## 1NC

### 1

#### A. Interpretations

#### A1. Authority is not ability

Forsythe and Hendrickson 96

[David P. Forsythe, Professor and Chair of Political Science University of Nebraska-Lincoln, Ryan C. Hendrickson, Ph.D. Candidate University of Nebraska-Lincoln. “U.S. Use of Force Abroad: What Law for the President?” Presidential Studies Quarterly, Vol. 26, No. 4]

The crisis is most precisely about authority, not power. Authority, in the legal sense, concerns the right to do something. Power refers to the capability to do something. Part of the problems ¶ in the U.S. constitutional crisis over use of force abroad is that the president has the power to ¶ make war, and to obtain congressional deference most of the time, whatever the proper under ¶ standing of authority.

#### A2. Introducing armed forces only refers to human troops, not weapons systems like nukes

Lorber 13

Eric Lorber, J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science. January 2013, "Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?" University of Pennsylvania Journal of Contsitutional Law, 15 U. Pa. J. Const. L. 961, lexis nexis

C. The War Powers Resolution as Applied to Offensive Cyber Operations As discussed above, critical to the application of the War Powers Resolution - especially in the context of an offensive cyber operation - are the definitions of key terms, particularly "armed forces," as the relevant provisions of the Act are only triggered if the President "introduc[es armed forces] into hostilities or into situations [of] imminent ... hostilities," n172 or if such forces are introduced "into the territory, airspace, or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces." n173 The requirements may also be triggered if the United States deploys armed forces "in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation." n174 As is evident, the definition of "armed forces" is crucial to deciphering whether the WPR applies in a particular circumstance to provide congressional leverage over executive actions. The definition of "hostilities," which has garnered the majority of scholarly and political attention, n175 particularly in the recent Libyan conflict, n176 will be dealt with secondarily here because it only becomes important if "armed forces" exist in the situation. ¶ As is **evident from a** textual analysis, n177 an examination of the legislative history, n178 and **the broad** policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that **only members of the armed forces count for the purposes of the definition under the WPR.** Though not dispositive, **the term "member" connotes a human individual who is part of an organization.** n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that **expression of one thing (i.e., members) implies the exclusion of others (**such as non-members **constituting armed forces)**. n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.¶ **An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces**. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that **Congress conceptualized "armed forces" to mean U.S. combat troops.**¶ **The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities**. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.¶ This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). **Applied to offensive cyber operations, such a definition leads to the conclusion that the** W**ar** P**owers** R**esolution likely does not cover such activities**. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, **individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities.** Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

#### A3. War powers is not C in C

Heidt 13

Stephen (PhD Candidate, GSU) "A Memorandum on the Topic Area.pdf"

~http://www.cedadebate.org/forum/index.php?topic=4846.0~~

Voting for restrict presidential war power establishes a very narrow topic – commander in chief¶ blows the lid off that restriction. Those of us with gray in our hair may recall the restricting¶ commander in chief power means anything from Congressional control over the president’s¶ medical staff (Kansas) to Congressional control over media pools in wartime (a Bill Newnam¶ Special) and everything in between. Modern versions of the parameters of that type of topic are¶ elaborated in the topic paper when, for example, the authors isolate drones as a core controversy¶ invoking the “president’s legal authority to conduct the war on terror.” This is nonsense for two¶ reasons. First, the AUMF granted the president all the legal authority necessary and, second, the¶ CONDUCT of the war is power reserved for the commander in chief and does not fall under the¶ purview of Congressional war declaration power. There are no constitutional questions related to¶ drone use aside from use on American citizens (without due process). This gross error in the¶ topic paper reflects one of the downsides of using sources like the Idaho Statesman to comment¶ on constitutional issues. The topic paper is correct, however, that Affs could restrict presidential¶ actions to target U.S. citizens, but even that might not be topical if the topic is written as¶ restrict/reduce presidential war power since this goes to a “use” issue and not a “power” issue¶ (and, at best, reflects a violation of the Constitutional order and not an expansion of the¶ Constitutional order – one could argue that ending violations is not a restriction in presidential¶ war power since the president never had the power to act in the first place).¶ Detainees could also be excluded: “Bush, in claiming the right to detain captives from¶ Afghanistan and Iraq without their access to standard legal procedures, invoked his power as¶ commander in chief” (Astor, 18).¶ The bottom line: The topic should either be restrict presidential war power (as was voted for) OR restrict commander in chief power – not both. Blurring that distinction risks creating a gigantic¶ mess under which either there is no effective limit to the topic or the community is forced into¶ voting for a list topic.

#### Violations

#### B1. NFU is not presidential authority

Schultz 2004 PREEMPTING PREEMPTION: NUCLEAR FIRST-USE AND THE ROLE OF CONGRESS JEFFREY L. SCHULTZ Mr. Schultz is an associate at Armstrong Teasdale LLP in St. Louis. Schultz is engaged in the practice of business litigation, with significant experience in trade secret, non-compete, unfair competition and intellectual property matters Kennedy School Review;2004, Vol. 5, p27

Under uninterrupted constitutional practice since the use of the first nuclear weapons by the United States against Japan in the closing days of World War II, Congress has demonstrated that it has the authority to pass the affirmative legislation necessary to control nuclear first use. Even if Congress chooses not to impose a legislative straitjacket,45 the president alone does not have sufficient authority to make first-use of nuclear weapons absent some congressional approval.46 The wisdom of Congress’s reticence in declaring war from the standpoint of its own institutional prerogatives is clear. According to the Constitution, the power to attack first requires that one also be able to declare war—a power belonging exclusively to Congress under the express language of the document, as we have seen. But if the president can argue that we are already in a war, such as an ongoing “War on Terror” in the aftermath of the Iraq War, for which he received Congress’s blessing, then he can claim expansive independent powers in the prosecution of such a war, including the choice of weapons and tactics. In such a “zone of twilight,” only an act of Congress—such as the recently repealed ban on “mini-nukes” and bunker-busters—can tilt the constitutional balance clearly in its favor. If Congress wishes to force the president to consult prior to launching a nuclear preemptive strike, it had better say so by means of legislation.

#### B2. Intro of forces is not nuclear weapons

Forrester ’89 (Professor, Hastings College of the Law, University of California. Former dean of the law schools at Vanderbilt, Tulane, and Cornell) Ray 57 Geo. Wash. L. Rev. 1636

Even if the Court assumed its responsibility to tell us whether the Constitution gives Congress the necessary power to check the President, the War Powers Resolution itself is unclear. Does the Resolution require the President to consult with Congress before launching a nuclear attack? It has been asserted that "introducing United States Armed Forces into hostilities" refers only to military personnel and does not include the launching of nuclear missiles alone. In support of this interpretation, it has been argued that Congress was concerned about the human losses in Vietnam and in other presidential wars, rather than about the weaponry.

#### B3. C in C power, not war power

Hemesath 00

[Paul A., J.D./M.S.F.S. Georgetown University Law Center, School of Foreign Service, 2001; B.A. University of California at Los Angeles, 1996. “NOTE: Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era” Georgetown Law Journal, 88 Geo. L.J. 2473, Nexis]

Regardless, proponents of the Executive position insist that nuclear weapons [\*2484] are not constitutionally unique. n74 In support of their claim, nothing in the text of the Constitution indicates a special classification for particularly destructive weaponry, nor does the Constitution allow the Congress to override the President's choice of weapons. n75 Decisions regarding the type of weapons used in war are considered tactical--of a type supposed to be well within the scope of the Commander in Chief's power. n76 Furthermore, no congressional law or judicial decision has drawn an instructive distinction between nuclear and conventional weaponry. n77 Such a distinction would require artificial constructions distinguishing weapons systems that, despite differences of magnitude and technology, are basically designed to do the same thing.

#### B4. Introduction/Hostilities doublebind. Escalation to nuclear weapons from a conventional conflict is NOT “Introduction” of forces—its augmentation of forces. Bolt from the Blue first strike is NOT hostilities, because no US forces will be at risk, since first strike begins and ends the war, hence no on-going hostilities. Extra T is voter as it dejustifies the resolution.

#### C. Standards

#### Ground. Their interp explodes the resolution to mean C in C powers, any weapons system, restrictions on asserted authority. That crushes neg predictability.

#### Topic education. Our interp ensures a narrow but robust debate on war powers, ensuring indepth topic education, which outweighs aff whines for creativity.

#### Precision. Our interp is evidence by topic specific ev, not generic definitions that define words

#### T is a voter for ground and topic education.

### 2

#### Their thesis of a rising China is a racist construction of the non-western other

Pan 4

Chengxin Pan, Department of Political Science and International Relations, Faculty of Arts, at Deakin University, August 2004, Discourses Of ‘China’ In International Relations: A Study in Western Theory as (IR) Practice, p. 141-142

These are some of the questions in the minds of Western/American strategic analysts, who are wondering how to maintain U.S. preponderance in a world of anarchy and uncertainty. The conservative realist Samuel Huntington asks: “If being an American means being committed to the principles of liberty, democracy, individualism, and private property, and if there is no evil empire out there threatening those principles, what indeed does it mean to be an American, and what becomes of American national interests?” Obsessed with this self-imagery, many scholars and policy planners have been keen to reinvoke the timeless, structural certainty of geopolitical rivalry, and to embrace the ‘back to the future’ scenario, maintaining that despite the dawn of the post-Cold War period little has changed—the world remains a dangerous, volatile place. With such searching eyes for an enemy, it would be surprising if China failed to come into view. Indeed, China makes a perfect candidate, in that “China remains the major source of uncertainty in the Asia-Pacific.” That is, not only do the implications of its economic transformation and military ambition remain unclear, but the resilience of the Communist government even after its roundly condemned Tiananmen suppression seems also to fly in the face of the ‘End of History’ triumphalism. Consequently, (and before September 11), the only major certainty coming out of the post-Cold War era seems to be an unpredictable and dangerous China. From the beginning, this ‘China threat,’ I suggest, is not a result of its actual challenge to the West or the United States per se, but primarily a discursive dimension of the neorealist construction of the American self in terms of global supremacy and indispensable leadership. As Huntington makes it clear, “Chinese hegemony will reduce American and Western influence [in Asia] and compel the United States to accept what it has historically attempted to prevent: domination of a key region of the world by another power.” In the absence of such self-fashioning, most of China’s neighbours, which might arguably be more vulnerable to a China threat if there is one, have traditionally adopted a much less alarmist view on the ‘Middle Kingdom.’ Thus, China’s real challenge for America, as Yu Bin notes, “is perhaps more psychological and conceptual—that is, how to deal with a major power whose rise is not necessarily guided by Washington, unlike the post-World War II rise of Japan and Germany.” Also, it can be argued that the existence of an ‘enemy’ is indispensable to the continued imagination of the ‘indispensable nation.’ In Charles Frazier’s novel Cold Mountain, Inman, a soldier returning home from battle during the American Civil War, pondered the question: “What is the cost of not having an enemy?” Such a cost, then, seems very high indeed, for at stake here is what is seen as the ‘fundamental’ modern Western/American self-identity as a (global) rational being and indispensable leader. Heroic leadership would not be so needed if there was little left to fight for. Clearly mindful of this, Georgi Arbatov, Director of Moscow’s Institute for the Study of the USA and Canada, told a U.S. audience the year before the collapse of the Berlin Wall: “We are going to do something terrible to you—we are going to deprive you of an enemy.” While he correctly noted that for the U.S. to live without an identity-defining enemy is terrible indeed, Arbatov was only half right, for the ‘enemy’ itself often has no control over its status as an enemy. Rather, as noted before, it is primarily a ready-made discursive category built into the American self-imagination. With this discursive category as the analytical framework for understanding other actors on the world stage, Western and particularly American scholars did not simply ‘discover’ a China threat out there; it was cognitively constructed beforehand.

**That creates a self-fufilling prophecy**

Al-Rodhan 2k7

[khalid, a critique of the china threat theory: a systematic analysis, asian perspective 31, 3, 41-66]

Methodologically**, the "China threat" is a hypothesis about**¶ **the future. Its supporting examples are imperfect analogies** (e.g.,¶ to Kaiser Wilhelm's Germany). Each nation's experience Is dif-¶ ferent and so are the circumstances of the international order.¶ Projecting from these assumptions tends to skew predictions.¶ The forecast that China will be a threat to U.S. national security¶ is a worst-case estimate. It assumes that China's economy and¶ military will continue to grow at the same rates, that its social¶ cohesion will not be disrupted, and that political stability will¶ not be seriously challenged. These assumptions may hold, but¶ they also may not.¶ **The theoretical foundations of the "China threat" suffer**¶ **from two contradictions. First, it is based on an assumption**¶ **about Chinese grand strategic intentions. Guessing intentions is**¶ **often a fruitless exercise. It leads to nothing more than guessti-**¶ **mates about possible futures**. The "China threat" theory, simply¶ put, chooses the worst-case scenario of those possible futures;¶ **proponents of the theory often use language that reflects certain-**¶ **ty and inevitabilit**y. Second, as with many theories, there are¶ exceptions to Mearsheimer's offensive realism; the most recent¶ example is the rise of the United States without war during the¶ early 20th century. Neorealists would argue that the United¶ States and Great Britain, the dominant powers at that time, had¶ "shared values," which made a war unlikely. This is, however, a¶ unit-level explanation that would not pass the test of systemic¶ theories under neorealism. In either case, the important point to¶ highlight here is that if internal factors matter, then there are¶ many indicators that would point to a different future from the¶ one envisioned by offensive realists.¶ Strategically, **the "China threat" thesis is as dangerous as it**¶ **is misleading. Arm waving by policy makers in Washington can**¶ **force China to militarize its intentions, even if they were benign,**¶ **which could lead to enhancing the tensions and** making the¶ "China threat" a self-fulfilling prophecy. **Overestimating the**¶ **threat posed by any nation can lead to the wrong policies to con-**¶ **tain the threat, which could hurt the U**nited **S**tates **strategically**¶ **in the long run.** It is not at all clear what China's exact intentions¶ are. Assuming the worst may be a wise strategy, if one discounts¶ the threats China faces and its security concerns, including insta-¶ bility in Central Asia, North Korea's nuclear weapons, maritime¶ security in the Pacific, and the potential militarization of Japan.

#### Alternative: Vote negative to embrace the affirmative without the China Threat Thesis

**Hoffmann 2k12**

[Jeanne, unpacking images of china using causal layered analysis, Macquarie university, Australia, journal of future studies, 16(3):1-24, PhD Candidate – Political Science, March]

The transformation of China in the last thirty years has changed the world, and will continue to do so for the foreseeable future. **If China’s leaders and citizens do not engage in creating a positive preferred future and the rest of the world does not respond in a constructive and creative way, the future of the international order and perhaps the planet could be threatened. Each of the futures presented in this article is seen to be the ‘disowned self’ of the other, whereby it disowns or pushes away its opposite** (Inayatullah, 2007**). As long as the opposite future pushes away its alternative, we cannot discover or develop alternative scenarios that sit outside our discursive frames. By viewing the future of China through the narrow lens of IR theory, without examining the deeper myths and worldviews** held by those interest groups claiming expertise, **it is not possible to move to a future beyond the planned. IR theory in the West is considered a general theory and as such may be resistant to incorporating futures thinking and methodologies into constructing policy analysis.** This is a mistake. I argue that because the future cannot be predicted with any sort of accuracy, it is important to challenge the conclusions made by IR theory and make use of broader and deeper perspectives in order to move toward preferred images of the future. **Only** in this way, **by broadening the research agenda to explore the deeper layers of the way strategic identity is formed,** **can we move away from** continued limited and potentially **dangerous thinking and** allow a new story of transformation to occur

### 3

#### The President of the United States should issue a presidential directive announcing that the United States will not introduce nuclear weapons forces first into hostilities.

#### Solves the case

Rebeccah Heinrichs and Baker Spring 11-30-2012; Rebeccah Heinrichs is a Visiting Fellow and Baker Spring is F. M. Kirby Research Fellow in National Security Policy in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation. “Deterrence and Nuclear Targeting in the 21st Century”

<http://www.heritage.org/research/reports/2012/11/deterrence-and-nuclear-targeting-in-the-21st-century>

Principles for Contemporary Targeting Policy Nuclear targeting policy is ultimately established through presidential guidance, which typically takes the form of a directive. Meeting the demands of this guidance, more than anything else, determines the overall size and structure of the U.S. nuclear force. According to a recent report from the Government Accountability Office (GAO), the current guidance was issued in 2002, although new presidential guidance may be issued as soon as later this year.[24 ] Following the application of more detailed guidance from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, Strategic Command produces the Nuclear Forces Employment Plan. Given the overall structure of this process, presidential guidance has the potential to do enormous damage to U.S. national security if it is conceptually flawed.

### 4

#### Iran sanctions are at the top of the docket – Obama is spending capital to persuade Democrats to sustain a veto

Lobe, 12-27

Reporter for Inter Press Service(Jim, “Iran sanctions bill: Big test of Israel lobby power”

<http://www.arabamericannews.com/news/index.php?mod=article&cat=World&article=8046>)

WASHINGTON - This week’s introduction by a bipartisan group of 26 senators of a new sanctions bill against Iran could result in the biggest test of the political clout of the Israel lobby here in decades.¶ The White House, which says the bill could well derail ongoing negotiations between Iran and the U.S. and five other powers over Tehran’s nuclear program and destroy the international coalition behind the existing sanctions regime, has already warned that it will veto the bill if it passes Congress in its present form.¶ The new bill, co-sponsored by two of Congress’s biggest beneficiaries of campaign contributions by political action committees closely linked to the powerful American Israel Public Affairs Committee (AIPAC), would impose sweeping new sanctions against Tehran if it fails either to comply with the interim deal it struck last month in Geneva with the P5+1 (U.S., Britain, France, Russia, China plus Germany) or reach a comprehensive accord with the great powers within one year.¶ To be acceptable, however, such an accord, according to the bill, would require Iran to effectively dismantle virtually its entire nuclear program, including any enrichment of uranium on its own soil, as demanded by Israeli Prime Minister Benjamin Netanyahu.¶ The government of President Hassan Rouhani has warned repeatedly that such a demand is a deal-breaker, and even Secretary of State John Kerry has said that a zero-enrichment position is a non-starter.¶ The bill, the Nuclear Weapon Free Iran Act, also calls for Washington to provide military and other support to Israel if its government “is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program.”¶ The introduction of the bill last week by Republican Sen. Mark Kirk and Democratic Sen. Robert Menendez followed unsuccessful efforts by both men to get some sanctions legislation passed since the Geneva accord was signed Nov. 24.¶ Kirk at first tried to move legislation that would have imposed new sanctions immediately in direct contradiction to a pledge by the P5+1 in the Geneva accord to forgo any new sanctions for the six-month life of the agreement in exchange for, among other things, enhanced international inspections of Iran’s nuclear facilities and a freeze on most of its nuclear program.¶ Unable to make headway, Kirk then worked with Menendez to draw up the new bill which, because of its prospective application, would not, according to them, violate the agreement. They had initially planned to attach it to a defense bill before the holiday recess. But the Democratic leadership, which controls the calendar, refused to go along.¶ Their hope now is to pass it – either as a free-standing measure or as an amendment to another must-pass bill after Congress reconvenes Jan. 6.¶ To highlight its bipartisan support, the two sponsors gathered a dozen other senators from each party to co-sponsor it.¶ Republicans, many of whom reflexively oppose President Barack Obama’s positions on any issue and whose core constituencies include Christian Zionists, are almost certain to support the bill by an overwhelming margin. If the bill gets to the floor, the main battle will thus take place within the Democratic majority.¶ The latter find themselves torn between, on the one hand, their loyalty to Obama and their fear that new sanctions will indeed derail negotiations and thus make war more likely, and, on the other, their general antipathy for Iran and the influence exerted by AIPAC and associated groups as a result of the questionable perception that Israel’s security is uppermost in the minds of Jewish voters and campaign contributors (who, by some estimates, provide as much as 40 percent of political donations to Democrats in national campaigns).¶ The administration clearly hopes the Democratic leadership will prevent the bill from coming to a vote, but, if it does, persuading most of the Democrats who have already endorsed the bill to change their minds will be an uphill fight. If the bill passes, the administration will have to muster 34 senators of the 100 senators to sustain a veto – a difficult but not impossible task, according to Congressional sources.¶ That battle has already been joined. Against the 13 Democratic senators who signed onto the Kirk-Menendez bill, 10 Democratic Senate committee chairs urged Majority Leader Harry Reid, who controls the upper chamber’s calendar, to forestall any new sanctions legislation.

#### Obama’s strategy is working but failure scuttles the nuclear deal

Merry 1-1

Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy (Robert, “Obama may buck the Israel lobby on Iran” Washington Times, factiva)

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.”¶ For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House.¶ With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto.¶ It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement.¶ However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control.¶ Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.”¶ While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.”¶ That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars.¶ That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.¶ 2014 will mark the 100th anniversary of beginning of World War I, a conflict triggered by entangling alliances that essentially gave the rulers of the Hapsburg Empire power that forced nation after nation into a war they didn’t want and cost the world as many as 20 million lives. Historians have warned since of the danger of nations delegating the power to take their people into war to other nations with very different interests.¶ AIPAC’s political power is substantial, but this is Washington power, the product of substantial campaign contributions and threats posed to re-election prospects. According to the Center for Responsive Politics’ Open Secrets website, Sens. Kirk, Menendez and Schumer each receives hundreds of thousands of dollars a year in pro-Israel PAC money and each of their states includes concentrations of pro-Israel voters who help elect and re-elect them.¶ Elsewhere in the country, AIPAC’s Washington power will collide with the country’s clear and powerful political sentiment against further U.S. adventurism in the Middle East, particularly one as fraught with as much danger and unintended consequence as a war with Iran. If the issue gets joined, as it appears that it will, Mr. Obama will see that it gets joined as a matter of war and peace. If the Menendez-Schumer-Kirk legislation clears Congress and faces a presidential veto, the war-and-peace issue could galvanize the American people as seldom before.¶ If that happens, the strongly held opinions of a democratic public are liable to overwhelm the mechanisms of Washington power, and the vaunted influence of the Israel lobby may be seen as being not quite what it has been cracked up to be.

#### The plan causes an inter-branch fight – saps PC and derails his agenda

Kriner 10

Douglas Kriner, Assistant Profess of Political Science at Boston University, 2010, After the Rubicon: Congress, Presidents, and the Politics of Waging War, p. 67-69

Raising or Lowering Political Costs by Affecting Presidential Political Capital Shaping both real and anticipated public opinion are two important ways in which Congress can raise or lower the political costs of a military action for the president. However, focusing exclusively on opinion dynamics threatens to obscure the much broader political consequences of domestic reaction—particularly congressional opposition—to presidential foreign policies. At least since Richard Neustadt's seminal work Presidential Power, presidency scholars have warned that costly political battles in one policy arena frequently have significant ramifications for presidential power in other realms. Indeed, two of Neustadt's three "cases of command"—Truman's seizure of the steel mills and firing of General Douglas MacArthur—explicitly discussed the broader political consequences of stiff domestic resistance to presidential assertions of commander-in-chief powers. In both cases, Truman emerged victorious in the case at hand—yet, Neustadt argues, each victory cost Truman dearly in terms of his future power prospects and leeway in other policy areas, many of which were more important to the president than achieving unconditional victory over North Korea." While congressional support leaves the president's reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president's foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president's political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races." Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War.6° In addition to boding ill for the president's perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson's dream of a Great Society also perished in the rice paddies of Vietnam. Lacking both the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush's highest second-term domestic priorities, such as Social Security and immigration reform, failedperhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq. When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### That causes a US-Iran war and Iranian prolif

WORLD TRIBUNE 11-13

[Obama said to suspend Iran sanctions without informing Congress, http://www.worldtribune.com/2013/11/13/obama-said-to-suspend-iran-sanctions-without-informing-congress/]

The administration has also pressured Congress to suspend plans for new sanctions legislation against Iran. The sources said the White House effort has encountered resistance from both Democrats and Republicans, particularly those in the defense and foreign affairs committees.¶ “I urge the White House and the Senate to learn from the lessons of the past and not offer sanctions relief in return for the false hopes and empty promises of the Iranian regime,” Rep. Ileana Ros-Lehtinen, chairwoman of the House Middle East and North Africa Subcommittee, said. “Instead, new rounds of sanctions must be implemented to gain further leverage because any misstep in calculations at this juncture will have devastating and irreversible consequences that will be difficult to correct retroactively.”¶ On Nov. 12, the White House warned that additional sanctions on Iran would mean war with the United States. White House press secretary Jay Carney, in remarks meant to intensify pressure on Congress, said sanctions would end the prospect of any diplomatic solution to Iran’s crisis. ¶ “The American people do not want a march to war,” Carney said. “It is important to understand that if pursuing a resolution diplomatically is disallowed or ruled out, what options then do we and our allies have to prevent Iran from acquiring a nuclear weapon?”¶ Still, the Senate Banking Committee has agreed to delay any vote on sanctions legislation until a briefing by Secretary of State John Kerry on Nov. 13. The sources said Kerry was expected to brief the committee on the P5+1 talks in Geneva that almost led to an agreement with Teheran.¶ “The secretary will be clear that putting new sanctions in place would be a mistake,” State Department spokeswoman Jen Psaki said on Nov. 12. “We are still determining if there’s a diplomatic path forward. What we are asking for right now is a pause, a temporary pause, in sanctions.”

#### Iran war escalates

White 11

July/August 2011 (Jeffrey—defense fellow at the Washington Institute for Near East Policy, What Would War With Iran Look Like, National Interest, p. http://www.the-american-interest.com/article-bd.cfm?piece=982)

A U.S.-Iranian war would probably not be fought by the United States and Iran alone. Each would have partners or allies, both willing and not-so-willing. Pre-conflict commitments, longstanding relationships, the course of operations and other factors would place the United States and Iran at the center of more or less structured coalitions of the marginally willing. A Western coalition could consist of the United States and most of its traditional allies (but very likely not Turkey, based on the evolution of Turkish politics) in addition to some Persian Gulf states, Jordan and perhaps Egypt, depending on where its revolution takes it. Much would depend on whether U.S. leaders could persuade others to go along, which would mean convincing them that U.S. forces could shield them from Iranian and Iranian-proxy retaliation, or at least substantially weaken its effects. Coalition warfare would present a number of challenges to the U.S. government. Overall, it would lend legitimacy to the action, but it would also constrict U.S. freedom of action, perhaps by limiting the scope and intensity of military operations. There would thus be tension between the desire for a small coalition of the capable for operational and security purposes and a broader coalition that would include marginally useful allies to maximize legitimacy. The U.S. administration would probably not welcome Israeli participation. But if Israel were directly attacked by Iran or its allies, Washington would find it difficult to keep Israel out—as it did during the 1991 Gulf War. That would complicate the U.S. ability to manage its coalition, although it would not necessarily break it apart. Iranian diplomacy and information operations would seek to exploit Israeli participation to the fullest. Iran would have its own coalition. Hizballah in particular could act at Iran’s behest both by attacking Israel directly and by using its asymmetric and irregular warfare capabilities to expand the conflict and complicate the maintenance of the U.S. coalition. The escalation of the Hizballah-Israel conflict could draw in Syria and Hamas; Hamas in particular could feel compelled to respond to an Iranian request for assistance. Some or all of these satellite actors might choose to leave Iran to its fate, especially if initial U.S. strikes seemed devastating to the point of decisive. But their involvement would spread the conflict to the entire eastern Mediterranean and perhaps beyond, complicating both U.S. military operations and coalition diplomacy.

### Threats Fail

#### The military hates the plan--- they want total operational control of nuclear policy

**Sagan 12**

[Scott, Professor of Political Science @ Stanford, ‘Civil-Military Relations and Nuclear Weapons’, <http://cisac.stanford.edu/publications/civilmilitary_relations_and_nuclear_weapons>, mg]

When a state develops a nuclear arsenal, these destructive weapons must be initially integrated into existing military forces and initially managed through existing civil and military institutions. The subsequent relationship between nuclear weapons and civil-military relations in possessor states is complex, however, and presents an important two-way puzzle. First, it is important to ask how existing patterns of civil-military relations in nuclear states have influenced the likelihood of nuclear-weapons use. Some scholars believe that military officers are less war-prone and hawkish than civilian leaders; others believe the opposite, that the military tends to be bellicose and biased in favor of aggressive military postures. Which view is right, especially when nuclear weapons are involved, is a question that has not been fully addressed in the literature. Second, it is important to flip the question around and also ask how nuclear weapons have influenced civil-military relations in the states that have acquired the ultimate weapon. Again, the answer is not clear. One might expect that the massive destructive power of these weapons would encourage much greater civilian involvement in military affairs. Yet, at the same time, one might predict that **military organizations** would **maintain significant** control over nuclear policy **as they want to protect their** operational autonomy**, and because the** perceived need for a prompt response **would mitigate** against tight civilian control**.**

#### Military will Rollback the plan

Owens 13

[Mackubin Owens is Editor of *Orbis,* FPRI’s quarterly journal of international affairs, and Senior Fellow at its Program on National Security, Professor of National Security Affairs at the Naval War College; July, <https://www.fpri.org/articles/2013/07/what-military-officers-need-know-about-civil-military-relations>, mg]

All too often, **US military officers seem to believe that** if the United States does not face the prospect of a Latin-American or African style military coup d’état, then **all is well in** the realm of **civil-military relations.** But this is a straw man. A number of scholars, including Richard Kohn, Peter Feaver, the late Russell Weigley, Michael Desch, and Eliot Cohen have argued that although there is no threat of a coup on the part of the US military, **American civil-military relations have** nonetheless **deteriorated over the past two decade**s.¶ ¶ For example, **the US military has “pushed back” against civilian leadership** on numerous occasions during the last two decades. **This pushback has manifested itself in** “foot dragging,” “slow rolling” and leaks to the press designed to undercut policy **or individual policy-makers**. Such actions were rampant during the Clinton presidency and during the tenure of Donald Rumsfeld as secretary of defense. **Such** pushback **is based on the claim that** civilians were making decisions without paying sufficient attention to the military point of view.

#### Nuclear deterrence is inevitable for a billion more reasons than you can fathom.

Tertrais 2k11

[bert, in defense of nuclear deterrence, ifri, Master’s degree in Public Law of the University of Paris (1985), and a Doctorate in Political Science of the *Institut d'études politiques de Paris*(1994), n 2007-2008, he was a member of the French presidential commission on the White Paper on Defense and Security, as well as a member of the French ministerial commission on the White Paper on Foreign and European policy, proliferation papers]

But one could also claim that the very legitimacy of nuclear deterrence has been bolstered in the past 20 years –or, at the veryleast, that the evolutions of the political and strategic context have not delegitimized it.¶ From the point of view of customary law, the legality of the possession of nuclear weapons can be said to have been confirmed by the unanimous extension for an indefinite duration of the NPT (1995), by the vote of resolution 984 (1995) of the UN Security Council on security assurances, and by the conclusion of several new treaties establishing nuclear-weapon-free-zones, with protocols to be ratified by the Nuclear Weapons States.¶ The fact that all the new nuclear-armed nations have adopted –at least rhetorically –doctrines of deterrence, and the continuation of nuclear restraint (the absence of any operational use) have reinforced the taboo or tradition of non-use which exists regarding nuclear weapons. ¶ An acute regional nuclear crisis would certainly lead to an immediate intervention of major powers –as was seen in 1990, 1999 and 2002 in South Asia –or even, had nuclear weapons been used, to military action to“quench the nuclear fire”. Again, the risk of fast escalation to the extremes is never zero: but it is weaker than it was in the past.¶ Technological progress with regard to accuracy and intelligence collection (as well as MIRVing) has led to the adoptionin Western countries, of more discriminate targeting strategies, and to the abandonment of their most powerful, “city-busting” weapons. 103 Such countries, which also benefit from conventional superiority in relation to most of their adversaries, were also able to give up for good the temptation of seeing nuclear weapons as a means to compensate for conventional imbalances, and thus associated nuclear deterrence with “extreme circumstances of self-defense” (an expression used by the 1996 ICJ advisory opinion). The development of missile defenses reinforces that trend. 104¶ At the same time, drilling machines have become cheaper and more efficient: the burial of sensitive installations, which can be much more easily ¶ threatened by nuclear weapons than by conventional ones (with the caveats mentioned above), seems to be a long-term trend.

### China

#### China has a philosophical belief against first use – that’s enough

Zhenqiang 2005 (Pan; China Security (World Security Institute China Program); http://www.irchina.org/en/news/view.asp?id=403)

First, NFU highlights China’s philosophical belief that nuclear weapons can only be used to serve one purpose, that of retaliation against a nuclear attack, pending complete nuclear disarmament. Indeed, their extremely large destructive capabilities render nuclear weapons the only truly inhumane weapon of mass destruction and are of little other use to China. Faced with U.S. nuclear blackmail in the 1950s, China had no alternative to developing its own nuclear capability so as to address the real danger of being a target of a nuclear strike. But even so, Beijing vowed that having a nuclear capability would only serve this single purpose**.** From the very beginning of acquiring a nuclear capability, Beijing announced that it would never be the first to use nuclear weapons under any conditions; it also pledged unconditionally not to use nuclear weapons against any non-nuclear weapon states. This claim is not merely rhetoric that cannot be verified, as some Western pundits accused. On the contrary, China’s nuclear rationale has determined the defensive nature of its nuclear force, its posture, size and operational doctrine, which have been highly visible and have stood the test of time. It is in this sense that China is NOT a nuclear weapon state in the Western sense. Unlike all the other nuclear weapon states, for example, China has never intended to use its nuclear capability to make up for the in efficiency of conventional capabilities vis-à-vis other world powers nor has China an interest in joining a nuclear arms race with other nuclear states. And thanks to the insistence of this policy based on NFU, China succeeds in reducing the nuclear element to the minimum in its relations with other nuclear nations, avoiding a possible nuclear arms race, and contributing to the global strategic stability at large. If this policy serves well its core security interests, why should Beijing change it?

#### Relations are resilient- single disputes don’t spiral out of control

Economy ‘12

[Elizabeth C. Economy, C.V. Starr Senior Fellow and Director for Asia Studies, Council on Foreign Relations. Interviewed by Bernard Gwertzman, Consulting Editor, CFR.org. <http://www.cfr.org/china/maturing-us-china-relations/p28184> ETB]

In many respects, this was a fairly astonishing set of discussions that these two countries managed to have in the midst of this emerging crisis surrounding Chen Guangcheng. The fact that Beijing and Washington were able not only to conduct the two days of discussions but also to arrive at some concrete agreements was a sign that there may be an emerging maturity in the relationship. Both sides are clearly committed to maintaining stability in the relationship and were very unwilling to allow this one striking and important incident to cause the relationship to spiral downward, or to cause a real deterioration in the relationship. So perhaps ironically, in some respects, this strategic and economic dialogue demonstrated as positive a state in the relationship as we've seen in a while.

#### Political confrontations wont escalate past rhetoric

Sambor 09

[Jean Charles, Writer for the SGAM Group, an Assets Management Group in France, <http://www.sgam.se/portal/binary/staticFile/STATIC%20FILE/SGAMCOM%20-%20EN/Global%20Snapshots/2009/GS120209_article2.pdf>]

President Obama will be no exception to the rule in this regard, even though in general Democrats maintain a tougher stance against China than Republicans. An outright US-China confrontation is an unlikely scenario in our view. While it is clear that China and the US will continue this awkward chicken and the egg finger pointing exercise for a while – Did China save too much or did the US spent too much? – we expect few escalations and economic sanctions beyond the political rhetoric.

#### China won’t let relations collapse

Shirk ‘7

Susan Shirk, served as deputy assistant secretary for China at the U.S. State Department from 1997 2000.CHINA: FRAGILE SUPERPOWER, 2007, p. 219-20

How do China's leaders resolve this quandary"! Jiang Zemin first tried to have it both ways, improving relations with the United States while simultaneously pumping up nationalism to bolster his domestic stand­ing. But making progress with the United States was stymied by congres­sional insistence on improvements in human rights, the one area in which the CCP was most afraid to bend. Then several unpredictable events such as the Chinese Embassy bombing in Belgrade triggered destabilizing domestic reactions. China's leaders learned the hard way that when public opinion has been inflamed, international crises can become dangerous domestic crises. After a heated internal debate, the Chinese government decided that from then on, it would swallow its pride to preserve good relations with the United States and try to minimize the domestic fallout. A major effort to improve crisis management and tone down nationalist rhetoric with the goal of insulating Sino-U.S. relations from the pressures of domestic politics resulted. And superficially, China's relations with the United States improved significantly. Under the surface, however, the Chinese public and the military continue to suspect U.S. intentions and the gap between nationalist public opinion and pragmatic foreign policy remains.

*The United States* 221

#### On-going US/China dialogue and mutual interests ensure good relations

BOIESA ’09

**(**U.S. Department of State's Bureau of Oceans and International Environmental and Scientific Affairs) 8-22-09 US Feds News

As a result of two days of high-level meetings, both sides gave a positive assessment of the current development of U.S.-China relations. They recognized that U.S.-China relations have maintained strong, positive momentum. In particular, the meeting between President Barack Obama and President Hu Jintao in London in April charted the course for the growth of U.S.-China relations in a new era and provided a strong impetus to deepen mutually beneficial cooperation. The two sides also affirmed that the Dialogue provides an important framework for strengthening relations on the basis of the April Summit.¶ The two sides noted that, at a time of continued challenges in international financial markets, and when the international situation is undergoing complex and profound changes, the United States and China share ever more important responsibilities, extensive common interests, and a broader basis for cooperation. Increased U.S.-China cooperation not only serves the common interests of the two peoples, but also contributes to peace, stability and prosperity of the Asia-Pacific region and the world at large. The two sides stressed that close high-level contacts and exchanges play an irreplaceable role in developing U.S.-China relations and confirmed that President Barack Obama will visit China this year at the invitation of President Hu Jintao. The two sides will work together to prepare well for upcoming bilateral interactions at various levels.

### Prolif

#### NFU can’t solve prolif – NPT cred does nothing and it collapses extended deterrence

Pierre Hassner 2007, Emeritus Research Director and Research Associate at The Centre for International Studies and Research, Sciences Po, Paris, France; Who killed nuclear enlightenment? International Affairs 83: 3 (2007) 427–430)

I shall dwell a little more on the strategic and moral dimensions of the ‘nuclear bargain’. The first concerns the promise of extended deterrence and its role in limiting proliferation. This involves a series of dilemmas and a debate which predates the Non-Proliferation Treaty and may well be re-emerging today in connection with the Middle East. Advocates of the NPT are normally also advocates of minimum deterrence as a step towards nuclear disarmament, and of ‘no first use’ of nuclear weapons as a step towards their marginalization and as a way to emphasize that their only use is to deter their use by others, or even that this deterrence should operate by their existence alone. The result in terms of a nuclear order should then be based on ‘mutual assured destruction’. This posture has the virtue of avoiding the ‘mad momentum’ of a nuclear arms race and the illusion of victory in a nuclear war. However, both its credibility and its morality if deterrence fails have been strongly criticized. Its real weakness, I think, is in terms of extended deterrence. It may be the least bad solution if states have only to deter an attack against themselves, but what is its credibility if they have to deter an attack upon their allies, let alone upon other non-nuclear states party to the NPT? Would they not need what Herman Kahn used to call a ‘not too uncredible threat of a first strike’, and does that not mean a strike which would not be suicidal? Would this kind of strike not require a counterforce capability and would it not be enhanced by missile defense? Hence the anti-MAD, pro-counterforce school has argued that the best strategy against the proliferation of nuclear weapons is one that maintains the flexibility and, if possible, the superiority made impossible by ‘minimum’ or, even more, by ‘existential’ mutual deterrence. But if one adopts this argument, does it not set us on the road to what Walker calls ‘counter-enlightenment’—that is, the refusal of universality and reciprocity in favour of war-fighting postures, the mutual search for superiority, the likelihood of an intensified arms race and an increased risk of nuclear war? The only possible way of avoiding both the pitfalls of mutual vulnerability and the dangers of the search for unilateral invulnerability may be essentially political, involving a tightening of alliances and a strategy of engagement materialized by visible physical presence on the territory of one’s non-nuclear allies. But this would look more like NATO than like collective security, and it would leave the unattached without a credible security guarantee unless the alliance were extended to the whole world, which would give it all the characteristics of an empire. These dilemmas are insoluble; I mention them not as an argument for inaction, but to indicate that, like enlightenment in general according to Adorno and Horkheimer, nuclear enlightenment may lead to dialectical reversals and unwanted results. Above all, they indicate that while universal treaties (like the convention against genocide) and declarations of intention are inspiring and legitimizing documents or institutions, their application can never be detached from political interests and priorities, from relations of power and of alliance, of dependence or of rivalry. The question is whether their value as inspirations, as guides or, in Kantian terms, as ‘regulatory ideas’ is morally useful or can lead to hypocrisies and disaffections when confronted with reality. Here lies my main political and moral objection to the idealized picture presented by William Walker of nuclear enlightenment in general and of the Nuclear Non-Proliferation Treaty in particular. It is contained in one word: hypocrisy. Walker directs all his attacks against the cynicism or scepticism of counter-enlightenment, represented by the Bush administration, and its abandonment of the goal of denuclearization. It has certainly made matters much worse, in particular by de-emphasizing the distinction between deterrence and war-fighting, and between nuclear and conventional weapons. But what Walker tends to forget or to downplay is the hypocrisy which prevailed almost without exception among nuclear powers, and to a large extent also among non-nuclear states, about getting rid of their own nuclear weapons and reaching universal nuclear disarmament. I think it is fair to say that none of the leaders of the nuclear powers, with the possible exceptions of Gorbachev and Reagan, ever seriously contemplated following the South African example and abandoning nuclear weapons. At any rate I have no hesitation whatsoever in stating that the thought never crossed the mind of any French political or military authority. Nor can I blame them for their skepticism in this respect, even though I emphatically do not share their belief in the automatic stabilizing, equalizing and, above all, moderating effect of nuclear weapons. I remain convinced that you cannot eliminate knowledge, that nuclear weapons cannot be dis-invented, and that the calculations of the most serious of arms controllers, such as Thomas Schelling in the 1960s, according to which a situation of minimal deterrence, with a few tens of nuclear missiles instead of thousands, would be more stable than the abolition of nuclear weapons, which could not be verified and would give rise to permanent suspicion of surprise attack, remain valid. Nor do I believe that the non-fulfilment by the great powers of their pledge to work towards total nuclear disarmament is a basic cause of proliferation. I think that if they were to keep their word, the power of their example would not be sufficient, in most cases, to prevail against the motivations in terms of status, domination or security that may push some of the non-nuclear states to seek nuclear status. The non-compliance of the nuclear powers with article VI of the treaty simply provides these other states with a ready-made alibi for continuing their quest, and some of them might even be encouraged or reinforced in their decision to go nuclear by the removal of the threat of nuclear retaliation by one of the existing nuclear powers.

#### Prolif is inevitable, there’s no modeling, and the plan can’t save the NPT or US nonprolif leadership

Pierre Hassner 2007, Emeritus Research Director and Research Associate at The Centre for International Studies and Research, Sciences Po, Paris, France; Who killed nuclear enlightenment? International Affairs 83: 3 (2007) 427–430)

Probably the most important reason for the crisis of the nuclear order, and for my rather pessimistic assessment of its chances of being solved any time soon, is the sharp decline of the international political order on which the NPT was based. The two elements on which any such order has to rely—power and legitimacy—have been profoundly modified in a direction unfavourable to the West. As a result, inequality is seen by the have-nots as less inevitable and acceptable, and belief in reciprocity is in short supply, both among the nuclear powers and among the nonnuclear states aspiring either to join the club or to fight it. The authority of the West, in particular of the United States, and that of the international institutions it has created but within which its control is increasingly challenged, have been considerably weakened in the last few years. Conversely, the rise of new centres of powers outside the West (whether potential challengers like China and India, a Russia newly powerful thanks to the energy crisis, violent and fanatical but wealthy and technologically able subnational or transnational groups, or armed militias resisting conventional armies) has given rise to a general feeling in ‘the rest’ that they no longer have to accept and follow rules which they have not created and which they feel are intended to perpetuate a domination which belongs to the past. As Bruno Tertrais has pointed out, to the regional reasons which are usually predominant in the decision to acquire nuclear weapons is added a global one: the feeling that the old international order is no longer legitimate, that the world is entering a period of uncertainty where new rules have to be written, and that these rules should be written less by a declining ‘West’ than by an ascending ‘Rest’.10 This feeling has, of course, been enormously strengthened and accelerated by the Iraq disaster. The loss in American prestige and influence since 2003 is quite unprecedented. Some of the reasons for this are profoundly debatable: practically all Muslim countries and most countries of the South see not only the Iraq war but also the Afghan war as basically anti-Islamic, or neo-colonial, or both, and most of us now accept this lumping together of the two interventions. Other reasons are shared even by those of America’s allies that believe in the necessity of fighting terrorism, genocide and the proliferation of weapons of mass destruction. The way the Iraq war has been conducted projects an image of recklessness, of mendacity, of resort to immoral practices like torture and, on top of all this, of ineffectiveness and incoherence. All this has eroded whatever trust previously existed in America’s promises and protection, and in its wisdom and predictability, and this loss of trust obviously has deeply damaging consequences for the NPT bargain. Other actions or omissions by the Bush administration are more directly linked to the nuclear issue. The tolerance of the nuclearization of Israel, India and Pakistan that preceded it has been more wholehearted under its tenure. It may have justified the agreement to help India in nuclear matters, in violation at least of the spirit of the NPT, by appealing to political circumstances. But in any case such decisions show a clear choice of political alliances over general collective security and the general doctrine of non-proliferation. The legalistic argument that these countries had not signed the treaty, as if that made their possession of the bomb any less dangerous, is not very convincing. Similarly, the Bush administration’s commitment to regime change, coupled with the contrast between the overthrow of Saddam Hussein and the lack of military action against the no less evil but nuclear-armed North Korea, creates a clear incentive for any ‘rogue state’ or member of the ‘axis of evil’ to acquire nuclear arms as quickly as possible.11 Of course, the United States and the West more generally are not alone in wishing the failure of such attempts. They are joined in this wish by China and Russia, who play the role of balancers or arbiters, and by the regional neighbours and rivals of countries like North Korea or Iran, who fear their domination or their aggressiveness and would not mind being spared agonizing decisions by the success of western sanctions. But even these regional adversaries of the would-be proliferators are not immune to the powerful and ubiquitous wave of anti-American and, by extension, anti-western resentment and accusations of hypocrisy. As Kishore Mahbubani has put it, ‘All across the world, from street bazaars to university corridors, from corporate boardrooms to government offices, in daily conversations there is disbelief that America is “threatening” Iran with UN Security Council sanctions when America itself has demonstrated—most clearly in the case of Iraq—that it will not accept the authority of the council.’ Similarly, ‘while the treaty remains alive on paper, it has become spiritually dead. Many middle powers have quietly decided that it is a question of when, and not if, they will go nuclear.’12 None of these countries would find it acceptable to be branded as criminal or punished by nuclear powers for trying to follow in their footsteps. Only ‘country-neutral’ measures which apply equally to all have a chance of being accepted. Even a proposal such as that formulated by George Shultz, William Perry, Henry Kissinger and Sam Nunn in January 2007,13 aiming at a world free of nuclear weapons and calling for intermediate measures that run counter to current American policies (such as the ratification of the Comprehensive Test Ban Treaty), is likely to be greeted by the non-nuclear states with irony and distrust. They are bound to ask why respected American statesmen who for decades made the case for nuclear deterrence are suddenly in favour of banning the bomb. They are bound to think that the American strategic establishment saw nothing wrong with nuclear weapons as long as they were confined to the developed world and has discovered their madness when they have become accessible to newcomers. Their response is bound to be: ‘Start by abandoning your own nuclear weapons, or wait until we join the club and abandon them together.’ The situation, then, is every bit as dire as Walker sees it; but its roots are deeper than he implies and the remedies he suggests are not very likely to succeed. Sticking to the Non-Proliferation Treaty and relying on the IAEA and the UN Security Council to enforce it, while permitting and encouraging civilian nuclear energy, looks more and more like a losing proposition. Governments are not seriously intending to commit themselves to the revolutionary step of the universal renunciation of nuclear weapons; and while this goal is making new converts, its chances of adoption are rather decreasing than increasing, for reasons both technical (easier access to the weapons, even, probably, by non-state groups) and political (lack of mutual trust).

#### No widespread prolif

Hymans 12

Jacques E. C. Hymans is Associate Professor of IR at USC [April 16, 2012, “North Korea's Lessons for (Not) Building an Atomic Bomb,” *Foreign Affairs*, http://www.foreignaffairs.com/articles/137408/jacques-e-c-hymans/north-koreas-lessons-for-not-building-an-atomic-bomb?page=show]

Washington's miscalculation is not just a product of the difficulties of seeing inside the Hermit Kingdom. It is also a result of the broader tendency to overestimate the pace of global proliferation. For decades, Very Serious People have predicted that strategic weapons are about to spread to every corner of the earth. Such warnings have routinely proved wrong -- for instance, the intelligence assessments that led to the 2003 invasion of Iraq -- but they continue to be issued. In reality, despite the diffusion of the relevant technology and the knowledge for building nuclear weapons, the world has been experiencing a great proliferation slowdown. Nuclear weapons programs around the world are taking much longer to get off the ground -- and their failure rate is much higher -- than they did during the first 25 years of the nuclear age. As I explain in my article "Botching the Bomb" in the upcoming issue of Foreign Affairs, the key reason for the great proliferation slowdown is the absence of strong cultures of scientific professionalism in most of the recent crop of would-be nuclear states, which in turn is a consequence of their poorly built political institutions. In such dysfunctional states, the quality of technical workmanship is low, there is little coordination across different technical teams, and technical mistakes lead not to productive learning but instead to finger-pointing and recrimination. These problems are debilitating, and they cannot be fixed simply by bringing in more imported parts through illicit supply networks. In short, as a struggling proliferator, North Korea has a lot of company.

#### No war - history supports

Tepperman ‘9

(Jonathan Tepperman a journalist based in New York City. “Why Obama should learn to love the bomb” Newsweek Nov 9, 2009 <http://jonathantepperman.com/Welcome_files/nukes_Final.pdf>)

**A growing** and compelling **body of research suggests** that **nuclear weapons** may not, in fact, make the world more dangerous, as Obama and most people assume. The bomb may actually **make us safer**. In this era of rogue states and trans-national terrorists, that idea sounds so obviously wrongheaded that few politicians or policymakers are willing to entertain it. But that’s a mistake. Knowing the truth about nukes would have a profound impact on government policy. Obama’s idealistic campaign, so out of character for a pragmatic administration, may be unlikely to get far (past presidents have tried and failed). But it’s not even clear he should make the effort. There are more important measures the U.S. government can and should take to make the real world safer, and these mustn’t be ignored in the name of a dreamy ideal (a nuke free planet) that’s both unrealistic and possibly undesirable. The argument that nuclear weapons can be agents of peace as well as destruction rests on two deceptively simple observations. First, nuclear weapons have not been used since 1945. Second, **there’s never been a** nuclear, or even a nonnuclear, **war between two states that possess them**. Just stop for a second and think about that: it’s hard to overstate how remarkable it is, especially given the singular viciousness of the 20th century. As Kenneth Waltz, the leading “nuclear optimist” and a professor emeritus of political science at UC Berkeley puts it, “We now have 64 years of experience since Hiroshima. It’s striking and against all historical precedent that for that substantial period, there has not been any war among nuclear states.” To understand why—and why the next 64 years are likely to play out the same way—you need to start by recognizing that **all states are rational** on some basic level. Their leaders may be stupid, petty, venal, even evil, but they tend to do things only when they’re pretty sure they can get away with them. Take war: **a country will start a fight only when it’s almost certain it can get what it wants at an acceptable price**. Not even Hitler or Saddam waged wars they didn’t think they could win. The problem **historically** has been that **leaders often make the wrong gamble and underestimate the other side**—and millions of innocents pay the price. **Nuclear weapons change all that by making the costs of war** obvious, inevitable, and unacceptable. Suddenly, when both sides have the ability to turn the other to ashes with the push of a button— and everybody knows it—the basic math shifts. Even the craziest tin-pot dictator is forced to accept that war with a nuclear state is unwinnable and thus not worth the effort. As Waltz puts it, “Why fight if you can’t win and might lose everything?” Why indeed? **The iron logic of deterrence** and mutually assured destruction **is so compelling**, it’s led to what’s known as the nuclear peace: the virtually unprecedented stretch since the end of World War II in which all the world’s major powers have avoided coming to blows. They did fight **proxy wars**, ranging from Korea to Vietnam to Angola to Latin America. But these **never matched the** furious **destruction of** full-on, great**-power war** (World War II alone was responsible for some 50 million to 70 million deaths). And since the end of the Cold War, such bloodshed has declined precipitously. Meanwhile, the nuclear powers have scrupulously avoided direct combat, and there’s very good reason to think they always will. There have been some near misses, but a close look at these cases is fundamentally reassuring—because in each instance, very different leaders all came to the same safe conclusion. Take the mother of all nuclear standoffs: the Cuban missile crisis. For 13 days in October 1962, the United States and the Soviet Union each threatened the other with destruction. But both countries soon stepped back from the brink when they recognized that a war would have meant curtains for everyone. As important as the fact that they did is the reason why: Soviet leader Nikita Khrushchev’s aide Fyodor Burlatsky said later on, “It is impossible to win a nuclear war, and both sides realized that, maybe for the first time.” The record since then shows the same pattern repeating: nuclear armed enemies slide toward war, then pull back, always for the same reasons. **The best recent example is India and Pakistan**, which fought three bloody wars after independence before acquiring their own nukes in 1998. **Getting their hands on weapons** of mass destruction didn’t do anything to lessen their animosity. But it did dramatically mellow their behavior. Since acquiring atomic weapons, the two sides have never fought another war.

## 2NC

#### Even if we lose that Bolt from the Blue is not topical, restricting NFU in an on-going conflict is force augmentation, not introduction of forces - that’s extra topical and proves the resolution insufficient, so vote neg

Nathan 91

[James A., Khalid bin Sultan Eminent Scholar of International Relations at Auburn University at Montgomery. Until 1991 he was professor of political science at the University of Delaware. During the 1960s, the author served as political-military officer with the Department of State. In the 1970s he was with the Naval War College; in the 1980s he worked with the Strategic Studies Institute of the Army War College. “Revising the War Powers Act” Armed Forces & Society, Summer91, Vol. 17, Issue 4]

Any serious consideration of a more active legislative role when there is a recourse to arms is vexed by a series of unanticipated ambiguities in the original war powers legisation. The War Powers Act had anticipated but three kinds of armed action or hostilities: when existing military forces are augmented, when new forces are "introduced" and "equipped for combat," and when forces are sent into situations in which there is the possibility of "imminent hostilities." Problems have arisen, however, from the omission of other possibilities. The use of force to forestall imminent attack (a contingency contained in the original Senate version) and the possibility of using American armed services personnel to rescue Americans are not addressed. The War Powers Resolution did not foresee the use of out-of-uniform U.S. armed services personnel in substantial actions overseas, as apparently has been the case in Nicaragua(n34) Pentagon planning for "protective reaction" strikes (a Vietnam-era term of art) against various international malefactors was not contemplated in the original formulation of the War Powers Act. The drafters of the act did not anticipate actions such as the recent U.S. flyover over Manila during one of the many coup attempts against Philippine President Corazon Aquino,(n35) nor did the drafters foresee the use of U.S. troops as an adjunct of a UN chapter-7 multinational enforcement activity such as Operation Desert Shield.¶ Further and more far-reaching difficulties arise from the more novel "constabulary" missions the military has embraced recently: new anti-drug and antiterrorism assignments, as well as coastal and border patrol duties by a wide range of U.S. military personnel. U.S. naval forces, for instance, currently plan to position themselves off the shores of Columbia to protect the United States from illicit drugs; and, in the Andes, U.S. forces are moving against drug production facilities in regions plagued by guerrilla activity. Nor could there have been any presentiment in the early 1970s that U.S. soldiers would be used on the Mexican-American frontier to confront illegal immigrants or drug couriers, perhaps pursuing them back to their Mexican redoubts.(n36)

#### The WPR was not meant to apply to nuclear weapons –

#### Historical record

EUGENE V. ROSTOW - Professor of Law and Public Affairs Emeritus, Yale Law School - September, 1988, SYMPOSIUM: FOREIGN AFFAIRS AND THE CONSTITUTION: THE ROLES OF CONGRESS, THE PRESIDENT, AND THE COURTS: What the Constitution Means by Executive Power, 43 U. Miami L. Rev. 165

There are a lot of things that the President should not report. Perhaps the most important event in President Nixon's term of office was the nuclear warning that he gave to the Soviet Union. That warning was given in order to prevent a nuclear attack by the Soviet Union against China. In the "nature of things," such supremely important actions can be effective only if they are secret. Similarly, President Johnson gave nuclear hints to the Soviet Union to keep them out of the 1967 Middle East conflict, and, of course, Truman did the same thing in Korea. Everybody who participated in the drafting of the War Powers Resolution, and all those persons testifying, agreed that the use of nuclear weapons had to be left to the sole control of the President. n169 This seems to me to give away the entire issue, and to [\*196] confirm what I said about the nature of the problem of presidential versus congressional discretion. Only the President can possibly control the use of nuclear weapons. Everyone agrees, therefore, that the President has to be allowed to use them.

#### It would make the resolution nonsensical

Paul A. Hemesath - J.D./M.S.F.S. Georgetown University Law Center - August, 2000, NOTE: Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era, 88 Geo. L.J. 2473

Congressional opposition via the War Powers Resolution has thus far failed to provide definitive resolution because of three obstacles. First, executive decisions to engage in military strikes have generally been politically popular and the Congress has not opposed them. n53 There have been few politically safe opportunities for the legislature to challenge an executive use of force as unconstitutional, especially during the Cold War. n54 Second, the War Powers Resolution itself is an ambiguous expression of executive responsibilities. n55 Senator Biden has pointed out that the triggering mechanism for the sixty-day reporting requirement is not sufficiently defined, thus allowing the President to circumvent congressional will with ease. n56 In addition, the War Powers Resolution does not contemplate uses of force that would instantaneously place the nation at war, as would nuclear weapons. n57 Third, although some members of [\*2482] Congress seeking enforcement of the War Powers Resolution have filed lawsuits, the courts have generally refused to decide the issue. n58 Relying on a litany of jurisdictional tools in order to avoid passing final judgment--including doctrines of ripeness, political question, and standing n59 --the courts have left de facto power with the Executive to embark on foreign adventures through its direct control of the military apparatus. The root constitutional question has thus remained unanswered. n60

FOOTNOTE 57: n57 The War Powers Resolution requires a report to Congress within 48 hours of hostilities. See 50 U.S.C. § 1541(c). In a nuclear context, this requirement is effectively meaningless because launch and detonation can occur within a matter of hours. See CHRISTOPHER CAMPBELL, NUCLEAR WEAPONS FACT BOOK 122 (1984) (estimating that Soviet nuclear submarines could destroy U.S. airbases within seven minutes of breaking the surface of the sea); FRANCIS D. WORMUTH & EDWIN B. FIRMAGE, TO CHAIN THE DOG OF WAR 273 (1989) (stating that modern missiles can reach targets six to eight thousand miles away in 30 minutes). In addition, the Resolution's requirement for action--that the President withdraw forces after 60 days if Congress has rejected further involvement, see 50 U.S.C. § 1544(b)--cannot affect nuclear usage for the same reason because nuclear war is likely to be short.

#### They allow affs like EMPs, ICBMs (both land-based and sub-based), TNWs, ALL versions of gravity bombs, and B-61’s

#### Even HAARP

MIHALKO ‘13

Mark <http://theringmastersrealm.blogspot.com/2013/01/the-executive-order-haarp-natural.html>

As I was driving home today, the words of Vice President Biden about the potential use of Executive Order for gun control struck a nerve. Sure, it is unconstitutional and an outrageous idea, but there was another reason. That secondary reason stems from my research on the use of HAARP and the signing of borderline-to-illegal executive orders by this administration. This was originally posted in separate pieces, but I believe it is time to put this all together and publish it for all people to read and dissect. Yes, it is a long post, but it is full of information that I believe is very important. Some of the ideas may seem speculative, but when you pull back the curtain and look at what is beginning to transpire, these are some signs to be monitoring. ¶ For many American citizens, the information that I have provided on HAARP and Weather Manipulation sits as just conspiracy theory. To them, there is no way that the government can or will control the weather, especially in a way that can harm or injure innocent victims. In looking at the evidence that we have discovered, there is no question that this type of activity could be possible. Of course, the major question would be why. While the true reasons could be many, it seems to come down to a somewhat common thread of this administration, New World Order or a World Government. That is right, the NWO that have ideals that promote Population Control, Gun Control, Martial Law, and a Police State. Yes, the theory is out there, but before you call me crazy, look at the facts and hear me out. This may not be easy to read, and you may not want to believe it, but there are just too many twists to be anything else.¶ While we found some disturbing activities that happened during the days, we outlined in that article, it was important to determine a point where these types of occurrences started. In my view, the precision that was demonstrated by placing a HAARP signal in the perfect spot at the precise power ratio that would steer Hurricane Sandy almost to a 90-degree turn would have to be an outcome and not a chance placement. With that in mind, I did a random Google search for natural disaster and HAARP, just in a chance something would hit, and something did. In searching for answers, a disturbing trend started to appear with natural disasters and a long stretch of what many consider unconstitutional executive orders or legislation.¶ The date was January 12, 2010 and the massive 7.0 Earthquake struck Haiti, destroyed much of a country that was barely hanging on after being hit with four hurricanes, and guess what, there were major HAARP testing events taking place that day. Now that may be coincidence, but it was what was happening in the Executive Offices that added some clarity to the ordeal. Executive Order 13528 the Establishment of the Council of Governors was signed. Sure, from the name, it may sound harmless, but in reality, it is the Executive Order that for all intensive purposes outline how and when Martial Law is to be set in the United States. That is right, Martial Law here inside our borders. Ironically, all test data for the HAARP system on this date has been deleted.¶ Incredibly, the foray into the ultimate goal of New World Order seems to be growing and the cloak of misdirection is just beginning. Yesterday, I covered what seemed to be the beginning of the use of HAARP to control the weather for political gain in this current administration. At this point, I am still researching strange weather phenomena and governmental actions in previous administrations, which I am positive, will exist. Now, it is time to continue on breaking down this string of concentrated coincidences. We will spend this article documenting the eventful year of 2011, starting with the tragedies suffered in Joplin, Missouri.¶ From all accounts, there were some extreme HAARP readings in the time preceding the devastating tornados that ravaged Joplin, Missouri. While the specific numerical values of those levels are not available to the extent they are now, “HAARP Rings” were found on multiple weather RADAR systems prior to the ordeal. In a strange twist, this storm, coupled with some recent flooding not only fit the profile of the United Nations famed Agenda 21 for population control, it also coincided with the signing of another Executive Order, Executive Order 13574 of May 23, 2011, Authorizing the Implementation of Certain Sanctions Set Forth in the Iran Sanctions Act of 1996, as Amended. It authorizes the government to seize assets of a “sanctioned person” in a battle against terrorism.¶ This is the first time you see the term “sanctioned” person in use and it will be a key theme moving forward. What is a sanctioned person? By loose definition, it could be someone with multiple guns, someone with a stockpile of ammunition, someone who has a stash of gold or silver, and the best someone with seven days of stored food. Honestly, that describes many Americans. Of course, some will argue that this mentions Iran specifically, but in reading it, it only calls Iran by name once and uses the reference United States Person on more than one occasion.¶ The next date is September 9, 2011, the same day that we outlined in one of our other HAARP articles, when Hurricane Irene bore down on the East Coast, an earthquake hit Vancouver, and there was destruction in Central America. On that date, we did not see President Obama intently watching the devastation in real time in the White House Situation Room like with Hurricane Sandy. In fact, he was busy signing Executive Order 13584 - Developing an Integrated Strategic Counterterrorism Communications Initiative and Establishing a Temporary Organization to Support Certain Government-wide Communications Activities Directed Abroad. From the name, and for the most part in reading it, it is an anti-terrorism order. Yet, a closer look would reveal that it authorizes a special agency inside the State Department to create a communications link monitoring terrorist activities against American citizens in national and international areas. Really, this one is not extremely dangerous by itself, but again, this is one of many to come.¶ After this order, things quieted down, until Executive Order 13590 - Authorizing the Imposition of Certain Sanctions with Respect to the Provisions of Goods, Services, Technology, or Support for Iran's Energy and Petrochemical Sectors signed on November 20, 2011. This was an interesting order because the term “sanctioned person” was used again. Coincidently, that date also matched a day where severe weather along with heavy rain started for the parts of the United States, including heavy precipitation in the Northwest that measured at least seven inches in some areas.¶ To close out 2011, we move to December, when President Obama signs the extremely contentious National Defense Authorization Act (NDAA). This act has been in place since the early 2000s and has been controversial since its inception. If you have not heard of the act, you must be out of the loop. This act authorizes $662 billion in funding for the defense of the United Statesand its interests abroad. It includes items such as Department of Defense health care costs, counter-terrorism within the U.S. and abroad and military modernization. It also imposes economic sanctions against Iran (section 1045), commissions appraisals of the military capabilities of countries such as Iran, China, and Russia, refocuses the strategic goals of NATO, and gives governors the ability to request the help of military reservists in the event of a hurricane, earthquake, flood, terrorist attack or other disaster.¶ While those issues may not seem out of line, the most controversial provisions are contained in Title X, Subtitle D, entitled Counter-Terrorism. These include sub-sections 1021 and 1022, which deal with detention of persons the government suspects of involvement in terrorism. The controversy was to their legal meaning and potential implications for abuse of Presidential authority. Although the White House and Senate sponsors maintain that the Authorization for Use of Military Force (AUMF) already grants presidential authority for indefinite detention, or the creation of a kill list, the act states that Congress "affirms" this authority and makes specific provisions as to the exercise of that authority for indefinite detention without trial. Of course, separately these mean little, but as a whole, create a tangled web. Especially when you dig a bit deeper in natural disasters with somewhat troubling political undercurrents involved.¶ Do you see how these events are connected, and at the price of the freedoms granted in the Constitution of the United States. The combination of the unconstitutional portions of the NDAA, coupled with the powers granted in these executive orders sit at the heart of something bigger than the War on Terror. Think about what we have heard, Osama Bin Laden is Dead; the terrorists are on the run. Even if that was the case, and it is not, why do we have a need for so many covert orders that have to potential to suppress Constitutional Rights? The only reason I can see is something much darker, something mentioned by President George H.W. Bush, the New World Order. A reference he made multiple times including once on September 11, 1990 and then again in his most famous statement in March 1991.

#### And Rods from God, global strike, space lasers, and heat weapons

SpaceDaily ‘05

<http://www.spacedaily.com/reports/White_House_Says_It_Is_Not_Looking_At_Weaponizing_Space.html>

The White House said Wednesday that it is not looking at weaponizing space in the face of a newspaper report stating the US Air Force was seeking presidential authority that could lead to such a program.¶ "Let me make that clear right off the top, because you asked about the weaponization of space, and the policy that we're talking about is not looking at weaponizing space," White House spokesman Scott McClellan told reporters.¶ However, McClellan said that the administration of US President George W. Bush wants to ensure that its space assets are adequately protected.¶ "We have a draft updated national space policy that is going through the interagency review process," he said.¶ McClellan spoke in the wake of a New York Times report Wednesday which said the US Air Force was seeking a national security directive from President Bush that could lead to fielding offensive and defensive space weapons.¶ An unidentified senior administration official, cited by the Times, said a new presidential directive to replace a 1996 policy that emphasized a more pacific use of space is expected within weeks.¶ McClellan said that Bush had directed in June 2002 "that there be a review of our national space policies."¶ The White House spokesman said it had been "about seven or eight years" since US space policy had been updated.¶ "And certainly during the last eight or nine years there have been a number of domestic and international developments that have changed the threats and challenges facing our space capabilities," McClellan said.¶ "And so the space policy needed to be updated to take into account those changes. And at this point it's still going through that review process.¶ "We believe in the peaceful exploration of space," he stressed.¶ Officials told the Times that the aim of the directive was not to place weapons permanently in orbit - which is banned under the 30-year-old Antiballistic Missile Treaty the US withdrew from in 2002 - but to use space as a platform for weapons systems currently being developed.¶ The daily mentioned Air Force programs such as Global Strike, calling for a military space plane carrying precision-guided weapons that could strike from halfway around the world in 45 minutes.¶ The 'Rods From God' program aims to launch cylinders of tungsten, titanium or uranium from space to strike targets on the ground at speeds of about 11,500 kilometers per hour (7,200 miles per hour) with the force of a small nuclear weapon.¶ Other programs call for bouncing lethal laser beams off orbiting mirrors or high-altitude blimps, or turning radio waves into heat weapons. In April the Air Force launched an experimental XSS-11 microsatellite able to disrupt reconnaissance and communications satellites.

#### Contextual definitions bad – intent to define outweighs

Kupferbreg 87

Eric Kupferbreg 87, University of Kentucky, Senior Assistant Dean, Academic & Faculty Affairs at Northeastern University, College of Professional Studies Associate Director, Trust Initiative at Harvard School of Public Health 1987 “Limits - The Essence of Topicality” <http://groups.wfu.edu/debate/MiscSites/DRGArticles/Kupferberg1987LatAmer.htm>

Often, field contextual definitions are too broad or too narrow for debate purposes. Definitions derived from the agricultural sector necessarily incorporated financial and bureaucratic factors which are less relevant in considering a 'should' proposition. Often subject experts' definitions reflected administrative or political motives to expand or limit the relevant jurisdiction of certain actors. Moreover, field context is an insufficient criteria for choosing between competing definitions. A particularly broad field might have several subsets that invite restrictive and even exclusive definitions. (e.g., What is considered 'long-term' for the swine farmer might be significantly different than for the grain farmer.) Why would debaters accept definitions that are inappropriate for debate? If we admit that debate is a unique context, then additional considerations enter into our definitional analysis.

## 1NR

### Prevents Analyzing Policy

#### Their interp destroys the ability for debaters to analyze the communicative influence of policy advocacy.

Gherke 1998

(Pat J, Former Debate Coach and Rhetorical Scholar, “Critique Arguments as Policy Analysis: Policy Debate Beyond the Rationalist Perspective,” Contemporary Argumentation and Debate, 19, 1998, pp. 18-39)

Arguably, some policies may intend no more than their implementation. However, that does not free such policies from responsibility for far more than they intend. While methods for considering these interpretive and communicative aspects of a policy are beyond the rationalist perspective, any evaluation of policy options must consider these communicative perspectives. To limit these interpretations to the intentional and the naïve is to limit policy discourse and policy analysis, destroying our ability to consider the communicative effects and influences of policy advocacy. In her analysis of the published reports of the Tuskegee study, Martha Solomon notes that one reason the Tuskegee experiment continued for as long as it did was that the rhetorical conventions of the scientific community obscured and encouraged neglect of crucial human concerns (243­244). Her focus necessarily extends far beyond the intentional, naive, rogate meanings of the Tuskegee texts. While recognizing these language choices were not intentional attempts to deceive or manipulate, Solomon accounts for their occurrence and impact upon the policy process. Attempts at similar analysis of proposed policies might act as a check against policy actions such as the Tuskegee study. Ignorance of these aspects of policy analysis may persuade debaters that policies that meet rational cost-benefit criteria are always the most effective and preferential policy options, regardless of how they characterize individuals or communicate roles and obligations. Similarly, it will leave debaters unable to account for the often enduring and dramatic effects of the communicative aspects of policies and policy advocacy.

### AT Perm

#### Perm fails – it’s not enough to just take action within a larger discursive field of Western China studies – the ENTIRE fields that organizes our knowledge of China has to be disrupted

Pan 4

Chengxin Pan, Department of Political Science and International Relations, Faculty of Arts, at Deakin University, August 2004, Discourses Of ‘China’ In International Relations: A Study in Western Theory as (IR) Practice, p. 32-34

It is of course possible to overemphasise intellectuals’ responsibility for the (re)formulation of actual and specific policy. As Robert L. Suettinger has argued: it is important to recognize that think tanks and academic discussions have only a limited and indirect impact on the thinking and decisions of key policymakers. Scholars may or may not have direct access to foreign policy officials, their articles may or may not be read, contradictory views may or may not cancel each other out. Generally, however, policy decisions have their own dynamics. Information flows and time horizons often do not accommodate dispassionate, lengthy, well-reasoned academic analysis.116 While recognising this point, we have to be very careful not to push it too far. Scholarly analysis is not the same thing as policy blueprint, but in general terms the two are intimately connected, not least in the sense that scholarly ideas can limit the horizons of political imagination and exclude certain action which might otherwise be taken into consideration as possible, perhaps more sensible, options. In the end, as Foucault puts it simply, “there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.” Thus, how we as scholars think and how we think differently matter. The question of how we can think differently cannot be satisfactorily answered in this thesis. However tempting, the thesis will promise no quick-fix solution to the difficult issues of Chinese foreign relations, particularly with the U.S. Nor is there simple, ready-made alternative to problems of Western discourse which I explore here. For ‘alternatives’ are themselves always in constant flux, and “the search for a source of meaning and order already in place” is in contradiction to the spirit of critical IR studies. Nevertheless, for all its reservations, the thesis does seek to indicate the possibility as well as the necessity of knowing China and its international relations in distinction from the conventional mode of knowledge. Given that at the centre of this disciplinary problem is positivist knowledge, tinkering around the edges of the China field is no longer enough. According to William Connolly, “It is not just this theory or that theory that needs disturbance and destabilization but the field of discourse upon which these theories contend with each other while naturalizing a network of common or complementary assumptions.” In this regard, Edward Said’s critique of Orientalism is again of significance. Concerned with “questions as to how the production of knowledge best serves communal, as opposed to factional, ends, how knowledge that is non-dominative and non-coercive can be produced in a setting that is deeply inscribed with the politics, the considerations, the positions, and the strategies of power,” Said argues that “Orientalism reconsidered in this wider and libertarian optic entails nothing less than the creation of new objects for a new kind of knowledge.” Again, the question of how this new kind of knowledge could be created is beyond the scope of this thesis. In the very least, however, such knowledge will have to go beyond the confines of positivist certainties of subject and object, self and Other, and avoid reducing contingency and difference to either universal sameness or ahistorical Otherness to be controlled or transformed. Also, such knowledge will have to refrain from speaking for the ‘object of study,’ and allow the ‘object’ some kind of subjectivity and ‘sovereign’ voice of its own, though not to the point of reifying that voice as the truth. In short, such knowledge will have to be markedly different from the dichotomised, essentialist knowledge of China as offered by (neo)realist and (neo)liberal perspectives. Indeed, only by exposing the inadequacy and danger associated with the dominant Western discourses of China in international relations, can we prise open spaces for ‘alternative’ ways of knowing China in IR, and construct some more nuanced, more self-reflective, and less dangerous ways of engaging with the complex and important issues of China’s relations with the contemporary world in this increasingly globalised era. In this context, as stated at the outset, we would do well to work more closely with critical social theory in general and critical IR scholarship in particular, and to give discourse analysis a more salient position in the study of Chinese foreign relations. This thesis represents a hesitative step in this direction. I want to begin this journey via a discussion of Western thinking on self and Other—a discourse primarily carried out in an American accent.

#### Security overwhelms

Neocleous 2K6

[mark “security liberty and the myth of balance: towards a critique of security politics” contemporary political theory 6 131-149 Professor of the Critique of Political Economy; Head of Department of Politics & History @ brunel university in London]

Maybe the answer to Ignatieff's question is simply that liberty is the original myth of liberal ideology. And it is this myth that is used to legitimate the gross and thoroughly reactionary concessions made by contemporary liberals to the security practices of contemporary states. As liberal after liberal keeps lining up to tell us liberty must always be sacrificed to the value of security (Posner 2001). And so we find Bruce Ackerman (2004 1037) proposing a constitution which 'authorizes the government to detain suspects without the criminal law's usual protections of probable cause or even reasonable suspicion' Michael Walzer (2004 33–50) suggesting that if we define 'supreme emergency' as a communitarian doctrine then we will accept that acts such as killing the innocent are on occasion acceptable and Waldron (2003 207) conceding that 'it is not hard to think of scenarios where detention without trial is justified' (adding that classic liberal proviso that what is hard is to make sure that this power is not abused). The miserable lowpoint of this set of liberal concessions to some fairly drastic 'security measures' is John Gray's 'modest proposal' (2004 132–138) that terrorists have an inalienable right to be tortured. With liberal arguments such as these it's perhaps not surprising to find that the name of the central inspection tower overlooking Abu Ghraib in Iraq is 'Liberty Tower'. What follows from this is that we should resist any talk of 'balancing' liberty and security for such talk of balance merely disguises a more fundamental commitment to the latter rather than the former. But maybe what also follows from this is that we should also avoid fooling ourselves that we can develop a 'radical' or 'critical' security politics. This is what is proposed by those aiming to 'Humanise' the security agenda by turning into a security question issues such as migration refugees gender and the environment. Such positions rely ultimately on the assumption that as Ken Booth (1991) puts it since 'security' is the absence of threats and 'emancipation' is the freeing of people from human and physical constraints 'security and emancipation are two sides of the same coin ... Emancipation theoretically is security'. This seems to me to be as about as mistaken as one can possibly be about security. Calling anything a security issue plays into the hands of the state and the only way the state knows how to deal with threats to security is to tighten its grip on civil society and ratchet-up its restrictions on human freedoms. 'Speaking and writing about security is never innocent' Jef Huysmans comments. 'It always risks contributing to the opening of a window of opportunity for a "fascist mobilization" or an "internal security ideology"' (2002 43). This is because the logic of 'security' is the logic of an anti-politics (Jayasuriya 2004) in which the state uses 'security' to marginalize all else most notably the constructive conflicts the debates and discussions that animate political life suppressing all before it and dominating political discourse in an entirely reactionary way. This is precisely the point alluded to by Marx in 1843 when he suggested that security was the supreme concept of bourgeois society: it's a concept that legitimizes any action by the state whatsoever so long as the action is conducted in the name of security. And this explains why virtually every authoritarian measure since has been conducted in the name of security from the reordering of international capital under the guise of national security (Neocleous 2006b) to the reassertion of loyalty and consensus as the foundation of domestic order (Neocleous 2006c) all the way down to the extermination camps of the holocaust the first stage of which was to be taken into 'security confinement' by the security police.

### 2NC Racism Impact

#### RACISM AND MILITARISTIC COLONIALISM ARE THE ROOT CAUSE OF OVERCONSUMPTION AND ECOLOGICAL COLLAPSE; IT MUST BE REJECTED IN EACH INSTANCE

Barndt 91

(Joseph, co-director of Crossroads, a ministry to dismantle racism, "Dismantling Racism: The Continuing challenge to White America," p. 155-6.)

To study racism is to study walls. We have looked at barriers and fences, restraints and limitations, ghettos and prisons. The prison of racism confines us all, people of color and white people alike. It shackles the victimizer as well as the victim. The walls forcibly keep people of color and white people separate from each other; in our separate prisons we are all prevented from achieving the human potential God intends for us. The limitations imposed on people of color by poverty, subservience, and powerlessness are cruel, inhuman, and unjust; the effects of uncontrolled power, privilege, and greed, which are the marks of our white prison, will inevitably destroy us as well. But we have also seen that the walls of racism can be dismantled. We are not condemned to an inexorable fate, but are offered the vision and the possibility of freedom. Brick by brick, stone by stone, the prison of individual, institutional, and cultural racism can be destroyed. The danger point of self-destruction seems to be drawing even more near. The overconsumption and environmental destruction may be reaching a point of no return, results of centuries of national and worldwide conquest and colonialism, of military buildups and violent aggression. You and I are urgently called to join the efforts of those who know it is time to tear down, once and for all, the walls of racism. A small and predominantly white minority of the global population derives its power and privilege from the sufferings of vast majority of peoples of all color. For the sake of the world and ourselves, we dare not allow it to continue.

### 2NC Self-fulfilling Prophecy

#### And, their re-circulation of the China threat literature is the knowing participation of orientalist and racist depictions of the world and inter-state behavior. To evaluate this advantage and impact argument is to create the most likely conditions for the impact’s realization.

Trigaux 2k12

[david, MA Political Science University of South Florida St .Petersberg, the us, china, and rare earth metals – the future of green technology, military tech, and a potential achielle’s heel to American hegemony”, p. google]

But what of the bilateral relationship between China and the United States? This relationship has gotten a lot of attention in the media in the last year, as legislation in congress sought trade restrictions against China, labeling it a currency manipulator. This debate largely rotated around the construction that the PRC is an enemy of the United States. A media storm that centers on the “big bad China” who is trying to subvert the American economy isn‟t just contained to our shores. Chinese America specialists look at domestic media and listen to American politicians speak, and must have felt accused, targeted and belittled. The ways in which the debate concerning China is portrayed in the United States is a decisive factor in how the Chinese view the United States, so the construction of a China threat may actually become a reality.191¶ All of this discourse focuses on a single overarching factor; the creation of an “Us” and “Them” separation. Modern “politics aims at the creation of unity in a context of conflict and diversity; it is always concerned with the creation of an “us” by the determination of a “them”.”192 This categorization is the basis of modern US Chinese relations, defined as a comparison of two unique (one familiar and the other mysterious and foreign) political entities. In the status quo, the realist lens identifies this dichotomy as a productive portrayal of the bilateral relations. Clearly defined threats are helpful for the analysis of realists, but often results in threats being created rather than identified.¶ The way that scholars in the United States construct China as a threat is very pervasive. Reading scholarly literature on the U.S-China relationship is virtually encompassed by "China threat" literature, dichotomizing the West as the self, and the People‟s Republic of China as a distant „other.‟ Originally, this discourse was perpetuated to bolster the dual ideas of American Exceptionalism, and American hegemony in a post-Cold War era.¶ This discursive construction, however, has deeper roots, that go back a century and a half to the first wave of Chinese immigration to the United States. Chinese laborers took jobs that the new settlers in California, and the rest of western America desperately needed. Their willingness to work for less undercut many middle and lower class jobs, and resulted in a resentment that translated into blatant racism.193 A perfect example is the construction of the transcontinental railroad by a mostly Chinese workforce. The Chinese exclusion acts limited Chinese, and Asian immigration as a whole shortly thereafter, but the damage was done. The United States has been threatened economically by the Chinese for centuries, whether in person by the loss of jobs in the United States, or the more abstract threat of a large, foreign nation having a position of power over American currency, and now, vital resources.194 This largely orientalist construction of the Chinese has its roots in an imperialist mindset that denigrates non-Westerners.195 Many of our conceptions of the Chinese as sneaky, manipulative (such as in relation to the US currency, and now, our rare earth supplies) and militaristic (such as interpretations of their military programs as a challenge to the U.S.) are imbedded in what Edward Said described as “orientalism.”196 This semi-paternal, semi racist mindset subtly makes actions by the PRC as threatening, because of who is doing them, and translates into how we view actions by the Chinese.197 “Like orientalism, the U.S. construction of the Chinese "other" does not require that China acknowledge the validity of that dichotomous construction.” 198¶ This has created a self-fulfilling prophecy.199 The realist quest for security has another casualty, for “so long as the United States continues to stake its self-identity on the realization of absolute security, no amount of Chinese cooperation would be enough” to overcome these constructions.200The United States has always constructed itself as against someone as a leading part of its identity. The early colonists opposed the Native Americans, then the British. Soon after the British was the Western Native Americans, and moral crusade against slavery. The United States turned its newfound moral authority against imperialism, even though it began a series of imperialist wars and occupations. Two World Wars later left the United States locked in a titanic ideological and, in many nations, violent conflict with the Soviet Union and Communism. “After the demise of the Soviet Union, the vacancy of other was to be filled by China, the "best candidate" the United States could find in the post-Cold War, unipolar world.”201 “Only an uncertainty with potentially global consequences such as China could justify U.S. indispensability or its continued world dominance.”202

### AT Risk O/W

#### The assumption that you should default aff because of risk or uncertainty surrounding China dovetails perfectly with the assumption of the U.S. as the universal form of the nation-state

Pan 4

Chengxin Pan, Department of Political Science and International Relations, Faculty of Arts, at Deakin University, 2004, Alternatives 29, p. 315-16

The (neo)realist emphasis on survival and security in inter­national relations dovetails perfectly with the U.S. self-imagination, because for the United States to define itself as the indispensable nation in a world of anarchy is often to demand absolute security. As James Chace and Caleb Carr note, “for over two centuries the aspi­ration toward an eventual condition of absolute security has been viewed as central to an effective American foreign policy.” And this self-identification in turn leads to the definition of not only “tangi­ble” foreign powers but global contingency and uncertainty per se as threats. For example, former U.S. President George H. W. Bush repeatedly said that “the enemy [of America] is unpredictability. The enemy is instability.” Similarly, arguing for the continuation of U.S. Cold War alliances, a high-ranking Pentagon official asked, “if we pull out, who knows what nervousness will result?” Thus understood, by its very uncertain character, China would now automatically constitute a threat to the United States. For example, Bernstein and Munro believe that “China’s political unpredictability, the always-present possibility that it will fall into a state of domestic disunion and factional fighting,” constitutes a source of danger. In like manner, Richard Betts and Thomas Christensen write: If the PLA [People’s Liberation Army] remains second-rate, should the world breathe a sigh of relief? Not entirely. . Draw­ing China into the web of global interdependence may do more to encourage peace than war, but it cannot guarantee that the pur­suit of heartfelt political interests will be blocked by a fear of eco­nomic consequences. . U.S. efforts to create a stable balance across the Taiwan Strait might deter the use of force under cer­tain circumstances, but certainly not all. The upshot, therefore, is that since China displays no absolute cer­tainty for peace, it must be, by definition, an uncertainty, and hence, a threat.

### 2NC Alt Solves

#### Only negating their orientalist assumptions in the China threat literature can resolve the self-fulfilling prophecy of the 1ac.

Trigaux 2k12

[david, MA Political Science University of South Florida St .Petersberg, the us, china, and rare earth metals – the future of green technology, military tech, and a potential achielle’s heel to American hegemony”, p. google]

The short term solution, and the root cause of the problem lies with the bilateral relationship with China. If nothing else, focusing on this relationship could buy other solutions to the rare earth question time to come to fruition. The United States needs to re-evaluate how they view China, and embrace a more cosmopolitan ethic to move past its Orientalist assumptions. Embracing such an ethic would allow the United States to move past the political dialogues that construct China as the foreign menace, looming¶ across the Pacific Ocean. Instead of viewing our relationship in terms of cooperation or competition, the United States should embrace a policy of respect. The United States wants to be treated with respect from China, and can‟t claim the moral high ground in the international sphere until our actions support our desires. Recognizing that China not an emerging power such as Brazil, and is a re-emerging power, such as Germany or Japan after World War Two, instead of a pesky third world nation that wants its day in the sun, and treating it as such would go a long way towards stable and peaceful relations. Rare earth metals have the potential to re-shape the international order, and have already played an instrumental role in the ways in which humans interact with one another, and respond to global challenges. The peaceful, respectful development of this maligned sector of the economy is in the interest of everyone. If the cycle persists, it will only create a self-fulfilling prophecy.