## 1NC – DA

#### Biotech industry strong now

Cancherini et al. 4/30 [(Laura, Engagement Manager @ McKinsey & Company, Joseph Lydon, Associate Partner @ McKinsey & Company, Jorge Santos Da Silva, Senior Partner at McKinsey & Company, and Alexandra Zemp, Partner at McKinsey & Company), “What’s ahead for biotech: Another wave or low tide?“, McKinsey & Company, 4-30-2021, https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/whats-ahead-for-biotech-another-wave-or-low-tide] TDI

Belying this downbeat mood, biotech has in fact had one of its best years so far. By January 2021, venture capitalists had invested some 60 percent more than they had in January 2020, with more than $3 billion invested worldwide in January 2021 alone.5 IPO activity grew strongly: there were 19 more closures than in the same period in 2020, with an average of $150 million per raise, 17 percent more than in 2020. Other deals have also had a bumper start to 2021, with the average deal size reaching more than $500 million, up by more than 66 percent on the 2020 average (Exhibit 3).6

What about SPACs?

The analysis above does not include special-purpose acquisition companies (SPACs), which have recently become significant in IPOs in several industries. Some biotech investors we interviewed believe that SPACs represent a route to an IPO. How SPACs will evolve remains to be seen, but biotechs may be part of their story.

Fundamentals continue strong

When we asked executives and investors why the biotech sector had stayed so resilient during the worst economic crisis in decades, they cited innovation as the main reason. The number of assets transitioning to clinical phases is still rising, and further waves of innovation are on the horizon, driven by the convergence of biological and technological advances.

In the present day, many biotechs, along with the wider pharmaceutical industry, are taking steps to address the COVID-19 pandemic. Together, biotechs and pharma companies have more than 250 vaccine candidates in their pipelines, along with a similar number of therapeutics. What’s more, the crisis has shone a spotlight on pharma as the public seeks to understand the roadblocks involved in delivering a vaccine at speed and the measures needed to maintain safety and efficacy standards. To that extent, the world has been living through a time of mass education in science research and development.

Biotech has also benefited from its innate financial resilience. Healthcare as a whole is less dependent on economic cycles than most other industries. Biotech is an innovator, actively identifying and addressing patients’ unmet needs. In addition, biotechs’ top-line revenues have been less affected by lockdowns than is the case in most other industries.

Another factor acting in the sector’s favor is that larger pharmaceutical companies still rely on biotechs as a source of innovation. With the top dozen pharma companies having more than $170 billion in excess reserves that could be available for spending on M&A, the prospects for further financing and deal making look promising.

For these and other reasons, many investors regard biotech as a safe haven. One interviewee felt it had benefited from a halo effect during the pandemic.

More innovation on the horizon

The investors and executives we interviewed agreed that biotech innovation continues to increase in quality and quantity despite the macroeconomic environment. Evidence can be seen in the accelerating pace of assets transitioning across the development lifecycle. When we tracked the number of assets transitioning to Phase I, Phase II, and Phase III clinical trials, we found that Phase I and Phase II assets have transitioned 50 percent faster since 2018 than between 2013 and 2018, whereas Phase III assets have maintained much the same pace. There could be many reasons for this, but it is worth noting that biotechs with Phase I and Phase II assets as their lead assets have accounted for more than half of biotech IPOs. Having an early IPO gives a biotech earlier access to capital and leaves it with more scope to concentrate on science.

#### Lack of IP protection makes medical innovation prohibitively risky and expensive

Grabowski et al 15 [(Henry, Professor of Economics, member of the faculty for the Health Sector Management Program, and Director of the Program in Pharmaceuticals and Health Economics at Duke University) “The Roles of Patents and Research And Development Incentives In Biopharmaceutical Innovation,” Health Affairs, 2/2015] JL

The essential rationale for patent protection for biopharmaceuticals is that long-term benefits in the form of continued future innovation by pioneer or brand-name drug manufacturers outweigh the relatively short-term restrictions on imitative cost competition associated with market exclusivity. Regardless, the entry of other branded agents remains an important source of therapeutic competition during the patent term.

Several economic characteristics make patents and intellectual property protection particularly important to innovation incentives for the biopharmaceutical industry. **5** The R&D process often takes more than a decade to complete, and according to a recent analysis by Joseph DiMasi and colleagues, per new drug approval (including failed attempts), it involves more than a billion dollars in out-of-pocket costs. **6** Only approximately one in eight drug candidates survive clinical testing. **6**

As a result of the high risks of failure and the high costs, research and development must be funded by the few successful, on-market products (the top quintile of marketed products provide the dominant share of R&D returns). **7**,**8** Once a new drug’s patent term and any regulatory exclusivity provisions have expired, competing manufacturers are allowed to sell generic equivalents that require the investment of only several million dollars and that have a high likelihood of commercial success. Absent intellectual property protections that allow marketing exclusivity, innovative firms would be unlikely to make the costly and risky investments needed to bring a new drug to market.

Patents confer the right to exclude competitors for a limited time within a given scope, as defined by patent claims. However, they do not guarantee demand, nor do they prevent competition from nonidentical drugs that treat the same diseases and fall outside the protection of the patents.

New products may enter the same therapeutic class with common mechanisms of action but different molecular structures (for example, different statins) or with differing mechanisms of action (such as calcium channel blockers and angiotensin receptor blockers). 9 Joseph DiMasi and Laura Faden have found that the time between a first-in-class new drug and subsequent new drugs in the same therapeutic class has been dramatically reduced, from a median of 10.2 years in the 1970s to 2.5 years in the early 2000s. 10 Drugs in the same class compete through quality and price for preferred placement on drug formularies and physicians’ choices for patient treatment.

Patents play an essential role in the economic “ecosystem” of discovery and investment that has developed since the 1980s. Hundreds of start-up firms, often backed by venture capital, have been launched, and a robust innovation market has emerged. **11** The value of these development-stage firms is largely determined by their proprietary technologies and the candidate drugs they have in development. As a result, the strength of intellectual property protection plays a key role in funding and partnership opportunities for such firms.

#### MRNA solves a litany of diseases, but continued innovation is key

Gupta 5/7 [(Swati, vice president and head of emerging infectious diseases and scientific strategy at IAVI, a nonprofit scientific research organization that develops vaccines and antibodies for HIV, tuberculosis, emerging infectious diseases (including COVID-19) and neglected diseases, PhD and MPH from Yale University) “The Application and Future Potential of mRNA Vaccines,” Yale School of Public Health, 5/7/2021] JL

The implications of mRNA technology are staggering. Several vaccine developers are studying this technology for deployment against rabies, influenza, Zika, HIV and cancer, as well as for veterinary purposes. Its potential utility is based upon its being a “platform technology” that can be developed and scaled rapidly. Given that only the genetic code for a protein of interest is needed, synthetically produced mRNA vaccines can be made rapidly, in days. Other vaccine approaches involve growing and/or producing proteins in cells, a process that can take months. Messenger RNA vaccines are generally regarded as safe, since they do not integrate into our cells’ DNA and naturally degrade in the body after injection. They also can be safely administered repeatedly, as we are seeing with the two-dose regimen for both the Pfizer-BioNTech and Moderna vaccines.

Despite the current success of mRNA vaccines for COVID-19, scientists continue to work on making the technology better. A number of laboratories are testing more thermostable formulations of mRNA vaccines, which currently must be kept at freezing or ultra-cold temperatures. Others are investigating second-generation vaccines that will only require a single shot, and “universal” coronavirus vaccines that could protect against future emerging coronaviruses. Messenger RNA vaccines that target a broad range of different diseases, all in one shot, are also in development; this approach has the potential to greatly simplify current vaccination schedules.

Taken together, these advantages and potential future developments position mRNA vaccines as an increasingly important technology in our arsenal of tools against infectious disease outbreaks, and are likely to be critical to fighting future epidemics and pandemics. Global partnerships like the Coalition for Epidemic Preparedness and Innovation (CEPI), tasked with facilitating the development of vaccines to stop future epidemics, have called for vaccines to be able to be tested in the clinic within months after a new pathogen is identified. With the latest discoveries in mRNA technology, we are well on our way to this goal; the ability of this platform technology to be transformative is no longer a hope, but more likely to be a reality in the very near future.

#### Reducing patents sets a precedent that spills over to all future diseases – Hopkins 21:

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The Biden administration’s unexpected support for [temporarily waiving Covid-19 vaccine patents](https://www.wsj.com/articles/u-s-backs-waiver-of-intellectual-property-protection-for-covid-19-vaccines-11620243518?mod=article_inline) won’t have an immediate financial impact on the companies making the shots, industry officials and analysts said. Yet the decision could mark a shift in Washington’s longstanding support of the industry’s valuable intellectual property, patent-law experts said. A waiver, if it does go into effect, may pose long-term risks to the vaccine makers, analysts said. [Moderna](https://www.wsj.com/market-data/quotes/MRNA) Inc., [MRNA -4.12%](https://www.wsj.com/market-data/quotes/MRNA?mod=chiclets) [Pfizer](https://www.wsj.com/market-data/quotes/PFE) Inc. [PFE -3.10%](https://www.wsj.com/market-data/quotes/PFE?mod=chiclets) and other vaccine makers weren’t counting on sales from the developing countries that would gain access to the vaccine technology, analysts said. If patents and other crucial product information behind the technology is made available, it would take at least several months before shots were produced, industry officials said. Yet long-term Covid-19 sales could take a hit if other companies and countries gained access to the technologies and figured out how to use it. Western drugmakers could also confront competition sooner for other medicines they are hoping to make using the technologies. A World Trade Organization waiver could also set a precedent for waiving patents for other medicines, a long-sought goal of some developing countries, patient groups and others to try to reduce the costs of prescription drugs. “It sets a tremendous precedent of waiving IP rights that’s likely going to come up in future pandemics or in other serious diseases,” said David Silverstein, a patent lawyer at Axinn, Veltrop & Harkrider LLP who advises drugmakers. “Other than that, this is largely symbolic.”

#### Disease causes extinction – defense is wrong

Piers Millett 17, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028

Historically, disease events have been responsible for the greatest death tolls on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world’s population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization.

A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to remote populations, overcome rare genetic resistances, and evade detection, cures, and countermeasures. Even evolution itself may work in humanity’s favor: Virulence and transmission is often a trade-off, and so evolutionary pressures could push against maximally lethal wild-type pathogens.5,6

While these arguments point to a very small risk of human extinction, they do not rule the possibility out entirely. Although rare, there are recorded instances of species going extinct due to disease—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also historical examples of large human populations being almost entirely wiped out by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include native American tribes exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and theWestern Abenaki (which suffered a staggering 98% loss of population).

In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But many diseases are proof of principle that each worst-case attribute can be realized independently. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, natural evolution would be an unlikely source for pathogens with the highest possible levels of transmissibility, virulence, and global reach. But advances in biotechnology might allow the creation of diseases that combine such traits. Recent controversy has already emerged over a number of scientific experiments that resulted in viruses with enhanced transmissibility, lethality, and/or the ability to overcome therapeutics.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-2

## 1NC – CP

#### CP: Member nations of the World Trade Organization should adopt the European Union’s proposal to:

#### Ensure that COVID-19 vaccines, treatments and their components can cross borders freely

#### Encourage producers to expand their production, while ensuring that those countries most in need of vaccines receive them at an affordable price

#### Facilitate the use of compulsory licensing within the WTO's existing Agreement on Trade-Related Aspects of Intellectual Property Rights

#### Solves vaccine access but avoids innovation

Brachmann 6/8 [(Steve, contributor to IPWatchdog.com, Research on Point, and Main Street Host writing about technology and innovation) “EU Offers Alternative to COVID-19 IP Waiver That Supports Innovation and Addresses Supply Chain Problems,” IP Watchdog, 6/8/2021] JL

The EU’s proposal to the WTO regarding COVID-19 vaccine access focuses on three key elements. The first element focuses on international supply chain issues, advocating for countries producing vaccines to increase international exports and to avoid any trade restrictions on vaccines or their raw materials that could hinder the supply chain either for countries in need or the global COVAX Facility initiative. Supply chain issues have a real and devastating effect on unvaccinated communities, as evidenced by the recent news that Thailand government officials acknowledged delays and reductions for a promised shipment of 17 million doses of Thai-produced AstraZeneca vaccines to the Philippines. One of the biggest supply chain issues facing the unvaccinated world right now is the decision of India’s government, which along with South Africa proposed the patent waiver at the WTO, to stop exporting vaccines manufactured by the Serum Institute of India, the world’s largest vaccine manufacturer, in order to address India’s own exploding COVID-19 infection rates. For its part, the United States under President Joe Biden recently announced an increase of 20 million doses to the country’s planned COVID-19 vaccine exports.

The second key element in the EU’s proposal requests that governments support vaccine manufacturers and developers to ensure affordable vaccine supplies. This portion of the EU’s proposal acknowledges the beneficial impacts of licensing, which ensures that developers and manufacturers enter into agreements that those companies are incentivized to uphold because they promote business interests. The EU’s proposal notes that the vaccine developers Pfizer, BioNTech, Johnson & Johnson and Moderna have all committed to agreements to deliver a combined 1.3 billion doses through 2021 at no profit to low-income countries and at low cost to middle-income countries.

The final key element in the EU’s alternative focuses on intellectual property and recognizes that “voluntary licenses are the most effective instrument to facilitate the expansion of production and sharing of expertise.” While compulsory licensing could be available without voluntary licensing due to the extraordinary nature of the COVID-19 pandemic, the EU advocates for using existing mechanisms for compulsory licensing under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). While the EU is currently drafting a communication dedicated to intellectual property rights which it plans to submit to all WTO members, the governmental body was clear on its thoughts regarding the India-South Africa proposal backed by many governments, including the Biden Administration:

As regards the broad waiver proposed by a number of WTO members, the European Commission, while ready to discuss any option that helps end the pandemic as soon as possible, is not convinced that this would provide the best immediate response to reach the objective of the widest and timely distribution of COVID-19 vaccines that the world urgently needs.

The forces urging the world towards waiving international patent rights under TRIPS for COVID-19 vaccines are about as legion as they are misguided. On June 7, the WTO announced that it had received a petition signed by 2.7 million people around the world calling for the suspension of patent rights on COVID-19 vaccines. Currently more than 60 nations have publicly supported the India-South Africa proposal to waive patent rights under TRIPS for COVID-19 vaccines. However, as the EU’s proposal indicates, developing effective responses to international supply chain issues regarding vaccines do not have to stoop to dismantling the system for encouraging the investment in pharmaceutical R&D that produced the vaccine in the first place. In fact, the EU’s proposal recognizes that properly respecting IP rights and encouraging voluntary licensing, while making some allowances for Article 31 of TRIPS, will be a much more effective answer than a political stance that creates more problems than it solves by reducing medical innovation at exactly the time that the world needs it the most.

In supporting the waiver, the Biden Administration has arguably abdicated one of its first promises: that it would be an administration guided by science and truth. There is no science that exists to show that patents are barriers to vaccine access. That is a fact that has been acknowledged by the World Intellectual Property Organization, the UN’s agency for intellectual property rights, since the beginning of the COVID-19 pandemic. The sentimentality driving those supporting the TRIPS waiver for COVID-19 vaccines won’t solve supply chain issues in manufacturing capacity, which the EU’s alternative does address, but it will do a great job at decreasing investment into medical R&D because weak patent rights decrease economic productivity. Decreased investment in medical R&D will slow down the research needed to cure new COVID-19 variants that continue to appear across the world, and needless human death will continue.

## 1NC – CP

#### CP: Member nations of the World Trade Organization should enter into a prior and binding consultation with the World Health Organization over reducing intellectual property protections for medicines for COVID-19. Member nations will support the proposal and adopt the results of consultation.

#### WHO says yes

Kimball 5/7 [(Spencer, news editor with CNBC.com) “WHO chief urges world to follow U.S. lead and support waiving Covid vaccine patent protections,” CNBC, 5/7/2021] JL

World Health Organization Director General-Tedros Adhanom Ghebreyesus on Friday urged other countries, particularly the Group of Seven industrialized nations, to follow the U.S. example and support a World Trade Organization motion to temporarily waive Covid-19 vaccine patent protections.

“Wednesday’s announcement by the U.S. that it will support a temporary waiver of intellectual property protections for Covid-19 vaccines is a significant statement of solidarity and support for vaccine equity,” Tedros said at a press briefing. “I know that this is not a politically easy thing to do, so I very much appreciate the leadership of the U.S. and we urge other countries to follow their example.”

#### Consultation displays strong leadership, authority, and cohesion among member states which are key to WHO legitimacy

Gostin et al 15 [(Lawrence O., Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University, Faculty Director of the O’Neill Institute for National & Global Health Law, Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights, JD from Duke University) “The Normative Authority of the World Health Organization,” Georgetown University Law Center, 5/2/2015] JL

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets.

Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation.

The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

#### WHO is critical to disease prevention – it is the only international institution that can disperse information, standardize global public health, and facilitate public-private cooperation

Murtugudde 20 [(Raghu, professor of atmospheric and oceanic science at the University of Maryland, PhD in mechanical engineering from Columbia University) “Why We Need the World Health Organization Now More Than Ever,” Science, 4/19/2020] JL

WHO continues to play an indispensable role during the current COVID-19 outbreak itself. In November 2018, the US National Academies of Sciences, Engineering and Medicine organised a workshop to explore lessons from past influenza outbreaks and so develop recommendations for pandemic preparedness for 2030. The salient findings serve well to underscore the critical role of WHO for humankind.

The world’s influenza burden has only increased in the last two decades, a period in which there have also been 30 new zoonotic diseases. A warming world with increasing humidity, lost habitats and industrial livestock/poultry farming has many opportunities for pathogens to move from animals and birds to humans. Increasing global connectivity simply catalyses this process, as much as it catalyses economic growth.

WHO coordinates health research, clinical trials, drug safety, vaccine development, surveillance, virus sharing, etc. The importance of WHO’s work on immunisation across the globe, especially with HIV, can hardly be overstated. It has a rich track record of collaborating with private-sector organisations to advance research and development of health solutions and improving their access in the global south.

It discharges its duties while maintaining a dynamic equilibrium between such diverse and powerful forces as national securities, economic interests, human rights and ethics. COVID-19 has highlighted how political calculations can hamper data-sharing and mitigation efforts within and across national borders, and WHO often simply becomes a convenient political scapegoat in such situations.

International Health Regulations, a 2005 agreement between 196 countries to work together for global health security, focuses on detection, assessment and reporting of public health events, and also includes non-pharmaceutical interventions such as travel and trade restrictions. WHO coordinates and helps build capacity to implement IHR.

#### Extinction – defense is wrong

Piers Millett 17, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028

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#### WHO diplomacy solves great power conflict

Murphy 20 [(Chris, U.S. senator from Connecticut serving on the U.S. Senate Foreign Relations Committee) “The Answer is to Empower, Not Attack, the World Health Organization,” War on the Rocks, 4/21/2020] JL

The World Health Organization is critical to stopping disease outbreaks and strengthening public health systems in developing countries, where COVID-19 is starting to appear. Yemen announced its first infection earlier this month, and other countries in Africa, Asia and the Middle East are at severe risk. Millions of refugees rely on the World Health Organization for their health care, and millions of children rely on the WHO and UNICEF to access vaccines.

The World Health Organization is not perfect, but its team of doctors and public health experts have had major successes. Their most impressive claim to fame is the eradication of smallpox – no small feat. More recently, the World Health Organization has led an effort to rid the world of two of the three strains of polio, and they are close to completing the trifecta.

These investments are not just the right thing to do; they benefit the United States. Improving health outcomes abroad provides greater political and economic stability, increasing demand for U.S. exports. And, as we are all learning now, it is in America’s national security interest for countries to effectively detect and respond to potential pandemics before they reach our shores.

As the United States looks to develop a new global system of pandemic prevention, there is absolutely no way to do that job without the World Health Organization. Uniquely, it puts traditional adversaries – like Russia and the United States, India and Pakistan, or Iran and Saudi Arabia – all around the same big table to take on global health challenges. It has relationships with the public health leaders of every nation, decades of experience in tackling viruses and diseases, and the ability to bring countries together to tackle big projects. This ability to bridge divides and work across borders cannot be torn down and recreated – not in today’s environment of major power competition – and so there is simply no way to build an effective international anti-pandemic infrastructure without the World Health Organization at the center.

#### Ought means should

Merriam Webster, No Date – Merriam Webster’s Learner’s Dictionary, “ought”, <http://www.learnersdictionary.com/definition/ought>  
ought /ˈɑːt/ verb  
Learner's definition of OUGHT [modal verb] 1 ◊ Ought is almost always followed by to and the infinitive form of a verb. The phrase ought to has the same meaning as should and is used in the same ways, but it is less common and somewhat more formal. The negative forms ought not and oughtn't are often used without a following to. — used to indicate what is expected They ought to be here by now. You ought to be able to read this book. There ought to be a gas station on the way. 2 — used to say or suggest what should be done You ought to get some rest. That leak ought to be fixed. You ought to do your homework.

#### Should means must and is immediate

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling in praesenti.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn16) [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) In praesenti means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is presently or immediately effective, as opposed to something that will or would become effective in the future *[in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

Condo good:

1. **Neg flex – condo is key to allowing the neg to test the aff from multiple perspectives – that outweighs aff strategy – the aff gets infinite prep, but the neg is purely reactionary**

**Info processing – condo teaches us to think quickly and deal with overwhelming amounts of info – most real world. Simulating information overload best prepares students to cope—most valuable skill.**

## 1NC – Case

### WTO Cred

#### The US has structurally undermined WTO legitimacy – every WTO ruling gets vetoed

Baschuk 2/22 [(Bryce, reporter for Bloomberg Economics based in Geneva, Switzerland, has been published in Bloomberg, the Washington Times, United Press International and National Public Radio) “Biden Picks Up Where Trump Left Off in Hard-Line Stances at WTO,” Bloomberg, 2/22/2021] TDI

President Joe Biden’s administration dashed hopes for a softer approach to the World Trade Organization by pursuing a pair of his predecessor’s strategies that critics say risk undermining the international trading system.

The U.S. delegation to the WTO, in a statement Monday obtained by Bloomberg, backed the Trump administration’s decision to label Hong Kong exports as “Made in China” and said the WTO had no right to mediate the matter because the organization’s rules permit countries to take any action to protect their “essential security interests.”

“The situation with respect to Hong Kong, China, constitutes a threat to the national security of the United States,” the U.S. delegation said. “Issues of national security are not matters appropriate for adjudication in the WTO dispute-settlement system.”

Prior to 2016, WTO members generally steered clear of defending their trade actions on the basis of national security because doing so could encourage other nations to pursue protectionist policies that have little or nothing to do with hostile threats.

That changed in 2018, when the Trump administration triggered a cold war-era law to justify tariffs on foreign imports of steel and aluminum. In response, a handful of U.S. trade partners, including Canada, the EU, and China filed disputes at the WTO and a ruling in those cases is expected later this year.

Since then, more nations -- including Saudi Arabia, India, Russia and others -- have cited the WTO’s national-security exemption in regional trade fights, leading trade experts to warn that such cases could erode the organization’s ability to mediate disputes.

The Biden administration on Monday said the U.S. has consistently argued that national-security disputes are not subject to WTO review because it would infringe on a member’s right to determine what is in its own security interests.

In spite of the U.S. objection, the WTO granted Hong Kong’s dispute inquiry and will establish a panel of experts to deliberate the matter and render a decision, which could take two to three years.

At the same meeting, the Biden administration said it would not agree to appoint new members to the WTO’s appellate body, a seven-member panel of experts who until 2019 had the final say on trade disputes involving billions of dollars worth of international commerce.

The Biden administration said it could not do so because the U.S. “continues to have systemic concerns” with the functioning of the appellate body as have all previous administrations over the past 16 years.

Though the statement was not entirely unexpected, it confirms America’s bipartisan frustration with the functioning of the WTO appellate body and the new administration’s willingness to block new panelists until changes can be agreed.

Once Katherine Tai is confirmed as the U.S. Trade Representative, her office “looks forward to working with” WTO Director-General Ngozi Okonjo-Iweala to tackle the problems with WTO dispute settlement, including the unresolved issues over appellate-body overreach, USTR spokesman Adam Hodge said in an email. “These are long-standing, bipartisan concerns that we hope our trading partners will work with us to address,” he said.

The Trump administration broke precedent when it refused to consider any nominees to fill vacancies on the panel until there weren’t enough to sign off on new rulings. As a result, the WTO’s dispute-settlement system has been critically damaged because WTO members are now free to veto any adverse dispute rulings by appealing them into a legal void created by the appellate body’s paralysis.

#### Alt causes to WTO disunity

EP 5/20 [(European Parliament, legislative branch of the European Union) “Getting a patent waiver is not enough, says WTO chief to Trade Committee,” European Parliament News: Press Releases, 5/20/2021] JL

She said: “Getting the intellectual property rights waiver for vaccines will not be enough”. She listed three other routes: reducing export restrictions and reinforcing supply chains for vaccines, working with manufacturers to expand production, including in emerging countries with idle capacity such as Indonesia, South Africa, Thailand or Bangladesh, and transferring the necessary technology and expertise to produce the complicated vaccines.

“The IP waiver is a hot issue on which I cannot take sides. But we need more flexibility and automatic access for developing countries, and at the same time we have to protect research and development,” added the head of the World Trade Organisation (WTO).

MEPs also raised questions on trade and sustainability, including the proposed carbon border-adjustment mechanism and its compatibility with WTO rules.

“I think everything is in the design; its implementation is going to be quite important. But we don’t have that yet, so we cannot say [whether it is compatible], the director-general said.

MEPs asked about the ongoing WTO negotiations over fisheries subsidies that the director-general hopes will be concluded by the end of the year, and about the now defunct dispute settlement mechanism in the WTO.

“We cannot make new rules at the WTO when our system of adjudication on those rules doesn’t work. We need to go to the [Twelfth Ministerial Conference] with an idea for a new system,” Dr Okonjo-Iweala responded to the latter issue, calling for Parliament’s assistance in reaching out to the United States Congress to scout for a common understanding on the Appellate Body.

#### Empirics prove trade doesn’t solve war

Martin et. al. 8(Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPII, and Centre for Economic Policy Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75)

Does globalization pacify international relations? The “liberal” view in political science argues that increasing trade flows and the spread of free markets and democracy should limit the incentive to use military force in interstate relations. This vision, which can partly be traced back to Kant’s Essay on Perpetual Peace (1795), has been very influential: The main objective of the European trade integration process was to prevent the killing and destruction of the two World Wars from ever happening again.1 Figure 1 suggests2 however, that during the 1870–2001 period, the correlation between trade openness and military conflicts is not a clear cut one. The first era of globalization, at the end of the 19th century, was a period of rising trade openness and multiple military conflicts, culminating with World War I. Then, the interwar period was characterized by a simultaneous collapse of world trade and conflicts. After World War II, world trade increased rapidly, while the number of conflicts decreased (although the risk of a global conflict was obviously high). There is no clear evidence that the 1990s, during which trade flows increased dramatically, was a period of lower prevalence of military conflicts, even taking into account the increase in the number of sovereign states.

#### Zero impact uq – all of their ev is about previous periods of protectionism – didn’t escalate or cause war

#### Trade is irrelevant for war

Katherine Barbieri 13, Associate Professor of Political Science at the University of South Carolina, Ph.D. in Political Science from Binghamton University, “Economic Interdependence: A Path to Peace or Source of Interstate Conflict?” Chapter 10 in Conflict, War, and Peace: An Introduction to Scientific Research, google books

How does interdependence affect war, the most intense form of conflict? Table 2 gives the empirical results. The rarity of wars makes any analysis of their causes quite difficult, for variations in interdependence will seldom result in the occurrence of war. As in the case of MIDs, the log-likelihood ratio tests for each model suggest that the inclusion of the various measures of interdependence and the control variables improves our understanding of the factors affecting the occurrence of war over that obtained from the null model. However, the individual interdependence variables, alone, are not statistically significant. This is not the case with contiguity and relative capabilities, which are both statistically significant. Again, we see that contiguous dyads are more conflict-prone and that dyads composed of states with unequal power are more pacific than those with highly equal power. Surprisingly, no evidence is provided to support the commonly held proposition that democratic states are less likely to engage in wars with other democratic states.¶ The evidence from the pre-WWII period provides support for those arguing that economic factors have little, if any, influence on affecting leaders’ decisions to engage in war, but many of the control variables are also statistically insignificant. These results should be interpreted with caution, since the sample does not contain a sufficient number wars to allow us to capture great variations across different types of relationships. Many observations of war are excluded from the sample by virtue of not having the corresponding explanatory measures. A variable would have to have an extremely strong influence on conflict—as does contiguity—to find significant results. ¶ 7. Conclusions This study provides little empirical support for the liberal proposition that trade provides a path to interstate peace. Even after controlling for the influence of contiguity, joint democracy, alliance ties, and relative capabilities, the evidence suggests that in most instances trade fails to deter conflict. Instead, extensive economic interdependence increases the likelihood that dyads engage in militarized dispute; however, it appears to have little influence on the incidence of war.

#### The WTO’s founding principle exploiting developing economies – it’s decisively unethical

Hopewell 16 [(Kristen, Canada Research Chair in Global Policy in the School of Public Policy and Global Affairs at the University of British Columbia, research specializes in international trade, global governance, industrial policy and development, with a focus on emerging powers, Wilson China Fellow at the Wilson Center in Washington, DC) “Breaking the WTO: How Emerging Powers Disrupted the Neoliberal Project,” Stanford University Press, 2016] JL

Instead, asymmetries of power within the multilateral trading system reached their apogee in the Uruguay Round, which created the WTO and signaled the ascendance of neoliberalism in the realm of trade. The Uruguay Round was pushed through and concluded by a use of raw power on the part of the US (Steinberg 2002). It occurred at a historical moment in which US hegemony reached new heights: with the demise of the Soviet Union in 1991, the US emerged as the world’s undisputed superpower and the center of the newly globalized capitalist economy. After being tarnished by the crises of the 1970s and amid anxiety about rising competitors such as Europe and Japan, American economic supremacy was renewed by the sustained economic boom that took off in the 1990s (Golub 2004). At the same time, though, concerns in the US about its large and growing trade deficit, and the long-term implications for its economic dominance, led to a desire to use the Uruguay negotiations to push open markets in new areas where US competitiveness was undisputed—hence the inclusion of services, intellectual property, and investment, as described earlier. While developing countries had previously been primarily ignored and excluded within the multilateral trading system, the US now turned new attention to them as a means to expand its exports and the profits of American corporations. The fall of the Soviet Union freed the US of its only real ideological and political competitor in the developing world and greatly reduced external constraints on US action. As a result, the Uruguay Round agreement was extraordinarily unbalanced—more so than any prior GATT agreement—against the interests of developing countries.

### Vaccines

#### Coronavirus won’t get *anywhere close* to existential – low mortality and burnout

Salzberg 20 [(Steven, PhD from Harvard, worked at The Institute for Genomic Research, where he sequenced the genomes of many bacteria, including those used in the 2001 anthrax attacks, also worked on the Human Genome Project, now the Distinguished Professor of Biomedical Engineering, Computer Science, and Biostatistics at Johns Hopkins University), “Coronavirus: There Are Better Things To Do Than Panic”, <https://www.forbes.com/sites/stevensalzberg/2020/02/29/coronavirus-time-to-panic-yet/#7de449ad7fa6>] TDI

1.The mortality rate is probably much, much less than 2%. The rapid spread of COVID-19 suggests that many more people are infected than those who have confirmed cases. The number of people who have no symptoms or very mild symptoms is likely to be ten times as high as the number of reported cases. (This is only a guess.) That would mean the mortality rate might be only 0.2%, or even lower. We still don't know. (The cruise ship that was quarantined in the Japan [had just over 700 cases, and 6 people have died](https://www.bbc.com/news/uk-51677846), suggesting a mortality rate of 1%.)

2.The reported mortality rate is dramatically lower in young people. If you are under 30, you can probably relax a bit. However, if you are over 70, the mortality rate is [frighteningly high, 8-15%](https://www.bbc.com/news/health-51674743).

3.2,933 deaths is a tragedy, but it's a tiny number compared to the annual deaths from the influenza virus, which we have learned to live with. In the U.S. alone, [the CDC estimates that 12,000–61,000 people die each year from the flu](https://www.cdc.gov/flu/about/burden/index.html) (the number varies a lot because the virus itself changes from year to year), and 9-45 million people get sick. The worldwide totals are far higher. So in terms of numbers, the world is definitely over-reacting to the new coronavirus.

#### No impact uq – 18 months of lockdowns haven’t hadn’t substantial climactic effects

#### No hegemony impact – empirics and political psychology prove US posture is unrelated to great power peace

Christopher Fettweis 17, associate professor of political science at Tulane University. 5/8/17, “Unipolarity, Hegemony, and the New Peace” http://www.tandfonline.com/doi/pdf/10.1080/09636412.2017.1306394?needAccess=true

Both strains of the hegemonic-stability explanation assume not only that US power is benevolent, but that others perceive it that way. Hegemonic stability depends on the perceptions of other states to be successful; it has no hope to succeed if it encounters resistance from the less powerful members of the system, or even if they simply refuse to follow the rules. Relatively small police forces require the general cooperation of large communities to have any chance of establishing order. They must perceive the sheriff as just, rational, and essentially nonthreatening. The lack of balancing behavior in the system, which has been puzzling to many realists, seems to support the notion of widespread perceptions of benevolent hegemony.101 Were they threatened by the order constructed by the United States, the argument goes, smaller states would react in ways that reflected their fears. Since internal and external balancing accompanied previous attempts to achieve hegemony, the absence of such behavior today suggests that something is different about the US version.

Hegemonic-stability theorists purport to understand the perceptions of others, at times better than those others understand themselves. Complain as they may at times, other countries know that the United States is acting in the common interest. Objections to unipolarity, though widespread, are not “very seriously intended,” wrote Kagan, since “the truth about America’s dominant role in the world is known to most observers. And the truth is that the benevolent hegemony exercised by the United States is good for a vast portion of the world’s population.” 102 In the 1990s, Russian protests regarding NATO expansion—though nearly universal—were not taken seriously, since US planners believed the alliance’s benevolent intentions were apparent to all. Sagacious Russians understood that expansion would actually be beneficial, since it would bring stability to their western border.103 President Clinton and Secretary of State Warren Christopher were caught off guard by the hostility of their counterparts regarding the issue at a summit in Budapest in December 1994.104 Despite warnings from the vast majority of academic and policy experts about the likely Russian reaction and overall wisdom of expansion itself, the administration failed to anticipate Moscow’s position.105 The Russians did not seem to believe American assurances that expansion would actually be good for them. The United States overestimated the degree to which others saw it as benevolent.

Once again, the culture of the United States might make its leaders more vulnerable to this misperception. The need for positive self-regard appears to be particularly strong in North American societies compared to elsewhere.106 Western egos tend to be gratified through self-promotion rather than humility, and independence rather than interdependence. Americans are more likely to feel good if they are unique rather than a good cog in society’s wheel, and uniquely good. The need to be perceived as benevolent, though universal, may well exert stronger encouragement for US observers to project their perceptions onto others.

The United States almost certainly frightens others more than its leaders perceive. A quarter of the 68,000 respondents to a 2013 Gallup poll in sixty-five countries identified the United States as the “greatest threat to world peace,” which was more than three times the total for the second-place country (Pakistan).107 The international community always has to worry about the potential for police brutality, even if it occurs rarely. Such ungratefulness tends to come as a surprise to US leaders. In 2003, Condoleezza Rice was dismayed to discover resistance to US initiatives in Iraq: “There were times,” she said later, “that it appeared that American power was seen to be more dangerous than, perhaps, Saddam Hussein.” 108 Both liberals and neoconservatives probably exaggerate the extent to which US hegemony is everywhere secretly welcomed; it is not just petulant resentment, but understandable disagreement with US policies, that motivates counterhegemonic beliefs and behavior.

To review, assuming for a moment that US leaders are subject to the same forces that affect every human being, they overestimate the amount of control they have over other actors, and are not as important to decisions made elsewhere as they believe themselves to be. And they probably perceive their own benevolence to be much greater than do others. These common phenomena all influence US beliefs in the same direction, and may well increase the apparent explanatory power of hegemony beyond what the facts would otherwise support. The United States is probably not as central to the New Peace as either liberals or neoconservatives believe.

In the end, what can be said about the relationship between US power and international stability? Probably not much that will satisfy partisans, and the pacifying virtue of US hegemony will remain largely an article of faith in some circles in the policy world. Like most beliefs, it will remain immune to alteration by logic and evidence. Beliefs rarely change, so debates rarely end.

For those not yet fully converted, however, perhaps it will be significant that corroborating evidence for the relationship is extremely hard to identify. If indeed hegemonic stability exists, it does so without leaving much of a trace. Neither Washington’s spending, nor its interventions, nor its overall grand strategy seem to matter much to the levels of armed conflict around the world (apart from those wars that Uncle Sam starts). The empirical record does not contain strong reasons to believe that unipolarity and the New Peace are related, and insights from political psychology suggest that hegemonic stability is a belief particularly susceptible to misperception. US leaders probably exaggerate the degree to which their power matters, and could retrench without much risk to themselves or the world around them. Researchers will need to look elsewhere to explain why the world has entered into the most peaceful period in its history.

The good news from this is that the New Peace will probably persist for quite some time, no matter how dominant the United States is, or what policies President Trump follows, or how much resentment its actions cause in the periphery. The people of the twenty-first century are likely to be much safer and more secure than any of their predecessors, even if many of them do not always believe it.

#### No revisionism – neg research is bought off

Johnson-Freese 17 [(Joan, Professor and chair of space science and technology @ Naval War College) Space Warfare in the 21st Century, Routledge, 2017, ISBN 978131552917] TDI

The industrial side of the military–industrial complex is comprised of corporations with common interests and distinguishable characteristics from other sectors of transnational capital. They are overwhelmingly dependent on military sales as a percentage of total sales revenue. As of 2012, arms sales accounted for over half of the total sales of Lockheed Martin (76 percent), BAE Systems (95 percent), Raytheon (92 percent), General Dynamics (66 percent), and Northrop Grumman (77 percent). Their products are not easily transferrable to consumer uses and so they are dependent on government contracts. At least 9 of the 25 largest US defense firms have a significant aerospace focus: CACI International, ManTech, Rockwell Collins, Exelis, Computer Science Corporation, Raytheon, General Dynamics, Boeing, and Lockheed Martin.6 The political implications of this are stark. These companies inherently have a vested interest in maintaining and expanding systems, including weapons systems, which absent clear and direct external threats, may have limited political justification. Additionally, government counterparts to these for-profit companies have concurrently grown—some might even say, “become bloated”—and in many cases, a codependent relationship has developed between them. Since the United States began maintaining a large standing military after World War II, the general attributes of US foreign policymaking have both expanded and intensified the influence of the military–industrial complex. Foreign policy decision-making is supported by a complex array of institutions whose very existence is predicated on and justified by the presence of a broad spectrum of threats from individual terrorists to be hunted down on the ground and with drones to near-peer competitors which must be countered with overwhelming air, naval, and space power. The government agencies and offices with a role in national security have expanded from inner circle policymakers to entire bureaucracies. The National Security Council staff has grown consistently since the Carter Administration from a small secretariat of less than 20 individuals to over 400 people during the Obama Administration. Post 9/11, the military created a Northern Command (USNORTHCOM) in 2002 to defend the homeland and the Department of Homeland Security (DHS) was stood up “to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards”; these other hazards have come to include the safety hazards of deep-frying turkey and assuring that souvenir shirts sold at the Super Bowl are not Chinese knockoffs.7 DHS is now the third-largest government bureaucracy, employing more than 240,000 people. There are 17 different intelligence agencies occupying 33 building complexes, the equivalent of almost 3 Pentagons or 22 Capitol Buildings, and the intelligence community continues to expand.8 The Pentagon, with its some 23,000 military and civilian personnel, is only the hub of a Roman Empire-like division of the world into geographic military commands, the United States being the only country in the world brazen enough to create such commands. The sheer numbers of individuals, institutions, organizations, bureaucracies, and companies with a vested interest in preserving the self-licking ice cream cone9 that the ever-expanding military–industrial complex has become continues to expand. Government offices like the State Department’s Bureau of Diplomatic Security hire private military contractors from such companies as DynCorp International, Tigerswan, Triple Canopy, and Blackwater to protect diplomats and perform security functions. Employees of these companies are often retired Special Forces operators. Companies like Kellogg, Brown and Root (KBR), formerly a subsidiary of Haliburton and where former Vice President Dick Cheney was once CEO and Chairman, is an engineering, procurement, and construction company doing everything from building embassies to supplying military bases. Think tanks, consulting firms, and lobbying firms focused on defense and security issues have proliferated as well in terms of both quantity and investments. Members of Congress, traditionally elected largely according to the number of jobs they can bring home to their districts—and the campaign contributions they can raise—are part of the witches brew as well as they are largely supportive of defense contracts and the jobs those contracts bring. “Job loss” is among the first claims made by defense contractors in their appeals to Members of Congress when defense budget cuts or sequestration are threatened. Further, retired Members and their staffs are not immune to the lure of high-paying lobbying jobs. Defining Threats There is a wide breadth of individuals and institutions with a vested interest in maintaining threats to the United States that justify a significant defense budget. During the transition to the post-Cold War period, the US military was faced with potentially substantial cuts to military spending: the “peace dividend.” Consequently, the military suddenly found itself talking about taking on military operations other than war (MOOTWA), an acronym and job description that warriors found distasteful at best. Former Secretary of Defense Robert McNamara and other former Defense Department officials suggested that defense spending could safely be cut in half. Policy planning organizations with close ties to the military or military contractors—think tanks like RAND and the Center for Strategic and International Studies (CSIS)—were put to work to counter this claim and minimize budget cuts. They focused on the development of a new defense doctrine that would involve the retention of large-scale systems and big-ticket platforms like aircraft carriers, not just after the demise of the Soviet Union, but regardless of the short-term security environment. Contractors play an increasingly large part in the military–industrial complex as well. Political economist Ronald Cox explains the role of defense contractors in shaping that doctrine and defining threats—how the fox guards the henhouse in terms of threat identification: Military producers have a sustained relationship with key US foreign policy bureaucracies, especially the Defense Department. … The extent to which military contractors are embedded within the decision-making framework of identifiable bureaucracies within the US federal government makes their profit-making margins a function of the political process by which those departments and agencies identify long-term strategic threats.10 Thus, as considered in Chapter 1, defense strategies reflect needs but not necessarily national needs. Bureaucratic and corporate needs also play into definition of threats. Writing about the impetus to acquire nuclear weapons, Scott Sagan said, “bureaucratic actors are not … passive recipients of top-down political decisions; instead, they create the conditions that favor weapons acquisition.”11 Bruce DeBlois later applied that premise to space weapons, suggesting that “with an absence of clear top-down policy guidance on space weapons … military doctrine can build an inertia of its own, and impact – or even become – the default policy.”12 Also playing into the definition of long-term threats to US national security are think tanks—organizations often largely supported by the corporations themselves. Think tanks come in all varieties and sizes, some focused, some broad, some partisan, some not. The Heritage Foundation, for example, hosted a nine-city Defund Obamacare Town Hall Tour in 2013, headlined by Tea Party movement leader Jim DeMint, thereby clearly evidencing a partisan position. “Some [think] tanks on the left and the right of the ideological spectrum have grown so political that, to avoid losing their tax status as charitable organizations, they have established separate operations dedicated to lobbying and other advocacy work.”13 Some organizations, however, strive to be honest brokers of information in their areas of focus. The Secure World Foundation (SWF), for example, states its mission as “to work with governments, industry, international organizations, and civil society to develop and promote ideas and actions to achieve the secure, sustainable, and peaceful uses of outer space benefiting Earth and all its peoples.”14 Much of SWF’s ability to be nonpartisan and beyond the reach of corporate influence stems from it being privately funded. That is not the case with many organizations though. William Hartung and David Gibbs have written about the role of the largest defense contractors in the financing of conservative and neoconservative think tanks that have come to prominence in defense policy debates and discussions since the 1990s, and especially since 9/11; The Project for the New American Century (PNAC), the National Institute for Public Policy (NIPP), and the Center for Security Policy (CSP), for example.15 The Center for Security Policy receives onesixth of its funding from defense industries. CSP states on its website: The process the Center has repeatedly demonstrated is the unique ability that makes the Center the “Special Forces in the War of Ideas”: forging teams to get things done that would otherwise be for a small and relatively low-budget organization. In this way, we are able to offer maximum “bang for the buck” for the donors who make our work possible.16 While most think tanks declare their “intellectual independence,” the reality is that, even if they do not specifically declare an offer of “maximum bang for the buck” to their donors, they largely rely on corporate donations for their existence. Donors rarely support organizations advocating opposition views or producing information counter to their best interests. Relatively new on the block—and billing itself as “Bold. Innovative. Bipartisan.”17—is the Center for a New American Security (CNAS), founded by Dr. Kurt Campbell and Michele Flournoy in 2007. Both Campbell and Flournoy formerly served as heavy-hitters in the Obama Administration, Campbell in the State Department and Flournoy in the Defense Department. CNAS lists Boeing, the Carnegie Corporation, the Government of Japan, Northrup Grumman Aerospace Systems, and the Smith Richardson Foundation on its “honor roll” of those who have contributed more than $250,0000.18 Campbell and Flournoy are among the many former government employees who have gone on to create or work at think tanks. A strong overlapping relationship between the boards of directors of defense contractors, policy think tanks funded by these contractors, personnel in the Defense Department, and high-level cabinet executives is not uncommon.19 Reports and analyses prepared by these think tanks can weigh heavily in government policy decisions. The shaping of the post-Cold War defense posture, specifically in identifying new enemies, exemplifies the role of the expanded military–industrial complex to include influential corporations, think tanks, the Pentagon, and Members of Congress. Any doubt about the need for an identifiable enemy was firmly put to rest in March 1990 by Senator Sam Nunn, chairman of the Senate Armed Services Committee and an acknowledged ally of the military establishment. In a blistering attack on the Soviet-oriented military posture still officially embraced by Defense Secretary Cheney, Nunn charged that the Pentagon’s proposed spending plans were rendered worthless by a glaring “threat blank”—an unrealistic and unconvincing analysis of future adversaries.20 A 1988 CSIS report had warned against “maverick regimes,” a warning that was resurrected and amplified in response to Nunn’s charge. Reaching back to the Reagan Administration, these “maverick,” soon to be renamed “rogue,” regimes initially included Iran, Libya, North Korea, Cuba, and Nicaragua. Subsequently, the Rogue Doctrine was laid out in White House Fact Sheet in March 1990; it posited that the United States would continue to face considerable post-Cold War security threats, namely from states in the developing world that possessed or potentially would posses weapons of mass destruction and the capability to threaten vital US geostrategic interests in key regions.21 Iraq was added to the list later in the 1990s. Still, regardless of how dangerous they were, rogue states did not justify aircraft carriers and other big-ticket items. Large-scale Cold War weapons programs consequently declined by 17 percent under George H. W. Bush and by 12 percent during the first term of the Clinton Administration.22 That problem had to be addressed. Again, Sam Nunn led the charge to identify at least one worthy new opponent of the United States—one that could justify the retention of a large military structure, platforms, and expensive weapons systems. Concurrent to development of the Rogue Doctrine, Nunn had begun working toward that end with Chairman of the Joint Chiefs of Staff Colin Powell in 1988. Eventually, a new class of states called “emerging regional powers” was identified to include Argentina, Brazil, China, Egypt, India, Iran, Iraq, Israel, Libya, Pakistan, South Africa, Syria, Taiwan, Turkey, and the two Koreas. Each had different national interests and philosophical underpinnings that, for one reason or another, had justified large growth in their military structures and/or the development of weapons of mass destruction.23 Some countries eventually became US allies and/or recipients of large amounts of US military aid. Others came to be considered as potential threats—more specifically near-peer competitors, particularly China—that the United States might at some point have to confront on the battlefield. Consequently, the United States moved almost seamlessly from the Cold War Containment Strategy to the Rogue Doctrine and identifying potential near-peer competitors. The Plethora of Players Defense and aerospace contractors responded to post-Cold War reduced business opportunities through a mixture of economic and political strategies. Economically, corporate restructuring, layoffs, division sell-offs, and mergers and acquisitions of other firms were among the strategies used, with the Defense Department helping to arrange financing for those mergers and acquisitions from as early as 1993. Those tactics, in combination with the wider economic trends of the 1990s, “contributed to a defense sector whose top four firms were receiving a higher share of DOD contracts than had been true for most of the post-World War II period,”24 even after the Cold War. Politically, however, a new enemy worthy of the United States, a near-peer competitor, still had to be identified. In his 2011 book Prophets of War: Lockheed Martin and the Making of the MilitaryIndustrial Complex, William D. Hartung considered the impact Lockheed Martin had on defense policy and the benefits the company and individual company leaders reaped from maintaining a high threat profile.25 During the post-Cold War transition from containment strategy to the Rogue Doctrine and emerging regional powers focus, then Martin Marietta CEO Norman Augustine led the charge to build what he called a “super-company.” While some companies tried to absorb defense spending “peace dividend” cuts by diversifying their base business, Augustine rejected that approach. He felt it was his patriotic duty to keep producing weapons for America and frequently referred to the weapons industry as “the fourth armed service.”26 Beyond acquiring a number of small companies, including the military division of General Electric, Martin Marietta and Lockheed merged in 1995. Martin was clearly the dominant partner as evidenced by Augustine being the new CEO, top management positions being filled by Martin employees, and the new headquarters being based at Martin’s Bethesda, Maryland headquarters. Augustine’s political connections were unmatched. While still running the world’s largest defense contractor, Augustine also served on the Defense Policy Advisory Committee on Trade (DPACT), a group advising the Secretary of Defense on arms export policies; was on the Defense Science Board (DSB), an advisory panel with the power to push forward or scrap emerging weapons programs based on performance; and was President of the Association of the United States Army, a politically robust interest group of retired military personnel and army contractors. Those political connections paid high returns during the transition. Augustine played a central role in convincing the Newt Gingrich-led, Republican-controlled Congress to allocate or add billions in funding to Lockheed Martin projects from the F-22 combat fighter to the “Star Wars” missile defense program. Perhaps his greatest coup, however, was persuading Congress to bankroll the major arms industry mergers that were occurring with taxpayer money for “restructuring costs,” a policy that yielded hundreds of millions of dollars in government support to the creation of Lockheed Martin. As a result of an obscure policy change contained in a one-page memo from John Deutsch, then the Undersecretary of Defense (and a former Augustine business associate), the Pentagon authorized federal funding for closing plants, relocating equipment, paying severance to laid-off workers, and providing “golden parachutes” to board members and executives affected by the merger.27 The policy was not published in the Federal Register, the standard repository of virtually every important government action, and it was enacted without notification to Congress. The benefits that accrued from that policy were both organizational and personal. Lockheed Martin, for example, benefited by almost $1.8 billion. Personally, Augustine was promoted from being CEO of Martin Marietta to being CEO of Lockheed Martin. However, because he “left” Martin as a result of a consolidation merger, he was compensated in the amount of $8.2 million, approximately $2.9 million of that coming from taxpayer dollars.28 The incestuous link between the Pentagon, Congress, and defense companies is sold as being good for America based on the number one concern of voters. Jobs. No one is more sensitive to “jobs” arguments than Members of Congress, with those arguments often presented by lobbyists. In 2015, corporations reported more than $2 billion in congressional lobbying expenditures. K Street in Washington, DC, where many lobbyists’ offices are located, is sometimes known as the “road to riches” for retired Members of Congress, congressional staffers, and military officers who largely populate their ranks. Today, the biggest companies have upwards of 100 lobbyists representing them, allowing them to be everywhere, all the time. For every dollar spent on lobbying by labor unions and public-interest groups together, large corporations and their associations now spend $34. Of the 100 organizations that spend the most on lobbying, 95 consistently represent business.29 More often than not, the job of the lobbyist is to convince Members of Congress that cutting whatever program they are lobbying for will result in job losses in the Members’ district. Unemployed voters aren’t happy voters. In 2011, the aerospace industry put out a report saying that chopping the defense budget would put over a million Americans out of work. Cuts that could total up to a trillion dollars over ten years would “devastate the economy and the defense industrial base and undermine the national security of our country,” said Marion Blakeley, president of the Aerospace Industries Association (AIA), which sponsored and paid for the report.30 While companies like Lockheed Martin and Boeing claim that the number of defense firm employees has dropped to about 10 percent from a peak of 14 percent in 2008, some of those job losses, as in the case of Boeing, have come through moving employees to the commercial side of the business. In other cases, jobs have been lost through divestitures such as Northrop’s spin-off of Huntington Ingalls. Based on executive salaries though, job losses do not seem to come because companies are financially strapped. In 2010, Boeing’s CEO Jim McNerney made $19.7 million while Lockheed Martin’s CEO Robert Stevens took home $19.1 million.31 Stevens made $25.3 million in compensation in 2011, which was more than all but two Wall Street CEOs.32 The revolving door doesn’t just go between industry and the Pentagon, but includes Congress as well. In his 2014 book This Town,33 chief national correspondent for the New York Times Magazine Mark Leibovich explains a lot about influence peddling with a simple statistic: In 1974, just 3 percent of retiring members of Congress became lobbyists; now, 50 percent of retiring Senators and 42 percent of retiring House members stay in DC and become lobbyists.34 Websites like OpenSecrets.com, affiliated with the Center for Responsive Government, publish the names of former members and who they now lobby for, or become “senior advisors” to, which is basically the same thing.35 Trent Lott, Dick Armey, Tom Daschle, Tom Foley, and Scott Brown are among the bipartisan former Members on their list. President George W. Bush signed the Honest Leadership and Fair Government Act in 2007, intended to limit former Members’ and staffers’ immediate ability to cash in on their insider information in lobbying positions. President Barack Obama called it “the most sweeping ethics reform since Watergate.”36 A key provision required ex-Senators and administration executives to wait two years and representatives to wait one year as a “cooling off period” before becoming lobbyists. But loopholes seem to create more of a sieve than a barrier, and according to a 2015 report by the Center for Responsive Government and the Sunlight Foundation, encourage a culture of “shadow lobbying.”37 Of the 104 former congressional members and staffers whose “cooling off” period ends during the first session of the 114th Congress, which opens today, 29 are already in government relations, “public affairs,” or serve as counsel at a firm that lobbies. And 13 of those are even registered as lobbyists, working to shape policy in Congress or the executive branch on behalf of paying clients.38 The door doesn’t just swing only from government to the private sector. It swings both ways. In 2011, Ann Sauer left her position as a Lockheed vice president and lobbyist with a compensation package of $1.6 million. Senator John McCain hired her as the key Republican staffer on the Senate Armed Services committee in February 2012.39 Industry associations also advocate policy positions benefiting their large and continually growing memberships. For example, the National Defense Industrial Association (NDIA) is an organization with 9,000 corporate affiliates, 26,000 individual members, and no foreign membership. “The Association maintains close coordination with the DOD functioning though 56 chapters and 34 committees, each with direct access and a working relationship with the DOD. Divided up among these contractors is the largest single slice of the federal government’s budget.”40 There are also a multitude of industry organizations and associations specifically related to aerospace. The American Institute of Aeronautics and Astronautics (AIAA) with “more than 30,000 individual members from 88 countries, and 95 corporate members … is the world’s largest technical society dedicated to the global aerospace profession.”41 The Satellite Industry Association (SIA) bills itself as a unified voice on satellite industry policy, regulatory, and legislative issues. As a trade association representing the leading global satellite operators, service providers, manufacturers, launch service providers, and ground equipment suppliers … [SIA] actively promotes the benefits and uses of commercial satellite technology and its role in national security, homeland security, disaster relief and recovery, and the global information infrastructure and economy.42 There is an association or organization for every interest, oftentimes more than one. Many of the individuals staffing and connecting this multitude of organizations are retired military officers, many of them three- or four-star generals and admirals. Their rank provides them with substantive knowledge of the defense field and a career’s worth of Rolodex connections. For those seeking post-retirement consulting careers, that means access. According to retired Air Force General Gregory “Speedy” Martin, the practice of flag and general officers moving immediately to private sector jobs is both ethical and beneficial for American defense because it links private sector expertise with important Pentagon missions. “Access sounds sleazy, but it brings a value,” says Martin. “I am interested in doing things that I think the Air Force or [Department of Defense] might benefit from.”43 There is validity in what Gen. Martin says. Most Members of Congress and their staff have never served in the military and have little knowledge of, or even interest in, national security issues and needs unless it directly affects their district. While some staff and Members are or become very knowledge about national security and military issues, first-hand expertise from practitioners can be key to their education. Pentagon officials with broad portfolios of responsibility can also benefit from practitioner input on specific areas, especially technical areas like aerospace. The practice of exporting expertise from the military to the private sector is not inherently nefarious and, indeed, can serve the country. But the lines between education, advising, and persuasion are fine. That can be especially true when former flag officers, turned industry executives, visit the Pentagon. Their rank carries with it a sense of respect, indeed awe, from former subordinates who they are now courting for contracts. “When a general-turned-businessman arrives at the Pentagon, he is often treated with extraordinary deference—as if still in uniform—which can greatly increase his effectiveness as a rainmaker for industry. The military even has a name for it – the ‘bobblehead effect.’”44 Retired generals and admirals with a practiced command voice understand the persuasive effect their authoritative presence can have on former employees. The sheer number of these retired flag officers working as defense consultants or executives—sometimes referenced as “rent-a-general” practice—tells a story, with a significant increase shown during the fat budget years of the Gulf War. Between 2004 and 2008, 80 percent of three- and four-star officers joined defense firms upon retirement, up from less than 50 percent who followed that career path from 1994 to 1998. In some individual years, the move from senior military positions to the defense industry is a virtual clean sweep. In his 2010 investigative report for the Boston Globe, Bryan Bender found that 34 out of 39 three- and four-star generals and admirals who retired in 2007 went to work for defense firms—nearly 90 percent.45 In some specialized commands, this feeder system of military officers into lucrative defense jobs is so powerful that the same companies have hired successive generations of flag officers. Bender reported, for example, that the last seven generals and admirals responsible for controlling international arms sales at the Pentagon went to work post retirement as contractors selling weapons and defense technologies overseas. The rules governing post-retirement employment are part of federal statute 18 USC, section 207(c), that statute being known as the “revolving door” restriction. The Air Force explains this restriction in its post-retirement separation rules as follows: • This means that for one year after their service terminates, senior employees may not knowingly make, with the intent to influence, any communication or appearance before an employee of the agency in which they served in the year prior to their leaving, if the communication or appearance is made on behalf of any other person and official action by the agency is sought. • The purpose of this “cooling off” period is to allow for a period of adjustment for the former senior employee and personnel at the agency served and to diminish any appearance that government decisions are being improperly influenced by the former senior employee. • This restriction does not apply to “behind-the-scenes” assistance. However, it does not require that the former senior employee was “personally and substantially” involved in the matter that is the subject of the communication or appearance. • Instead, it applies to any representation back for the purpose of influencing employees at the agency that the employee just left.46 For two years after retirement, the Pentagon prohibits military officers from participating in “particular matters,” meaning ongoing contracts greater than $10 million that were under their command. But due to another convenient loophole, “new editions of older weapons systems are not considered ‘particular matters.’”47 Beyond loopholes, potential conflict of interest issues arise since these flag officers are often recruited for private sector employment well before they retire, raising questions about their independence in threat assessments, force planning, and general considerations of national interest versus the potential for postretirement gain. Further, the revolving door—perhaps more a blender than a door—is actually promoted and facilitated by the government with taxpayer money. Taxpayer-funded career seminars on how to network into private industry are held, for example, for Navy and Air Force flag officers on Coronado Island near San Diego, sometimes two full years before their retirement.48 Other retirees have been more peripherally involved with linking Pentagon needs to industry desires to fill those needs, acting as what was called Pentagon “Senior Mentors.” The Office of the Secretary of Defense defined a Senior Mentor as a retired flag, general or other military officer or senior retired military official who provides expert experienced-based mentoring, teaching, training, advice, and recommendations to senior military officers, staffs and students, as they participate in war games, warfighting courses, operational panning, operational exercises, and decision-making exercises.49 The Pentagon has stated that it increasingly needs and relies on these retired officer “mentors” to run war games and advise active duty commanders. But a series of media reports in 2010 raised issues about the program, specifically in terms of financial gains and conflicts of interest. In some cases, for example, if payment was made to a retired military officer through a defense company rather than directly, the military services didn’t even have to reveal the identity of the retiree. These were individuals who, in some instances, were making up to $440 an hour as mentors while drawing pensions as high as $220,000 per year and working full-time executive positions with defense companies.50 USA Today reported that of the 158 Senior Mentors they identified, 80 percent had financial ties to defense contractors, including 29 being full-time executives of defense companies. The Senate Armed Services committee took an interest in the Senior Mentors program, and soon thereafter, the Pentagon ordered a program overhaul.51 Consequently, Secretary of Defense Robert Gates announced sweeping changes to the program in April 2010. Mentors were to be converted to Highly Qualified Expert (HQE) positions and, consequently, were held responsible for complying with all applicable federal personnel ethics laws and regulations. Those regulations included financial disclosure statements and imposed a salary cap. The financial disclosure part included revealing employers, earnings, and stocks. The salary cap meant that a HQE could only be paid up to a specific authorized amount, an amount equivalent to the salary authorized for a four-star general officer on active duty—the most they could have made before moving to the private sector. Further, mentors became subject to federal rules designed to prevent conflicts of interest, such as prohibiting mentors from divulging nonpublic information to defense contractors or taking actions that have “a direct and predictable”52 effect on their private interests. In October 2011, the DoD Inspector General reported on compliance with the new policy, focusing on the Navy, Marine Corps, Joint Forces Command, Special Forces Command, and Strategic Command. The Army and Air Force were omitted as they were conducting their own compliance studies.53 Subsequent to the new rules being put into place, 98 percent of the retired officers from the Navy, the Marines, and three combatant commands left the Senior Mentor program. “It appears that, for at least some of the former military officers who dropped out the program, it’s clear which choice they made when it came to patriotism or money.”54 The kind of conflict of interest issue that had bothered the press and the Senate came up again in November 2011. Senator John McCain sent a letter to Defense Secretary Leon Panetta expressing concern about retired Air Force General turned Boeing executive Charles Robinson’s participation in a 2008 war game called Global Mobility “for a $51 billion aerial tanker contract Boeing was competing to win.”55 Boeing was later awarded the contract. McCain further criticized the Pentagon for taking two years to fulfill a FOIA request related to the subject. It is not just the Pentagon and defense firms who are keen to hire retired general officers. According to retired Army General Wesley K. Clark, private equity firms and Wall Street investors are also increasingly interested in enlisting retired flag officers as consequence of a broader phenomenon: the increasing importance of the military to America’s industrial base. “It’s the militarization of the economy,”56 Clark said; and he would know. Since leaving his position as NATO Supreme Allied Commander in 2000 and running for President from 2002 to 2004, Clark has worked for, often simultaneously, his own firm, Wesley K. Clark and Associates; the lobbying firm James Lee Witt Associates as Vice President and Senior Advisor; Rodman & Renshaw, eleventh largest investment bank in the United States, as former Chairman; Growth Energy, an alternative energy advocacy firm, as Co-Chairman; Geooptics LCC, an environmental data company, on the Board of Advisors; and the Blackstone Group, a private equity firm, as Senior Advisor. Clark is not alone in being sought after in the private equity, finance, and energy sectors. Retired Army General and former CIA Director David Petraeus was hired in 2013 by Kohlberg, Kravis, Roberts (KKR), a private equity firm specializing in leveraged buyouts, to head its KKR Global Institute. The role of the media—specifically, paying former military members to act as advisors for the media and spokespersons for Pentagon policy—must also be considered as part of the supporting cast of the military–industrial complex. Retired General Jack Keane, for example, appeared on Fox News nine times over a two-month period in 2014 to advocate for air strikes and special forces to defeat ISIS, declaring that a bolder strategy was required. He made similar calls for more military action before Congress. What was left unsaid by the media, though, (and in congressional witness disclosure forms) was that Keane had a very personal interest in seeing military activity ramped up. Keane is a special adviser to Academi, the contractor formerly known as Blackwater; a board member to tank and aircraft manufacturer General Dynamics where he was paid over $245,000 in 2013; a “venture partner” to SCP Partners, an investment firm that partners with defense contractors, including XVionics, an “operations management decision support system” company used in Air Force drone training; and president of his own consulting firm, GSI LLC.57 When the US military is involved in global conflicts, the firms that Keane is associated with benefit. Dean Ed Wasserman of the UC Berkeley Graduate School of Journalism was quoted in The Nation as saying, “I think an inclination to use military action a lot is something the defense industry subscribes to because it helps to perpetuate an overall climate of permissiveness towards military spending.”58 Those who profit from conflict certainly weren’t going to argue against it. The Pentagon has a track record of using the media for its own purposes as well. In 2002, during the run-up to the Iraq War, Assistant Secretary of Defense for Public Affairs Victoria Clarke launched a program to recruit “key influentials” (retired military officers) to help sell the war to the public. More than 75 individuals were eventually signed up to appear on television and radio shows as military analysts and/or to pen newspaper op–ed columns. Many of these analysts were also lobbyists for defense contractors. The Pentagon held weekly meetings with the analysts, providing them “street credibility.” The analysts benefited as the meetings indicated to their clients that they had personal access to the Pentagon, and they benefited the Pentagon by discouraging the analysts from questioning or criticizing Pentagon assertions. The arrangement worked well until New York Times reporter David Barstow reported on the program in 2008.59 As part of the investigation leading up to Barstow’s report, the newspaper sued the Defense Department and eventually gained access to 8,000 pages of e-mail messages, transcripts, and records describing years of private briefings, trips to Iraq and Guantánamo for the analysts, and an extensive Pentagon talking points operation. Barstow later won a Pulitzer Prize for his reporting. While issues regarding the military–industrial complex are evidenced across the board in defense policy and program decision-making, those that are space-related can be particularly noteworthy given their cost, endurance, and technical fatuity. When all the wheels are turning in the right direction, a program can become one of those highly lucrative self-licking ice cream cones. Missile defense provides an illustrative example of what that looks like. Within that strategic program, there are multiple smaller, related programs. Many endure for years before collapsing. The $5 billion Airborne Laser, the $1.7 billion Kinetic Energy Interceptor, and the 700 million Multiple Kill Vehicle were all canceled after no, or failed, testing.60 But yet the missile defense program lives on and is a testament to the persistence of its supporters.

#### US hegemony is dead – there’s no coming back

* COVID, economic downturns, nationalistic politics, security internationally
* Rise in other great powers to rival
* Weaker states can seek alternatives to US support
* Rise in right-wing networks vs liberal policies

Cooley and Nexon 6/9 (Alexander Cooley is the Claire Tow Professor of Political Science at Barnard College and Director of Columbia University’s Harriman Institute, Daniel H. Nexon is an Associate Professor in the Department of Government and at the Edmund A. Walsh School of Foreign Service at Georgetown University, 6/9/2020, Foreign Affairs, “How Hegemony Ends”, https://www.foreignaffairs.com/articles/united-states/2020-06-09/how-hegemony-ends) //EG

Multiple signs point to a crisis in global order. The uncoordinated international response to the COVID-19 pandemic, the resulting economic downturns, the resurgence of nationalist politics, and the hardening of state borders all seem to herald the emergence of a less cooperative and more fragile international system. According to many observers, these developments underscore the dangers of U.S. President Donald Trump’s “America first” policies and his retreat from global leadership.

Even before the pandemic, Trump routinely criticized the value of alliances and institutions such as NATO, supported the breakup of the European Union, withdrew from a host of international agreements and organizations, and pandered to autocrats such as Russian President Vladimir Putin and the North Korean leader Kim Jong Un. He has questioned the merits of placing liberal values such as democracy and human rights at the heart of foreign policy. Trump’s clear preference for zero-sum, transactional politics further supports the notion that the United States is abandoning its commitment to promoting a liberal international order.

Some analysts believe that the United States can still turn this around, by restoring the strategies by which it, from the end of World War II to the aftermath of the Cold War, built and sustained a successful international order. If a post-Trump United States could reclaim the responsibilities of global power, then this era—including the pandemic that will define it—could stand as a temporary aberration rather than a step on the way to permanent disarray.

After all, predictions of American decline and a shift in international order are far from new—and they have been consistently wrong. In the middle of the 1980s, many analysts believed that U.S. leadership was on the way out. The Bretton Woods system had collapsed in the 1970s; the United States faced increasing competition from European and East Asian economies, notably West Germany and Japan; and the Soviet Union looked like an enduring feature of world politics. By the end of 1991, however, the Soviet Union had formally dissolved, Japan was entering its “lost decade” of economic stagnation, and the expensive task of integration consumed a reunified Germany. The United States experienced a decade of booming technological innovation and unexpectedly high economic growth. The result was what many hailed as a “unipolar moment” of American hegemony.

But this time really is different. The very forces that made U.S. hegemony so durable before are today driving its dissolution. Three developments enabled the post–Cold War U.S.-led order. First, with the defeat of communism, the United States faced no major global ideological project that could rival its own. Second, with the disintegration of the Soviet Union and its accompanying infrastructure of institutions and partnerships, weaker states lacked significant alternatives to the United States and its Western allies when it came to securing military, economic, and political support. And third, transnational activists and movements were spreading liberal values and norms that bolstered the liberal order.

Today, those same dynamics have turned against the United States: a vicious cycle that erodes U.S. power has replaced the virtuous cycles that once reinforced it. With the rise of great powers such as China and Russia, autocratic and illiberal projects rival the U.S.-led liberal international system. Developing countries—and even many developed ones—can seek alternative patrons rather than remain dependent on Western largess and support. And illiberal, often right-wing transnational networks are pressing against the norms and pieties of the liberal international order that once seemed so implacable. In short, U.S. global leadership is not simply in retreat; it is unraveling. And the decline is not cyclical but permanent.

#### Pursuit of hegemony leads to Sino-Russia alliance and is unsustainable.

Porter, DPhil, 19

(Patrick, ModernHistory@Oxford, ProfInternationalSecurityAndStrategy@Birmingham, Advice for a Dark Age: Managing Great Power Competition, The Washington Quarterly, 42:1, 7-25)

Even the United States cannot prudently take on every adversary on multiple fronts. The costs of military campaigns against these adversaries in their backyards, whether in the Baltic States or Taiwan, would outstrip the losses that the U.S. military has sustained in decades. Short of all-out conflict, to mobilize for dominance and risk escalation on multiple such fronts would court several dangers. It would overstretch the country. The U.S. defense budget now approaches $800 billion annually, not including deficit-financed military operations. This is a time of ballooning deficits, where the Congressional Budget Office warns that “the prospect of large and growing debt poses substantial risks for the nation.”27 If in such conditions, current expenditure is not enough to buy unchallengeable military preponderance—and it may not be—then the failure lies not in the failure to spend even more. Neither is the answer to sacrifice the quality of civic life at home to service the cause of preponderance abroad. The old “two war standard,” a planning construct whereby the United States configures its forces to conduct two regional conflicts at once, would be unsustainably demanding against more than one peer competitor, or potentially with a roster of major and minor adversaries all at once.28 After all, the purpose of American military power is ultimately to secure a way of life as a constitutional republic. To impose ever-greater debts on civil society and strip back collective provision at home, on the basis that the quality of life is expendable for the cause of hegemony, is perversely to set up power-projection abroad as the end, when it should be the means. The problem lies, rather, in the inflexible pursuit of hegemony itself, and the failure to balance commitments with scarce resources. To attempt to suppress every adversary simultaneously would drive adversaries together, creating hostile coalitions. It also may not succeed. Counterproliferation in North Korea is difficult enough, for instance, but the task becomes more difficult still if U.S. enmity with China drives Beijing to refuse cooperation over enforcing sanctions on Pyongyang. Concurrent competitions would also split American resources, attention and time. Exacerbating the strain on scarce resources between defense, consumption and investment raises the polarizing question of whether preponderance is even worth it, which then undermines the domestic consensus needed to support it. At the same time, reduced investment in infrastructure and education would damage the economic foundations for conducting competition abroad in the first place. Taken together, indiscriminate competition risks creating the thing most feared in traditional U.S. grand strategy: a hostile Eurasian alliance leading to continuous U.S. mobilization against hostile coalitions, turning the U.S. republic into an illiberal garrison state. If the prospect for the United States as a great power faces a problem, it is not the size of the defense budget, or the material weight of resources at the U.S. disposal, or popular reluctance to exercise leadership. Rather, the problem lies in the scope of the policy that those capabilities are designed to serve. To make the problem smaller, Washington should take steps to make the pool of adversaries smaller.

#### Liberal intervention fuels financial crises, terrorism, and authoritarian populism – 2000s prove – proves heg is unsustainable

Walt 4/21 [(Stephen M., Robert and Renée Belfer professor of international relations at Harvard University’s Kennedy School, previously taught at Princeton University and the University of Chicago, Resident Associate of the Carnegie Endowment for Peace and a Guest Scholar at the Brookings Institution), “There’s No Such Thing as Good Liberal Hegemony,” Foreign Policy, 4/21/2020] JL

To be more specific: [are the criticisms that I](https://www.amazon.com/Hell-Good-Intentions-Americas-Foreign/dp/0374280037) (and [others](https://www.amazon.com/Great-Delusion-Liberal-International-Realities/dp/B07FXTRMF5/ref=sr_1_1?dchild=1&keywords=great+delusion&qid=1587143764&s=books&sr=1-1)) have leveled at the U.S. strategy of “liberal hegemony” really fair? Is it possible that creating a global order based on liberal values (i.e., democracy, free markets, the rule of law, individual rights, etc.) was more feasible than it now appears? Might this strategy have succeeded if U.S. leaders had been a little smarter, less arrogant, a lot more patient, and a bit luckier? Was liberal hegemony really [“bound to fail,”](https://www.belfercenter.org/publication/bound-fail-rise-and-fall-liberal-international-order) as John Mearsheimer suggested last spring, or were there plausible courses of action that would have led to the steady expansion and deep embedding of liberal values and institutions around the world? In the unlikely event that the United States found itself in a similar position of primacy again, could it learn from its past mistakes and do better the second time around?

That the first attempt was a costly failure should be beyond dispute. Instead of advancing, [democracy has been in retreat](https://freedomhouse.org/report/freedom-world/2020/leaderless-struggle-democracy) around the world for more than a decade—[including in the United States itself](https://www.commondreams.org/news/2019/01/11/united-states-doesnt-even-make-top-20-global-democracy-index)—and U.S.-led efforts at regime change have led not to thriving democracies but to failed states and costly occupations. Hyperglobalization under U.S. auspices produced a grave financial crisis in 2008, politically painful job displacement in a number of sectors, and helped trigger a wide-ranging populist backlash. NATO enlargement helped poison relations with Russia, and policies such as dual containment in the Persian Gulf inspired anti-U.S. terrorism, including the 9/11 attacks and all the negative consequences that flowed from that event. The end result of these developments has been a partial retreat from globalization, the emergence of would-be autocrats in Hungary, Poland, and [even in the United States](https://foreignpolicy.com/2020/02/14/trump-is-failing-his-dictatorship-test/), and revitalized authoritarianism in many other places.

#### Unipolarity is specifically responsible for the globalization of extremism – that makes heg unsustainable.

Ibrahimi 18 (2/19/18; S. Yaqub Ibrahimi, [researcher and instructor of political science. PhD @ Carleton University] “Unipolar politics and global peace: a structural explanation of the globalizing jihad”; taylor and francis <https://www.tandfonline.com/doi/pdf/10.1080/17467586.2018.1428763?needAccess=true)>

* JSG = Jihadi-Salafi Groups

Three conclusions can be drawn from this paper. First, the peacefulness of the contemporary unipolar system could be discussed beyond the interstate conflict and the likelihood of great powers competition debate. The new forms of asymmetric warfare, particularly the emergence of JSGs and their violent activities at different levels of the global order, could be assessed as another variable in debates on the peacefulness of the system. These actors DYNAMICS OF ASYMMETRIC CONFLICT 59 emerged and operate under the unipolarity conditions. Unipolarity, in this sense, has generated conflict-producing mechanisms and nonstate actors that drove sovereign states in lengthy wars against JSGs. This argument makes a significant contribution to the unipolarity-peace puzzle, which is conventionally addressed from the interstate conflict perspective. Second, unipolarity transformed Islamist-oriented terrorism from domestic to global. In addition to other conflict-generating conditions produced under unipolarity, the United States’ unipolar policies in Muslim regions transformed the traditional near-enemy-centric narrative of jihad into a far-enemy-centric ideology. As a result of the transformation of this doctrine, new forms of JSGs emerged that posed a threat to peace and security at all levels. Finally, because of the unipolarity of the system, global peace depends largely on the sole great power’s foreign and military policies. The US interventionism, due to the absence of a challenging great power, might not generate interstate conflict. However, it would engage the US in asymmetric warfare with nonstate actors that would emerge independently or on behalf of states to disrupt the US hegemony through insurgency, terrorism, and other forms of violence at different levels. These all might not challenge the durability of unipolarity, drastically, but they would disrupt peace and security at all domestic, regional, and global levels.

#### Terrorism causes global nuclear war—collapses internal AND external stability

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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.

#### It’s unethical to ignore alternatives to US power – voting aff legitimates global genocide

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(Todd, July, “Goodbye, New World Order: Keep the Global Ideal Alive” MotherJones, http://www.motherjones.com/commentary/gitlin/2003/07/we\_478\_01.html)

The point is that this would be a terrible time to give up on internationalism. The simple fact that the US proved victorious in Iraq does not alter the following chain of truths: To push the world toward democratic rights, power must be legitimate; it is only legitimate if it is held to be legitimate; it is very unlikely to be legitimate if it is unilateral or close to unilateral; and the wider the base of power, the more likely it is to appear legitimate. Bush may have no doubt that American armed force in the Middle East is legitimate, and right now Americans may agree, but that won't do. Common sense alone should tell us not to overreach. Even with the best intentions in the world -- which hundreds of millions doubt -- the United States is simply not up to the global mission that the Bush administration embraces. This nation hasn't the staying power, the economic strength, the knowledge, the wisdom, or the legitimacy to command the continents. It is sheerest delusion to think otherwise. Meanwhile, it is an irony of the recent past that as the United States has lost prestige, the United Nations has gained it -- at least outside our borders. For all its demonstrable flaws, it retains some credibility -- no small thing in a world growing more anarchic. Even the U. N.'s sharpest critics concede that it learns from its mistakes. Having failed miserably to stop ethnic cleansing in Bosnia and Rwanda, it started talking about the need to keep constabulary forces at the ready. Having been assigned much of the world's dirty work -- peacekeeping, public health, refugee and humanitarian aid -- its institutions accumulate the lore of experience. Resolution 1441, which the Security Council passed unanimously last year, might even be interpreted, strange to say, as a step forward in the enforcement of international law, for if the U. S. had been more adroit and patient diplomatically, the French and others could have been nudged into signing onto limited force a few months hence. In the end, the organization failed to prevent war, but its hopes have never been more necessary, its resurrection more indispensable. If internationalism is toothless, right now, that's not an argument against internationalist principle; it's an argument for implanting teeth. If what's left on the East River is nothing but a clunky hulk, there was still enough prestige left in the hulk that George W. Bush, master unilateralist, felt impelled to dally with the Security Council -- however reluctantly, however deceptively -- for months. No less a figure than his father's consigliore and former Secretary of State James W. Baker urged that course upon the president last summer. Going the Security Council route was the tribute George W. Bush paid to internationalism -- before underscoring his contempt for it by going to war on his own schedule. This is not the first time an international assembly of nation-states has failed abjectly to prove its mettle. Indeed, in 1945, the UN itself was built atop the site of an earlier breakdown. The rubble of the collapsed League of Nations, which had failed to arrest blatant aggression by Italy, Japan, and Germany, had to be cleared away before the UN could rise from the ashes. Yet rise it did. And people were inspired -- and frightened -- by it. Even as a spectral presence, the UN was substantial enough to arouse right-wingers to put up billboards urging the US to flee its clutches. Recently, George W. Bush fondly remembered those signs, conspicuous around Midland, Texas, during his early years. To Midland's America Firsters, the U. N. had a reputation as demonic as it was, to this writer, benign. In the General Assembly building, which my friends and I frequented in high school, the ceiling was left unfinished -- to signal, we were told, that world peace was unfinished. What if the symbolism was indeed a pointer toward a different order of things? It is not always easy to tell the difference between dead symbols and promising ones. Push came to shove, and the UN was mainly an intimation -- at most an inspiration. Neither as peacemaker nor peacekeeper was it the world government-in-the-making that some desired and others feared. It was a force in Korea only because the Russians agreed not to play. It was useless in Vietnam. During the endless Israel-Palestine war, it has been bootless. In the 1990s, it failed miserably to stop Serb aggression in Bosnia and Kosovo. It stood by during the Rwandan genocide, too, though its own military commander on the scene, Canadian General Romeo Dallaire, pleaded desperately for UN reinforcements. You can see why realists like to smirk and claim it's hopelessly idealistic to think that the UN could ever amount to anything more than a debating society whose main achievement has been to reserve a lot of Manhattan parking spots. Interestingly, Dallaire, who was shattered by UN failure in Rwanda, does not sneer. In retirement, he continues campaigning to strengthen world governance. "You can't on one side, say the UN is screwing it up and we're going to go to war, and on other side not give the UN the resources," he said recently. "It is not the UN that failed [in Iraq]. But it is the permanent five [members of the Security Council] in particular. If they don't want the UN to be effective, it won't be." Pause with this elementary observation a moment. The reasons for the UN's weakness are several, but not the least is that -- no surprise here -- the most powerful nations want it weak. They like the principle of national sovereignty, and then some, as the recent war amply demonstrates. It will take a long, steady, popular campaign to override the inhibitions. Campaigners might start by underscoring some modest successes. For all the impediments thrown in its way -- and not only by the US -- the UN has done constructive work. It helped restore decent governments in Cambodia, East Timor, and Bosnia. It helps keep the peace on the Golan Heights. On a thousand unnoticed fronts, it daily comes to the aid of refugees, the sick, the malnourished. A top UN official recently told me that Secretary General Kofi Annan was inches away from a partition-ending deal in long-suffering Cyprus, only to lose momentum with the distraction of the Bush-Saddam confrontation. In Afghanistan and Iraq, we need not less of the UN, but much more -- more efficient, better led, better funded. Rebuild The Destroyed Nations: Now there's an agenda for a peace movement. But much of the global movement that sprang up to oppose the Iraq war proceeded to subside into easy chants of "US Out" -- an analogue to the right wing's "US Out of the UN." This sort of short-circuit unilateralism begs the tough questions about the uses (as well as abuses) of international intervention. "US Out" resounds more ringingly if you refrain from thinking about what actual Afghans and actual Iraqis need -- constitutional rights, law enforcement, infrastructure. Protest has its time and place, but what's needed now is politics -- politics to plan the unilateralists' exit from office, combined with practical pressure, here and now, to solve practical problems. We must not permit ourselves to retreat noisily into protest's good night. Most of all, internationalism needs more than a nudge here and there -- it needs a jump-start, a riveting proof that multilateral action can change facts on the ground. Here's one idea: What if the UN and Europe decided to take on the toughest assignment? There is no more stringent test for internationalism's future than what seems the world's most intractable trauma: The endless Israel-Palestine war, which has outlasted a thousand manifestos, plans, meetings about meetings. The new postwar situation might just be promising, the Bush administration just possibly susceptible to pressure. Practical, peace-seeking Jews and Palestinians ought to get in on the pressure; so should Europeans looking for payback, not least Tony Blair. And we ought to be thinking of a practical role for a UN, or joint UN-NATO constabulary. As Tony Klug of Britain's Council for Jewish-Palestinian Dialogue has pointed out on openDemocracy.net, the two bloodied, intertwined, myopic peoples need far more than a road map: they need enforcement. Klug's idea is an international protectorate for the West Bank and Gaza. Some combination of the UN, NATO, and various national forces would play various parts. The point would be to supplant the Israeli occupation, relieve the immediate suffering, and guarantee secure borders. Such a scheme would seem to have taken leave of this earth. The U. S. won't permit it....Sharon won't permit it....The Europeans won't pay for it....The Israelis won't trust the UN, or the Palestinians, who won't trust the Israeli. But what is the alternative? More living nightmares? Occupation and massacre in perpetuity? Military enforcement on a global scale has been left to ad hoc coalitions -- sometimes with blue helmets, sometimes not. That won't do. To put human rights on the ground, avert genocides to come, and -- not incidentally -- help protect the United States from the more vengeful of empire's resentful subjects (funny, their not understanding how good our power is for them), we need a more muscular global authority -- including a global constabulary. Imagine, say, a flexible force permitted to commit, say, 10,000 troops if a simple majority, eight members, of the Security Council signed on, but expandable to 50,000 if the vote were unanimous. Wouldn't Europe have been in a stronger position to avert Bush's war if such a force had been in readiness to enforce resolutions of the Security Council? A wise superpower would know it needs to share responsibility -- which entails sharing the force that makes responsibility real. Of course such a denouement is scarcely around the corner, nor is there any guarantee that it is destined to come at all. Like the abolition of slavery, or the unity of Europe, it surely will not come without pain or error, nor will it be the work of a single generation. But again, what is the alternative? Tyranny and unilateralism; hubris and mile-high resentment. In the world as it is, effective moral force cannot preclude military force. If internationalists don't press more strongly for international law and multilateralist order, one thing is certain: we shall be left with protests, playing catch-up forever, waiting for "told you so" moments. "No" is not a foreign policy. Coupled with the properly skeptical "no" must be the transformative "yes" -- not a grudging, perfunctory afterthought, but international law with enforcers; not empire, but human rights with guns.

#### Decline will be peaceful and solves all their offense—only a risk of chain ganging

MacDonald and Parent 11

Paul K. and Joseph M., Graceful Decline?, International Security, Spring 2k11, Volume 35, Number 4, Muse. 2011.

In short, the United States should be able to reduce its foreign policy commitments in East Asia in the coming decades without inviting Chinese expansionism. Indeed, there is evidence that a policy of retrenchment could reap potential benefits. The drawdown and repositioning of U.S. troops in South Korea, for example, rather than fostering instability, has resulted in an improvement in the occasionally strained relationship between Washington and Seoul.[97](http://muse.jhu.edu/journals/international_security/v035/35.4.macdonald.html" \l "f97) U.S. moderation on Taiwan, rather than encouraging hard-liners in Beijing, resulted in an improvement in cross-strait relations and reassured U.S. allies that Washington would not inadvertently drag them into a Sino-U.S. conflict.[98](http://muse.jhu.edu/journals/international_security/v035/35.4.macdonald.html" \l "f98) Moreover, Washington's support for the development of multilateral security institutions, rather than harming bilateral alliances, could work to enhance U.S. prestige while embedding China within a more transparent regional order.[99](http://muse.jhu.edu/journals/international_security/v035/35.4.macdonald.html" \l "f99) A policy of gradual retrenchment need not undermine the credibility of U.S. alliance commitments or unleash destabilizing regional security dilemmas. Indeed, even if Beijing harbored revisionist intent, it is unclear that China will have the force projection capabilities necessary to take and hold additional territory.[100](http://muse.jhu.edu/journals/international_security/v035/35.4.macdonald.html" \l "f100) By incrementally shifting burdens to regional allies and multilateral institutions, the United States can strengthen the credibility of its core commitments while accommodating the interests of a rising China. Not least among the benefits of retrenchment is that it helps alleviate an unsustainable financial position. Immense forward deployments will only exacerbate U.S. grand strategic problems and risk unnecessary clashes.[101](http://muse.jhu.edu/journals/international_security/v035/35.4.macdonald.html" \l "f101)