 526, the EU with 484, East Asia with 429, Central Asia with 203, and Southeast Asia with 142. In terms of broader diplomatic themes you find national security and defense (as a general topic) with 619, the economy (as a general topic) with 611, the war on terror with 341, international organizations with 261, and nuclear non-proliferation with 169. ¶ Although this distribution seems to cover the world, there are some clear biases in what are apparently the subjects of greatest interest to the broader Washington policy community. Some seem to be related to a kind of generational bias among a cadre of academics brought up during the Cold War. This helps to explain, in part, the attention given to Russia or the former Soviet Union (1,340 total events and papers). Clearly, another bias is to the news of the day and during this period of war on terror and related conflicts and unrest in the Middle East we find that there were 2,740 events with regional or general topics in that area and perhaps another 300 that touched upon related themes through lenses like non-proliferation or the impact of extremism on other regions. In short, almost a third of all work was done on these areas. For the sake of comparison, more than five times as many events or reports were done on the EU and the Eurocrisis as were produced on Africa or the Americas.¶ That said, other anomalies are also worth noting because they underscore the tendency of the policy community to either focus on the news or to follow trends. Between 2005 and 2007 Afghanistan was, literally, the forgotten war, with only a total of 63 events or papers during that period. As the election and then the promises of President Obama to return he national focus there resulted in a renewed interest in that country, the number rose from 28 in 2008 to 70 in 2009. (It was down to 28 again by 2012 when it was clear the United States is leaving and interested again waned.)¶ More worryingly, however, and of central interest to the overall thrust of this book is the tendency to focus policy through a primarily political and regional lens with economic and scientific issues getting much less attention. Given the economic roots of the Arab Spring, the economic components of peacekeeping, the growing threats driven by inequality worldwide, and, of course, the degree to which technology is remaking global affairs at every level, this lack of attention is both glaring and revealing. Of the 619 events and papers in the broad category of national security, only 32 pertained to cyber issues and of these 19 came form one institution, the Center for Strategic and International Studies (CSIS). Also, during the period we examined, only one such event was specifically on the issue of China and cyber-security. Only six events took place during this period focused on the issues, ethics, and consequences of drone warfare. Only five mentioned sciences as a headline issue, and only ten were focused on technology and the future of the US national security. ¶ Of 119 economic events that took place in the three years leading up to the financial crisis, precisely none were focused on or raised as a central point the risk of a major financial crisis. (But in the reactive mode of this community, during 2009 and 2010, the financial crisis was the most discussed topic, ceding leadership back to the Middle East only after the events of the Arab Spring took place-with events on Egypt rising from 7 in 2010 to almost five times that 2011.) Eleven events took place between 2005 and 2009 on the future of the Eurozone and the Euro. Just one such event took place in 2009, though by 2011 and 2012, the number rose to 17 one year and 18 the next. Arguably, of course, the risks posed to the United States and to the world economy were far greater from our financial crisis or from that in Europe than those posed by terrorists or unrest in the Middle East (or by Russia) but, even in the midst of the reactive surge of interest in them, they lagged well behind the focus given to even secondary issues associated with the global war on terror or the big countries of the Greater Middle East. (It should also be noted that we are not helped by a ghettoized system in which economic policymakers and thinkers too seldom interact with their political or national security or science and technology counterparts. This produces discussions within silos that miss critical factors, risks, and opportunities.)¶ In short, not only have we been driven by our fears for over a decade, we have done so in an atmosphere in which we are trapped either in the present moment or in the past, and we lack the tools and inclination to either consider or creatively analyze possible scenarios for the future. It is no wonder that the single most common lament of the national security advisors with whom I have spoken-and I have spoken with all but one of those from the past half century-is the inability of the national security apparatus of the United States to foster strategic thinking or cultivate useful ideas about the future. The intellectual community surrounding that apparatus-the rest of the US policy ecosystem, if you will-is no better. The result helps explain how we have gone from a biref moment of US triumph as the victor in the Cold War and the world’s sole superpower, to a period in which decline seems a real possibility and the Untied States has had a string of notable, disturbing, and interrelated international policy failures, misfires, and duds. ¶

### Turns Case – Human Rights

#### Terror turns human rights—most robust data

Dreher, Gassebner and Siemers 07 [Axel, Chair of International and Development Politics at the Ruprecht-Karls-University Heidelberg in Germany, Martin, Professor at the University of Reading specializing in the economics of terrorism, Lars, Professor at the Ruprecht-Karls-University Heidelberg in Germany, “DOES TERROR THREATEN HUMAN RIGHTS? EVIDENCE FROM PANEL DATA”, CESIFO WORKING PAPER NO. 1935, March 2007, Pg 29-30] AW

Our analysis suggests a rise in the level of terror to significantly reduce governments' respect for basic human rights. According to our results, terror substantially increases the probability of extrajudicial killings, political imprisonment, and torture, especially in countries with a high level of human rights. This result is extremely robust, as Extreme Bounds Analysis for more than 23,000 regressions shows. To some extent, civil liberties (measured by the Freedom House index) are also restricted as a consequence of terrorism. However, these results are not completely robust to the specification of the model. We find no effect of terror on “positive rights” such as political participation, freedom of religion, freedom of speech, or freedom of movement.25

 Our results also show that the effect of terror strongly depends on the level of human rights. For low levels of physical integrity terror increases human rights, while terror reduces rights when governments’ respect for physical integrity rights is high. As can be seen, the marginal effects are always significant at the one percent level. These results are in line with our hypotheses. Overall, terror reduces human rights. However, the impact becomes generally stronger when human rights are a priori more prevalent. Terror even increases human rights when hitting countries with initially low respect for human rights.

Our theoretical model points to the trade off between security and human rights, namely, that, experiencing a threat of terror, citizens demand more security at the expense of human rights. The empirical results indeed indicate that governments’ answer to terror is – on average – to restrict freedom. Our study supports anecdotal evidence suggesting that governments – under the threat of terror – violate those very rights they want to protect from terror in the first place. Which policy conclusions do arise from this? Clearly, if human rights restrictions really increase security, people might be willing to trade some of their rights for greater security. However, whether and to what extent human rights violations increase security is indeed not at all obvious. This is even more true, as our analysis shows that governments reduce physical human rights as a consequence of terror, rather than civil liberties or empowerment rights. Following Frey and Luechinger (2003) and Freytag et al. (2006), restricting human rights respect in reaction to terror attacks may reduce the individual opportunity costs of potential terrorists, and thus rather increase terrorism. Frey and Luechinger argue that there may be superior strategies than deterrence in fighting terrorism. The same could hold true for restricting human rights as an answer to terrorism.

### Turns Case – Militarism

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

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

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

### Turns Case – Civil Liberties

#### Turns case – domestic terror causes violation of civil liberties.

Friedman, 13 (Thomas L. Friedman became The New York Times foreign affairs Op-Ed columnist in 1995. He joined the paper in 1981, after which he served as the Beirut bureau chief in 1982, Jerusalem bureau chief in 1984, and then in Washington as the diplomatic correspondent in 1989, and later the White House correspondent and economic correspondent. Mr. Friedman was awarded the 1983 Pulitzer Prize for international reporting (from Lebanon) and the 1988 Pulitzer Prize for international reporting (from Israel). He also won the 2002 Pulitzer Prize for commentary. Mr. Friedman is the author of “From Beirut to Jerusalem,” which won the National Book Award in 1989. He has written several other books, including “Hot, Flat and Crowded,” an international best seller. Born in Minneapolis, Mr. Friedman received a B.A. degree in Mediterranean studies from Brandeis University in 1975. In 1978 he received a master’s in modern Middle East studies from Oxford, “Blowing a Whistle”, <http://www.nytimes.com/2013/06/12/opinion/friedman-blowing-a-whistle.html>, June 12, 2013, ak.)

I’m glad I live in a country with people who are vigilant in defending civil liberties. But as I listen to the debate about the disclosure of two government programs designed to track suspected phone and e-mail contacts of terrorists, I do wonder if some of those who unequivocally defend this disclosure are behaving as if 9/11 never happened — that the only thing we have to fear is government intrusion in our lives, not the intrusion of those who gather in secret cells in Yemen, Afghanistan and Pakistan and plot how to topple our tallest buildings or bring down U.S. airliners with bombs planted inside underwear, tennis shoes or computer printers. Yes, I worry about potential government abuse of privacy from a program designed to prevent another 9/11 — abuse that, so far, does not appear to have happened. But I worry even more about another 9/11. That is, I worry about something that’s already happened once — that was staggeringly costly — and that terrorists aspire to repeat. I worry about that even more, not because I don’t care about civil liberties, but because what I cherish most about America is our open society, and I believe that if there is one more 9/11 — or worse, an attack involving nuclear material — it could lead to the end of the open society as we know it. If there were another 9/11, I fear that 99 percent of Americans would tell their members of Congress: “Do whatever you need to do to, privacy be damned, just make sure this does not happen again.” That is what I fear most. That is why I’ll reluctantly, very reluctantly, trade off the government using data mining to look for suspicious patterns in phone numbers called and e-mail addresses — and then have to go to a judge to get a warrant to actually look at the content under guidelines set by Congress — to prevent a day where, out of fear, we give government a license to look at anyone, any e-mail, any phone call, anywhere, anytime. What we don't need is to give up our freedoms just to address levels of paranoia that are, frankly, infantile. So I don’t believe that Edward Snowden, the leaker of all this secret material, is some heroic whistle-blower. No, I believe Snowden is someone who needed a whistle-blower. He needed someone to challenge him with the argument that we don’t live in a world any longer where our government can protect its citizens from real, not imagined, threats without using big data — where we still have an edge — under constant judicial review. It’s not ideal. But if one more 9/11-scale attack gets through, the cost to civil liberties will be so much greater. A hat tip to Andrew Sullivan for linking on his blog to an essay by David Simon, the creator of HBO’s “The Wire.” For me, it cuts right to the core of the issue. “You would think that the government was listening in to the secrets of 200 million Americans from the reaction and the hyperbole being tossed about,” wrote Simon. “And you would think that rather than a legal court order, which is an inevitable consequence of legislation that we drafted and passed, something illegal had been discovered to the government’s shame. Nope. ... The only thing new here, from a legal standpoint, is the scale on which the F.B.I. and N.S.A. are apparently attempting to cull anti-terrorism leads from that data. ... I know it’s big and scary that the government wants a database of all phone calls. And it’s scary that they’re paying attention to the Internet. And it’s scary that your cellphones have GPS installed. ... The question is not should the resulting data exist. It does. ... The question is more fundamental: Is government accessing the data for the legitimate public safety needs of the society, or are they accessing it in ways that abuse individual liberties and violate personal privacy — and in a manner that is unsupervised. And to that, The Guardian and those who are wailing jeremiads about this pretend-discovery of U.S. big data collection are noticeably silent. We don’t know of any actual abuse.” We do need to be constantly on guard for abuses. But the fact is, added Simon, that for at least the last two presidencies “this kind of data collection has been a baseline logic of an American anti-terrorism effort that is effectively asked to find the needles before they are planted into haystacks, to prevent even such modest, grass-rooted conspiracies as the Boston Marathon bombing before they occur.” To be sure, secret programs, like the virtually unregulated drone attacks, can lead to real excesses that have to be checked. But here is what is also real, Simon concluded: “Those planes really did hit those buildings. And that bomb did indeed blow up at the finish line of the Boston Marathon. And we really are in a continuing, low-intensity, high-risk conflict with a diffuse, committed and ideologically motivated enemy. And, for a moment, just imagine how much bloviating would be wafting across our political spectrum if, in the wake of an incident of domestic terrorism, an American president and his administration had failed to take full advantage of the existing telephonic data to do what is possible to find those needles in the haystacks.” And, I’d add, not just bloviating. Imagine how many real restrictions to our beautiful open society we would tolerate if there were another attack on the scale of 9/11. Pardon me if I blow that whistle.

### AT: Wikileaks Filters

#### Media won’t filter—

#### 1] Wikileaks will publish any leaks they get regardless of content

#### 2] Pentagon Papers prove—New York Times published everything Ellsberg gave them

#### 3] Bush proves

Bejesky 12 [Robert Bejesky, “National Security Information Flow: From Source to Reporter’s Privilege” St. Thomas Law Review, Volume 24, Issue 3, Summer 2012] whs-ee

Naturally, the media is the last filter to consider the validity of partially declassified information before it reaches the public. In the case of Iraq, news editors and managers decided to publish questionable accounts at face value and uncritically accepted Bush Administration statements derived from classified data.77 While journalists have no evident means of possessing better information than what the president declassifies or an ability to verify still classified data,7 " some journalists adjusted their portrayals in lockstep with whatever the Bush Administration chose to allege and/or partially declassify.79 Other reporters contended critics had the burden of disproving White House allegations. 8' The First Amendment marketplace of ideas construct presumes that one should be able to debate issues of public concern, but it seems unfeasible to rebut and counter unequivocal statements about imminent threats when the Bush Administration monopolized the information flow from the national security apparatus and never publicly provided evidence that supported the original allegations.

### AT: Gov Protection

#### Whistleblowers go to the press due to lack of government protection

Papandrea 07 [(Mary-Rose Papandrea came to the University of North Carolina School of Law from Boston College Law School in 2015. JD with high honors from UC hiccago ) “Citizen Journalism and the Reporter's Privilege” Minnesota Law Review, Vol. 91, 2007 [https://ssrn.com/abstract=932681](https://ssrn.com/abstract%3D932681) whs-ee

Unfortunately, however, leaks have become an important part of how this country learns about what its elected leaders are doing in the name of “national security.” The Congressional Research Service released a report in December 2005 demonstrating that one reason federal employees leak information to the press is that the government has failed to provide adequate protection for whistleblowers.164 Although federal employees are encouraged to report their concerns to officials in their chain of command, the Inspector General’s Office, or the relevant Congressional oversight committee, in practice the current environment does not invite whistleblowing.165 In fact, it may actually discourage it. Congress has failed to provide adequate and effective protection for whistleblowers, who suffer a grave risk of retaliation if they come forward.166 The problem is exacerbated for whistleblowers in the intelligence community. The existing and proposed whistleblower statutes explicitly deny protection to these individuals, and they suffer the additional risk of being stripped of their security clearances, a decision that is generally not subject to independent judicial review.167

### \*\*Impact\*\*

### Impact – Bioterror

#### Advances in genetic engineering make bioterror an existential threat that outweighs all impacts

Farmer 17 Ben Farmer, Defence Correspondent, In Munich, 2/18/17, "Bioterrorism could kill more people than nuclear war, Bill Gates to warn world leaders," Telegraph, <https://www.telegraph.co.uk/news/2017/02/17/biological-terrorism-could-kill-people-nuclear-attacks-bill/> SP

Bioterrorists could one day kill hundreds of millions of people in an attack more deadly than nuclear war, Bill Gates will warn world leaders. Rapid advances in genetic engineering have opened the door for small terrorism groups to tailor and easily turn biological viruses into weapons. A resulting disease pandemic is currently one of the most deadly threats faced by the world, he believes, yet governments are complacent about the scale of the risk. Speaking ahead of an address to the Munich Security Conference, the richest man in the world said that while governments are concerned with the proliferation of nuclear and chemical weapons, they are overlooking the threat of biological warfare. Because the population is naïve, there are no real preparations Bill Gates Mr Gates, whose charitable foundation is funding research into quickly spotting outbreaks and speeding up vaccine production, said the defence and security establishment “have not been following biology and I’m here to bring them a little bit of bad news”. Mr Gates will today (Saturday) tell an audience of international leaders and senior officers that the world’s next deadly pandemic “could originate on the computer screen of a terrorist”. He told the Telegraph: “Natural epidemics can be extremely large. Intentionally caused epidemics, bioterrorism, would be the largest of all. “With nuclear weapons, you’d think you would probably stop after killing 100million. Smallpox won’t stop. Because the population is naïve, and there are no real preparations. That, if it got out and spread, would be a larger number.” He said developments in genetic engineering were proceeding at a “mind-blowing rate”. Biological warfare ambitions once limited to a handful of nation states are now open to small groups with limited resources and skills. He said: “They make it much easier for a non-state person. It doesn’t take much biology expertise nowadays to assemble a smallpox virus. Biology is making it way easier to create these things.” The increasingly common use of gene editing technology would make it difficult to spot any potential terrorist conspiracy. Technologies which have made it easy to read DNA sequences and tinker with them to rewrite or tweak genes have many legitimate uses. He said: “It’s not like when someone says, ‘Hey I’d like some Plutonium’ and you start saying ‘Hmmm.. I wonder why he wants Plutonium?’” Mr Gates said the potential death toll from a disease outbreak could be higher than other threats such as climate change or nuclear war. He said: “This is like earthquakes, you should think in order of magnitudes. If you can kill 10 people that’s a one, 100 people that’s a two... Bioterrorism is the thing that can give you not just sixes, but sevens, eights and nines. “With nuclear war, once you have got a six, or a seven, or eight, you’d think it would probably stop. [With bioterrorism] it’s just unbounded if you are not there to stop the spread of it.” By tailoring the genes of a virus, it would be possible to manipulate its ability to spread and its ability to harm people. Mr Gates said one of the most potentially deadly outbreaks could involve the humble flu virus. It would be relatively easy to engineer a new flu strain combining qualities from varieties that spread like wildfire with varieties that were deadly. The last time that happened naturally was the 1918 Spanish Influenza pandemic, which went on to kill more than 50 million people – or nearly three times the death toll from the First World War. By comparison, the recent Ebola outbreak in West Africa which killed just over 11,000 was “a Richter Scale three, it’s a nothing,” he said. But despite the potential, the founder of Microsoft said that world leaders and their militaries could not see beyond the more recognised risks. He said: “Should the world be serious about this? It is somewhat serious about normal classic warfare and nuclear warfare, but today it is not very serious about bio-defence or natural epidemics.” He went on: “They do tend to say ‘How easy is it to get fissile material and how accurate are the plans out on the internet for dirty bombs, plutonium bombs and hydrogen bombs?’ “They have some people that do that. What I am suggesting is that the number of people that look at bio-defence is worth increasing.” Whether naturally occurring, or deliberately started, it is almost certain that a highly lethal global pandemic will occur within our lifetimes, he believes.

### XT – Impact - Yes Lashout

### AT: No Attribution

### AT: Advisors Check

### AT: Congress Check

### AT: Threats Overblown

### AT: No Motivation