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#### Interpretation – affs must restrict an entire topic list area

#### “In the area” means all of the activities

United Nations 13

(United Nations Law of the Sea Treaty, http://www.un.org/depts/los/convention\_agreements/texts/unclos/part1.htm)

PART I¶ INTRODUCTION¶ Article 1

Use of terms and scope¶ 1. For the purposes of this Convention:¶ (1) "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;¶ (2) "Authority" means the International Seabed Authority;¶ (3) "activities in the Area" means all activities of exploration for, and exploitation of, the resources of the Area;

#### Violation –

#### Vote neg –

#### Limits – any other interp allows every single type of restriction to be applied to every single country or geographic area in the world – creates hundreds of small tiny affs

#### Predictable Neg Ground – core topic literature about restrictions are in the context of restrictions that apply to entire areas – disads flexibility, war fighting, terrorism only link if it constrains overall force area – also guts neg counterplan ground because all of the net benefits besides politics require disad links

### new 1nc shell

#### **aff’s use of the law is a militaristic tactic that creates legal legitimacy to propel more frequent, more deadly violent interventions that ensure infrastructural violence that maims civilians – they actively displace moral questions in favor of a pathologically detached question of legality**

* Emphasizing the distinction between legal/legitimate and illegitimate violence causes legal violence to seem more appealing

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(Thomas, *International Studies Quarterly* 46, The New Law of War: Legitimizing Hi-Tech and Infrastructural Violence)

The role of military lawyers in all this has, according to one study, “changed irrevocably” ~Keeva, 1991:59!. Although liberal theorists point to the broad normative contours that law lends to international relations, the Pentagon wields law with technical precision. During the Gulf War and the Kosovo campaign, JAGs opined on the legal status of multinational forces, the U.S. War Powers Resolution, rules of engagement and targeting, country fly-overs, maritime interceptions, treatment of prisoners, hostages and “human shields,” and methods used to gather intelligence. Long before the bombing began, lawyers had joined in the development and acquisition of weapons systems, tactical planning, and troop training. In the Gulf War, the U.S. deployed approximately 430 military lawyers, the allies far fewer, leading to some amusing but perhaps apposite observations about the legalistic culture of America ~Garratt, 1993!. Many lawyers reviewed daily Air Tasking Orders as well as land tactics. Others found themselves on the ground and at the front. According to Colonel Rup- pert, the idea was to “put the lawyer as far forward as possible” ~Myrow, 1996–97!. During the Kosovo campaign, lawyers based at the Combined Allied Operations Center in Vicenza, Italy, and at NATO headquarters in Brussels approved every single targeting decision. We do not know precisely how decisions were taken in either Iraq or Kosovo or the extent to which the lawyers reined in their masters. Some “corrections and adjustments” to the target lists were made ~Shot- well, 1993:26!, but by all accounts the lawyers—and the law—were extremely accommodating. The exigencies of war invite professional hazards as military lawyers seek to “find the law” and to determine their own responsibilities as legal counselors. A 1990 article in Military Law Review admonished judge advocates not to neglect their duty to point out breaches of the law, but not to become military ombuds- men either. The article acknowledged that the JAG faces pressure to demonstrate that he can be a “force multiplier” who can “show the tactical and political soundness of his interpretation of the law” ~Winter, 1990:8–9!. Some tension between law and necessity is inevitable, but over the past decade the focus has shifted visibly from restraining violence to legitimizing it. The Vietnam-era perception that law was a drag on operations has been replaced by a zealous “client culture” among judge advocates. Commanding officers “have come to realize that, as in the relationship of corporate counsel to CEO, the JAG’s role is not to create obstacles, but to find legal ways to achieve his client’s goals—even when those goals are to blow things up and kill people” ~Keeva, 1991:59!. Lt. Col. Tony Montgomery, the JAG who approved the bombing of the Belgrade television studios, said recently that “judges don’t lay down the law. We take guidance from our government on how much of the consequences they are willing to accept” ~The Guardian, 2001!. Military necessity is undeterred. In a permissive legal atmosphere, hi-tech states can meet their goals and remain within the letter of the law. As noted, humanitarian law is firmest in areas of marginal military utility. When opera- tional demands intrude, however, even fundamental rules begin to erode. The Defense Department’s final report to Congress on the Gulf War ~DOD, 1992! found nothing in the principle of noncombatant immunity to curb necessity. Heartened by the knowledge that civilian discrimination is “one of the least codified portions” of the law of war ~p. 611!, the authors argued that “to the degree possible and consistent with allowable risk to aircraft and aircrews,” muni- tions and delivery systems were chosen to reduce collateral damage ~p. 612!. “An attacker must exercise reasonable precautions to minimize incidental or collat- eral injury to the civilian population or damage to civilian objects, consistent with mission accomplishments and allowable risk to the attacking forces” ~p. 615!. The report notes that planners targeted “specific military objects in populated areas which the law of war permits” and acknowledges the “commingling” of civilian and military objects, yet the authors maintain that “at no time were civilian areas as such attacked” ~p. 613!. The report carefully constructed a precedent for future conflicts in which human shields might be deployed, noting “the presence of civilians will not render a target immune from attack” ~p. 615!. The report insisted ~pp. 606–607! that Protocol I as well as the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons “were not legally applicable” to the Gulf War because Iraq as well as some Coalition members had not ratified them. More to the point that law follows practice, the report claimed that certain provisions of Protocol I “are not a codification of the customary practice of nations,” and thus “ignore the realities of war” ~p. 616!. Nor can there be any doubt that a more elaborate legal regime has kept pace with evolving strategy and technology. Michael Ignatieff details in Virtual War ~2000! how targets were “developed” in 72-hour cycles that involved collecting and reviewing aerial reconnaissance, gauging military necessity, and coding antici- pated collateral damage down to the directional spray of bomb debris. A judge advocate then vetted each target in light of the Geneva Conventions and calcu- lated whether or not the overall advantage to be gained outweighed any expected civilian spillover. Ignatieff argues ~2000:198–199! that this elaborate symbiosis of law and technology has given birth to a “veritable casuistry of war.” Legal fine print, hand-in-hand with new technology, replaced deeper deliberation about the use of violence in war. The law provided “harried decision-makers with a critical guarantee of legal coverage, turning complex issues of morality into technical issues of legality.” Astonishingly fine discrimination also meant that unintentional civilian casualties were assumed to have been unintentional, not foreseen tragedies to be justified under the rule of double effect or the fog of war. The crowning irony is that NATO went to such lengths to justify its targets and limit collateral damage, even as it assured long-term civilian harm by destroying the country’s infrastructure. Perhaps the most powerful justification was provided by law itself. War is often dressed up in patriotic abstractions—Periclean oratory, jingoistic newsreels, or heroic memorials. Bellum Americanum is cloaked in the stylized language of law. The DOD report is padded with references to treaty law, some of it obscure, that was “applicable” to the Gulf War, as if a surfeit of legal citation would convince skeptics of the propriety of the war. Instances of humane restraint invariably were presented as the rule of law in action. Thus the Allies did not gas Iraqi troops, torture POWs, or commit acts of perfidy. Most striking is the use of legal language to justify the erosion of noncombatant immunity. Hewing to the legal- isms of double effect, the Allies never intentionally targeted civilians as such. As noted, by codifying double effect the law artificially bifurcates intentions. Har- vard theologian Bryan Hehir ~1996:7! marveled at the Coalition’s legalistic word- play, noting that the “briefers out of Riyadh sounded like Jesuits as they sought to defend the policy from any charge of attempting to directly attack civilians.” The Pentagon’s legal narrative is certainly detached from the carnage on the ground, but it also oversimplifies and even actively obscures the moral choices involved in aerial bombing. Lawyers and tacticians made very deliberate decisions about aircraft, flight altitudes, time of day, ordnance dropped, confidence in intelligence, and so forth. By expanding military necessity to encompass an extremely prudential reading of “force protection,” these choices were calculated to protect pilots and planes at the expense of civilians on the ground, departing from the just war tradition that combatants assume greater risks than civilians. While it is tempting to blame collateral damage on the fog of war, much of that uncertainty has been lifted by technology and precision law. Similarly, in Iraq and in Yugoslavia the focus was on “degrading” military capabilities, yet a loose view of dual use spelled the destruction of what were essentially social, economic, and political targets. Coalition and NATO officials were quick to apologize for accidental civilian casualties, but in hi-tech war most noncombatant suffering is by design. Does the law of war reduce death and destruction? International law certainly has helped to delegitimize, and in rare cases effectively criminalize, direct attacks on civilians. But in general humanitarian law has mirrored wartime practice. On the ad bellum side, the erosion of right authority and just cause has eased the path toward war. Today, foreign offices rarely even bother with formal declarations of war. Under the United Nations system it is the responsibility of the Security Council to denounce illegal war, but for a number of reasons its members have been extremely reluctant to brand states as aggressors. If the law were less accommodating, greater effort might be devoted to diplomacy and war might be averted. On the in bello side the ban on direct civilian strikes remains intact, but double effect and military demands have been contrived to justify unnecessary civilian deaths. Dual use law has been stretched to sanction new forms of violence against civilians. Though not as spectacular as the obliteration bombing to which it so often is favorably compared, infrastructural war is far deadlier than the rhetoric of a “clean and legal” conflict suggests. It is true that rough estimates of the ratio of bomb tonnage to civilian deaths in air attacks show remarkable reductions in immediate collateral damage. There were some 40.83 deaths per ton in the bombing of Guernica in 1937 and 50.33 deaths per ton in the bombing of Tokyo in 1945. In the Kosovo campaign, by contrast, there were between .077 and .084 deaths per ton. In Iraq there were a mere .034 ~Thomas, 2001:169!. According to the classical definition of collateral damage, civilian protection has improved dramatically, but if one takes into account the staggering long-term effects of the war in Iraq, for example, aerial bombing looks anything but humane. For aerial bombers themselves modern war does live up to its clean and legal image. While war and intervention have few steadfast constituents, the myth of immaculate warfare has eased fears that intervening soldiers may come to harm, which polls in the U.S., at least, rank as being of great public concern, and even greater military concern. A new survey of U.S. civilian and military attitudes found that soldiers were two to four times more casualty-averse than civilians thought they should be ~Feaver and Kohn, 2001!. By removing what is perhaps the greatest restraint on the use of force—the possibility of soldiers dying—law and technology have given rise to the novel moral hazards of a “postmodern, risk-free, painless war” ~Woollacott, 1999!. “We’ve come to expect the immacu- late,” notes Martin Cook, who teaches ethics at the U.S. Army War College in Carlisle, PA. “Precision-guided munitions make it very much easier to go to war than it ever has been historically.” Albert Pierce, director of the Center for the Study of Professional Military Ethics at the U.S. Naval Academy argues, “standoff precision weapons give you the option to lower costs and risks . . . but you might be tempted to do things that you might otherwise not do” ~Belsie, 1999!. Conclusion The utility of law to legitimize modern warfare should not be underestimated. Even in the midst of war, legal arguments retain an aura of legitimacy that is missing in “political” justifications. The aspirations of humanitarian law are sound. Rather, it is the instrumental use of law that has oiled the skids of hi-tech violence. Not only does the law defer to military necessity, even when very broadly defined, but more importantly it bestows on those same military demands all the moral and psychological trappings of legality. The result has been to legalize and thus to justify in the public mind “inhumane military methods and their consequences,” as violence against civilians is carried out “behind the protective veil of justice” ~af Jochnick and Normand, 1994a:50!. Hi-tech states can defend hugely destructive, essentially unopposed, aerial bombardment by citing the authority of seemingly secular and universal legal standards. The growing gap between hi- and low-tech means may exacerbate inequalities in moral capital as well, as the sheer barbarism of “premodern” violence committed by ethnic cleansers or atavistic warlords makes the methods employed by hi-tech warriors seem all the more clean and legal by contrast. This fusion of law and technology is likely to propel future American interventions. Despite assurances that the campaign against terrorism would differ from past conflicts, the allied air war in Afghanistan, marked by record numbers of unmanned drones and bomber flights at up to 35,000 feet, or nearly 7 miles aloft, rarely strayed from the hi-tech and legalistic script. While the attack on the World Trade Center confirmed a thousand times over the illegality and inhu- manity of terrorism, the U.S. response has raised further issues of legality and inhumanity in conventional warfare. Civilian deaths in the campaign have been substantial because “military objects” have been targeted on the basis of extremely low-confidence intelligence. In several cases targets appear to have been chosen based on misinformation and even rank rumor. A liberal reading of dual use and the authorization of bombers to strike unvetted “targets of opportunity” also increased collateral damage. Although 10,000 of the 18,000 bombs, missiles, and other ordnance used in Afghanistan were precision-guided munitions, the war resulted in roughly 1000 to 4000 direct civilian deaths, and, according to the UNHCR, produced 900,000 new refugees and displaced persons. The Pentagon has nevertheless viewed the campaign as “a more antiseptic air war even than the one waged in Kosovo” ~Dao, 2001!. General Tommy Franks, who commanded the campaign, called it “the most accurate war ever fought in this nation’s history” ~Schmitt, 2002!.9 No fundamental change is in sight. Governments continue to justify collateral damage by citing the marvels of technology and the authority of international law. One does see a widening rift between governments and independent human rights and humanitarian relief groups over the interpretation of targeting and dual-use law. But these disputes have only underscored the ambiguities of human- itarian law. As long as interventionist states dominate the way that the rules of war are crafted and construed, hopes of rescuing law from politics will be dim indeed.

#### **militarism is a fundamentally unsustainable system that is the root cause of all extinction threats and ensures mass structural violence – non-violence is the only possible response**

Kovel 2

(Joel, “The United States Military Machine”, http://www.joelkovel.org/americanmilitary.htm; Jacob)

I want to talk to you this evening about war - not the immediate threat of us war against Iraq, but about how this conflict is an instance of a larger tendency toward war-making endemic to our society. In other words, the phrase from the folksong, “I ain’t gonna study war no more,” should be rethought. I think we do have to study war. Not to make war but to understand more deeply how it is put together and about the awful choices that are now being thrust upon us. These remarks have been stimulated by recent events, which have ancient roots, but have taken on a new shape since the collapse of the Soviet Union, the rise of the second Bush administration, and the inception of the so-called “War on Terror.” The shape is that of permanent warfare- war-making that has no particular strategic goal except total us dominance over global society. Hence, a war without end and whose internal logic is to perpetuate itself. We are, in other words, well into World War III, which will go on whether or not any other state such as Iraq is involved. It is quite probable that this administration will go to war in Iraq, inasmuch as certain very powerful people crave it. But it is not necessarily the case, given the fact that the war against Iraq is such a lunatic proposal that many other people in high places are against it and too many people are marching against it. And while war against Iraq is a very serious matter that needs to be checked by massive popular resistance, equally serious are the structures now in place in the United States dictating that whether or not the war in Iraq takes place, there will be another war to replace it, and others after that, unless some very basic changes take place. America Has Become a War-Making Machine The United States has always been a bellicose and expansive country, built on violent conquest and expropriation of native peoples. Since the forming of the American republic, military interventions have occurred at the rate of about once a year. Consider the case of Nicaragua, a country utterly incapable of being any kind of a threat to its giant northern neighbor. Yet prior to the Sandinista revolution in 1979 (which was eventually crushed by us proxy forces a decade later), our country had invaded Nicaragua no fewer than 14 times in the pursuit of its imperial interests. A considerable number of contemporary states, such as Britain, South Africa, Russia, and Israel, have been formed in just such a way. But one of the special conditions of the formation of America, despite its aggressivity, was an inhibition against a military machine as such. If you remember, no less a figure than George Washington warned us against having a standing army, and indeed the great bulk of us interventions prior to World War II were done without very much in the way of fixed military institutions. However, after WWII a basic change set in. War-weary America longed for demobilization, yet after a brief beginning in this direction, the process was halted and the permanent warfare state started to take shape. In part, this was because policy planners knew quite well that massive wartime mobilization had been the one measure that finally lifted America out of the Great Depression of the 1930s. One of the lessons of that time was that propounded by the British economist John Maynard Keynes, to the effect that capitalist societies could ameliorate chronic [economic] crises by infusions of government spending. The Great War had certified this wisdom, and permanent military expenditure readily became the received wisdom. This was greatly reinforced by the drastic realignment of capitalist power as a result of the war. America was essentially the only capitalist power in 1945 that did not lay in ruins and/or have its empire shattered. The world had been realigned and the United States had assumed a global imperial role. Policy planners like George Kennan lucidly realized that this meant safeguarding extreme inequalities in wealth, which implied a permanent garrison to preserve the order of things. The notion was especially compelling given that one other state, the Soviet Union, had emerged a great power from the war and was the bellwether of those forces that sought to break down the prevailing distribution of wealth. The final foundation stone for the new military order was the emergence of frightful weapons of mass destruction, dominance over which became an essential element for world hegemony. The Iron Triangle These factors crystallized into the Cold War, the nuclear arms race, and, domestically, into those structures that gave institutional stability and permanence to the system: the military-industrial complex (mic). Previously the us had used militarism to secure economic advantage. Now, two developments greatly transformed our militarism: the exigencies of global hegemony and the fact that militarism became a direct source of economic advantage, through the triangular relations of the mic with the great armament industries comprising one leg, the military establishment another, and the state apparatus the third, profits, power, and personnel could flow through the system and from the system. Clearly, this arrangement had the potential to greatly undermine American democracy. It was a “national security state” within the state but also extended beyond it into the economy and society at large, virtually insulated from popular input, and had the power to direct events and generate threats. Another conservative war hero-become-president, Dwight Eisenhower, warned the nation in a speech in 1961 against the emerging permanent war machine, but this time, the admonitions were not heeded.\* The machine made a kind of war against the Soviet system for 35 years. Although actual guns were not fired between the two adversaries, as many as 10 million people died in its varied peripheral conflicts, from Korea to Vietnam, Angola, El Salvador, Nicaragua, and Guatemala. The Cold War divided the world into bipolar imperial camps, directed by gigantic superpowers that lived off each other’s hostility. It was a terrible war whose immense suffering took place largely outside the view of the American people, but it also brought about an uneasy kind of stability in the world order, in part through the standoff in nuclear weapons. During the Ford and Carter administrations, another great crisis seized the world capitalist economy. Having matured past the rebuilding that followed the world war, a period of stagnation set in, which still has the global economy in its grip despite episodic flashes of vigor. Predictably, a spate of militarism was central to the response. A “Second Cold War” took place under Reagan, featuring an accelerated nuclear arms race, which was deliberately waged so as to encourage Soviet countermeasures in the hope that this would cause breakdown in the much weaker, bloated, and corrupt Russian system. The plan worked splendidly: by 1989-91, the mighty Soviet empire collapsed, and the bipolar world order became unipolar, setting a stage for the current phase. The fall of the Soviet Union was widely expected to bring a ìpeace dividend.î This would have been the case according to the official us line, parroted throughout the media and academe, that our military apparatus was purely defensive (after all, we have no Department of War, only one of "Defense") and reactive to Soviet expansionism and military/nuclear threat. As this was no longer a factor, so the reasoning wentóindeed, as the us now stood bestride the world militarily as had no power since the Roman Empireóconventional logic predicted a general diminution in American militarism after 1991, with corresponding benefits to society. The last decade has at least settled this question, for the effect on us aggression, interventionism, and the militarization of society has been precisely the opposite. In other words, instead of braking, the machine accelerated. Removal of Soviet power did not diminish Americaís imperial appetite: it removed inhibitions on its internally driven expansiveness. As a result, enhanced war-making has replaced the peace dividend. The object of this machine has passed from dealing with Soviet Communism to a more complex and dispersed set of oil wars (Iraq I and now II), police actions against international miscreants (Kosovo), and now the ubiquitous War Against Terror, aimed variously at Islamic fundamentalists, Islam as a whole, or anybody irritated enough with the ruling order to take up some kind of arms against it. The comparison with the Roman Empire is here very exact. As the eminent economist and sociologist Joseph Schumpeter described Rome in 1919: “There was no corner of the known world where some interest was not alleged to be in danger or under actual attack. If the interests were not Roman, they were those of Rome’s allies. And if Rome had no allies existed, the allies would be invented. The fight was always invested with the order of legality. Rome was always being attacked by evil-minded neighbors.” The logic of constant threat meshes with that of ruthless expansion, which we see everywhere in this epoch of unipolar world dominion. Currently, the military budget of the us is 334 billion dollars. The budget for the next fiscal year is 379 billion dollars- an increase of more than 10 percent. By 2007, the projected military budget of the us is to be an astounding 451 billion dollars: almost half a trillion dollars, without the presence of anything resembling a conventional war. The present military budget is greater than the sum of all other military budgets. In fact, it is greater than the entire federal budget of Russia, once America's immortal adversary, and comprises more than half - 52 percent of all discretionary spending by the us government. (By comparison, education accounts for 8 percent of the federal budget.) A considerable portion of this is given over to "military Keynesianism," according to the well-established paths of the mic. Thus, although in the first years after the fall of the ussr certain firms like General Dynamics, which had played a large role in the nuclear arms race, suffered setbacks, that problem has been largely reversed for the entire class of firms fattening at the trough of militarism. It is fair to say, though, that the largesse is distributed over a wider scale, in accordance with the changing pattern of armaments. us Armies Taking Root Everywhere From having scarcely any standing army in 1940, American armies now stand everywhere. One feature of us military policy since WWII is to make war and then stay where war was made, rooting itself in foreign territory. Currently, the us has military bases in 113 countries, with 11 new ones formed since the beginning of the War Against Terror. The us now has bases in Kazakhstan, Uzbekistan, and Kurdistan, encircling China and creating new sources of military tension. On these bases, the us military has erected some 800,000 buildings. Imagine that: 800,000 buildings in foreign countries that are now occupied by us military establishments. And America still maintains large forces in Germany, Japan, and Korea, with tens of thousands of troops permanently on duty (and making mischief, as two us servicemen recently ran over and killed two Korean girls, provoking massive demonstrations). After the first Gulf War the us military became installed in Saudi Arabia and Kuwait, in which latter place it currently occupies one quarter of the country - 750 square miles devoted to military activity. This huge investment is no doubt determined by proximity to Iraq. Again, after going to war in Kosovo, the us left behind an enormous base in a place called Bondsteel. These self-expanding sites of militarism are permanent goads to terrorist organizations. Recall that one of Osama bin Laden's professed motivations for al-Qaeda's attacks on American facilities was the presence of us bases in his home country of Saudi Arabia. The bases are also permanent hazards to the environment - indeed, the us, with some 800,000 buildings on these military sites, is the world's largest polluter and the largest consumer of fossil fuels. With territorial expansion of the us military apparatus, there is a corresponding expansion of mission. For instance, in Colombia, where billions of us dollars are spent in the "War on Drugs," us troops are now being asked to take care of pipelines through which vital oil reserves are passing. In addition, the War on Drugs is now subsumed into the War Against Terror. The signifier of Terror has virtually unlimited elasticity, for once an apparatus reaches the size of the us military machine, threats can be seen anywhere. With the inauguration of the new hard-line president of Colombia, Alvaro Uribe, the us authorized the use of 1.7 billion dollars in military aid hitherto limited to anti-drug operations for direct attacks on deeply entrenched farc guerrillas. This redirection of aid came after Colombian officials and their American supporters in the Congress and Bush administration argued that the change was needed as part of the global campaign against terrorism. Within this overall picture, American armed forces are undergoing a qualitative shift of enormous proportion. In words read by President Bush: “Our forces in the next century must be agile, lethal, readily deployable, and must require a minimum of logistical support. We must be able to project our power over long distances in days or weeks rather than months. On land our heavy forces must be lighter, our light forces must be more lethal. All must be easier to deploy.” Crossing Weapons Boundaries - Both Nuclear and Conventional As a result, many boundaries and limits of the bipolar era have been breached. For example, the distinction between nuclear and conventional weapons had always constituted a radical barrier. The standoff between the us and the ussr was epitomized by mind-numbing hydrogen bomb-missiles facing each other in a scenario called “Mutual Assured Destruction.î”In short, a strategic condition of deterrence prevailed, which made nuclear weapons seem unthinkable. With the demise of the ussr, deterrence no longer inhibits us nuclear weaponry, and the weapons themselves have proliferated downward, becoming miniaturized and increasingly tactical rather than strategic. Meanwhile, the genie of the weapons industries has developed ever more destructive “conventional” weapons. These include non-explosive devices of awesome power, such as laser beams, microwaves, and large-scale climate manipulation, along with a new generation of super-powerful explosive devices. Thus the strongest non-nuclear weapons are now considerably more lethal than the least powerful nuclear weapons, making the latter thinkable and eliminating a major barrier against their employment. These so-called conventional bombs have already been used, for example, in Afghanistan, where the us employed a gigantic explosive weapon, called a “Bunker Buster” to root out al-Qaeda combatants in underground bunkers. They are based upon the “daisy cutter,” a giant bomb about the size of a Volkswagen Beetle and capable of destroying everything within a square kilometer. Significantly, the model used in Afghanistan, the B61-11, already employs nuclear technology, the infamous depleted uranium warhead, capable by virtue of its extreme density, of great penetrating power. Depleted uranium (du) is a by-product of the nuclear power industry (chiefly being U-238 created in the extraction of U-235 from naturally occurring uranium ore). Over 500,000 tons of deadly du have accumulated and 4-5,000 more tons are being produced every year. Like all products of the nuclear power industry, du poses immense challenges of disposal. It has this peculiar property of being almost twice as dense as lead and it is radioactive with a half-life of 4.5 billion years. Wherever depleted uranium is used, it has another peculiar property of exploding, vaporizing at 56 degrees centigrade, which is just like a little more than half the way to boiling water. So it is very volatile, it explodes, it forms dust and powders that are inhaled, disburses widely, and produces lethal cancers, birth defects, and so forth for 4.5 billion years. In the case of depleted uranium, the challenge of disposal was met by incorporating the refuse from the “peaceful” branch of nuclear technology into the war-making branch. Already used in anti-tank projectiles in the first Iraq war (approximately 300 tons worth) and again in Yugoslavia (approximately 10-15 tons were used in each of the various Yugoslav wars), it is presumed, although the defense department coyly denies it, that this material was also used in the Afghanistan war. Depleted uranium has spread a plague of radioactivity and further rationalized the use of nuclear weapons as such. Consequently, the B61-11 is about to be replaced with the BLU113, where the bunker buster will now be a small nuclear weapon, almost certainly spear-tipped with du. Pollutants to Earth and Space To the boundaries crossed between nuclear and non-nuclear weapons, and between the peaceful and militaristic uses of atomic technology, we need to add those between earth and its lower atmosphere on the one hand, and space on the other. The administration is poised to realize the crackpot and deadly schemes of the Reagan administration to militarize space and to draw the rest of the world into the scheme, as client and victim. In November 2002, Bush proposed that nato allies build missile defense systems, with components purchased, needless to add, from Boeing, Raytheon, etc, even as Congress was approving a fiscal 2003 defense budget containing $7.8 billion authorization for missile defense research and procurement, as part of the $238 billion set aside for Star Wars over the next 20 years. The administration now is poised to realize the crackpot and deadly schemes of the Reagan administration to militarize space and to draw the rest of the world into the scheme, as client and victim. A new missile defense system bureaucracy has risen. It is currently developing such wild items as something called ìbrilliant pebblesî which involves the release of endless numbers of mini satellites into outer space. All of this was to protect the world against the threat of rogue states such as North Korea. As the Seattle Times reported, the us expects the final declaration to, “express the need to examine options to protect allied forces, territories, and population centers against the full range of missile threats.” As an official put it, "This will establish the framework within which nato allies could work cooperatively toward fielding the required capabilities. With the us withdrawal this year from the anti-ballistic treaty with Russia, it is no longer a question of whether missile defenses will be deployed. The relevant questions are now what, how, and when. The train is about to pull out of the station; we invite our friends, allies, and the Russian Federation to climb on board." The destination of this train is defensive only in the Orwellian sense, as the missiles will be used to defend us troops in the field. In other words, they will be used to defend armies engaged in offensive activities. What is being “defended” by the Strategic Defense Initiative (sdi), therefore, is the initiative to make war everywhere. Space has now become the ultimate battlefield. And not just with use of these missiles. The High Frequency Active Aural Research Program (haarp) is also part of sdi. This amounts to weather warfare: deliberately manipulating climate to harm and destroy adversaries. A very dubious enterprise, to say the least, in an age when global warming and climate instability are already looming as two of the greatest problems facing civilization. The chief feature is a network of powerful antennas capable of creating controlled local modifications of the ionosphere and hence producing weather disturbances and so forth. All of these technical interventions are accompanied by many kinds of institutional and political changes. The National Aeronautics and Space Administration, nasa, for instance, is now a partner in the development of this strategic defense initiative. The very way in which the United Nations was drawn into the resolution in the war against Iraq is a breach and a violation of the original un Charter, which is to never make war, never to threaten to make war on any member state. The un was a peacemaking institution, but now the Super power has forced it into its orbit. The scrapping of the abm and other elements of the treaty structure (non- proliferation, test-ban) that had organized the world of the Cold War is one part of a process of shedding whatever might inhibit the cancerous growth of militarism. It also creates an atmosphere of general lawlessness in the world. This is felt at all levels, from the rise of an ultra-militarist clique in the White House to the formal renunciation of no-first-use nuclear strategy, the flouting of numerous un regulations, the doctrine of pre-emptive war, and, as the logical outcome of all these developments, the condition of Permanent War and its accompaniment of general lawlessness, media slavishness, and a wave of repression for whose parallel we have to go back to the Alien and Sedition acts of the 1790s, or Trumanís loyalty oaths of 1947. Militarism cannot be reduced to politics, economics, technology, culture, or psychology. All these are parts of the machine, make the machine go around, and are themselves produced by the actions of the machine. There is no doubt, in this regard, that the machine runs on natural resources (which have to be secured by economic, political, and military action), and that it is deeply embedded in the ruling corporate order. There is no contradiction here, but a set of meshing parts, driven by an insensate demand for fossil fuel energy. As a man from Amarillo, Texas put it when interviewed by npr as to the correctness of Bush’s plan to go to war in Iraq: “I agree with the president, because how else are we going to get the oil to fly the F-16s?” We go to war, in other words, to get the oil needed to go to war. A Who's Who List of MIC Beneficiaries The fact that our government is front-loaded with oil magnates is another part of the machine. It is of interest, therefore, that Unocal, for example, celebrated Condoleezza Riceís ascendancy to the post of National Security Advisor by naming an oil tanker after her. Or that Dick Cheney, originally a poor boy, became a rich man after the first Gulf War, when he switched from being Secretary of Defense, in charge of destroying the Kuwait oil fields, to ceo of a then-smallish company, Halliburton, in charge of rebuilding the same oil fields. Or that G.W. Bush himself, aside from his failed venture with Harken Oil, is scion of a family and a dynasty that controls the Carlyle Group, founded in 1987 by a former Carter administration official. Carlyle is now worth over $13 billion and its high officials include President Bush I, his Secretary of State (and fixer of the coup that put Bush II in power) James Baker, Reaganís Secretary of Defense Frank Carlucci, former British Prime Minister John Major, and former Phillipine President Fidel Ramos, among others. The Carlyle Group has its fingers everywhere, including ìdefenseî, where it controls firms making vertical missile launch systems currently in use on us Navy ships in the Arabian sea, as well as a range of other weapons delivery systems and combat vehicles. And as a final touch which the worldís people would be much better off for knowing, there are very definite connections between Carlyle and the family of Osama bin Laden - a Saudi power whose fortunes have been fused with those of the United States since the end of World War II. Thus the military-industrial complex lives, breathes, and takes on new dimensions. There is a deep structural reason for the present explosion of us militarism, most clearly traceable in the activities of Vice President Cheney, made clear in the energy report that he introduced with the generous assistance of Enron executives in May 2001. According to the report, American reliance on imported oil will rise by from about 52 percent of total consumption in 2001 to an estimated 66 percent in 2020. The reason for this is that world production, in general, and domestic production in particular are going to remain flat (and, although the report does not discuss this, begin dropping within the next 20 years). Meanwhile consumptionówhich is a direct function of the relentless drive of capitalism to expand commodity productionóis to grow by some two- thirds. Because the usage of oil must rise in the worldview of a Cheney, the us will actually have to import 60 percent more oil in 2020 to keep itself going than it does today. This means that imports will have to rise from their current rate of about 10.4 million barrels per day to about 16.7 million barrels per day. In the words of the report: “The only way to do this is persuade foreign suppliers to increase their production to sell more of their output to the us.” The meaning of these words depends of course on the interpretation of “persuade”, which in the us lexicon is to be read, I should think, as requiring a sufficient military machine to coerce foreign suppliers. At that point they might not even have to sell their output to the us, as it would already be possessed by the superpower. Here we locate the root material fact underlying recent us expansionism. This may seem an extravagant conclusion. However an explicit connection to militarismóand Iraqóhad been supplied the month before, in April 2001, in another report prepared by James Baker and submitted to the Bush cabinet. This document, called “Strategic Energy Policy Challenges for the 21st Century,” concludes with refreshing candor that ìthe us remains a prisoner of its energy dilemma, Iraq remains a destabilizing influence to the flow of oil to international markets from the Middle East, Saddam Hussein has also demonstrated a willingness to threaten to use the oil weapon and to use his own export program to manipulate oil markets, therefore the us should conduct an immediate policy review toward Iraq, including military, energy, economic, and political diplomatic assessments. Note the absence of reference to “weapons of mass destruction,” or aid to terrorism, convenient rationalizations that can be filled in later. Clearly, however things turn out with Iraq, the fundamental structural dilemma driving the military machine pertains to the contradictions of an empire that drives toward the invasion of all social space and the total control over nature. Since the former goal meets up with unending resistance and the latter crashes against the finitude of the material world, there is no recourse except the ever-widening resort to force. But this, the military monster itself, ever seeking threats to feed upon, becomes a fresh source of danger, whether of nuclear war, terror, or ecological breakdown. The situation is plainly unsustainable, a series of disasters waiting to happen. It can only be checked and brought to rationality by a global uprising of people who demand an end to the regime of endless war. This is the only possible path by which we can pull ourselves away from the abyss into which the military machine is about to plunge, dragging us all down with it.

#### **the aff’s certain calculations about war are an impossibly arrogant form of mechanical, sterile analysis that eases the path towards war. their language is coopted to provide rhetorical ammunition for militarists. our alternative is not pure pacifism, but rather a pacifist analysis that injects moral and epistemic doubt into our decisionmaking about war – this is the only way to formulate better policies that address structural causes of war and avoids inevitable cycles of violence**

Neu 13 – prof @ U of Brighton

(Michael, International Relations 27(4), December, The Tragedy of Justified War)

Just war theory is not concerned with millions of starving people who could be saved from death and disease with a fraction of the astronomical amount of money that, every year, goes into the US defence budget alone (a budget that could no longer be justified if the United States ran out of enemies one day). It is not interested in exposing the operat- ing mechanisms of a global economic structure that is suppressive and exploitative and may be conducive to outbreaks of precisely the kind of violence that their theory is con- cerned with. As intellectually impressive as analytical just war accounts are, they do not convey any critical sense of Western moralism. It is as though just war theory were written for a different world than the one we occupy: a world of morally responsible, structurally unconstrained, roughly equal agents, who have non-complex and non-exploitative relationships, relationships that lend themselves to easy epistemic access and binary moral analysis. Theorists write with a degree of confidence that fails to appreciate the moral and epistemic fragility of justified war, the long-term genesis of violent conflict, structural causes of violence and the moralistic attitudes that politicians and the media are capable of adopting. To insist that, in the final analysis, the injustice of wars is completely absorbed by their being justified reflects a way of doing moral philosophy that is frighteningly mechanical and sterile. It does not do justice to individual persons,59 it is nonchalant about suffering of unimaginable proportions and it suffocates a nuanced moral world in a rigid binary structure designed to deliver unambiguous, action-guiding recommendations. According to the tragic conception defended here, justified warfare constitutes a moral evil, not just a physical one – whatever Coates’ aforementioned distinction is supposed to amount to. If we do not recognise the moral evil of justified warfare, we run the risk of speaking the following kind of language when talking to a tortured mother, who has witnessed her child being bombed into pieces, justifiably let us assume, in the course of a ‘just war’: See, we did not bomb your toddler into pieces intentionally. You should also consider that our war was justified and that, in performing this particular act of war, we pursued a valid moral goal of destroying the enemy’s ammunition factory. And be aware that killing your toddler was not instrumental to that pursuit. As you can see, there was nothing wrong with what we did. (OR: As you can see, we only infringed the right of your non-liable child not to be targeted, but we did not violate it.) Needless to say, we regret your loss. This would be a deeply pathological thing to say, but it is precisely what at least some contemporary just war theorists would seem to advise. The monstrosity of some accounts of contemporary just war theory seems to derive from a combination of the degree of certainty with which moral judgments are offered and the ability to regard the moral case as closed once the judgments have been made. One implication of my argument for just theorists is clear enough: they should critically reflect on the one-dimensionality of their dominant agenda of making binary moral judgments about war. If they did, they would become more sympathetic to the pacifist argument, not to the conclusion drawn by pacifists who are also caught in a binary mode of thinking (i.e. never wage war, regardless of the circumstances!) but to the timeless wisdom that forms the essence of the pacifist argument. It is wrong to knowingly kill and maim people, and it does not matter, at least not as much as the adherents of double effect claim, whether the killing is done intentionally or ‘merely’ with foresight. The difference would be psychological, too. Moral philosophers of war would no longer be forced to concede this moral truth; rather, they would be free to embrace it. There is no reason for them to disrespect the essence of pacifism. The just war theorist Larry May implicitly offers precisely such a tragic vision in his sympathetic discussion of ‘Grotius and Contingent Pacifism’. According to May, ‘war can sometimes be justified on the same grounds on which certain forms of pacifism are themselves grounded’.60 If this is correct, just war theorists have good reason to stop calling themselves by their name. They would no longer be just war theorists, but unjust war theorists, confronting politicians with a jus contra bellum, rather than offering them a jus ad bellum. Beyond being that, they would be much ‘humbler in [their] approach to considering the justness of war’ (or, rather, the justifiability), acknowledging that: notions of legitimate violence which appear so vivid and complete to the thinking individual are only moments and snapshots of a wider history concerning the different ways in which humans have ordered their arguments and practices of legitimate violence. Humility in this context does not mean weakness. It involves a concern with the implicit danger of adopting an arrogant approach to the problem of war.61 Binary thinking in just war theory is indeed arrogant, as is the failure to acknowledge the legitimacy of – and need for – ambiguity, agony and doubt in moral thinking about war. Humble philosophers of war, on the contrary, would acknowledge that any talk of justice is highly misleading in the context of war.62 It does not suffice here, in my view, to point out that ‘we’ have always understood what ‘they’ meant (assuming they meant what we think they meant). Fiction aside, there is no such thing as a just war. There is also no such thing as a morally justified war that comes without ambiguity and moral remainders. Any language of justified warfare must therefore be carefully drafted and constantly questioned. It should demonstrate an inherent, acute awareness of the fragility of moral thinking about war, rather than an eagerness to construct unbreakable chains of reasoning. Being uncertain about, and agonised by, the justifiability of waging war does not put a moral philosopher to shame. The uncertainty is not only moral, it is also epistemic. Contemporary just war theorists proceed as if certainty were the rule, and uncertainty the exception. The world to which just war theory applies is one of radical and unavoidable uncertainty though, where politicians, voters and combatants do not always know who their enemies are; whether or not they really exist (and if so, why they exist and how they have come into existence); what weapons the enemies have (if any); whether or not, when, and how they are willing to employ them; why exactly the enemies are fought and what the consequences of fighting or not fighting them will be. Philosophers of war should also become more sensitive to the problem of political moralism. The just war language is dangerous, particularly when spoken by eager, self- righteous, over-confident moralists trying to make a case. It would be a pity if philosophers of war, despite having the smartest of brains and the best of intentions, effectively ended up delivering rhetorical ammunition to political moralists. To avoid being inadvertently complicit in that sense, they could give public lectures on the dangers of political moralism, that is, on thinking about war in terms of black and white, good and evil and them and us. They could warn us against Euro-centrism, missionary zeal and the emperors’ moralistic clothes. They could also investigate the historical genesis and structural conditionality of large-scale aggressive behaviour in the global arena, deconstruct- ing how warriors who claim to be justified are potentially tied into histories and structures, asking them: Who are you to make that claim? A philosopher determined to go beyond the narrow discursive parameters provided by the contemporary just war paradigm would surely embrace something like Marcus’ ‘second-order regulative principle’, which could indeed lead to ‘“better” policy’.63 If justified wars are unjust and if it is true that not all tragedies of war are authentic, then political agents ought to prevent such tragedies from occurring. This demanding principle, however, may require a more fundamental reflection on how we ‘conduct our lives and arrange our institutions’ (Marcus) in this world. It is not enough to adopt a ‘wait and see’ policy, simply waiting for potential aggressions to occur and making sure that we do not go to war unless doing so is a ‘last resort’. Large-scale violence between human beings has causes that go beyond the individual moral failure of those who are potentially aggressing, and if it turns out that some of these causes can be removed ‘through more careful decision-making’ (Lebow), then this is what ought to be done by those who otherwise deprive themselves, today, of the possibility of not wronging tomorrow.

### 1NC Politics

#### Obama’s continued use of political capital is critical to prevent a renewed push for sanctions that will destroy fragile negotiations --- impact is a nuclear Iran and conflict involving Israel and Saudi Arabia

Glass, 3/25 --- completed a Truman-Albright Fellowship at the Woodrow Wilson International Center for Scholars' Environmental Change and Security Program (3/25/2014, Jacob, “As Iran Nuclear Negotiations Begin, Threat of Increased Sanctions Looms Large,” <http://www.huffingtonpost.com/jacob-glass/as-iran-nuclear-negotiati_b_5024604.html>))

Last week Iran and the so-called P5+1 countries -- Russia, China, Britain, France, the U.S., plus Germany -- began a new round of negotiations in the Austrian capital of Vienna. While perhaps overshadowed by tensions on the Crimean Peninsula and missing Malaysian Flight 370, the talks mark a significant step towards resolving the Iranian nuclear crisis. Yet misguided calls by Congress to increase sanctions on Iran threaten to scuttle progress, and underscore the fragility of the negotiating process.

Over the past three decades, Iran has faced crippling sanctions imposed by America and the international community. Trade restrictions have steadily increased to block Iran's lucrative petroleum export market as well as the country's participation in the global banking system. All told, international sanctions have cost Iran over $100 billion in lost oil profits alone.

So called "carrot and stick" policies have long been fundamental to international diplomacy. The "stick" has been a sharp one, and has finally brought the Iranians to the negotiating table.

During his September visit to the UN General Assembly in New York, Iranian President Hassan Rouhani spoke with President Obama over the phone, marking the first direct communication between an American and Iranian president since 1979. On November 24, an interim "first-step" deal was reached to freeze Iran's nuclear development program and pave the way for a comprehensive agreement. The deal halts uranium enrichment above 3.5 percent and puts international observers on the ground in Iran, all but ensuring that negotiations cannot be used as a delay tactic.

Yet amid these positive signs that diplomacy is working, members of Congress have advocated for even more sanctions to be levied against Iran, specifically in the form of Senate Bill 1881, sponsored by Illinois Republican Mark Kirk and New Jersey Democrat Robert Menendez.

New sanctions would torpedo the Vienna talks and reverse the diplomatic progress that has been made.

Iranian officials have already promised to abandon negotiations if new sanctions are passed. Even our own allies, along with Russia and China, have opposed the move. Passing unilateral sanctions will splinter the fragile international coalition, needlessly antagonize Iranian negotiators, and make a violent conflict with Iran more likely. Diplomatic victory will only be achieved if the international community stands united before Iran.

To this point, the Obama administration has avoided a vote on SB 1881 by threatening a veto of the bill, and the administration's full court press to prevent Senate Democrats from supporting new sanctions has bought international negotiators time. Several influential Democrats, including Senator Richard Blumenthal from Connecticut, have agreed to postpone a vote on the bill, contingent on productive negotiations.

Although legislation imposing new sanctions has been avoided thus far, the pressure on Congressional Democrats to act will intensify as talks in Vienna move forward. This round of negotiations is widely projected to be more difficult than the November deal, and inflammatory rhetoric from Tehran is likely. Nevertheless, sanctions are not the answer. Instead, we must continue to let diplomacy run its course.

Sanctions have done their job by bringing Iran to the table. In return, Iran expects to be rewarded with sanctions relief. The passage of new trade restrictions would effectively withdraw the carrot, and hit Iran with another stick. Consider the negotiations over.

The risks of delaying new sanctions is slight. The sanctions relief Iran is receiving is valued between $6 and $7 billion, and represents only a small fraction of the remaining restrictions blocking Iran from using the international banking system and selling oil. Should Iran prove to be a dishonest negotiating partner, sanctions can be renewed and ratcheted up. Most importantly, international observers will be on the ground in Iran to prevent Tehran from racing towards a nuclear weapon while negotiations are ongoing.

At the same time, the benefits of successful diplomacy are immense, as a comprehensive deal would be a dramatic victory for U.S. non-proliferation efforts. Further, the dismantling of Iran's nuclear program would significantly ease tensions between its two biggest rivals in the region, Israel and Saudi Arabia.

Our congressional leaders must not be so confident as to think Iran is desperate for a deal. The unprecedented overtures of President Rouhani to the West are widely seen as a test to gauge if a favorable solution can be negotiated with the international community. Should he fail to do so, hardliners within the Iranian government will be empowered to revert back to a pre-Rouhani foreign policy dominated by isolation from the West and an aggressive nuclear development program.

Our senators are facing significant political pressure to resist multilateralism and pursue increased sanctions based on an uncompromising mistrust of Iran. But history judges leaders not upon their conformity with party politics, but upon the ultimate results they achieve. It's time to negotiate with the Iranians on good faith, and begin the serious work of establishing a meaningful nuclear agreement that could signal the beginning of a new era in Iranian-Western relations.

#### **Plan triggers defection of democratic allies**

Loomis, 7 --- Department of Government at Georgetown

(3/2/2007, Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, “Leveraging legitimacy in the crafting of U.S. foreign policy,” pg 35-36, <http://citation.allacademic.com//meta/p_mla_apa_research_citation/1/7/9/4/8/pages179487/p179487-36.php>)

Declining political authority encourages defection. American political analyst Norman **Ornstein writes** of the domestic context,

**In a system where a President has limited formal power, perception matters. The reputation for success**—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—**is the most valuable resource a chief executive can have**. **Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly.** In simple terms, winners win and **losers lose more often than not.**

**Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals.** As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. **Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates** decay both in leadership capacity and defection by key allies**.**

The central point of this review of the presidential literature is that **the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution**. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

This brief review of the literature suggests how **legitimacy norms enhance presidential influence in ways that structural powers cannot explain**. Correspondingly, **increased executive power improves the prospects for policy success**. As a variety of cases indicate—from Woodrow Wilson’s failure to generate domestic support for the League of Nations to public pressure that is changing the current course of U.S. involvement in Iraq—the effective execution of foreign policy depends on public support. Public support turns on perceptions of policy legitimacy. As a result, policymakers—starting with the president—pay close attention to the receptivity that U.S. policy has with the domestic public. In this way, normative influences infiltrate policy-making processes and affect the character of policy decisions.

#### Causes Israel strikes

**Perr, 12/24/13 –** B.A. in Political Science from Rutgers University; technology marketing consultant based in Portland, Oregon. Jon has long been active in Democratic politics and public policy as an organizer and advisor in California and Massachusetts. His past roles include field staffer for Gary Hart for President (1984), organizer of Silicon Valley tech executives backing President Clinton's call for national education standards (1997), recruiter of tech executives for Al Gore's and John Kerry's presidential campaigns, and co-coordinator of MassTech for Robert Reich (2002).(Jon, “Senate sanctions bill could let Israel take U.S. to war against Iran” Daily Kos, [http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran#](http://www.dailykos.com/story/2013/12/24/1265184/-Senate-sanctions-bill-could-let-Israel-take-U-S-to-war-against-Iran)

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran.

On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates:

If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.

Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July:

"If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb."

Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come."

But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway.

Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza.

That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback?

Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

#### Israeli strikes cause great power war and collapse global economy

Rafael Reuveny 10, PhD, Professor in the School of Public and Environmental Affairs at Indiana University, "Unilateral Strike on Iran could trigger world Depression", Op-ed distributed through McClatchy Newspaper Co, <http://www.indiana.edu/~spea/news/speaking_out/reuveny_on_unilateral_strike_Iran.shtml>

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond. A regional war Unlike Iraq, whose nuclear program Israel destroyed in 1981**,** Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony. Replaying Nixon’s nightmare Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons, but would probably not risk using force.

¶ While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

### 1NC PIC

The United States federal government should substantially increase restrictions on the President’s authority to introduce United States Armed Forces into hostilities between the Republic of China and the People’s Republic of China unless to prevent imminent attacks on the United States that may arise from said hostilities.

#### The plan would allow the US to absorb a first strike in the event that Chinese-Taiwan hostilities involve the US

Natalia Ochoa-Ruiz and Esther Salamanca-Aguado (Doctors of Law, Complutense of Madrid) – 2005, Exploring the Limits of International Law Relating to the Use of Force in Self-Defence, The European Journal of International Law Vol. 16 no.3 , http://www.ejil.org/pdfs/16/3/306.pdf

Ultimately, these questions point to the issue of what is the aim and purpose of resorting to force as self-defence. Is the right to use force strictly limited to repelling an attack in progress and to reversing the consequences of the attack, or does this right also encompass measures needed to prevent additional enemy attacks following an initial attack? The first approach renders illegal any use of force after the completion of an armed attack. In this case, in order to prevent future attacks, the victim state should appeal to the Security Council under Chapter VII of the United Nations Charter. Conversely, the second approach tends to broaden the scope of self-defence in so far as it admits a reaction in self-defence once the attack is terminated, provided that the circumstances would reveal a threat of similar actions from the same source. Answering this question would allow us, in turn, to respond to other questions, namely: (i) the meaning and scope of the condition of proportionality of the measures taken, that is, whether proportionality should be evaluated with respect to the attack already inflicted on the state or with respect to the target chosen in response to the attack suffered. (ii) the question of the necessity of the forcible action and of the specific measures taken and, closely connected to this, (iii) the question of the immediacy of the response, which serves to determine when measures taken in lawful self-defence become armed reprisals forbidden in international law. As will be shown next, it is precisely because the Court overlooked the analysis of these issues that its judgment did not make the far-reaching contribution to international law on the use of force in self-defence — a missed opportunity in the current context when the meaning and scope of these rules are being challenged. The parties to the proceedings held diametrically opposed views concerning the aim or purpose of self-defence. Iran took up a rather stringent notion of self-defence, arguing that self-defence is limited to actions to repel an attack while it is in progress, and that once an attack is over, as was the case here, there is no need to repel it, and any counter-force no longer constitutes self-defence. Instead it is an unlawful armed reprisal or a punitive action. The use of force in order to deter further attacks does not come within the definition of lawful self-defence, but constitutes unlawful pre-emptive action.94 Therefore, self-defence has solely a protective aim. By contrast, reprisals aim at retribution or punishment, functioning as a sanction against the wrong committed.95 The United States contended in turn that ‘the right to use force in self-defence is not limited to repelling an attack while it is in progress. A State can also use force in self- defence to remove continuing threats to its future security.’ In line with this idea, as regards the qualification of the armed attack, the United States maintained two lines of argument:97 on the one hand, it relied on the two specific incidents that led to the attacks on the platforms, purportedly in self-defence. On the other hand, the United States held that this case involved actions in self-defence due to the occurrence of repeated, specific armed attacks on United States vessels and during periods of persistent threats against this country, and that ‘in a situation of armed attacks and the explicit threat of continuing armed attacks, Article 51 does not foreclose the victim State’s right to take other necessary and proportionate measures in self-defence’.98 The arguments advanced by the United States to justify its use of force included the need ‘to restore the security of United States vessels and their crews by eliminating facilities used by Iran to conduct or support unlawful armed attacks against them;99 ‘to prevent additional attacks’ by Iran;100 or as a reaction to a ‘general situation of an armed attack’.101 In short, the United States argued that: Iranian actions during the relevant period constituted a threat to essential security interests of the United States, inasmuch as the flow of maritime commerce in the Persian Gulf was threatened by Iran’s repeated attacks on neutral vessels; that the lives of United States nationals were put at risk; that United States naval vessels were seriously impeded in their security duties; and that the United States Government and United States nationals suffered severe financial losses.102 Therefore, in the United States’ view, there was a series of attacks against it amounting to a continuous armed attack and justifying the need to prevent further attacks.103 Nonetheless, the United States did not endorse pre-emptive self-defence. It maintained that its action was taken in response to repeated armed attacks by Iranian forces on United States naval and commercial vessels.104

#### That destroys deterrence – “repel only” encourages quick “blitz” attacks that conclude before the President can order an execute a “repelling” attack

Yoram Dinstein – Professor Emeritus and former President, Tel Aviv University – 2011, War, Aggression and Self-Defence, kindlebook

667. At bottom, the issue is whether the unlawful use of force by the other side is likely to repeat itself. The goal of defensive armed reprisals is to ‘induce a delinquent state to abide by the law in the future’.’ Defensive armed reprisals have a deterrent function in seeking to forestall recurrence14 of the unlawful use of force giving rise to them. They provide a signal that playing with fire constitutes a dangerous game. At times, armed reprisals have immediate defensive implications. To borrow an example from W. Wengler, if Arcadian troops invade the territory of Utopia, it would be ‘no less self-defence’ for the Utopian armed forces to occupy an area belonging to Arcadia (in order to divert the military attention of the aggressor) than to resist the invading troops. 668. There is no reason why the built-in time lag between the original armed attack and the response of the victim State, which is an inevitable feature in all armed reprisals, should divest the counter-measures of their self-defence nature.146K The allegation that lapse of time by itself turns armed reprisals into punitive - as distinct from defensive - action,’469 is unfounded. The passage of time between the incidence of unlawful force and the activation of lawful counter-force is not unique to defensive armed reprisals. It is an attribute that defensive armed reprisals have in common with a war of self-defence undertaken in response to an armed attack ‘short of war’ (see infra 708). Such a war, too, commences after due deliberation by policy-makers in the victim State. By the time that a decision is taken to employ counter-force, it is possible that the attacking military formations have already accomplished the mission assigned to them (say, the occupation of a strategic mountain ridge or the destruction of a line of fortifications) and they are at a standstill or have withdrawn. Even in circumstances of on-the-spot reaction, the initial strike (for instance, an artillery barrage) may come to an end before the target units set in motion measures of counter-force. The present writer cannot accept the argument, made by N. Ronzitti, that the use of counter-force can qualify as self- defence only as long as it is necessary to repel an ongoing armed attack, and it loses that label once the attack has ended.’470 This thesis would merely encourage an aggressor to eschew a single sustained campaign and to adopt a series of Blitz attacks, each ending before effective counter-force can be deployed.

#### Quick and credible conventional responses are key to deterrence – that prevents nuclear escalation and supports power projection

Michael S. Gerson – Research analyst, Center for Naval Analysis – Fall 2009, Conventional Deterrence in the Second Nuclear Age, Parameters, <http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/09autumn/gerson.pdf>

In the current international security environment, conventional de terrence can be useful against nonnuclear and nuclear-armed adversaries. For regimes that do not possess nuclear, chemical, or biological weapons, US conventional capabilities will likely be the most credible and potent deterrent. History suggests that, in general, nations without weapons of mass destruction (WMD) are not intimidated by an opponent’s nuclear capabilities. For example, nuclear weapons did not give the United States significant advantages before or during the Korean and Vietnam wars; nor did they dissuade Egypt from attacking Israel in the 1973 Yom Kippur War” or Argentina from attacking the British-controlled Falkland Islands in 1982.12 This circumstance is due in part to the perceived impact of the “nuclear taboo,” a moral and political aversion to using nuclear weapons that has emerged due to the long absence of nuclear use in time of war. The nuclear taboo reduces the credibility—and therefore the utility—of nuclear weapons, especially against regimes not possessing nuclear weap ons or other WMD.’3 Although implicit or explicit nuclear threats may lack credibility against non-WMD regimes, many potential adversaries believe that the United States will use conventional firepower, especially because America has conventional superiority and a demonstrated willingness to use it. Consequently, when dealing with non-WMD-related threats, conventional deterrence will be the most likely mechanism for deterring hostile actions. According to Admiral Michael Mullen, the current Chairman of the Joint Chiefs of Staff, “A big part of credibility, of course, lies in our conventional capability. The capability to project power globally and conduct effective theater-level operations. . . remains essential to deterrence effectiveness.”4 Conventional deterrence also plays an important role in preventing nonnuclear aggression by nuclear-armed regimes. Regional nuclear pro liferation may not only increase the chances for the use of nuclear weap ons, but, equally important, the possibility of conventional aggression. The potential for conventional conflict under the shadow of mutual nucle ar deterrence was a perennial concern throughout the Cold War, and that scenario is still relevant. A nuclear-armed adversary may be emboldened to use conventional force against US friends and allies, or to sponsor terrorism, in the belief that its nuclear capabilities give it an effective deterrent against US retaliation or intervention.’5 For example, a regime might calculate that it could undertake conventional aggression against a neighbor and, after achieving a relatively quick victory, issue implicit or explicit nuclear threats in the expectation that the United States (and perhaps coalition partners) would choose not to get involved. In this context, conventional deterrence can be an important mech anism to limit options for regional aggression below the nuclear thresh old. By deploying robust conventional forces in and around the theater of potential conflict, the United States can credibly signal that it can respond to conventional aggression at the outset, and therefore the opponent cannot hope to simultaneously achieve a quick conventional victory and use nuclear threats to deter US involvement. Moreover, if the United States can convince an opponent that US forces will be engaged at the beginning of hostilities—and will therefore incur the human and financial costs of war from the start—it can help persuade opponents that the United States would be highly resolved to fight even in the face of nuclear threats because American blood and treasure would have already been expended.” Similar to the Cold War, the deployment of conventional power in the re gion, combined with significant nuclear capabilities and escalation dom- inance, can help prevent regimes from believing that nuclear possession provides opportunities for conventional aggression and coercion.

### 1NC XO CP

#### The Executive branch of the United States federal government should ban the and implement this through self-binding mechanisms including, but not limited to independent commissions to review and ensure compliance with the order and transparency measures that gives journalists access to White House decisionmaking.

### 1NC Solvency

#### Even if there’s no statutory wiggle room, Obama will change definitions to create it

Hafetz, 11/5 --- law professor at Seton Hall

(11/5/2013, Jonathan, “Outrage Fatigue: The Danger of Getting Used to Gitmo,” http://www.worldpoliticsreview.com/articles/13311/outrage-fatigue-the-danger-of-getting-used-to-gitmo))

The Obama administration has shown no shortage of creative lawyering in justifying U.S. military involvement in Libya and Syria as well as in expanding America’s use of targeted drone strikes. In those instances, the administration has interpreted presidential authority robustly, while narrowly construing congressional attempts to cabin that authority, as in the War Powers Resolution. Yet, when it comes to releasing Guantanamo detainees, the administration remains sheepish. It has failed to apply the same interpretive approach to congressional transfer restrictions despite what the president has described as the clear national security interests in closing the prison. Only external events, such as the hunger strike, now seem to prompt any action. And even there, the urgency tends to dissipate once the public pressure and media attention fades.

#### A network of national security officials actually determines policy --- enacting external checks just legitimates them without providing any constraint

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

VI. Conclusion

U.S. national security policy has scarcely changed from the Bush to the Obama Administration. The theory of Walter Bagehot explains why. Bagehot described the emergence in 19th-century Britain of a “disguised republic” consisting of officials who actually exercised governmental power but remained unnoticed by the public, which continued to believe that visible, formal institutions exercised legal authority.601 Dual institutions of governance, one public and the other concealed, were referred to by Bagehot as “double government.”602 A similar process of bifurcated institutional evolution has occurred in the United States, but in reverse: a network has emerged within the federal government that exercises predominant power with respect to national security matters. It has evolved in response to structural incentives rather than invidious intent, and it consists of the several hundred executive officials who manage the military, intelligence, diplomatic, and law enforcement agencies responsible for protecting the nation’s security. These officials are as little disposed to stake out new policies as they are to abandon old ones. They define security more in military and intelligence terms rather than in political or diplomatic ones.

Enough examples exist to persuade the public that the network is subject to judicial, legislative, and executive constraints. This appearance is important to its operation, for the network derives legitimacy from the ostensible authority of the public, constitutional branches of the government. The appearance of accountability is, however, largely an illusion fostered by those institutions’ pedigree, ritual, intelligibility, mystery, and superficial harmony with the network’s ambitions. The courts, Congress, and even the presidency in reality impose little constraint. Judicial review is negligible; congressional oversight dysfunctional; and presidential control nominal. Past efforts to revive these institutions have thus fallen flat. Future reform efforts are no more likely to succeed, relying as they must upon those same institutions to restore power to themselves by exercising the very power that they lack. External constraints—public opinion and the press—are insufficient to check it. Both are manipulable, and their vitality depends heavily upon the vigor of constitutionally established institutions, which would not have withered had those external constraints had real force. Nor is it likely that any such constraints can be restored through governmental efforts to inculcate greater civic virtue, which would ultimately concentrate power even further. Institutional restoration can come only from an energized body politic. The prevailing incentive structure, however, encourages the public to become less, not more, informed and engaged.

### 1NC Relations

#### NO IMPACT – INEVITABLE RELATIONS CONFLICTS DON’T ESCALATE

MEDEIROS 2006 – RAND RESEARCHER, STRATEGIC HEDGING, WASHINGTON QUARTERLY, VOL 29 NO 1, WINTER

The United States and China are shadowboxing each other for influence and status in the Asia Pacific. Rhetorically pulling punches but operationally throwing jabs, both are using diplomacy and military cooperation to jockey for position as the regional security order evolves. Driven by China's ascending role in Asian security and economic affairs and the U.S. desire to maintain its position of regional preponderance, policymakers in each nation are hedging1 their security bets about the uncertain intentions, implicitly competitive strategies, and potentially coercive policies of the other. To hedge, the United States and China are pursuing policies that, on one hand, stress engagement and integration mechanisms and, on the other, emphasize realist-style balancing in the form of external security cooperation with Asian states and national military modernization programs. Neither country is openly talking about such hedging strategies per se, especially the security balancing, but both are pursuing them with mission and dedication. U.S. and Chinese leaders regularly recite the bilateral mantra about possessing a "cooperative, constructive, and candid" relationship, even as policymakers and analysts in each nation remain deeply concerned about the other's real strategic intentions. Such balance-of-power dynamics certainly do not drive each and every U.S. or Chinese policy action in Asia, but mutual hedging is fast becoming a core and perhaps even defining dynamic between the United States and China in the Asia-Pacific region. [End Page 145] The logic of this mutual hedging is understandable, as it allows Washington and Beijing each to maintain its extensive and mutually beneficial economic ties with each other and with the rest of Asia while addressing uncertainty and growing security concerns about the other. Hedging also helps prevent a geopolitical rivalry from becoming a self-fulfilling prophecy, another mutual core interest. In this sense, the U.S. and Chinese choice of hedging strategies could arguably be a manifestation of security dilemma dynamics at work in a globalized world characterized by deep economic interdependence and the need for multilateral security cooperation. Yet, such hedging is fraught with complications and dangers that could precipitate a shift toward rivalry and regional instability. It is a delicate balancing act that, to be effective and sustainable, requires careful management of accumulating stresses in U.S.-China relations, of regional reactions to U.S. and Chinese hedging policies, and of the domestic politics in each country. The prospect of armed conflict over Taiwan's status exacerbates these challenges.

### 1NC China War

#### **Their authors presume and utilize western identities to describe China—that makes conflict inevitable**

Pan, ‘04[Chengxin, PhD Poli. Sci. and Int’l Relations @ Australian Nat’l U, “The "China Threat" in American Self-Imagination: The Discursive Construction of Other as Power Politics,” in *Alternatives: Global, Local, Political*, Vol. 29]

Having examined how the "China threat" literature is enabled by and serves the purpose of a particular U.S. self-construction, I want to turn now to the issue of how this literature represents a discursive construction of other, instead of an "objective" account of Chinese reality. This, I argue, has less to do with its portrayal of China as a threat per se than with its essentialization and totalization of China as an externally knowable object, independent of historically contingent contexts or dynamic international interactions. In this sense, the discursive construction of China as a threatening other cannot be detached from (neo)realism, a positivist, a historical framework of analysis within which global life is reduced to endless interstate rivalry for power and survival. As many critical IR scholars have noted, (neo)realism is not a transcendent description of global reality but is predicated on the modernist Western identity, which, in the quest for scientific certainty, has come to define itself essentially as the sovereign territorial nation-state. This realist self-identity of Western states leads to the constitution of anarchy as the sphere of insecurity, disorder, and war. In an anarchical system, as (neo)realists argue, "the gain of one side is often considered to be the loss of the other," (45) and "All other states are potential threats." (46) In order to survive in such a system, states inevitably pursue power or capability. In doing so, these realist claims represent what R. B. J. Walker calls "a specific historical articulation of relations of universality/particularity and self/Other." (47) The (neo)realist paradigm has dominated the U.S. IR discipline in general and the U.S. China studies field in particular. As Kurt Campbell notes, after the end of the Cold War, a whole new crop of China experts "are much more likely to have a background in strategic studies or international relations than China itself." (48) As a result, for those experts to know China is nothing more or less than to undertake a geopolitical analysis of it, often by asking only a few questions such as how China will "behave" in a strategic sense and how it may affect the regional or global balance of power, with a particular emphasis on China's military power or capabilities. As Thomas J. Christensen notes, "Although many have focused on intentions as well as capabilities, the most prevalent component of the [China threat] debate is the assessment of China's overall future military power compared with that of the United States and other East Asian regional powers." (49) Consequently, almost by default, China emerges as an absolute other and a threat thanks to this (neo)realist prism. 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." (50) 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." (51) 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?" (52) Thus understood, by its very uncertain character, China would now automatically constitute a threat to the United States.

#### China does not want a war over Taiwan- unification is only a long-term goal

John F. COPPER- Prof International Studies @ Rhodes College, 6 August 2010, THE CHINA-TAIWAN ECONOMIC COOPERATION FRAMEWORK AGREEMENT: POLITICS, NOT JUST ECONOMICS, EAI Background Brief No. 548 , http://www.eai.nus.edu.sg/BB548.pdf

Along with relations with the United States, China’s foreign policy makers have long given the highest priority to dealing with Taiwan.9 As often stated the paramount objective of China’s Taiwan policy is attaining the peaceful reunification of the island and other territory under Taipei’s control; but China’s negotiating this agreement indicates this is a distant goal. China’s recent accommodative Taiwan policy comports with its overriding concern over maintaining its domestic economic development, which requires peace in the region. China wants to present an image of it being a champion of Asian and global stability.10 Chinese civilian leaders see serious disadvantages in a conflict with Taiwan. Such might accelerate nationalist feelings at home, transfer some (perhaps considerable) decision-making authority in foreign affairs to the military, damage China’s relations with the United States and Southeast Asia, and more.11 In late 2008, President **Hu** Jintao **stated publically that reunification is “at best a distant goal.”**12 In 2009 President Hu endorsed the idea of an umbrella economic agreement with Taiwan, one which Taiwan’s President Ma Ying-jeou had broached during the 2007-08 presidential election campaign.13 2.6 Meanwhile, in April 2009, Beijing acquiesced to Taiwan sending an observer to the World Health Assembly meeting in Geneva. This gave Taiwan’s its first presence in a United Nations body since it was expelled from the U.N. in 1971. In August, when Typhoon Morakot hit Taiwan causing serious damage and killing over 600, China sent aid and refrained from disrupting other foreign aid providers.14 2.7 Negotiating the ECFA China was quite generous to Taiwan. China made concessions during the talks to dampen criticism that its exports might hurt traditional or small businesses and farmers or that ECFA was a trap as the opposition in Taiwan described it.15 It appears that Beijing sought to boost public support in Taiwan for the agreement in Taiwan and succor President Ma Ying-jeou.16 President Hu promised “full consideration” of the interests of Taiwan compatriots. Chinese negotiators stated that ECFA would be “strictly an economic agreement, not a political one.”

#### Chinese modernization is measured and limited- at worst the U.S. just won’t be able to threaten it with war

Bandow Sr. Fellow Cato ‘10

(Doug-, former Special Assistant to Reagan, Feb. 2, Huffington Post, “China: The Next ‘Necessary’ Enemy?”, Lexis)

Which leaves China. For some, the Yellow Peril is the latest excuse for ever more military outlays. A decade ago the Project for a New American Century, also busy promoting war with Iraq, declared: "Raising U.S. military strength in East Asia is the key to coping with the rise of China to great-power status." The U.S.-China Economic and Security Review Commission routinely worries about the Chinese threat. The Rand Corporation has warned of U.S. military "vulnerability." The Center for Security Policy even charged that China hopes to be able "to defeat us militarily." Common are "China as enemy" books, including Jed Babbin's and Edward Timperlake's Showdown: Why China Wants War with the United States and Richard Bernstein's and Ross Munro's The Coming Conflict with China. The conservative web service NewMax.com once advertised Unrestricted Warfare: China's Master Plan to Destroy America. The U.S. government affects a more measured tone, but worry still underlies U.S. policy towards China. Wallace C. Gregson, Assistant Secretary of Defense for Asian and Pacific Security Affairs, told Congress in early January: "There are other [military] capabilities China is developing that are destabilizing to regional military balances, that could restrict access to the maritime, air, space, and cyberspace domains, or that could enable China to exercise military aggression or coercion against its neighbors." The Pentagon produces an annual report which warns of expanding Chinese military capabilities. A few weeks ago Adm. Robert F. Willard, Commander of the U.S. Pacific Command, testified before the House Armed Services Committee, contending that the PRC's "military modernization program [had] raised concerns in the region—a concern also shared by the U.S. Pacific Command." It seems a lot of people in Washington are searching for the next "necessary" enemy. It is a quixotic quest. Mao's China was an impoverished and murderous madhouse. By some estimates, Mao Zedong killed more people than did Joseph Stalin. Mao's Cultural Revolution consumed many of the Communist Party faithful, just like Stalin's purges. That China has disappeared. Today the PRC is more prosperous, open, interconnected, and responsible than ever before. True, Beijing is no ally, but it certainly is not an enemy. On some issues China is a "strategic partner." On others a "strategic competitor." None of this should surprise U.S. policymakers. The last two decades have been an artificial moment of history, when America dominated the globe and was able to disproportionately enforce its will on other states. Despite the apparent assumption that any nation which disagrees with Washington is guilty of ill, even evil, intent, there is no reason to expect the positions of other countries to always match those of the U.S. Washington obviously has important issues with Beijing: human rights, proliferation, military transparency, trade, North Korea, global economic cooperation, Iran, terrorism. Tensions exist: economic competition between China and America is reaching Africa and Latin America and there is nervous wariness in Washington about East Asian security. The challenge facing the U.S. is real. But the best response is thoughtful, nuanced diplomacy, not self-righteous scare-mongering. Most important, as serious as are some of the differences between Washington and the PRC, none of them is important enough to trigger war. For all of the discussion of conflicting security interests, Beijing has neither the will nor the ability to threaten America. And it is hard to imagine the time when China will be able to seriously threaten America. Beijing's military build-up is real but measured. Official PRC military spending was $71 billion last year; estimates of China's real defense outlays range up to $150 billion. That's more than any other country — except America. U.S. military outlays this year will run around $700 billion. Strip out Afghanistan and Iraq and spending will still exceed $530 billion. So Washington starts with an enormous head start over the PRC: the U.S. possesses the most sophisticated nuclear arsenal, advanced air wings, numerous carriers. And America continues to spend four to seven times, depending on how one measures what, as much as Beijing on the military. Moreover, the U.S. is allied with every major industrialized state other than Russia, while China is surrounded by countries with which it has been in conflict: India, Japan, Russia, South Korea, and Vietnam. The PRC is not well-positioned to launch a war of aggression even if it had both the ability and desire to do so. The real issue for Washington is dominance, not defense. For instance, Adm. Willard complained that China's military capabilities "appear designed to challenge U.S. freedom of action in the region and, if necessary, enforce China's influence over its neighbors — including our regional allies and partners." House Armed Services Committee Chairman Ike Skelton (D-Mo.) opened the recent hearing: "the United States must demonstrate our own interests in the Asia-Pacific region including our ability to project power effectively there." In short, what worries U.S. officials is the difficulty of preserving Washington's ability to intervene every where at any time, even along China's border. Over the last two decades the U.S. has had the world's air and ocean space largely to itself. But, observed Assistant Secretary Gregson, "As China's international role expands, our two militaries will increasingly find themselves operating in the same space." What he meant, though was unwilling to say directly, was that Washington will no longer be able to threaten the PRC with war. That ability is fast disappearing. To deter the U.S., Beijing need not match American military power. Rather, China must modernize its nuclear force, to forestall atomic coercion, build missiles and submarines, to sink U.S. carriers, improve its air force, to end automatic American superiority, and develop asymmetric weapons, to take out U.S. satellites and attack America's information infrastructure. All of these the PRC is doing. Thus, the Chinese build-up looks threatening — but only to Washington's global ambitions. To no longer be able to intervene at will might unnerve U.S. policymakers, but that was the world which faced America for most of its existence. And it is the world in which every other country finds itself today. Moreover, Washington can only delay, not prevent, its return to normalcy. Beijing can build a solid deterrent force at far less cost than the U.S. can maintain its offensive capability to overwhelm China's military. And in a time of extraordinary financial crisis and widespread social need, America doesn't have the money to waste trying to remain the globe's "unipower." Far better for friendly states, including Japan, South Korea, and Australia, to cooperate defensively to encourage Chinese restraint than to assume America must defend every state against every possible adversary under every circumstance.

## 2nc

### cp solvency

#### Obama can renounce unilateral military action

Lobel, 9 --- Professor of Law at the University of Pittsburgh School of Law (Jules, Journal of National Security Law & Policy, “Preventive Detention and Preventive Warfare: U.S. National Security Policies Obama Should Abandon,” 3 J. Nat'l Security L. & Pol'y 341))

Obama's position on the use of preventive military force is unclear. He clearly opposed the Iraq War from the outset. During the 2008 Presidential election campaign, however, Obama stated that he would never take the military option off the table to prevent Iranian acquisition of nuclear weapons. n27 This position was reaffirmed by White House Press Secretary Robert Gibbs. n28 Some important Obama and State Department advisors firmly believe that the Administration must retain the option of a U.S. or Israeli military action against Iran to persuade Iran to forgo its nuclear program. For example, a recent report drafted by neoconservatives and sponsored by the Bipartisan Policy Center n29 argued that the new President should make clear from his first day in office that he was prepared to use preemptive military force if Iran refused to give up enriching uranium in the face of increasing U.S. and international diplomatic efforts. The report was signed by former Ambassador Dennis Ross, a key Obama administration foreign policy advisor and Middle East diplomat under Bill Clinton. n30

[\*346] At the risk of being labeled naive, I would advise Obama to take the unilateral military option off the table. The Administration should make clear that it is not considering a preemptive military attack against Iran and that it renounces such an option as illegal and counterproductive. The present turmoil in Iran reinforces the need for a clear U.S. position against such a unilateral military option to counter Iranian claims of unlawful U.S. interference with Iranian sovereignty. The Administration should also remove the references to preemptive military attacks that appeared in the 2002 and 2006 National Security Strategies when it prepares a new strategy in 2010. It should promise the world that, henceforth, the United States will use military force only in accordance with the prescriptions contained in the U.N. Charter and customary international law and not in response to potential gathering threats.

There are two basic reasons that the new Administration should forswear a unilateral preemptive military strike against Iran or North Korea. First, virtually all experts agree that such a military strike would accomplish little and undoubtedly prove to be counterproductive. Second, it would also violate international law and undermine Obama's determination to restore American credibility, legitimacy, and leadership in the world community.

#### President more perceived than Congress or Courts

Marshall, 8 --- Professor of Law at the University of North Carolina

(April 2008, William P., Boston University Law Review, “THE ROLE OF THE PRESIDENT IN THE TWENTY-FIRST CENTURY: ARTICLE: ELEVEN REASONS WHY PRESIDENTIAL POWER INEVITABLY EXPANDS AND WHY IT MATTERS,” 88 B.U.L. Rev. 505))

7. The Media and the Presidency

As Justice Jackson recognized in Youngstown, the power of the Presidency has also been magnified by the nature of media coverage. This coverage, which focuses on the President as the center of national power, n66 has only increased since Jackson's day as the dominance of television has increasingly identified the image of the nation with the image of the particular President holding office. n67 The effects of this image are substantial. Because the President is seen as speaking for the nation, the Presidency is imbued with a unique credibility. The President thereby holds an immediate and substantial advantage in any political confrontation. n68 Additionally, unlike the Congress or the Court, the President is uniquely able to demand the attention of the media and, in that way, can influence the Nation's political agenda to an extent that no other individual, or institution, can even approximate.

#### That plank solves

Ackerman, 9 --- professor of law at Yale

(3/25/2009, Bruce, “Why We Need a Commission on Presidential Power,” <http://prospect.org/article/why-we-need-commission-presidential-power)>)

We should not look upon presidential lawlessness as if it were an odd aberration of the Bush years.

President Barack Obama started strong by announcing the end of torture and the closing of Guantánamo, but he has recently taken a more equivocal attitude toward the Bush constitutional legacy. While rejecting his predecessor's extreme claims, he continues to assert the presidential power to hold terrorists without trial and to keep state secrets from the courts. And he has already issued his first signing statement denouncing a few provisions of the stimulus package as unconstitutionally limiting his executive prerogatives.

These decisions have unleashed a flood of anxious commentary about Obama's ultimate intentions. But the discussion has only served to divert public attention from the real question confronting the new administration. Barack Obama is no George W. Bush -- he will indeed cut back substantially on unilateral assertions of power. The big question is whether he will take effective steps to prevent the next president from reversing course yet again and using the precedents of the Bush years as a springboard for even more extreme assertions of executive authority.

Anything Obama does through executive order can be reversed by the next president through a countervailing executive order. The president's real challenge is to design a thoughtful process through which he could lead Congress to pass landmark legislation that would decisively repudiate the unilateralism of the Bush years.

The first step is to create a presidential commission on presidential power. Like great commissions of the past, it should include leading members of Congress and engage in a year-long process of deliberation. It should propose a series of landmark statutes that reinvigorate the founding principles of checks and balances. This would prepare the way for a serious collaborative effort between the president and Congress to enact realistic limitations into law before the next presidential election.

We have been here before. During the 1970s, Congress responded to the abuses of the Nixon years by passing the War Powers Resolution and the Emergency Powers Act. But these statutes were gravely weakened by the intense struggle for power between congressional Democrats and Presidents Richard Nixon and Gerald Ford. This time around, the same party is in charge of all the branches -- providing a precious opportunity to move beyond partisanship and confront the serious problem left to us by history.

We should not look upon presidential lawlessness as if it were an odd aberration of the Bush years. The abuses of the war on terrorism represents the third wave of illegality in a generation, coming after Watergate and the Iran-Contra fiasco. It is not enough for President Obama to resist the temptations of power. He should take the lead in a collective effort to diagnose the causes of and potential cures for the systematic tendency of the modern presidency to abuse its powers.

I am not calling for a truth commission that is primarily concerned with establishing the sordid facts about past abuses of power. The commission should be resolutely forward-looking, mining the past only to understand why existing statutes failed to effectively restrain presidential power. The challenge is to learn from experience and design better systems of checks and balances for the future.

This can only be accomplished by creating a special commission in which members of Congress and the administration don't try to score political points but work together to come up with serious proposals. This exercise might fail, of course, but it might also catalyze a serious collective effort to control the presidency's recurrent tendencies to break free of the rule of law. And if it did succeed, the resulting landmark legislation would serve as one of Obama's great legacies to future generations.

#### Executive orders facilitate the legislative process

Mayer and Price, 02 (Kenneth, Kevin, Professor @ U of Wisconsin-Madison, Graduate Student @ U of Wisconsin-Madison, Presidential Studies Quarterly, “Unilateral presidential powers: significant executive orders”, 6/1/2002, lexis)

If presidents may use the rhetorical, personal, and persuasive resources of the office, they may also take advantage of the formal prerogatives vested in the chief executive by the Constitution, statutory grants of authority, and the evolution of relevant legal doctrine. (Cash 1963; Cross 1988; Fleishman and Aufses 1976; Jack 1986; Neighbors 1964; Rosenberg 1981; Sunstein 1981; Tauber 1982). To the extent that executive orders alter institutional structures or processes, they provide potent resources for presidential leadership based on formal authority. In short, presidents enjoy significant but not unfettered latitude in governing the government through the issuance of executive orders. The administrative authority vested in the modern presidency is significant in its own right, but we claim that the exercise of intragovernment powers can yield consequences for the larger political system as well. In a highly permeable system in which executive policy decisions can spill over into other institutions and the broad political culture, executive orders can effect changes that presidents may or may not have intended--or even considered--in the first place (Weir 1989). In other words, politically significant executive orders are not merely executive phenomena. As illustrated by the long history of executive orders concerning integration and civil rights--Truman ordering the integration of the armed forces, Kennedy and Johnson requiring affirmative action in federal contracting, Reagan attempting to limit the role of ethnic preferences in federal affirmative action programs--these instruments of presidential authority can animate contending forces, facilitate innovations in the legislative process, codify ideological, commitments, and drive social change.

### At: links

#### CP is not a loss for Obama

Balkin, 9/3 --- Professor of Constitutional Law and the First Amendment at Yale (9/3/2013, Jack M., “What Congressional Approval Won't Do: Trim Obama's Power or Make War Legal; Critics think Obama has boxed himself in and surrendered executive-branch power to Congress. They’re in for a big surprise,” <http://www.theatlantic.com/politics/archive/2013/09/what-congressional-approval-wont-do-trim-obamas-power-or-make-war-legal/279298/>))

If Congress turns him down, won’t Obama be undermined at home, as other critics claim? In what sense? It is hard to see how the Republicans could be less cooperative than they already are. And it’s not in the interest of Democrats to fault a president of their own party for acceding to what Congress wants instead of acting unilaterally.

### AT: XOs Overturned (Future Presidents)

#### Won’t be overturned by future presidents

Branum, 02 --- Associate, Fulbright & Jaworski L.L.P., Houston, Texas. J.D. University of Texas; Austin (Tara L., Journal of Legislation, “PRESIDENT OR KING? THE USE AND ABUSE OF EXECUTIVE ORDERS IN MODERN-DAY AMERICA,” 28 J. Legis. 1)

Congressmen and private citizens besiege the President with demands [\*58] that action be taken on various issues. n273 To make matters worse, once a president has signed an executive order, he often makes it impossible for a subsequent administration to undo his action without enduring the political fallout of such a reversal. For instance, President Clinton issued a slew of executive orders on environmental issues in the weeks before he left office. n274 Many were controversial and the need for the policies he instituted was debatable. n275 Nevertheless, President Bush found himself unable to reverse the orders without invoking the ire of environmentalists across the country. n276 A policy became law by the action of one man without the healthy debate and discussion in Congress intended by the Framers. Subsequent presidents undo this policy and send the matter to Congress for such debate only at their own peril. This is not the way it is supposed to be.

### circumvention

#### The affirmative focuses on the wrong area of government --- U.S. national security decisions are made by executive officials, separate from even the President.

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

As it did in the early days of Britain’s monarchy, power in the United States lay initially in one set of institutions—the President, Congress, and the courts. These are America’s “dignified” institutions. Later, however, a second institution emerged to safeguard the nation’s security. This, America’s “efficient” institution (actually, as will be seen, more a network than an institution) consists of the several hundred executive officials who sit atop the military, intelligence, diplomatic, and law enforcement departments and agencies that have as their mission the protection of America’s international and internal security. Large segments of the public continue to believe that America’s constitutionally established, dignified institutions are the locus of governmental power; by promoting that impression, both sets of institutions maintain public support. But when it comes to defining and protecting national security, the public’s impression is mistaken. America’s efficient institution makes most of the key decisions concerning national security, removed from public view and from the constitutional restrictions that check America’s dignified institutions. The United States has, in short, moved beyond a mere imperial presidency to a bifurcated system—a structure of double government—in which even the President now exercises little substantive control over the overall direction of U.S. national security policy. Whereas Britain’s dual institutions evolved towards a concealed republic, America’s have evolved in the opposite direction, toward greater centralization, less accountability, and emergent autocracy.

#### Even if there’s no statutory wiggle room, Obama will change definitions to create it

Hafetz, 11/5 --- law professor at Seton Hall

(11/5/2013, Jonathan, “Outrage Fatigue: The Danger of Getting Used to Gitmo,” http://www.worldpoliticsreview.com/articles/13311/outrage-fatigue-the-danger-of-getting-used-to-gitmo))

The Obama administration has shown no shortage of creative lawyering in justifying U.S. military involvement in Libya and Syria as well as in expanding America’s use of targeted drone strikes. In those instances, the administration has interpreted presidential authority robustly, while narrowly construing congressional attempts to cabin that authority, as in the War Powers Resolution. Yet, when it comes to releasing Guantanamo detainees, the administration remains sheepish. It has failed to apply the same interpretive approach to congressional transfer restrictions despite what the president has described as the clear national security interests in closing the prison. Only external events, such as the hunger strike, now seem to prompt any action. And even there, the urgency tends to dissipate once the public pressure and media attention fades.

## 1nr

### 1NR Politics Ev

#### New sanctions will cause war – prefer newest comprehensive study

ARMBRUSTER 2/18/14—National Security Editor for ThinkProgress.org at the Center for American Progress Action Fund [Ben Armbruster, Bipartisan Expert Group Says New Iran Sanctions Will Undermine Diplomacy, http://thinkprogress.org/world/2014/02/18/3300741/iran-project-sanctions-diplomacy/]

A new report from a bipartisan group of experts at the Iran Project released on Tuesday finds that opponents of new sanctions on Iran at this time are largely correct in that they would lead to a break-down of diplomacy, isolate the U.S. from its negotiating partners and embolden hard-liners in Tehran.

The Iran sanctions battle in the Senate has stalled for now, but it’s unclear if the House will take up the matter again, as Majority Leader Eric Cantor (R-VA) is reportedly working on language with other House leaders.

The Iran Project’s report analyzes arguments for and against the Senate Iran sanctions bill that was introduced last December by Sens. Mark Kirk (R-IL) and Robert Menendez (D-NJ), who have argued that new sanctions will give the U.S. more leverage in nuclear talks with Iran.

But, the report says, “It is diﬃcult to argue that a new sanctions bill is intended to support the negotiations when all the countries doing the negotiating oppose it.”

Kirk, Menendez and other supporters of the bill say the sanctions have a delayed trigger and will kick in in six months or if Iran backs out of the deal. Not so, the Iran Project says. “After carefully reading the bill line by line and consulting with both current and retired Senate staff the relevant committees, it appears that the critics are correct: the change in sanctions law takes effect upon passage,” the report says, which would most likely put the United States in violation of the interim nuclear agreement reached in Geneva in November

On whether new sanctions will weaken the international coalition on imposing existing sanctions, “some countries would continue to honor some sanctions,” the Iran Project says if the Senate sanctions bill passes. “Still, it would seem that on balance, the net result would be less pressure on Iran.” The report also says that unilateral congressional action on sanctions now “would feed an unwelcome narrative” to America’s partners, the U.K., France, China, Russia, Germany and others, that the U.S. can’t live up to its promises and is an unreliable partner.

Many, like Sen. Patrick Murphy (D-CT), have argued that placing new sanctions on Iran will undermine relative moderate Iranian President Hassan Rouhani, who supports a diplomatic approach with the U.S. The Iran Project agrees. “It is very diﬃcult to imagine that the sanctions bill would do anything but undermine Rouhani, as he attempts to steer Iran on a diﬀerent path. This is an assessment shared not only by Iran experts, and Iranian expats who have opposed the regime, but also by Israeli military intelligence, which has concluded that Rouhani may represent a fundamental shift in Iranian politics.”

“[I]t is difficult to escape the conclusion that a new sanctions bill would increase the probability of war, even if it does not guarantee such an outcome,” the report says.

The bipartisan Iran Project has issued several reports on the Iran nuclear issue. In 2012, the group concluded that attacking Iran would risk an “all out regional war” lasting “several years” and that In order to achieve regime change, the report says, “the occupation of Iran would require a commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.”

#### Even if the deal is likely to fail it is still a good idea to test Iranian intentions --- it will make hardline options more credible

Ereli, 2/17 --- former deputy spokesman of the State Department (2/17/2014, “The Iranian Nuclear Deal: A Foreign Policy ‘Hail Mary’” <http://www.ibtimes.com/iranian-nuclear-deal-foreign-policy-hail-mary-1556004>))

So where does that leave us? America is right to put Iran’s stated intention to disarm to the test. Paradoxically, providing the regime an opportunity to fail is the surest way to undermine it. Let the world see that despite its seductive charm offensive, Iran’s fundamental interests have not changed and a resolute, unified stance by the international community is our best protection. As the Obama Administration’s former Deputy National Security Advisor recently wrote, “…if diplomacy fails, the United States will be far more credible in reinforcing sanctions or using force -- or both -- if it puts a proposal on the table that the rest of the international community will find serious and plausible.”

#### Obama’s PC is key to prevent renewed sanctions push --- the issue is not settled

Leverett & Leverett, 1/20 --- \*professor at Pennsylvania State University’s School of International Affairs, AND \*\*Senior Professorial Lecturer at the American University in Washington (1/20/2014, Flynt Leverett and Hillary Mann Leverett, “Iran, Syria and the Tragicomedy of U.S. Foreign Policy,” http://goingtotehran.com/iran-syria-and-the-tragicomedy-of-u-s-foreign-policy)

Regarding President Obama’s ongoing struggle with the Senate over Iran policy, Hillary cautions against premature claims of “victory” for the Obama administration’s efforts to avert new sanctions legislation while the Joint Plan of Action is being implemented. She points out that “the foes of the Iran nuclear deal, of any kind of peace and conflict resolution in the Middle East writ large, are still very strong and formidable. For example, the annual AIPAC policy conference—a gathering here in Washington of over 10,000 people from all over the country, where they come to lobby congressmen and senators, especially on the Iran issue—that will be taking place in very early March. There’s still a lot that can be pushed and played here.”

To be sure, President Obama and Secretary of State John Kerry “have put a lot of political capital on the line.” No other administration has so openly staked out its opposition to a piece of legislation or policy initiative favored by AIPAC and backed by a bipartisan majority on Capitol Hill since the 1980s, when the Reagan administration successfully defended its decision to sell AWACs planes to Saudi Arabia. But, Hillary notes, if the pro-Israel lobby is able to secure a vote on the new sanctions bill, and to sustain the promised veto of said bill by President Obama, “that would be such a dramatic blow to President Obama, and not just on his foreign policy agenda, but it would be devastating to his domestic agenda.” So Obama “has a tremendous amount to lose, and by no means is the fight anywhere near over.”

#### Disagreements over authority trigger constitutional showdowns – even if the executive wants the plan – it’s about who decides, not the decision itself

**Posner and Vermeule, 10**- \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian,The Executive Unbound, p. 75-77)

Showdowns occur when the location of constitutional authority for making an important policy decision is ambiguous, and multiple political agents (branches, parties, sections, governments) have a strong interest in establishing that the authority lies with them. Although agents often have an interest in negotiating a settlement, asymmetric information about the interests and bargaining power of opposing parties will sometimes prevent such a settlement from being achieved. That is when a showdown occurs. Ultimately, however, someone must yield; this yielding to or acquiescence in the claimed authority of another agent helps clarify constitutional lines of authority, so that next time the issue arises, a constitutional impasse can be avoided. From a normative standpoint, constitutional showdowns thus have an important benefit, but they are certainly not costless. As long as the showdown lasts, the government may be paralyzed, unable to make important policy decisions, at least with respect to the issue under dispute.

We begin by examining a simplified version of our problem, one involving just two agents—Congress and the executive. We assume for now that each agent is a unitary actor with a specific set of interests and capacities. We also assume that each agent has a slightly different utility function, reflecting their distinct constituencies. If we take the median voter as a baseline, we might assume that Congress is a bit to the left (or right) of the median voter, while the president is a bit to the right (or left). We will assume that the two agents are at an equal distance from the median, and that the preferences of the population are symmetrically distributed, so that the median voter will be indifferent between whether the president or Congress makes a particular decision, assuming that they have equal information.39 But we also will assume that the president has better information about some types of problems, and Congress has better information about other types of problems, so that, from the median voter’s standpoint, it is best for the president to make decisions about the first type of problem and for Congress to make decisions about the second type ofproblem.40

Suppose, for example, that the nation is at war and the government must decide whether to terminate it soon or allow it to continue. Congress and the president may agree about what to do, of course. But if they disagree, their disagreement may arise from one or both of two sources. First, Congress and the president have different information. For example, the executive may have better information about the foreign policy ramifications of a premature withdrawal, while Congress has better information about home-front morale. These different sources of information lead the executive to believe that the war should continue, while Congress believes the war should be ended soon. Second, Congress and the president have different preferences because of electoral pressures of their different constituents. Suppose, for example, that the president depends heavily on the continued support of arms suppliers, while crucial members of Congress come from districts dominated by war protestors. Thus, although the median voter might want the war to continue for a moderate time, the president prefers an indefinite extension, while Congress prefers an immediate termination.

So far, we have explained why the president and Congress might disagree about when to terminate the war, but mere policy disagreement does not result in a showdown. Showdowns arise only when thereis a disagreement about authority. If Congress believes that the president has the sole authority to terminate the war, then his view will prevail. Congress may try to pressure him or influence him by offering support for other programs desired by the president, or by trying to rile up the public, but these activities are part of normal politics, and do not provoke a constitutional showdown. Similarly, if the president believes that Congress has the sole authority to terminate the war, then Congress’s view will prevail. This outcome is shown in cell 3 in table 2.1. Similarly, no showdown occurs when the two branches agree both about authority and policy—for example,

that the president decides, and Congress agrees with his decision (cell 1). The first column represents the domain of normal politics.

Showdowns can arise only when Congress and the president disagree about who decides. Here, there are two further possibilities. First, Congress and the president disagree about who decides but ect policy outcome (cell 2). In these situations, which arise with some frequency, the two branches are often tempted to paper over their differences because an immediate policy choice is not at stake. But sometimes a showdown will occur. We will discuss this special case later. Second, Congress and the president disagree about the policy outcome and about authority (cell 4). In this case, showdowns are likely, because a policy decision must be made, and if the parties cannot agree about what it should be, then they cannot avoid resolving the question of authority. We focus on this case for now.