# 1NC

### DA

**Congressional restrictions cause adversaries to doubt the resolve of U.S. deterrence – causes crisis escalation.**

Waxman 8/25 [Matthew Waxman 8/25/13, Professor of Law – Columbia and Adjunct Senior Fellow for Law and Foreign Policy – CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

A claim previously advanced from a presidentialist perspective is that stronger legislative checks on war powers is harmful to coercive and deterrent strategies, because it establishes easily-visible impediments to the President’s authority to follow through on threats. This was a common policy argument during the War Powers Resolution debates in the early 1970s. Eugene Rostow, an advocate inside and outside the government for executive primacy, remarked during consideration of legislative drafts that any serious restrictions on presidential use of force would mean in practice that “no President could make a credible threat to use force as an instrument of deterrent diplomacy, even to head off explosive confrontations.”178 He continued:¶ In the tense and cautious diplomacy of our present relations with the Soviet Union, as they have developed over the last twenty-five years, the authority of the President to set clear and silent limits in advance is perhaps the most important of all the powers in our constitutional armory to prevent confrontations that could carry nuclear implications. … [I]t is the diplomatic power the President needs most under the circumstance of modern life—the power to make a credible threat to use force in order to prevent a confrontation which might escalate.179

**Credible conventional deterrence checks nuclear aggression**

Gerson 09

MICHAEL S. GERSON, research analyst at the Center for Naval Analyses, Policy Fellow with the ONE Campaign, a visiting fellow with the Center for Public Justice, and a former senior fellow at the Council on Foreign Relations,“Conventional Deterrence in the Second Nuclear Age”, Strategic Studies Institute, Autumn 2009 //jchen

Although implicit or explicit nuclear threats may lack credibili- ty 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 convention- al capability. The capability to project power globally and conduct effective theater-level operations . . . remains essential to deterrence effectiveness.”14

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 ter- rorism, in the belief that its nuclear capabilities give it an effective deter- rent against US retaliation or intervention.15 For example, a regime might calculate that it could undertake conventional aggression against a neigh- bor and, after achieving a relatively quick victory, issue implicit or explicit nuclear threats in the expectation that the United States (and perhaps coali- tion 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 threshold. 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 can- not 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 be- cause American blood and treasure would have already been expended.16 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.

**Foreign policy resolve’s key to prevent a host of impacts---now’s key**

Chapin and Hanson 9 – Bernard Chapin- interviewer, and Victor Davis Hanson, the Martin and Illie Anderson senior fellow at the Hoover Institution, December 7, 2009, “Change, weakness, disaster,” online: http://pajamasmedia.com/blog/change-weakness-disaster-obama-answers-from-victor-davis-hanson/

BC: Are we currently sending a message of weakness to our foes and allies? Can anything good result from President Obama’s marked submissiveness before the world? Dr. Hanson: Obama is one bow and one apology away from a circus. The world can understand a kowtow gaffe to some Saudi royals, but not as part of a deliberate pattern. Ditto the mea culpas. Much of diplomacy rests on public perceptions, however trivial. We are now in a great waiting game, as regional hegemons, wishing to redraw the existing landscape — whether China, Venezuela, Iran, North Korea, Pakistan, Syria, etc. — are just waiting to see who’s going to be the first to try Obama — and whether Obama really will be as tenuous as they expect. If he slips once, it will be 1979 redux, when we saw the rise of radical Islam, the Iranian hostage mess, the communist inroads in Central America, the Soviet invasion of Afghanistan, etc. BC: With what country then — Venezuela, Russia, Iran, etc. — do you believe his global repositioning will cause the most damage? Dr. Hanson: I think all three. I would expect, in the next three years, Iran to get the bomb and begin to threaten ever so insidiously its Gulf neighborhood; Venezuela will probably cook up some scheme to do a punitive border raid into Colombia to apprise South America that U.S. friendship and values are liabilities; and Russia will continue its energy bullying of Eastern Europe, while insidiously pressuring autonomous former republics to get back in line with some sort of new Russian autocratic commonwealth. There’s an outside shot that North Korea might do something really stupid near the 38th parallel and China will ratchet up the pressure on Taiwan. India’s borders with both Pakistan and China will heat up. I think we got off the back of the tiger and now no one quite knows whom it will bite or when.

### K

#### Fears of cyberwar are threat inflation – causes us to create imaginary enemies

Severs 13 [Henry holds 1st (Hons) in Criminology & Social Policy from the University of Sheffield, further awarded the Vaughan Bevan Prize by the Faculty of Law. Currently a postgraduate of War Studies at King's College London, reading Terrorism, Security, & Society as a Stapley Trust Scholar. Primary focus includes; domestic counter-terrorism and security policy, geopolitical risk, and cyber-security. He acts as Development Manager for The Risky Shift. Explore his personal portfolio or follow Henry on Twitter. The Cyber-Industrial-Complex MARCH 26, 2013 http://theriskyshift.com/2013/03/the-cyber-industrial-complex-2/#ixzz2bRZiyoUK]

The drumbeat of “cyber-doom”[66] scenarios, replayed in the media echo-chamber, has provided a steady and constant cadence for the oratory emanating from Westminster and especially Washington[67]. Prophetical disaster rhetoric evoked by ‘expert’ commentators envisage a cataclysmic cyber event, in which the financial sector collapses, planes collide midair, trains derail, military defences disintegrate, industrial control systems fail, “lethal clouds of chlorine gas” leak from chemical plants, gas pipelines and refineries explode, dams breach, reactors meltdown, power blackouts engulf the country, satellites spin into the obis, and “thousands of people” die… but authorities are paralysed in the face of crumbling communications and digital devastation[68]. This tone continues elsewhere: Secretary of Defense, Leon Panetta’s ominous forecast of a looming “cyber Pearl Harbour”, former head of the National Cyber Security Division, Amit Yoran’s claims “cyber-9/11 has happened”, Vanity Fair’s portrayal of Stuxnet as the “Hiroshima of cyber-war”, and Director of the International Telecommunications Union, Hamadoun Touré’s claims that “cyber-war will be worse than a tsunami”, are the most infamous, vacuous, and distasteful examples of this apocalyptic theme[69]. Although the most revealing doomsday framing[70] comes from former Senate Armed Services Committee Chairman, Carl Levin, when he stated; “cyberweapons and cyberattacks… approach weapons of mass destruction in their effects”[71]. Yet, nothing remotely resembling ‘cyber-doom’ has come to pass, and no fatality nor building destruction has even been attributable to a cyber-attack[72]. Despite Estonian politicians claiming that DDoS attacks and “a nuclear explosion…[are] the same thing”[73], NATO’s Cyber Defence Centre of Excellence described the impact of the attacks as “minimal” or “nonexistent”[74] This solipsistic introjection – assigning imagined behaviours and character traits onto an invisible enemy[75] – combined with a technological malaise characteristic of late-modernity[76], has seen the development of societal pessimism, dystopian fears, and a sense of political impotence regarding the prevalence of modern technologies[77]. These fears are reminiscent of bygone anxieties regarding earlier communicative mediums and reflective of broader, tenuous concerns about societal fragility[78]. Previous 20th Century moral panics over increased radio, telegraph, and telephone use, ultimately proved unfounded and transient, soon to be surpassed by the latest technological trepidation[79] The WMD parallel does, however, provide an illuminating comparison in one regard. In the run up the Iraq war the Bush administration described a “bullet-proof”[80] link between Sadaam Hussein and 9/11 – purportedly providing refuge and training to al-Qaeda[81]. Controlled Whitehouse leaks implied Iraq held WMDs, successfully conflating the very different threats and consequences of chemical, biological, and nuclear weapons[82]. Although allegations — including the purchase of ‘yellowcake’ for uranium enrichment — were ultimately proved fallacious, 40% of Americans still believed Saddam Hussein was “personally involved” in 9/11 as late as 2006[83]. Although no evidence substantiated these alarmist claims, the media relayed the government line without scrutiny and the administration was essentially able to cite news articles written speculating upon their own fictitious leaks[84]. It is this amplification of risk, or ‘threat inflation’, that Cramer and Thrall[85] describe. Speculative commentary about Iranian or North Korean cyber capabilities, unsubstantiated suppositions of the Chinese “lac[ing] US infrastructure with logic bombs”[86], and unverifiable assertions from the Center for Strategic and International Studies (CSIS) that cyber threats represent “a strategic issue on par with weapons of mass destruction and global jihad!”[87], fuel cyber-doom advocacy, and conflate sabotage, espionage, and subversion, under the banner of ‘cyber-war’ in a manner eerily redolent of Iraq WMD threat inflation[88].

#### Securitization and its Mediation Ensures Total War and Genocide – Their Representations of [advantage/impacts] Ensure Astonishing Violence.

Karsten **Friis**, UN Sector @ the Norwegian Institute of International Affairs, **2k** [*Peace and Conflict Studies* 7.2, “From Liminars to Others: Securitization Through Myths,” http://shss.nova.edu/pcs/journalsPDF/V7N2.pdf#page=2]

The problem with societal securitization is **one of representation**. It is rarely clear in advance who it is that speaks for a community. There is no system of representation as in a state. Since literately anyone can stand up as representatives, there is room for entrepreneurs. It is not surprising if we experience a struggle between different representatives and also their different representations of the society. What they do share, however, is a conviction that they are best at providing (a new) order. If they can do this convincingly, they gain legitimacy. What must be done is to make the uncertain certain and make the unknown an object of knowledge. To present a discernable Other is a way of doing this. The Other is represented as an Other -- as an unified single actor with a similar unquestionable set of core values (i.e. the capital “O”). They are objectified, made into an object of knowledge, by re-presentation of their identity and values. In other words, the representation of the Other is depoliticized in the sense that its inner qualities are treated as given and non-negotiable. In Jef Huysmans (1998:241) words, there is both a need for a mediation of chaos as well as of threat. A mediation of chaos is more basic than a mediation of threat, as it implies making chaos into a meaningful order by a convincing representation of the Self and its surroundings. It is a mediation of “ontological security”, which means “...a strategy of managing the limits of reflexivity ... by fixing social relations into a symbolic and institutional order” (Huysmans 1998:242). As he and others (like Hansen 1998:240) have pointed out, the importance of a threat construction for political identification, is often overstated. The mediation of chaos, of being the provider of order in general, is just as important. This may imply naming an Other but not necessarily as a threat. Such a dichotomization implies a **necessity** to get rid of all the liminars (what Huysmans calls “strangers”). This is because they “...connote a challenge to categorizing practices through the impossibility of being categorized”, and does not threaten the community, “...but the possibility of ordering itself” (Huysmans 1998:241). They are a challenge to the entrepreneur by their very existence. They confuse the dichotomy of Self and Other and thereby the entrepreneur’s mediation of chaos. As mentioned, a liminar can for instance be people of mixed ethnical ancestry but also representations of competing world-pictures. As Eide (1998:76) notes: “Over and over again we see that the “liberals” within a group undergoing a mobilisation process for group conflict are the first ones to go”. The liminars threaten the ontological order of the entrepreneur by challenging his representation of Self and Other and his mediation of chaos, which ultimately undermines the legitimacy of his policy. The liminars may be securitized by some sort of disciplination, from suppression of cultural symbols to ethnic cleansing and expatriation. This is a threat to the ontological order of the entrepreneur, stemming from inside and thus repoliticizing the inside/outside dichotomy. Therefore the liminar must disappear. It must be made into a Self, as several minority groups throughout the world have experienced, or it must be forced out of the territory. A liminar may also become an Other, as its connection to the Self is cut and their former common culture is renounced and made insignificant. In Anne Norton’s (1988:55) words, “The presence of difference in the ambiguous other leads to its classification as wholly unlike and identifies it unqualifiedly with the archetypal other, denying the resemblance to the self.” Then the liminar is no longer an ontological danger (chaos), but what Huysmans (1998:242) calls a mediation of “daily security”. This is not challenging the order or the system as such but has become a visible, clear-cut Other. In places like Bosnia, this naming and replacement of an Other, has been regarded by the securitizing actors as the solution to the ontological problem they have posed. Securitization was not considered a political move, in the sense that there were any choices. It was a necessity: Securitization was a solution based on a depoliticized ontology.10 This way the world-picture of the securitizing actor is not only a representation but also made into reality. The mythical second-order language is made into first-order language, and its “innocent” reality is forced upon the world. To the entrepreneurs and other actors involved it has become a **“natural” necessity** with a need to make order, even if it implies making the world match the map. Maybe that is why war against liminars are so often total; it attempts a **total expatriation** or a total “solution” (like the Holocaust) and not only a victory on the battlefield. If the enemy is not even considered a legitimate Other, the door may be more open to a kind of violence that is way beyond any war conventions, any jus in bello. This way, securitizing is legitimized: The entrepreneur has succeeded both in launching his world-view and in prescribing the necessary measures taken against it. This is possible by using the myths, by speaking on behalf of the natural and eternal, where truth is never questioned.

#### Alternative – Reject The Affirmative’s Security Logic – This Allows for *Actual Political Thought* – Accepting Their Descriptions and Responses Colonizes the Debate.

Mark **Neocleous**, Prof. of Government @ Brunel, ‘**8** [*Critique of Security*, 185-6]

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether - to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain 'this is an insecure world' and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security. This impasse exists because security has now become so all-encompassing that it marginalises all else, **most notably** the constructive conflicts, **debates and discussions that animate political life**. The constant prioritising of a mythical security as a political end - as the political end constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible - that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it remoeves it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the most efficient way to achieve 'security', despite the fact that we are never quite told - never could be told - what might count as having achieved it. Security politics is, in this sense, an anti-politics,"' dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to **get beyond** security politics, not **add** yet **more 'sectors' to it** in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text Critical Security Studies, in which the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: **maybe** there is no hole."' The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up reaffirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an **alternative political language** which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to **blind ourselves** to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing **forms of social domination** and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge another kind of politics centred on a **different conception of the good**. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be **emancipatory in the true sense of the word**. What this might mean, precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human; it requires accepting that 'securitizing' an issue does **not mean dealing with it politically, but bracketing it** out and handing it to the state; **it requires us to be brave enough to return the gift."'**

### CP

**The President of the United States should issue an executive order mandating incorporation of preemptive large-scale cyber-attacks into the covert action regime, except in direct support of authorized United States military operations.**

### CP

**The United States federal government should substantially increase restrictions on the war powers authority of the president of the United States by removing the authority to authorize the preemptive use of large-scale cyber-attacks, except for attacks on Iranian nuclear infrastructure and in direct support of authorized United States military operations.**

**1. Iran prolif**

**A. Cyber attacks disrupt Iran's nuclear weapons acquisition -- attacks are on-going and increasingly sophisticated**

Cohen 13 Tamir Cohen Aug. 15, 2012 Haaretz (Israeli newspaper) Iran threatens to counter cyber warfare with legal action

In effort to defend the country's infrastructure against future cyber-attacks, cabinet announces plan to cutoff government websites from global networks. http://www.haaretz.com/news/diplomacy-defense/iran-threatens-to-counter-cyber-warfare-with-legal-action-1.458486

A new virus had attacked nuclear facilities in Natanz and Fordo, a scientist at the Atomic Energy Organization of Iran claimed three weeks ago. The computer virus, he said, was able to shut down command and control equipment based on the Scada system manufactured by Siemens. The attack was similar to that of the Stuxnet virus, which was successful in compromising the same system in 2010.¶ Using a remote access point, the scientist explained, the hackers were able to access a virtual private network (VPN) and paralyze the Siemens hardware and other automated systems at the facilities. The scientist added that from time to time, the workstations played heavy metal music at deafening levels. “I believe they were playing ‘Thunderstruck’ by AC/DC,” the scientist wrote.

**B. Escalates to full scale war and causes extinction**

WIMBUSH ‘7 - Hudson Institute Senior Fellow, Center for Future Security Strategies Director (S. Enders, “The End of Deterrence: A nuclear Iran will change everything.” The Weekley Standard. 1/11/2007, http://www.weeklystandard.com/Utilities/printer\_preview.asp?idArticle=13154&R=162562FD5A)

Iran is fast building its position as the Middle East's political and military hegemon, a position that will be largely unchallengeable once it acquires nuclear weapons. A nuclear Iran will change all of the critical strategic dynamics of this volatile region in ways that threaten the interests of virtually everyone else. The outlines of some of these negative trends are already visible, as other actors adjust their strategies to accommodate what increasingly appears to be the emerging reality of an unpredictable, unstable nuclear power. Iran needn't test a device to shift these dangerous dynamics into high gear; that is already happening. By the time Iran tests, the landscape will have changed dramatically because everyone will have seen it coming. The opportunities nuclear weapons will afford Iran far exceed the prospect of using them to win a military conflict. Nuclear weapons will empower strategies of coercion, intimidation, and denial that go far beyond purely military considerations. Acquiring the bomb as an icon of state power will enhance the legitimacy of Iran's mullahs and make it harder for disgruntled Iranians to oust them. With nuclear weapons, Iran will have gained the ability to deter any direct American threats, as well as the leverage to keep the United States at a distance and to discourage it from helping Iran's regional opponents. Would the United States be in Iraq if Saddam had had a few nuclear weapons and the ability to deliver them on target to much of Europe and all of Israel? Would it even have gone to war in 1991 to liberate Kuwait from Iraqi aggression? Unlikely. Yet Iran is rapidly acquiring just such a capability. If it succeeds, a relatively small nuclear outcast will be able to deter a mature nuclear power. Iran will become a billboard advertising nuclear weapons as the logical asymmetric weapon of choice for nations that wish to confront the United States. It should surprise no one that quiet discussions have already begun in Saudi Arabia, Egypt, Turkey, and elsewhere in the Middle East about the desirability of developing national nuclear capabilities to blunt Iran's anticipated advantage and to offset the perceived decline in America's protective power. This is just the beginning. We should anticipate that proliferation across Eurasia will be broad and swift, creating nightmarish challenges. The diffusion of nuclear know-how is on the verge of becoming impossible to impede. Advanced computation and simulation techniques will eventually make testing unnecessary for some actors, thereby expanding the possibilities for unwelcome surprises and rapid shifts in the security environment. Leakage of nuclear knowledge and technologies from weak states will become commonplace, and new covert supply networks will emerge to fill the gap left by the neutralization of Pakistani proliferator A. Q. Khan. Non-proliferation treaties, never effective in blocking the ambitions of rogues like Iran and North Korea, will be meaningless. Intentional proliferation to state and non-state actors is virtually certain, as newly capable states seek to empower their friends and sympathizers. Iran, with its well known support of Hezbollah, is a particularly good candidate to proliferate nuclear capabilities beyond the control of any state as a way to extend the coercive reach of its own nuclear politics. Arsenals will be small, which sounds reassuring, but in fact it heightens the dangers and risk. New players with just a few weapons, including Iran, will be especially dangerous. Cold War deterrence was based on the belief that an initial strike by an attacker could not destroy all an opponent's nuclear weapons, leaving the adversary with the capacity to strike back in a devastating retaliatory blow. Because it is likely to appear easier to destroy them in a single blow, small arsenals will increase the incentive to strike first in a crisis. Small, emerging nuclear forces could also raise the risk of preventive war, as leaders are tempted to attack before enemy arsenals grow bigger and more secure. Some of the new nuclear actors are less interested in deterrence than in using nuclear weapons to annihilate their enemies. Iran's leadership has spoken of its willingness--in their words--to "martyr" the entire Iranian nation, and it has even expressed the desirability of doing so as a way to accelerate an inevitable, apocalyptic collision between Islam and the West that will result in Islam's final worldwide triumph. Wiping Israel off the map--one of Iran's frequently expressed strategic objectives--even if it results in an Israeli nuclear strike on Iran, may be viewed as an acceptable trade-off. Ideological actors of this kind may be very different from today's nuclear powers who employ nuclear weapons as a deterrent to annihilation. Indeed, some of the new actors may seek to annihilate others and be annihilated, gloriously, in return. What constitutes deterrence in this world? Proponents of new non-proliferation treaties and many European strategists speak of "managing" a nuclear Iran, as if Iran and the new nuclear actors that will emerge in Iran's wake can be easily deterred by getting them to sign documents and by talking nicely to them. This is a lethal naiveté. We have no idea how to deter ideological actors who may even welcome their own annihilation. We do not know what they hold dear enough to be deterred by the threat of its destruction. Our own nuclear arsenal is robust, but it may have no deterrent effect on a nuclear-armed ideological adversary. This is the world Iran is dragging us into. Can they be talked out of it? Maybe. But it is getting very late to slow or reverse the momentum propelling us into this nuclear no-man's land. We should be under no illusion that talk alone--"engagement"--is a solution. Nuclear Iran will prompt the emergence of a world in which nuclear deterrence may evaporate, the likelihood of nuclear use will grow, and where deterrence, once broken, cannot be restored.

**2. Israeli military strikes**

A. Cyber attacks prevent Israeli military attack

Haaretz 13 Haaretz May 16, 2013 (Israeli newspaper) Stuxnet worm aided Iranian nuclear program, researcher says New report claims that the Stuxnet worm, meant to disrupt operations at Iran's nuclear facilities, may have actually hindered Western diplomatic efforts. http://www.haaretz.com/news/diplomacy-defense/stuxnet-worm-aided-iranian-nuclear-program-researcher-says-1.524367

According to a book published a year ago, U.S. President Barack Obama had ordered an escalation of cyber warfare operations, and co-ordinated with Israelis tightened in order to prevent an IDF attack on Iran

**B. Israeli strike on Iran triggers world war III.**

Reuveny, 10 (Rafael Reuveny is a professor in the School of Public and Environmental Affairs at Indiana University. Con: Unilateral strike could trigger World War III, global depression, [http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.tGUOoSDf.dpuf](http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/" \l "sthash.tGUOoSDf.dpuf))

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.¶ 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.¶ ¶ 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.

### Arms Race

**No cyberwar – doesn’t accomplish strategic objective and risks are too high**

Libicki 9 Martin Libicki, Adjunct Professor at the Georgetown University Center for Security Studies, “CYBERDETERRENCE¶ AND CYBERWAR,” http://www.rand.org/content/dam/rand/pubs/monographs/2009/RAND\_MG877.pdf

No one knows how destructive any one strategic cyberwar attack ¶ would be. Estimates of the damage from today’s cyberattacks within ¶ the United States range from hundreds of billions of dollars to just a ¶ few billion dollars per year.¶ The higher dollar figures suggest that cyberattacks on enemy civilian infrastructures—strategic cyberwar—may be rationalized as a way ¶ to assist military efforts or as a way to coerce the other side to yield to ¶ prevent further suffering. But can strategic cyberwar induce political ¶ compliance the way, say, strategic airpower would? Airpower tends to ¶ succeed when societies are convinced that matters will only get worse. ¶ With cyberattacks, the opposite is more likely. As systems are attacked, ¶ vulnerabilities are revealed and repaired or routed around. As systems ¶ become more hardened, societies become less vulnerable and are likely ¶ to become more, rather than less, resistant to further coercion.¶ Those who would attempt strategic cyberwar also have to worry ¶ about escalation to violence, even strategic violence. War termination ¶ is also not trivial: With attribution so difficult and with capable third ¶ parties abounding (see below), will it be clear when one side has stopped ¶ attacking another?

**No cyber war – deterrence.**

Lewis 11 [Project Director James A. Lewis January 2011 a report of the csis commission on cybersecurity for the 44th presidency Cybersecurity Two Years Later Commission Cochairs Representative James R. Langevin Representative Michael T. McCaul Scott Charney Lt. General Harry Raduege, USAF (ret.) <http://csis.org/files/publication/110128_Lewis_CybersecurityTwoYearsLater_Web.pdf>]

However, we are not engaged in a cyber war. Short of armed conflict, nation-states are unlikely to launch cyber attacks against the United States. **The political risk is too high.** Just as with missiles and aircraft, countries can strike the United States using cyber attack, but they know this would trigger a violent if not devastating response. The risks are too high for frivolous engagement.

**Norms already exist – enough to restrict cyber escalation**

Schmitt 13 Michael N Schmitt, Chairman of the International Law Department at the United States Naval War College, “Cyberspace and International Law: The Penumbral Mist of Uncertainty,” http://www.harvardlawreview.org/issues/126/march13/forum\_1000.php

It has become de rigueur to characterize cyberspace as a new dimension of warfare, one devoid of international law and subject to catastrophic abuse. In fact, malevolent states, cyberterrorists, or malicious hackers will likely exploit cyberspace to strike at global critical infrastructure and other essential cyberassets. The ensuing consequences of such operations could range from the disruption of government functions and economic loss to massive physical destruction and widespread death. The prominent place cyberspace occupied in the Director of National Intelligence’s 2013 worldwide threat assessment was therefore neither hype nor hyperbole.¶ History may help place the concerns regarding cyberoperations in perspective. The appearance of new weaponry has often been accompanied by assertions that such weapons exist beyond the reach of extant principles and rules of international law. In the last century, for instance, such claims arose with respect to, inter alia, machine guns, aircraft, submarines, and nuclear weapons. And in the last few months, controversy has erupted over autonomous weapon systems, following seemingly contradictory arguments from human rights quarters that they are both unlawful per se and should be banned by treaty.¶ Yet, cyberspace is not a lawless firmament. As with the aforementioned weapons, the established norms of the jus pacis, jus ad bellum, and jus in bello govern cyberweapons and their use. Although international law sporadically addresses specific weapons through arms control treaties or express prohibitions on their use, it typically controls them through general principles and rules applicable to all weapons. In the jus ad bellum context, for instance, the International Court of Justice (ICJ) has confirmed in the Nuclear Weapons advisory opinion that the U.N. Charter’s use of force provisions, all of which reflect customary law, apply “regardless of the weapons employed.” And the jus in bello’s customary and treaty law requirement of a legal review of new weapons makes no sense unless the weapons are subject to the preexisting rules of international humanitarian law. Accordingly, the full applicability of the existing international legal regime to cyberspace has been accepted by the U.S. government, as evidenced by former State Department Legal Adviser Harold Koh’s comments at the 2012 Cyber Command Legal Conference. The International Group of Experts who prepared the 2013 Tallinn Manual on the International Law Applicable to Cyber Warfare (Tallinn Manual) took an identical stance.¶ In fact, a thick web of international law norms suffuses cyberspace. These norms both outlaw many malevolent cyberoperations and allow states to mount robust responses. States have a sovereign right to exercise control over cyberinfrastructure and activities on their territory, as well as to protect them from harmful actions. In a principle confirmed in the first ICJ case, Corfu Channel, international law also obligates states to ensure that cyberinfrastructure on their territory is not used for acts that unlawfully affect other states. Most importantly, international law codified in the U.N. Charter’s Article 2(4) prohibits states from directly or indirectly using cyberforce against other states. This rule is the most fundamental legal prohibition governing international relations, one that is often characterized as jus cogens.

**OR, Adversaries won’t comply with rules – too strategic and cheap to break**

Baker 11 Stewart Baker is a former official at the U.S. Department of Homeland Security and the National Security Agency, 9/30/11, http://www.foreignpolicy.com/articles/2011/09/30/denial\_of\_service?page=0,0&page=full

American lawyers' attempts to limit the scope of cyberwar are just as certain to fail as FDR's limits on air war -- and perhaps more so.¶ It's true that half a century of limited war has taught U.S. soldiers to operate under strict restraints, in part because winning hearts and minds has been a higher priority than destroying the enemy's infrastructure. But it's unwise to put too much faith in the notion that this change is permanent. Those wars were limited because the stakes were limited, at least for the United States. Observing limits had a cost, but one the country could afford. In a way, that was true for the Luftwaffe, too, at least at the start. They were on offense, and winning, after all. But when the British struck Berlin, the cost was suddenly too high. Germans didn't want law and diplomatic restraint; they wanted retribution -- an eye for an eye. When cyberwar comes to America and citizens start to die for lack of power, gas, and money, it's likely that they'll want the same.¶ More likely, really, because Roosevelt's bargain was far stronger than any legal restraints we're likely to see on cyberwar. Roosevelt could count on a shared European horror at the aerial destruction of cities. The modern world has no such understanding -- indeed, no such shared horror -- regarding cyberwar. Quite the contrary. For some of America's potential adversaries, the idea that both sides in a conflict could lose their networked infrastructure holds no horror. For some, a conflict that reduces both countries to eating grass sounds like a contest they might be able to win.¶ What's more, cheating is easy and strategically profitable. America's compliance will be enforced by all those lawyers. Its adversaries' compliance will be enforced by, well, by no one. It will be difficult, if not impossible, to find a return address on their cyberattacks. They can ignore the rules and say -- hell, they are saying -- "We're not carrying out cyberattacks. We're victims too. Maybe you're the attacker. Or maybe it's Anonymous. Where's your proof?"¶ Even if all sides were genuinely committed to limiting cyberwar, as they were in 1939, history shows that it only takes a single error to break the legal limits forever. And error is inevitable. Bombs dropped by desperate pilots under fire go astray -- and so do cyberweapons. Stuxnet infected thousands of networks as it searched blindly for Iran's uranium-enrichment centrifuges. The infections lasted far longer than intended. Should we expect fewer errors from code drafted in the heat of battle and flung at hazard toward the enemy?¶ Of course not. But the lesson of all this for the lawyers and the diplomats is stark: Their effort to impose limits on cyberwar is almost certainly doomed.¶ No one can welcome this conclusion, at least not in the United States. The country has advantages in traditional war that it lacks in cyberwar. Americans are not used to the idea that launching even small wars on distant continents may cause death and suffering at home. That is what drives the lawyers -- they hope to maintain the old world. But they're being driven down a dead end.¶ If America wants to defend against the horrors of cyberwar, it needs first to face them, with the candor of a Stanley Baldwin. Then the country needs to charge its military strategists, not its lawyers, with constructing a cyberwar strategy for the world we live in, not the world we'd like to live in.¶ That strategy needs both an offense and a defense. The offense must be powerful enough to deter every adversary with something to lose in cyberspace, so it must include a way to identify attackers with certainty. The defense, too, must be realistic, making successful cyberattacks more difficult and less effective because resilience and redundancy has been built into U.S. infrastructure.¶ Once the United States has a strategy for winning a cyberwar, it can ask the lawyers for their thoughts. But it can't be done the other way around.

### Allied Coop

**Their Dunlap evidence says massive alt causes to allied coop failure - drone strikes, indefinite detention, PRISM/NSA scandal all tank US legitimacy**

**Cooperation on international crime and terrorism is strong – self interest guarantees it**

Archick 12 Kristin Archick, CRS Specialist in European Affairs, September 4, 2013, “U.S.-EU Cooperation Against Terrorism,” http://www.fas.org/sgp/crs/row/RS22030.pdf, accessed 9-29-13, CMM)

U.S.-EU Counterterrorism Cooperation: Progress to Date and Ongoing Challenges

As part of the EU’s efforts to combat terrorism since September 11, 2001, the EU made improving law enforcement and intelligence cooperation with the United States a top priority. The previous George W. Bush Administration and many Members of Congress largely welcomed this EU initiative in the hopes that it would help root out terrorist cells in Europe and beyond that could be planning other attacks against the United States or its interests. Such growing U.S.-EU cooperation was in line with the 9/11 Commission’s recommendations that the United States should develop a “comprehensive coalition strategy” against Islamist terrorism, “exchange terrorist information with trusted allies,” and improve border security through better international cooperation. Some measures in the resulting Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) and in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) mirrored these sentiments and were consistent with U.S.-EU counterterrorism efforts, especially those aimed at improving border controls and transport security.

U.S.-EU cooperation against terrorism has led to a new dynamic in U.S.-EU relations by fostering dialogue on law enforcement and homeland security issues previously reserved for bilateral discussions. Despite some frictions, most U.S. policymakers and analysts view the developing partnership in these areas as positive. Like its predecessor, the Obama Administration has supported U.S. cooperation with the EU in the areas of counterterrorism, border controls, and transport security. At the November 2009 U.S.-EU Summit in Washington, DC, the two sides reaffirmed their commitment to work together to combat terrorism and enhance cooperation in the broader JHA field. In June 2010, the United States and the EU adopted a new “Declaration on Counterterrorism” aimed at deepening the already close U.S.-EU counterterrorism relationship and highlighting the commitment of both sides to combat terrorism within the rule of law. In June 2011, President Obama’s National Strategy for Counterterrorism asserted that in addition to working with European allies bilaterally, “the United States will continue to partner with the European Parliament and European Union to maintain and advance CT efforts that provide mutual security and protection to citizens of all nations while also upholding individual rights.”

**Single issues not key to legitimacy– perceptions change slowly.**

Gray, International Politics at Reading, 11 [COLIN S. GRAY is Professor of International Poli- tics and Strategic Studies at the University of Reading, England. He worked at the International Institute for Strategic Studies (London), and at Hudson Institute (Croton-on-Hudson, NY) before founding the Na- tional Institute for Public Policy, a defense-oriented think tank in the Washington, DC, area. Dr. Gray served for 5 years in the Reagan administration on the President’s General Advisory Committee on Arms SSI Monograph HARD POWER AND SOFT POWER: THE UTILITY OF MILITARY FORCE AS AN INSTRUMENT OF POLICY IN THE 21ST CENTURY Colin S. Gray April 2011]

The error lies in the search for, and inevitable finding of, “golden keys” and “silver bullets” to resolve current versions of en- during problems. Soft-power salesmen have a potent product-mix to sell, but they fail to appreciate the real- ity that **American soft power is** a product **essentially unalterable over a short span of years.** As a country with a cultural or civilizational brand that is unique and mainly rooted in deep historical, geographical, and ideational roots, America is not at liberty to emu- late a major car manufacturer and advertise an exten- sive and varied model range of persuasive soft-power profiles. Of course, some elements of soft power can be emphasized purposefully in tailored word and deed. However, foreign perceptions of the United States are no more developed from a blank page than the American past can be retooled and fine-tuned for contemporary advantage. Frustrating though it may be, a country cannot easily escape legacies from its past.

**Can’t substitute for hard power.**

Kroenig, Government at Georgetown, et al. 10 [Matthew, Department of Government, Georgetown University Melissa McAdam, Department of Political Science, University of California, Berkeley Steven Weber, Information School, University of California, Berkeley, Taking Soft Power Seriously, Comparative Strategy, Volume 29, Issue 5 November 2010 , pages 412 – 431]

Foreign policy actors have many reasons to experiment with soft power, not merely because its use can be less costly than hard power. But, soft power comes with its own quite **striking limitations**. Our research suggests that soft power strategies will be **unlikely to succeed** except under fairly restrictive conditions. It may very well be, then, that the U.S. foreign policy elite is at risk of **exaggerating** the effectiveness of soft power (rather than underutilizing it) as a tool of foreign policy. After all, international communication is fraught with difficulties, persuading people to change firmly held political views is hard, and individual attitudes are often thought to have an **insignificant role** in determining international political outcomes. Soft power, therefore, will probably be considered a niche foreign policy option useful for addressing a small fraction of the problems on Washington's foreign policy agenda. Analysts who suggest that soft power can easily be substituted for hard power or who maintain that soft power should provide an overarching guide to the formulation of U.S. foreign policy are **badly mistaken**. It is not conducive to good policy to employ the idea of soft power as a way of arguing against the use of military force, for example.

**Obama won’t deploy legitimacy effectively**

Ford 12

Christopher Ford, Senior Fellow at Hudson Institute in Washington, D.C. He previously served as U.S. Special Representative for Nuclear Nonproliferation, Principal Deputy Assistant Secretary of State, and General Counsel to the U.S. Senate Select Committee on Intelligence, SAIS Review Volume 32, Number 1, Winter-Spring 2012, “Soft on “Soft Power””, http://muse.jhu.edu/journals/sais\_review/v032/32.1.ford.html //jchen

Additionally, the “soft power-obsessed” Obama Administration has been remarkably reluctant to employ even limited values-promotion tools at its disposal. Though President Obama spoke favorably about democracy in his much-publicized June 2009 speech to a Muslim audience in Cairo, he defined democracy merely as having “governments that reflect the will of the people” and seemed curiously ambivalent about promoting more specifically American ideas like the right periodically to change their government through free and fair elections, and that no branch of government—nor indeed the government itself—should be permitted to accrue unchallengeable power.

In fact, Obama went out of his way to specify that “[each] nation gives life to this principle [of reflecting the will of the people] in its own way,” and pointedly excluded mention of voting or checks upon unbridled government power in his list of the things for which “all people yearn.” (The closest the president came to describing democratic political choice was to observe that governments “must maintain . . . power through consent, not coercion,” though this is a standard that could presumably be met, at least initially, by a popular despot or an authoritarian oligarchy which takes public opinion into account when making decrees.) This careful neglect of political rights was perhaps incongruous in a speech that began with a lament that “colonialism [had] denied rights and opportunities to many Muslims,”12 particularly for an administration so taken with the supposed virtues of “soft” power projection.

The Obama Administration then approached Iran’s “Green Revolution” with painful rhetorical reticence in 2009–2010, sacrificed candor about Russia’s retreat into autocracy on the altar of an expedient nuclear disarmament-focused “reset” of relations with Moscow, and explicitly promised not to let human rights concerns “interfere” with America’s economic relationship with Beijing.13 The American role in promoting democracy in Egypt in 2011 was also for a time decidedly ambivalent, with U.S. officials still calling for President Hosni Mubarak to stay in office until just before his resignation.14 After a long period of embarrassing silence in which U.S. officials bizarrely quoted assessments describing Syrian dictator Bashar al-Asad as a “reformer,”15 the Obama Administration finally spoke out against his bloody efforts to repress Syria’s pro-democracy movement, ultimately calling on Assad to step down.16 But the contribution of U.S. pronouncements to effecting change in Syria is, at the time of writing, unclear at best. So far, the Obama Administration’s most conspicuous democracy-promotion [End Page 95] effort was a very “hard power” affair: the war that led to the overthrow and execution of Libyan dictator Muammar Qaddafi.

The Obama Administration sought credit as a promoter of democratic values in mid-2011, as leaked stories appeared about State Department-funded efforts to outfit pro-democracy activists in various countries with portable internet and cell phone equipment capable of circumventing government censorship.17 While such efforts seemed to have real potential, a cyber security expert of my acquaintance describes this program as still being depressingly amateurish from a technical perspective. (A colleague of mine at Hudson Institute, Michael Horowitz, also points out that existing web-censorship circumvention services promoted by the U.S. tend to lack the surge capacity needed to deal with user demand during political crises, when access to such capabilities is likely to be most important.18 )

Meanwhile, even as the authorities in Beijing cracked down hard to preclude any possibility of a Chinese “Oolong Revolution” to parallel the “Jasmine Revolution” of democratization in the Arab world,19 the Obama Administration announced plans to terminate the Voice of America’s Mandarin-language radio and television service in China.20 Given the evident terror of China’s Communist leadership at the idea of its citizens becoming enamored with multiparty democracy and political freedom—a fear evident, for instance, in PRC Politburo members’ warnings that “[enemy] forces” are always trying to “undermine and divide China,” and that the Chinese Communist Party (CCP) needs a “line of defense to resist Western two-party and multi-party systems, a bi-cameral legislature, the separation of power and other kinds of erroneous ideological interferences”21 —this seems to be quite a remarkable recusal from the field of “soft power” competition.

Despite the rhetoric about “navigating by our values,” therefore, the Obama Administration has been notably ambivalent about actually promoting them—with President Obama himself apparently seeing nothing exceptional about the American system’s embodiment of the very “values” by which we are expected to “navigate.” On one level, this is not surprising, for the president has said that he believes in American exceptionalism only in the sense that people from any country might believe in the special character of their own country.22 Still, such politically-correct relativism is a strange refuge for someone supposedly committed to making “our values” a key component of the “soft power” with which he was supposed to revolutionize U.S. foreign policy.

In terms of potential economic “soft power,” our free market economy obviously imposes significant constraints upon the degree to which the still-vibrant U.S. business and financial sectors can be used in support of broader national objectives. Nevertheless, the use of economic and financial sanctions has long been an aspect of “soft power” projection available to U.S. officials. (Indeed, as I have noted elsewhere, U.S. leaders seem always to have had great faith in their ability to use trade and other economic incentives to accomplish foreign policy goals.23 ) In the 1990s, the U.S. Congress passed a number of laws requiring the imposition of sanctions on foreign entities involved in the proliferation of ballistic missile or weapons of mass [End Page 96] destruction (WMD). The late Senator Jesse Helms, author of much of this legislation, is not usually regarded as a hero by the proponents of “soft power,” but perhaps a re-think is in order.

The Clinton Administration generally opposed the use of “soft power” in the form of nonproliferation sanctions. In the first administration of George W. Bush, however, when such approaches were championed by then-Under Secretary of State for Arms Control and International Security John Bolton as an “essential tool,”24 American authorities showed considerable enthusiasm for using sanctions to force foreign companies to make a choice between facilitating proliferation and trading with the world’s largest economy. In the most dramatic example of such sanctions, the Bush Administration sanctioned the Chinese company NORINCO in early 2003 for assisting Iran’s ballistic missile program; this move was said to have cost NORINCO something on the order of $100 million in sales in the United States.25

The Bush Administration also used the prospect of relaxing sanctions, albeit combined with the conspicuously “hard power” anti-WMD message sent by the invasion of Iraq, to draw Libya’s Muammar Qaddafi into the internationally-supervised elimination of his WMD programs in 2003–2004. Except for imposing further sanctions against Iran over its nuclear program, (an arena in which some progress has been made, though more as a result of the outrageousness of Iran’s continuing provocations than anything Washington has actually managed to do),26 the Obama Administration has been remarkably uninterested in nonproliferation sanctions.

On the whole, it is certainly true that precisely because we are a free and democratic society, there are sharp limits upon what a president can do to leverage America’s “soft power.” Nevertheless, today’s White House has been curiously diffident about even trying to use the tools it has. It seems to prefer passive approaches even to the “soft power” it has itself rhetorically championed, and is, to all appearances, simply embarrassed about anything that smacks of affirmative global leadership, preferring to “lead from behind”27 in ways that avoid seeming too pushy or “Bush-like” for contemporary sensibilities.

As suggested above, however, taking a passive approach to “soft power” isn’t really exerting power at all: it is just sitting back and hoping for the best. Such an approach may sometimes work, but it does not deserve much credit as a national strategy, and it is not clear what precisely is so “smart” about the use of “soft power.”

### China (still Allied Coop)

**No escalation SCS – economic risks are too high**

Creehan 12 [Sean Creehan is the Senior Editor of the SAIS Review of International Affairs. He will graduate from Johns Hopkins University School of Advanced International Studies (SAIS) in May 2012 with a concentration in Southeast Asian Studies and International Economics. He is a 2004 graduate of Harvard College and proficient in Mandarin Chinese and Indonesian. SAIS Review > Volume 32, Number 1, Winter-Spring 2012, Assessing the Risks of Conflict in the South China Sea]

Regarding Secretary Clinton’s first requirement, the risk of actual closure of the South China Sea remains **remote**, as instability in the region would affect the entire global economy, raising the price of various goods and commodities. According to some estimates, for example, as much as 50 percent of global oil tanker shipments pass through the South China Sea—that represents more than three times the tanker traffic through the Suez Canal and over five times the tanker traffic through the Panama Canal.4 It is in no country’s interest to see instability there, least of all China’s, given the central economic importance of Chinese exports originating from the country’s major southern ports and energy imports coming through the South China Sea (annual U.S. trade passing through the Sea amounts to $1.2 trillion).5 Invoking the language of nuclear deterrence theory, disruption in these sea lanes implies mutually assured economic destruction, and that possibility should moderate the behavior of all participants. Furthermore, with the United States continuing to operate from a position of naval strength (or at least managing a broader alliance that collectively balances China’s naval presence in the future), the sea lanes will remain open. While small military disputes within such a balance of power are, of course, possible, the economic risks of extended conflict are so great that significant changes to the status quo are unlikely.

**China favors concessions and peaceful resolution—regime instability and empirics**

**Asia Times 11** (Sudha Ramachandran, “China plays long game on border disputes,” Jan 27, 2011, <http://www.atimes.com/atimes/China/MA27Ad02.html>)

A Sino-Tajik border agreement that was ratified recently by Tajikistan's parliament flies in the face of images of China being a "bullying" and "belligerent" power that "will go to any length to fulfill its territorial ambitions". The agreement, which resolves a 130-year-old territorial dispute, requires Tajikistan to cede around 1,000 square kilometers of land in the Pamir Mountains to China. It means that China will receive roughly 3.5% of the 28,000 square kilometers of land it laid claim to. China's territorial concession has been hailed by Tajik Foreign Minister Hamrokhon Zarifi as a "victory for Tajik diplomacy". This is not the first time that China has made concessions to settle its territorial disputes. Under its border agreements with Kazakhstan and Kyrgyzstan, for instance, China received just 22% and 32% respectively of the land disputed with these countries. China's boundaries with Central Asia were originally drawn up under what China describes as "unequal treaties". It alleged that as a result of these treaties, Czarist Russia gained territory at its expense. It therefore refused to recognize these boundaries. Although the Soviet Union and China began negotiating a mutually acceptable border, a settlement remained elusive. With the breakup of the Soviet Union in 1990, the new Central Asian Republics - Tajikistan, Kazakhstan and Kyrgyzstan - inherited the disputes with China. In the 1990s, China began negotiating settlements with these countries. Border agreements with Kyrgyzstan and Kazakhstan were reached in 1996 and 1998 respectively. Border talks with Tajikistan were delayed by the civil war there. However, talks gathered momentum in the late 1990s and an agreement was reached in 2002. It was this agreement that was ratified recently. Analysts have drawn attention to the territorial concessions that China extended to resolve its many disputes. Of its 23 territorial disputes active since 1949, China offered "substantial compromises" in 17, usually agreeing "to accept less than half of the territory being disputed," M Taylor Fravel, associate professor at the Massachusetts Institute of Technology, pointed out in the article "Regime Insecurity and International Cooperation: Explaining China's Compromises in Territorial Disputes," published in the journal International Security. However, there is more to it than meets the eye. The territorial concessions that China is believed to have made are not quite as substantial as they appear to be. Srikanth Kondapalli, a China expert at the Jawaharlal Nehru University in New Delhi pointed out that China's strategy of stepping up territorial claims and then settling for less has enabled it to appear to be making a major territorial concession to reach a border resolution agreement. In several disputes, "whether China actually gave up territory or made a substantial concession is a debatable question," he told Asia Times Online. Still, in the quest for regional stability China overall "has been liberal in border dispute resolution", he said. What has prompted Beijing to seek compromise and extend concessions with regard to territorial disputes involving its land borders? Regime insecurity appears to have been an important motivating factor. According to Fravel, "China's leaders have compromised when faced with internal threats to regime security - the revolt in Tibet, the instability following the Great Leap Forward, the legitimacy crisis after the Tiananmen upheaval, and separatist violence in Xinjiang." The territorial concessions it made to Kazakhstan, Kyrgyzstan and Tajikistan in order to reach border agreements with them was prompted by a sharp surge in separatist violence in Xinjiang province in the early 1990s. The disintegration of the Soviet Union and the emergence of Kazakhstan, Kyrgyzstan and Tajikistan as independent republics stoked long-smoldering Uighur nationalism in Xinjiang and fueled Uighur aspirations for independence. This triggered apprehension in Beijing that Xinjiang would break away. Coming close on the heels of the Tiananmen uprising of 1989, which had undermined the Chinese government's legitimacy, the separatist violence in Xinjiang compounded Chinese regime insecurity, as it posed a threat to China's territorial integrity. This made it imperative for Beijing to nip Uighur unrest in the bud. China's strategy to deal with Uighur separatism has involved ruthless suppression of separatists and economic development of the Xinjiang region. However, the success of this strategy hinged on support from countries bordering Xinjiang - Kazakhstan, Kyrgyzstan and Tajikistan. Their cooperation was essential to get them to crack down on Uighur separatists taking sanctuary on their soil as well as to build robust trade ties that were needed for economic development in Xinjiang. Beijing thus traded territorial concessions for support from Kazakhstan, Kyrgyzstan and Tajikistan in its strategy to quell Uighur separatism. With the exception of its territorial disputes with India and Bhutan, China has settled all its other land-border disputes. In contrast, it has resolved none of its maritime border disputes, although the dispute in the Gulf of Tonkin with Vietnam is being discussed and those discussions are at an advanced stage of resolution. China's strategy for resolving its border disputes and the nature of its border-resolution mechanism provide useful pointers to what lies ahead. In the past, "it is when the contestant state is weak that China has moved quickly to resolve the dispute," points out Kondapalli. The way it went about handling its territorial disputes with the Soviet Union is indicative. Although China did discuss them with the Soviet Union, it was only when the USSR disintegrated that Beijing moved quickly to achieve resolution.

Legitimacy doesn’t check Chinese modernization –

1. Their Kazianis evidence is purely normative in saying we should reform AirSeaBattle to include cyber operations – obviously not what the plan does or consistent with their internal link story. And the plan doesn’t resolve information sharing which prevents Asian cooperation.

Kazianis 12

Assistant Editor for The Diplomat and a non-resident fellow at the Pacific Forum

(Harry, "A Plea for an Alliance-Based ’AirSeaCyber’ Joint Operational Concept" July 17, 2012, http://rpdefense.over-blog.com/article-a-plea-for-an-alliance-based-airseacyber-joint-operational-concept-108240342.html)

Sadly, restraints could develop that might hamper such partnerships. One recent example: historical and political tensions have delayed and possibly halted a defense agreement between Japan and South Korea. The pact would have assisted in the direct sharing of sensitive military information concerning North Korea, China, and missile defenses. Presumably, cyber-related information would have been at the center of such sharing. The agreement was supported by Washington, which has been working to reinforce trilateral cooperation with the two countries, as essential Asian allies. With all three nations facing a common challenge from North Korea, such an agreement would have been highly beneficial to all parties.

2. It’s inevitable because they fear U.S. regional involvement.

Gupta 9/19 [Arvind Gupta, Director General at the Institute for Defence Studies and Analyses, New Delhi. POLICY BRIEF India's approach to Asia Pacific http://idsa.in/policybrief/IndiasapproachtoAsiaPacific\_agupta\_190913]

China’s rise is altering the balance of power globally & regionally. The confidence in China's peaceful rise and peaceful development has been seriously dented due to rising tensions in South China Sea and in East China Sea. The new leadership is nationalistic & sharply focused on China’s ‘core’ interests. China's rapid military modernisation and projection of its power beyond immediate neighbourhood and in the West Pacific, has raised apprehensions among its neighbours. It has developed a powerful navy – with aircraft carriers, submarines, anti-ship missiles – which is rivalling that of Japan and the US. China is following Anti Access Anti-Denial (A2D) strategy to deter the US from entering the island chain in the area of Chinese influence.

3. Bringing our allies in the region just freaks them out more – seen as containment and drives an arms race.

Gupta 9/19 [Arvind Gupta, Director General at the Institute for Defence Studies and Analyses, New Delhi. POLICY BRIEF India's approach to Asia Pacific http://idsa.in/policybrief/IndiasapproachtoAsiaPacific\_agupta\_190913]

But, Beijing has taken rebalancing as an attempt to contain China. It clearly is suspicious of the US partnerships especially the one with India. The Chinese are developing their own A2D strategies to prevent the US from coming too close to the Chinese shores. The Chinese assertiveness in South China Sea, East China Sea and other areas are part of its strategy to keep the US away and to signal Chinese area of influence.

4. They’re scared of BMD and space weaponization.

Arbatov et al. 13 [Alexei Arbatov is a member of the Russian Academy of Sciences, head of the Center for International Security of the Russian Academy of Sciences’ Institute of World Economy and International Relations (IMEMO RAS), and chair of the Nonproliferation Program at the Carnegie Moscow Center. Missile Defense: Confrontation and Cooperation / Ed. by Alexei Arbatov and Vladimir Dvorkin; English version ed. by Natalia Bubnova; Carnegie Moscow Center – Moscow, 2013, 379 p.]

A view that seems to permeate the discourse within China is that the ultimate means of counteracting U.S. ambitions and forestalling political or military coercion is the possession ofsimilar systems. This truism applied to China’s nuclear weapons test in 1964 and its antisatellite test in 2007, and it is no less true in the case of its 2010 and 2013 missile defense tests. This continuity has significant implications as the United States expands the range of its capabilities into such areas as conventional prompt global strike and space weaponry. China may not seek to compete at the numeric level with such systems, but at the technological level it will seek to establish and demonstrate competency. As evidence of this, even with the range ofsources on passive means of counteracting U.S. missile defenses, China ultimately chose to demonstrate its missile defense capability. In the case of each of its tests, whether nuclear, ASAT, or missile defense, they were presaged by years of U.S. intransigence on such issues as disarmament, the prevention of an arms race in outer space, and ballistic missile defense. While U.S. President Barack Obama’s speech in Prague and decision to “delay” [tuichi] missile defense deployments in Poland and the Czech Republic were initially well received inChina as evidence ofU.S. flexibility, 24 this positive interpretation soon evaporated. For any number ofChinese experts and articles surveyed, theObama administration’s ongoing and some could argue strengthened commitment to ballistic missile defense under the Phased Adaptive Approach constitutes both a disappointment and a signal that the United States will pursue this system indefinitely. Any illusions about a new U.S. ethos on arms control under the Obama administration and following Obama’s 2009 Prague speech was shattered by this report. If a “pro” arms control administration supports ballistic missile defense, then it is here to stay Predicting response In contrast to U.S. bipartisan support for missile defense, when it comes to the bilateral relationship between China and theUnited States, there are few more contentious issues. In the 2010 U.S. Nuclear Posture Review, missile defense is described as an essential linchpin of moving ahead on nuclear weapons reductions and maintaining U.S. security.25 In China, it remains an often cited obstacle to achieving these very same reductions and greater engagement on strategic stability, whether in terms of Russia or China.26 Thus, it is not necessarily a surprise that China would conduct such a test inclose proximity to theU.S. release oftheBallistic Missile Defense Report and the Nuclear Posture Review,27 both of which reaffirmed U.S. commitment to ballistic missile defense. Similarly, in the aftermath of China’s 2007 ASAT test a number of Chinese experts argued that this could be seen as an effort to bring the United States back to the negotiating table on the issue of the weaponization of outer space.28 In each of these cases, it is just as likely that technical considerations were at greater play than political ones. However, even if these rationalizations within China do not ultimately reflect the reality, the assumptions upon which they are based are crucial. These perceptions are not simply based on conjecture. China’s antisatellite test and anti-ballistic missile test are intimately intertwined in terms of capabilities and the technical transparency that preceded them. China’s anti-ballistic missile test, much like its ASAT test, could have been anticipated by a review of the similar body of technical and strategic literature preceding it. The realm of technical literature has been remarkably more transparent on China’s tests than it is usually given credit for. However, there remain some central differences. First of all, the literature on hit-to-kill technology that preceded China’s 2007 ASAT test is frequently, if not entirely, devoid ofreferences to application. This truism does not hold, however, in studies on ballistic missile defense. While there is a great deal of crossover in terms of technical capabilities applied in both anti-satellite and anti-ballistic missile endeavors, papers exploring this technology in the ballistic missile defense context do not omit the ultimate use of the technology. Instead, these reports concentrate on the application as the goal, while the technology is simply the vehicle for achieving one’s aims.

**No war – China won’t risk it all and no flashpoints.**

Bremmer 10 [Ian, president of Eurasia Group and the author, most recently, of The End of the Free Market: Who Wins the War between States and Corporations?, Gathering Storm: America and China in 2020 July/August 2010 http://www.worldaffairsjournal.org/articles/2010-JulyAugust/full-Bremmer-JA-2010.html]

In addition, **Beijing has no incentive to** mount a global military **challenge** to **U.S. power**. China will one day possess a much more substantial military capacity than it has today, but its economy has **grown so quickly** over the past two decades, and its living standards improved so dramatically, that it is difficult to imagine the kind of catastrophic, game-changing event that would push Beijing to risk it all by posing the West a large-scale military challenge. It has **no incentive** to allow anything less than the most serious threat to its sovereignty to trigger a military conflict that might sever its expanding network of commercial ties with countries all over the world—and with the United States, the European Union, and Japan, in particular. The more familiar flash points are **especially unlikely** to spark a hot war:

Beijing is well aware that no U.S. government will support a Taiwanese bid for independence, and China need not invade an island that it has largely co-opted already, via an offer to much of Taiwan’s business elite of privileged access to investment opportunities on the mainland.

**No US draw-in – China will avoid the threshold for intervention and high costs deter involvement**

Holmes 12

James Holmes, defense analyst for The Diplomat and a professor of strategy at the U.S. Naval War College where he specializes in U.S., Chinese and Indian maritime strategy and U.S. diplomatic and military history. He is co-author of Red Star over the Pacific, an Atlantic Monthly Best Foreign Affairs Book for 2010 and a former US Navy surface warfare officer, “The Nightmare Scenario: A U.S.-China War”, 9/19/12, <http://thediplomat.com/the-naval-diplomat/2012/09/19/the-nightmare-scanerio-a-u-s-china-war/> //jchen

Aristotle observed that every plot has a beginning, a middle, and an end. Let’s take our cue from classical Athens’ philosopher of common sense and start this drama from the beginning, with the American decision for war. Giving the order might seem like the easy part. But whatever the cause of the conflict—whether it’s Taiwan, the Senkakus/Diaoyus impasse, a quarrel over free passage through the South China Sea, or something unforeseen—Beijing will refuse to make Washington’s choice to intervene easy.

In fact, Chinese leaders will go out of their way to make it hard. They will sow doubt and dissension among U.S. leaders. For instance, they will determinedly withhold the stark casus belli—a Pearl Harbor or a 9/11—necessary to rally a liberal republic like the United States around the battle flag. Ambiguity will reign. U.S. leaders should anticipate it.

Staying beneath the provocation threshold constitutes purest common sense for Beijing. Why not play head games with prospective foes? I would. As Shakespeare memorably showed, it takes time and moral courage for an individual to overcome Hamlet-like indecision. Some never do. That’s doubly true in big institutions, where decisions typically emerge from political wrangling among many individuals and groups.

Time spent in internal debate would work in China’s favor in any contingency along the Asian seaboard. It would postpone U.S. military movements, perhaps long enough to let the People’s Liberation Army accomplish its goals before the cavalry arrives. The result: a fait accompli. Even better (from Beijing’s standpoint), the United States might simply stand aside, reckoning the goals of such an enterprise too diffuse and abstract, the likely strategic rewards too few, to justify the costs and dangers inherent in combat operations against a fellow great power.

# 2NC

### Solves – Oversight

#### internal constraints are key to external oversight

Gillian Metzger 9, prof, Columbia Law, THE INTERDEPENDENT RELATIONSHIP BETWEEN INTERNAL AND EXTERNAL SEPARATION OF POWERS 59 Emory L.J. 423

I therefore see benefits from paying greater attention to internal administrative design and in particular to analyzing what types of administrative structures are likely to prove effective and appropriate in different contexts.9 But I believe that attending to internal constraints alone is too narrow a focus because it excludes the crucial relationship between internal and external checks on the Executive Branch. Internal checks can be, and often are, reinforced by a variety of external forces—including not just Congress and the courts, but also state and foreign governments, international bodies, the media, and civil society organizations. Moreover, the reinforcement can also work in reverse, with internal constraints serving to enhance the ability of external forces, in particular Congress and the courts, to exert meaningful checks on the Executive Branch. Greater acknowledgment of this reciprocal relationship holds import both for fully understanding the separation of powers role played by internal constraints and for identifying effective reform strategies.

#### That means the CP leads to the aff

Brecher 12 Aaron, JD Candidate, University of Michigan Law, "Cyberattacks and the Covert Action Statute: Toward a Domestic Legal Framework for Offensive Cyberoperations," October, <http://www.michiganlawreview.org/assets/pdfs/111/3/Brecher.pdf>

The executive might also issue the proposed order, even though it would limit her freedom in some ways, because of the possible benefits of constraining future administrations or preempting legislative intervention.149 For example, in this context, an administration may choose to follow the finding and reporting requirements in order to convince Congress that legislative intervention is unnecessary for proper oversight. This is acceptable if the covert action regime is in fact adequate on its own. Moreover, if greater statutory control over cyberattacks is needed, the information shared with Congress may give Congress the tools and knowledge of the issue necessary to craft related legislation.150 Additionally, while executive orders are hardly binding, the inertia following adoption of an order may help constrain future administrations, which may be more or less trustworthy than the current one. Creating a presumption through an executive order also establishes a stable legal framework for cyberattacks that allows law to follow policy in this new field, and permits decisionmakers to learn more about the nature of cyberoperations before passing detailed statutes that may result in unintended consequences.

#### History proves – restrictions only work short-term – but future Congresses will acquiesce

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. 84-88)

If the constitutional framework of liberal legalism is too rickety to contain executive power, perhaps statutes can substitute new legal constraints. A principal hope of liberal legal theory is that the deficiencies of the constitutional framework can be patched up by framework statutes that will channel and constrain executive power. The executive comprises the president and (various types of) agencies, and liberal legalism tries to constrain both, through different statutes. As to the agencies, liberal legalists hope that general procedural statutes such as the Administrative Procedure Act (APA) can “translate” the principles and values underlying the separation of powers into a world in which agencies routinely hold consolidated powers of lawmaking, law-execution, and law-interpretation.1 As to the president, Congress has enacted many subject-specific framework statutes that attempt to constrain executive power, especially with regard to warmaking, foreign policy, and emergencies. And liberal legal theorists often propose new statutes of this sort—for example, a statute that would confine presidential emergency powers in the aftermath of a terrorist attack.2 These efforts all fall short of the aspirations of liberal legalism, in greater or lesser degree. The subject-specific framework statutes that attempt to constrain presidential power are the most conspicuous failure; most are dead letters. Seemingly more successful is the APA, which remains the central framework for the administrative state. We will suggest that this is something of an illusion; the greater specificity of the subject-specific statutes, and the greater plasticity and ambiguity of the APA, make the failure of the former group more conspicuous, while giving the latter a misleading appearance of constraining force. The secret of the APA’s “success”—its ability to endure in a nominal sense—is that it contains a series of adjustable parameters that the courts use to dial up and down the intensity of their scrutiny over time. The APA’s basic flexibility allows courts to allow government to do what government needs to do when it needs to do it. The result is a series of legal “black holes” and “grey holes”—the latter being standards of reasonableness that have the appearance of legality, but not the substance, at least not when pressing interests suggest otherwise. This regime is a triumph for the nominal supremacy of the APA, but not for any genuine version of the rule of law. Liberal legalism’s basic aspiration, that statutes (if not the Constitution) will subject the administrative state to the rule of law, is far less successful than it appears. SUBJECT-SPECIFIC FRAMEWORK STATUTES With a few exceptions, most of the subject-specific firamework statutes that attempt to constrain executive power, particularly presidential power, are a product of the era after Watergate. As revelations of executive abuses by both federal and state governments multiplied and a backlash against executive power set in, all three branches of government acted to reduce the scope of executive discretion in matters touching on security and antiterrorism. In the middle to late 1970s, Congress imposed a range of statutory constraints on the powers and activities of the executive branch generally and the presidency in particular, especially in matters relating to foreign affairs and national security. The most prominent examples are the War Powers Resolution,3 which constrained executive use of force abroad; the National Emergencies Act,4 which limited executive declarations of emergency; the International Economic Emergency Powers Act,5 which limited the executive’s power to impose various economic sanctions and controls; the Ethics in Government Act,6 which created independent counsels to investigate government wrongdoing; and the Inspector General Act of 1978, described below. Other constraints were imposed by litigation and judicial decree. Finally, some constraints were self-imposed, by executive guidelines that curtailed FBI authority to investigate groups with the potential to engage in terrorism. The restrictive Levi Guidelines of 19767 exemplified this executive self-constraint. This framework for national security law has not endured. Indeed, a large part of the story of national security law in ensuing decades, and especially after 9/11, has involved efforts by various institutions and groups to loosen the constraints of the post-Watergate framework. By and large, those efforts have succeeded.8 The following are four major examples. 1. The War Powers Resolution (1973). At its core, the resolution attempts to limit executive use of armed forces in conflicts abroad, without congressional approval, to a period of 60 or 90 days (omitting many complicated details). But the resolution has by many accounts become a dead letter, especially after President Clinton’s rather clear breach of its terms during the Kosovo conflict.9 Congress has proven unable to enforce the resolution by ex post punishment of executive violations or arguable violations; the courts have invoked various doctrines of justiciability to avoid claims for enforcement of the resolution by soldiers and others. As one Madisonian scholar puts it, “In the area of military policy making, the War Powers Resolution, in its current form, has simply proven inadequate to discipline executive branch unilateralism.”10 2. The National Emergencies Act (1976). This statute abolished all preexisting states of emergency declared by executive order, and substituted a process for congressional review of new declarations. The process has proven largely ineffective, in large part because later Congresses have usually proven unable to use the statutory mechanism for overriding executive declarations. The Act’s default rule is set so that affirmative congressional action is necessary to block an executive proclamation of emergency, and congressional inertia has generally prevailed. In practice, “anything the President says is a national emergency is a national emergency.”11 3. The International Emergency Economic Powers Act (1977). Enacted to regulate and constrain executive action during international economic crises, the statute has been construed by the courts to grant broad executive power. The Supreme Court held that it implicitly authorized the president to suspend claims pending in American courts against Iranian assets, as part of a deal to free hostages.12 And a lower court said that the president had unreviewable discretion to determine that the government of Nicaragua satisfied the statutory requirement of “an unusual and extraordinary threat,” thus triggering enhanced executive powers.13 4. Inspector General Act of 1978. A final accountability mechanism is the cadre of inspectors general, who now hold offices within most federal agencies, including the Department of Justice. Inspectors general have the power to investigate legal violations, sometimes including crimes, within the executive branch. Some can be discharged by the agency head, but some can be discharged only by the president, and in either case Congress must be notified. It is clear that inspectors general have created a large apparatus of compliance monitoring and bureaucratic reporting, and have used a great deal of paper; what is harder to assess is whether they have been effective at promoting executive accountability, either to Congress or to the citizenry. The leading systematic study14 concludes that “the Inspectors General have been more or less effective at what they do, but what they do has not been effective. That is, they do a relatively good job of compliance monitoring, but compliance monitoring alone has not been that effective at increasing governmental accountability. Audits and investigations focus too much on small problems at the expense of larger systemic issues.”15 Why did these statutes prove less effective than their proponents hoped or, in the extreme, become dead letters? In all the cases, the basic pattern is similar. The statutes were enacted during a high-water mark of political backlash against strong executive power, which supermajorities in Congress attempted to translate into binding legal constraints. However, once the wave of backlash receded and the supermajorities evaporated, there was insufficient political backing for the laws to ensure their continued vigor over time. Later Congresses have not possessed sufficient political backing or willpower to employ the override mechanisms that the statutes create, such as the override of presidential declarations of emergency created by the National Emergencies Act. Even where the statutes attempt to change the legal default rule, so that the president cannot act without legislative permission—as in the case of the War Powers Resolution, after the 60- or 90-day grace period has passed—the president may simply ignore the statutory command, and will succeed if he has correctly calculated that Congress will be unable to engage in ex post retaliation and the courts will be unwilling to engage in ex post review. President Clinton’s implicit decision to brush aside the resolution during the Kosovo conflict (albeit with the fig leaf of a compliant legal opinion issued by the Justice Department’s Office of Legal Counsel)16 shows that what matters is what Congress can do after the fact, not what it says before the fact. Here a major problem for framework statutes is the “presidential power of unilateral action”17 to which we referred in the introduction. Statutory drafters may think they have cleverly closed off the executive’s avenues of escape when they set the legal status quo to require legislative permission. Because the president can act in the real world beyond the law books, however—the armed forces did not threaten to stand down from their Kosovo mission until Congress gave its clear approval, but instead simply obeyed the President’s orders—the actual status quo may change regardless of whether the legal situation does. Once armed forces are in action, the political calculus shifts and legislators will usually be unable to find enough political support to retaliate—especially not on the basis of an arcane framework statute passed years or decades before.

#### Self-binding solves legitimacy – sends a signal of good faith

Pildes 12 [Richard H., Sudler Family Professor of Constitutional Law, NYU School of Law and Co-Director, NYU Center on Law and Security. 2/27/12 BOOK REVIEWS LAW AND THE PRESIDENT THE EXECUTIVE UNBOUND: AFTER THE MADISONIAN REPUBLIC. By Eric A. Posner and Adrian Vermeule. New York, N.Y.: Oxford University Press. 2010. Pp. 249. $29.95. New York University Public Law and Legal Theory Working Papers]

That Posner and Vermeule miss the role of legal compliance as a powerful signal, perhaps the most powerful signal, in maintaining a President’s critical credibility as a well-motivated user of discretionary power is all the more surprising in light of the central role executive self-binding constraints play in their theory. After asserting that “one of the greatest constraints on [presidential] aggrandizement” is “the president’s own interest in maintaining his credibility” (p. 133), they define their project as seeking to discover the “social-scientific microfoundations” (p. 123) of presidential credibility: the ways in which presidents establish and maintain credibility. One of the most crucial and effective mechanisms, in their view, is executive self-binding, “whereby executives commit themselves to a course of action that would impose higher costs on ill-motivated actors” (p. 137). As they also put it, “a well-motivated president can distinguish himself from an ill-motivated president by binding himself to a policy position that an ill-motivated president would reject” (p. 135). By complying with these constraints, presidents signal their good faith and accrue more trust to take further action. Most importantly from within Posner and Vermeule’s theory, these constraints, many self-generated through executive self-binding, substitute for the constraints of law. , Law does not, or cannot, or should not constrain presidents, in their view but rational-actor presidents recognize that complying with constraints is in their own self-interest; presidents therefore substitute or accept other constraints. Thus, Posner and Vermeule recognize the importance of “enabling constraints”78 in effective mobilization and maintenance of political power; that is, they recognize that what appear to be short-term constraints on the immediate preferences of actors like presidents might actually enable longterm marshaling of effective presidential power. Yet they somehow miss that law, too, can work as an enabling constraint; when it comes to law, Posner and Vermeule seem to see nothing but constraint. Indeed, this failing runs even deeper. For if presidents must signal submission to various constraints to maintain and enhance their credibility — as Posner and Vermeule insist they must — Posner and Vermeule miss the fact that the single most powerful signal of that willingness to be constrained, particularly in American political culture, is probably the President’s willingness to comply with law.

### Large Scale Key

#### Stuxnet was super sophisticated and massive – need more on that scale

Barnes 10 Ed Barnes, Fox News November 26, 2010 Mystery Surrounds Cyber Missile That Crippled Iran's Nuclear Weapons Ambitions <http://www.foxnews.com/tech/2010/11/26/secret-agent-crippled-irans-nuclear-ambitions/>

Simply put, Stuxnet is an incredibly advanced, undetectable computer worm that took years to construct and was designed to jump from computer to computer until it found the specific, protected control system that it aimed to destroy: Iran’s nuclear enrichment program.

The target was seemingly impenetrable; for security reasons, it lay several stories underground and was not connected to the World Wide Web. And that meant Stuxnet had to act as sort of a computer cruise missile: As it made its passage through a set of unconnected computers, it had to grow and adapt to security measures and other changes until it reached one that could bring it into the nuclear facility.

When it ultimately found its target, it would have to secretly manipulate it until it was so compromised it ceased normal functions.

And finally, after the job was done, the worm would have to destroy itself without leaving a trace.

Stuxnet successfully delayed Iran’s program – but continued attacks are key

Cohen 13 Tamir Cohen Aug. 15, 2012 Haaretz (Israeli newspaper) Iran threatens to counter cyber warfare with legal action

In effort to defend the country's infrastructure against future cyber-attacks, cabinet announces plan to cutoff government websites from global networks. http://www.haaretz.com/news/diplomacy-defense/iran-threatens-to-counter-cyber-warfare-with-legal-action-1.458486

Cyber-warfare against Iran first made headlines in 2010 after the Stuxnet computer virus was detected. The virus was designed to damage command and control systems in Scada-based facilities. It took months until the Iranians were able to patch the system's security breaches and to repair the damages done to the uranium-enrichment centrifuges at Natanz.

Subsequently, Iran reported it was attacked by two other spyware programs which were also attributed by many to Israel and the United States. One of the spywares, named Duqu, was primarily used for surveillance; Flame, the second, used cyber-attack tools and was able to erase data from hosting computers.

### AT – RETALIATION

Retaliation is empirically untrue – and at least not unique

Wilkins 13 Brett Wilkins, founder and editor of MoralLowGround.com, is an author and social justice advocate based in San Francisco, California. March 27, 2013 Moral Low Ground NATO Study: US-Israeli Stuxnet Cyberattack Against Iran Was an Illegal “Act of Force” http://morallowground.com/2013/03/27/nato-study-us-israeli-stuxnet-cyberattack-against-iran-was-an-illegal-act-of-force/

While some of the authors of the NATO-commissioned study on cyberwarfare believe that the US-Israeli Stuxnet incidents constitute an “armed attack” against Iran, the United States has been engaged in hostile behavior towards the Islamic Republic since the Bush administration. The US has trained and supported the Mujahideen-e-Khalq, a terrorist group responsible for deadly attacks against both Americans and against Iran. And in addition to the covert cyberwarfare campaign waged against Iran’s nuclear facilities, the US and Israel are believed to be behind a series of assassinations of Iranian nuclear scientists. Former US Defense Secretary Leon Panetta coyly admitted that he had “some ideas” who carried out those targeted killings.

Iran has not retaliated for any of the hostile actions committed by US, Israel and allied groups on Iranian soil.

### Econ

#### No infrastructure damage - robust systems.

Fritz 9 [Jason, BS (St. Cloud), MIR (Bond), Hacking Nuclear Command and Control, International Commission on Nuclear Nonproliferation and Disarmament, 7/7/2009, http://www.icnnd.org/latest/research/Jason\_Fritz\_Hacking\_NC2.pdf,

\*\*\* Supervisory Control and Data Acquisition (SCADA) systems are computer systems used for critical infrastructure such as energy grids, water management, waste treatment, transportation systems, emergency services, and communications.]

SCADA systems may be more robust than some reports have indicated. These systems are designed to be distributed, diverse, redundant, and self-healing, in part because weather systems and natural disasters pose a continual threat of disruption. A cyber attack against SCADA systems may require a sustained assault against multiple targets to have a significant effect. Additionally, humans remain in the loop. For example, reports that a terrorist could change the levels of iron in children’s breakfast cereal to toxic levels, neglects to account for the manual checks of assembly line workers, or the accounting procedures for the amount of iron in stock (Denning 1999). Al Qaeda computers recovered in Afghanistan revealed information on water systems and nuclear power plants. However this was more relevant to reconnaissance in support of a traditional physical attack. The degree to which these systems could cause massive disruption or death is debatable, as traditional explosives remain a more potent tool for that task. It may take years to prepare an attack against advanced networks, including the identification of exploits, development of tools, and the implementation of a plan, yet technology is rapidly advancing and networks continually updating, possibly disrupting those plans. Terrorist organisations may not be able to keep up with the massive financial backing of nation states. Statesponsored hackers have this problem themselves (Wilson 2003).

#### Economic decline doesn’t cause war.

Jervis 11 [Robert, Adlai E. Stevenson Professor of International Politics in the Department of Political Science, and a Member of the Arnold A. Saltzman Institute of War and Peace Studies at Columbia University. Force in Our Times Saltzman Working Paper No. 15 July 2011 http://www.siwps.com/news.attachment/saltzmanworkingpaper15-842/SaltzmanWorkingPaper15.PDF]

Even if war is still seen as evil, the security community could be dissolved if severe conflicts of interest were to arise. Could the more peaceful world generate new interests that would bring the members of the community into sharp disputes? 45 A zero-sum sense of status would be one example, perhaps linked to a steep rise in nationalism. More likely would be a worsening of the current economic difficulties, which could itself produce greater nationalism, undermine democracy, and bring back old-fashioned beggar-thy-neighbor economic policies. While these dangers are real, it is hard to believe that the conflicts could be great enough to lead the members of the community to contemplate fighting each other. It is not so much that economic interdependence has proceeded to the point where it could not be reversed – states that were more internally interdependent than anything seen internationally have fought bloody civil wars. Rather it is that even if the more extreme versions of free trade and economic liberalism become discredited, it is hard to see how without building on a pre-existing high level of political conflict leaders and mass opinion would come to believe that their countries could prosper by impoverishing or even attacking others. Is it possible that problems will not only become severe, but that people will entertain the thought that they have to be solved by war? While a pessimist could note that this argument does not appear as outlandish as it did before the financial crisis, an optimist could reply (correctly, in my view) that the very fact that we have seen such a sharp economic down-turn without anyone suggesting that force of arms is the solution shows that even if bad times bring about greater economic conflict, **it will not make war thinkable.**

#### **Mid east proliferation uniquely causes nuclear war.**

Heisbourg ’12, [Francois Heisbourg, Chairman of the International Institute for Strategic Studies, prof at the Geneva Center for Security Policy, July 2012, “How Bad Would the Further Spread of Nuclear Weapons Be?”, <http://www.npolicy.org/userfiles/file/oving%20Beyond%20Pretense%20web%20version.pdf#page=182>]

Human societies tend to lack the imagination to think through, and to act upon, what have become known as “black swan” events 26 : That which has never occurred (or which has happened very rarely and in a wholly different context) is deemed not to be in the field of reality, and to which must be added eventualities that are denied because their consequences are too awful to contemplate. The extremes of human misconduct (the incredulity in the face of evidence of the Holocaust, the failure to imagine 9/11) bear testimony to this hardwired trait of our species. This would not normally warrant mention as a factor of growing salience if not for the recession into time of the original and only use of nuclear weapons in August 1945. Nonuse of nuclear weapons may soon be taken for granted rather than being an absolute taboo. Recent writing on the reputedly limited effects of the Hiroshima and Nagasaki bombs 27 may contribute to such a trend, in the name of reducing the legitimacy of nuclear weapons. Recent, and often compelling, historical accounts of the surrender of the Japanese Empire that downplay the role of the atomic bombings in comparison to early research can produce a similar effect, even if that may not have been the intention. 28 However desirable it has been, the end of atmospheric nuclear testing 29 has removed for more than three decades the periodic reminders that such monstrous detonations made as to the uniquely destructive nature of nuclear weapons. There is a real and growing risk that we forget what was obvious to those who first described in 1941 the unique nature of yet-to-be produced nuclear weapons. 30 The risk is no doubt higher in those states for which the history of World War II has little relevance and that have not had the will or the opportunity to wrestle at the time or ex post facto with the moral and strategic implications of the nuclear bombing of Japan in 1945. Unsustainable strains are possibly the single most compelling feature of contemporary proliferation. Examples include tight geographical constraints–with, for instance, New Delhi and Islamabad, located within 300 miles of each other; nuclear multi-polarity against the backdrop of multiple, crisscrossing sources of tension in the Middle East, as opposed to the relative simplicity of the U.S.-Soviet confrontation; the existence of doctrines, such as India’s “cold start,” and force postures, such as Pakistan’s broadening array of battle- field nukes, that rest on the expectation of early use; and the role of non-state actors as aggravating or triggering factors when they are perceived as operating with the connivance of an antagonist state (in the past, the assassination of the Austrian Archduke in Sarajevo in 1914; and in the future, Hezbollah operatives launching rockets with effect against Israel or Lashkar-e-Taiba commandos doing a “Bombay” redux in India?). Individually or in combination, **these factors test crisis management capabilities** more severely than anything seen during the Cold War with the partial exception of the Cuban Missile Crisis. Even the overabundant battlefield nuclear arsenals in Cold War Central Europe, with their iffy weapons’ safety and security arrangements, were less of a challenge: The U.S. and Soviet short-range nuclear weapons so deployed were not putting U.S. and Soviet territory and capitals at risk. It may be argued that these risk factors are known to potential protagonists and that they therefore will be led to avoid the sort of nuclear brinksmanship that characterized U.S. and Soviet behavior during the Cold War in crises such as the Korean War, Berlin, Cuba or the Yom Kippur War. Unfortunately, the multiple nuclear crises between India and Pakistan demonstrate no such prudence, rather the contrary. And were such restraint to feed into nuclear policy and crisis planning, along the lines of apparently greater U.S. and Soviet nuclear caution from the mid-seventies onwards, the fact would remain that initial intent rarely resists the strains of a complex, multiactor confrontation between inherently distrustful antagonists. It is also worth reflecting on the fact that during the 1980s there was real and acute fear in Soviet ruling circles that the West was preparing an out-of-the-blue nuclear strike, a fear which in turn fed into Soviet policies and dispositions. 31 The Cold War was a set of crises and misunderstandings that came within a whisker of a nuclear holocaust. India and Pakistan’s nuclear standoff is deeply unstable, not least as a result of the interaction with non-state actors. A multipolar nuclear Middle East would make the Cuban Missile Crisis look easy in comparison.

Great conflicts tend to occur when one or several of the antagonists views the status quo as sufficiently undesirable and/or unsustainable to prompt forceful pro-action. Notwithstanding widespread perceptions to the contrary, this was not the case of the USSR and the United States during the Cold War. The U.S. had chosen a policy of containment, as opposed to roll-back, of the Soviet Empire within the limits established as a result of World War II. The Soviet Union seized targets of opportunity outside of its 1945 area of control but avoided direct confrontation with U.S. forces. Messianic language from the USSR on the global victory of communism or from the U.S. about the end of the Evil Empire did not take precedence over the prime Soviet concern of preserving the Warsaw Pact and the U.S. pursuit of containment, or, no less crucially, their mutual con¿- dence that they could achieve these aims without going to war with each other No such generalization can be made about the Middle East, a region in which the very existence of a key state, Israel, is challenged, while other states have gone to war with each other (e.g. Iran-Iraq War, and the Gulf War of 1990-1991), or are riven by deep internal conflicts. Actors such as Hezbollah, with its organic and functional links with Islamic Iran and Alawite Syria, add to the complexities and dangers. Extreme views and actions vis à vis the strategic status quo are widely prevalent. Although the India-Pakistan relationship corresponds to something akin to the U.S.-Soviet “adversarial partnership,” that does not apply to radical non-state actors prevalent in Pakistan with more or less tight links to that country’s military intelligence services (ISI, Inter-Services Intelligence). The potential for danger is compounded by the variety of such groups: the Pashtu-related Pakistani Taliban (TTP), Kashmiri-related groups, and Jihadi militants from the core provinces of Punjab and Sind. Their common characteristics are extreme radicalism, high levels of operational pro¿ciency, and shared enmity of India. Their potential for triggering a conflict between the two countries is substantial, above and beyond the intentions of government of¿cials. sum, some seventy years after the launch of the Manhattan Project, there is every reason to upgrade and reinforce nonproliferation policies if nuclear use is to be avoided during the coming decades. Some markers to that end will be laid in our concluding section. What Is to Be Done? In light of the preceding analysis, the most obvious short run implication is the absolute need to secure a satisfactory conclusion of the Iranian file. Anything that feeds the perception of less-than full compliance of Iran with the strictest international safeguards or, worse, that creates the impression that recessed deterrence is in place, would lead to further proliferation in the Middle East and beyond. What happens to the Iranian nuclear program will be essential to the future of proliferation and nonproliferation prospects.

#### Iran proliferation causes regional proliferation.

Brookes, 10 (Peter, a Heritage Foundation senior fellow, is a former deputy assistant secretary of defense, Congressional staffer, CIA and State Department officer, and navy veteran. The Post-Iran Proliferation Cascade. Journal of International Security Affaris. Fall Winter 2010. 19. http://www.securityaffairs.org/issues/2010/19/brookes.php)

In just the last four years, no fewer than fourteen countries in the Middle East and North Africa have announced their intention to pursue civilian nuclear programs–programs which, irrespective of their stated purpose, many believe are a hedge against the possibility of a nuclear Iran.¶ Possible Atomic Aspirants¶ Syria¶ United Arab Emirates¶ Jordan¶ Egypt¶ Yemen¶ Saudi Arabia¶ Bahrain¶ Kuwait¶ Oman¶ Qatar¶ Algeria¶ Libya¶ Morocco¶ Tunisia¶ Of course, it is possible that the intentions of these states are honest ones, spurred on by domestic energy needs. Not all countries are blessed with abundant natural resources, and consequently could be seeking an efficient and durable source of energy. There are even those that may be attempting to diversify their energy sources beyond simply oil and natural gas, or seeking to free up their energy reserves for profitable international export instead of costly domestic consumption. In addition, due to increasing concerns about climate change, some have come to see nuclear power, once considered an expensive investment, as an attractive alternative to fossil fuels, due to its reduced emissions and potential cost efficiency.¶ In some cases, it could also be an issue of national pride–a matter of keeping up with the nuclear Jones-es; or even an effort to demonstrate to your neighbors and the world the scientific and technical achievement involved in developing, building, and safely operating a peaceful, civilian nuclear power industry.¶ Of course, developing an indigenous nuclear industry is a significant undertaking. A nuclear reactor can take a decade and three to ten billion dollars to build. Even more time and money is required if a full nuclear fuel cycle, including enrichment capacity, is desired.¶ But such work is transformative. The development of scientific and technical capabilities for a civilian nuclear power program is instrumental to the subsequent building of the bomb. Even if it remains in compliance with the tenets of the NPT, a state can go quite a long way toward developing a nuclear program with a potential military dimension. Having the necessary nuclear infrastructure, especially that which would provide for a full nuclear fuel cycle, would allow concerned states to offset an Iranian nuclear breakout by possessing the theoretical potential to create a nuclear arsenal themselves.¶ Indeed, some analysts see the construction of nuclear power plants in Saudi Arabia as symbolic of Riyadh’s dread over Iran’s nuclear activities, and as a move which will surely deepen tensions between the cross-Gulf rivals. In fact, many are convinced that the development of an Iranian Shi’a bomb will inevitably be matched by a Saudi Sunni bomb. It has long been rumored the Saudis have a deal with the Pakistanis for access to its nuclear inventory, or the stationing of Islamabad’s nuclear-capable missiles in the Kingdom in the likelihood of a change in Iran’s nuclear status.5¶ Of course, while this is possible, it does pose a number of political and strategic dilemmas for Pakistan, such as the health of its relationship with neighboring Iran, and a potential dilution of its nuclear deterrent against rival India. Egypt, the long-standing leader of the Arab world, operates two research reactors, has significant scientific and technical capabilities on nuclear matters, and is interested in nuclear power. Of course, developing a nuclear program with a military dimension is a possibility; however, doing so would surely hurt its ties with United States, could increase tensions with neighboring Israel, and drain less-than-plentiful government coffers.¶ Other countries that have expressed an interest in nuclear power, such as Jordan, Morocco, and Tunisia, are likely doing so because of more local concerns. None of them have significant indigenous energy sources, and as a result are focused on the development of alternative energy sources. But that isn’t true for all of the states that have launched atomic plans. Kuwait and Qatar have significant holdings of oil and natural gas, which makes their respective decisions to pursue a nuclear program difficult to explain in a context other than that of a hedge against Iran’s growing capabilities.¶ And in some cases, these nuclear dreams have started to become reality. For example, the United Arab Emirates (UAE), a country with the fifth largest proven oil reserves in the Middle East, last year completed a “123” agreement with the United States, paving the way for heightened nuclear cooperation and technology transfer between Washington and Abu Dhabi. During the Bush administration, Bahrain, Jordan, and Saudi Arabia also signed Memoranda of Understanding related to nuclear cooperation that–if pursued by the Obama White House–could lead to additional agreements such as the one struck with the UAE.¶ Turkey, another major regional power and NATO member, is also considering its nuclear options. Since taking power in 2002, the country’s ruling Justice and Development Party (AKP) has plotted a friendlier course toward neighboring Iran, a country Ankara historically has seen as a competitor. But despite the current, warm ties, Ankara may eventually come to see Tehran as a regional rival that could “undercut Turkey’s desired role as a respected and powerful mediator between east and west,” according to a 2008 Report to the Senate Foreign Relations Committee.6 Indeed, a shift in Ankara’s sentiments toward Tehran could incite interest in a nuclear program with a military dimension. And the current strains in Turkey’s existing relationships with the United States and Europe may make such a decision less taboo than in the past.¶ Then there is Syria. Damascus was caught with its hands in the nuclear cookie jar when Israel destroyed its undeclared nuclear facility at al-Kibar back in 2007. That plant–likely a reactor capable of producing fissile material–was being built with North Korean assistance.7 Of course, Syria’s nuclear activities are not focused on checking Iran; indeed, given the enduring partnership between the two countries, Syria might be receiving nuclear assistance from Iran. Rather, Syria’s strategic efforts are directed toward Israel.¶ Regional states are also banding together in pursuit of nuclear status. Most directly, the Gulf Cooperation Council (GCC)–consisting of Saudi Arabia, Kuwait, Bahrain, Oman, UAE, and Qatar–is now said to be contemplating a joint nuclear program that would pool resources and share electrical power among member states.8 And although some of the members’ interest in nuclear issues is stronger than others, as evidenced by the existence of separate indigenous programs, many analysts believe this joint effort was sparked specifically in response to Iran’s nuclear activities.9.

#### Setbacks avoid military attacks

Leydn 13 John Leyden, 21st May 2013 The Register 'Lab-smashing' Stuxnet HELPED Iran's nuke effort, says brainiac

http://www.theregister.co.uk/2013/05/21/stuxnet\_helped\_iran\_says\_boffin/

The sophisticated attack, seen as an alternative to a military strike against the facility, is credited with putting Iran's nuclear programme back by between 18 months to two years. The malware worked by infiltrating the SCADA systems used to run the high-speed gas centrifuges. It then randomly, and surreptitiously, speeded them up and slowed them down to induce seemingly random, but frequent, failures.

#### B. Iran strikes causes nuclear war.

Chossudovsky 5 Michel Chossudovsky, Centre for Research on Globalisation 1 May 2005 Planned US-Israeli Attack on Iran

<http://globalresearch.ca/articles/CHO505A.html>

The Bush Administration has embarked upon a military adventure which **threatens the future of humanity**.¶ Iran is the next military target. The planned military operation, which is by no means limited to punitive strikes against Iran's nuclear facilities, is part of a project of World domination, a military roadmap, launched at the end of the Cold War.¶ Military action against Iran would directly involve Israel's participation, which in turn is likely to trigger a broader war throughout the Middle East, not to mention an implosion in the Palestinian occupied territories. Turkey is closely associated with the proposed aerial attacks.¶ Israel is a nuclear power with a sophisticated nuclear arsenal. (See text box below). The use of nuclear weapons by Israel or the US cannot be excluded, particularly in view of the fact that tactical nuclear weapons have now been reclassified as a variant of the conventional bunker buster bombs and are authorized by the US Senate for use in conventional war theaters. ("they are harmless to civilians because the explosion is underground")¶ In this regard, Israel and the US rather than Iran constitute a nuclear threat.¶ The planned attack on Iran must be understood in relation to the existing active war theaters in the Middle East, namely Afghanistan, Iraq and Palestine. ¶ The conflict could easily spread from the Middle East to the Caspian sea basin. It could also involve the participation of Azerbaijan and Georgia, where US troops are stationed.¶ An attack on Iran would have a direct impact on the resistance movement inside Iraq. It would also put pressure on America's overstretched military capabilities and resources in both the Iraqi and Afghan war theaters. (The 150,000 US troops in Iraq are already fully engaged and could not be redeployed in the case of a war with Iran.)¶ In other words, the shaky geopolitics of the Central Asia- Middle East region, the three existing war theaters in which America is currently, involved, the direct participation of Israel and Turkey, the structure of US sponsored military alliances, etc. raises the specter of a broader conflict. ¶ Moreover, US military action on Iran not only threatens Russian and Chinese interests, which have geopolitical interests in the Caspian sea basin and which have bilateral agreements with Iran. It also backlashes on European oil interests in Iran and is likely to produce major divisions between Western allies, between the US and its European partners as well as within the European Union.¶ Through its participation in NATO, Europe, despite its reluctance, would be brought into the Iran operation. The participation of NATO largely hinges on a military cooperation agreement reached between NATO and Israel. This agreement would bind NATO to defend Israel against Syria and Iran. NATO would therefore support a preemptive attack on Iran's nuclear facilities, and could take on a more active role if Iran were to retaliate following US-Israeli air strikes.

## Case

#### Deterrence checks – scared of retaliation

Bucci 9 [Steven P., Ph.D in IR, former Deputy Assistant Secretary of Defense, Homeland Defense and Americas' Security Affairs, The Confluence of Cyber Crime and Terrorism, Heritage Lecture #1123 June 12, 2009, http://www.heritage.org/research/nationalsecurity/hl1123.cfm]

This kind of large-scale attack can only come from a nation-state and obviously constitutes our most dangerous scenario. It is very fortunate that it is also not a very likely one. The reason is old-fashioned deterrence. In the same way our cyber and physical infrastructures make us vulnerable to this scenario, any attacking nation-state must have its own infrastructure capabilities to be able to execute it. Those cyber capabilities and kinetic forces used in the attack are also potential targets, as is the remainder of the attacker's critical infrastructure. Basically, it is unlikely that a nation-state would do this, because they also have much at stake. Deterrence, in the same way we have understood it for over 50 years, still applies to nation-states in all the ways it does not apply to terrorists, criminals, and other non-state actors. A large-scale cyber attack or cyber-enabled kinetic attack by a peer competitor on another country runs the risk of a large-scale response from the target or the target's allies and friends. While this will not dissuade every nation-state-backed cyber threat--the thousands of probes, minor attacks, and espionage actions prove that--it has continued and will continue to keep this type of nightmare scenario from moving into the "likely" category. Yes, we must prepare for it, but if this is the only thing we prepare for, we will have failed our countries.

#### Fears of cyberapocalypse are threat inflation of the highest order.

Brito and Watkins 12 [Jerry, Senior Research Fellow, Mercatus Center at George Mason University and Tate, Research Associate, Mercatus Center at George Mason University. Loving the Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy, http://harvardnsj.org/wp-content/uploads/2012/01/Vol.-3\_Brito\_Watkins1.pdf]

Cybersecurity is an important policy issue, but the alarmist rhetoric coming out of Washington that focuses on worst-case scenarios is unhelpful and dangerous. Aspects of current cyber policy discourse parallel the run-up to the Iraq War and pose the same dangers. Pre-war threat inflation and conflation of threats led us into war on shaky evidence. By focusing on doomsday scenarios and conflating cyber threats, government officials threaten to legislate, regulate, or spend in the name of cybersecurity based largely on fear, misplaced rhetoric, conflated threats, and credulous reporting. The public should have access to classified evidence of cyber threats, and further examination of the risks posed by those threats, before sound policies can be proposed, let alone enacted.

#### View aff ev with skepticism – product of the cyber-industrial complex.

Brito and Watkins 12 [Jerry, Senior Research Fellow, Mercatus Center at George Mason University and Tate, Research Associate, Mercatus Center at George Mason University. Loving the Cyber Bomb? The Dangers of Threat Inflation in Cybersecurity Policy, http://harvardnsj.org/wp-content/uploads/2012/01/Vol.-3\_Brito\_Watkins1.pdf]

Security risks to private and government networks from criminals and malicious state actors are no doubt real and pressing. However, the rhetoric of “cyber doom” 2 employed by proponents of increased federal intervention in cybersecurity implies an almost existential threat that requires instant and immense action. Yet these proponents lack clear evidence of such doomsday threats that can be verified by the public. As a result, the United States may be witnessing a bout of threat inflation similar to that seen in the run-up to the Iraq War. Additionally, a cyber-industrial complex is emerging, much like the military-industrial complex of the Cold War. This complex may serve not only to supply cybersecurity solutions to the federal government, but to drum up demand for those solutions as well.

#### Adversaries won’t comply with rules – too strategic and cheap to break

Baker 11 Stewart Baker is a former official at the U.S. Department of Homeland Security and the National Security Agency, 9/30/11, http://www.foreignpolicy.com/articles/2011/09/30/denial\_of\_service?page=0,0&page=full

American lawyers' attempts to limit the scope of cyberwar are just as certain to fail as FDR's limits on air war -- and perhaps more so.¶ It's true that half a century of limited war has taught U.S. soldiers to operate under strict restraints, in part because winning hearts and minds has been a higher priority than destroying the enemy's infrastructure. But it's unwise to put too much faith in the notion that this change is permanent. Those wars were limited because the stakes were limited, at least for the United States. Observing limits had a cost, but one the country could afford. In a way, that was true for the Luftwaffe, too, at least at the start. They were on offense, and winning, after all. But when the British struck Berlin, the cost was suddenly too high. Germans didn't want law and diplomatic restraint; they wanted retribution -- an eye for an eye. When cyberwar comes to America and citizens start to die for lack of power, gas, and money, it's likely that they'll want the same.¶ More likely, really, because Roosevelt's bargain was far stronger than any legal restraints we're likely to see on cyberwar. Roosevelt could count on a shared European horror at the aerial destruction of cities. The modern world has no such understanding -- indeed, no such shared horror -- regarding cyberwar. Quite the contrary. For some of America's potential adversaries, the idea that both sides in a conflict could lose their networked infrastructure holds no horror. For some, a conflict that reduces both countries to eating grass sounds like a contest they might be able to win.¶ What's more, cheating is easy and strategically profitable. America's compliance will be enforced by all those lawyers. Its adversaries' compliance will be enforced by, well, by no one. It will be difficult, if not impossible, to find a return address on their cyberattacks. They can ignore the rules and say -- hell, they are saying -- "We're not carrying out cyberattacks. We're victims too. Maybe you're the attacker. Or maybe it's Anonymous. Where's your proof?"¶ Even if all sides were genuinely committed to limiting cyberwar, as they were in 1939, history shows that it only takes a single error to break the legal limits forever. And error is inevitable. Bombs dropped by desperate pilots under fire go astray -- and so do cyberweapons. Stuxnet infected thousands of networks as it searched blindly for Iran's uranium-enrichment centrifuges. The infections lasted far longer than intended. Should we expect fewer errors from code drafted in the heat of battle and flung at hazard toward the enemy?¶ Of course not. But the lesson of all this for the lawyers and the diplomats is stark: Their effort to impose limits on cyberwar is almost certainly doomed.¶ No one can welcome this conclusion, at least not in the United States. The country has advantages in traditional war that it lacks in cyberwar. Americans are not used to the idea that launching even small wars on distant continents may cause death and suffering at home. That is what drives the lawyers -- they hope to maintain the old world. But they're being driven down a dead end.¶ If America wants to defend against the horrors of cyberwar, it needs first to face them, with the candor of a Stanley Baldwin. Then the country needs to charge its military strategists, not its lawyers, with constructing a cyberwar strategy for the world we live in, not the world we'd like to live in.¶ That strategy needs both an offense and a defense. The offense must be powerful enough to deter every adversary with something to lose in cyberspace, so it must include a way to identify attackers with certainty. The defense, too, must be realistic, making successful cyberattacks more difficult and less effective because resilience and redundancy has been built into U.S. infrastructure.¶ Once the United States has a strategy for winning a cyberwar, it can ask the lawyers for their thoughts. But it can't be done the other way around.

# 1NR

#### Strong resolve key to deter cyber attacks

Turner 13 Robert F Turner, Associate Director, Center for National Security Law at University of Virginia, “Cyberdeterrence,” http://www.harvardlawreview.org/issues/126/march13/forum\_1001.php

Individuals — whether government officials, foreign terrorists, or corporate executives — make decisions based upon cost-benefit perceptions. Understanding those perceptions, and finding ways to modify them, is at the core of deterring attacks. This reaffirms the importance of being able to identify the actual source of a cyberattack. Unless that identification can be done, America’s ability to deter or punish such behavior will obviously be limited.¶ For all of its bluster, Iran is not likely to launch a direct lethal attack against America — whether by missile or computer — because its leaders understand that the U.S. government’s ability to respond with lethal force greatly exceeds Iran’s. But if they believe they can mask the attack as originating from Israel or some amorphous transnational terrorist group, all bets are off.¶ Deterrence will also fail if an adversary concludes the United States lacks the will to respond effectively to cyberattacks. For this reason, it may be useful to demonstrate that resolve at an early date — to make an example of someone who miscalculates America’s ability or willingness to respond decisively to cyberattacks.

#### Declining military power destroys global U.S. diplomatic influence

Holmes 9 – Kim R. Holmes, Ph.D., Vice President for Foreign and Defense Policy Studies and Director of the Davis Institute for International Studies at the Heritage Foundation, June 1, 2009, “Sustaining American Leadership with Military Power,” online: http://s3.amazonaws.com/thf\_media/2009/pdf/sr0052.pdf

The consequences of hard-power atrophy will be a direct deterioration of America’s diplomatic clout. This is already on display in the western Pacific Ocean, where America’s ability to hedge against the growing ambitions of a rising China is being called into question by some of our key Asian allies. Recently, Australia released a defense White Paper that is concerned primarily with the potential decline of U.S. military primacy and the implications that this decline would have for Australian security and stability in the Asia–Pacific. These developments are anything but reassuring.

The ability of the United States to reassure friends, deter competitors, coerce belligerent states, and defeat enemies does not rest on the strength of our political leaders’ commitment to diplomacy; it rests on the foundation of a powerful military. Only by retaining a “big stick” can the United States succeed in advancing its diplomatic priorities. Only by building a full-spectrum military force can America reassure its many friends and allies and count on their future support.

#### U.S. resolve is key to deter China and reassure allies – solves coop

Friedberg 12 [Aaron L. Friedberg, Poliitcs and International Affairs at Princeton, Bucking Beijing An Alternative U.S. China Policy September/October 2012 Foreign Affairs]

Absent a strong U.S. response, Chinese planners might eventually come to believe that their growing A2/AD capabilities are sufficiently impressive to scare the United States off from intervening or provoking a confrontation in the region. Worse still, they might convince themselves that if the United States were to intervene, they could cripple its conventional forces in the western Pacific, leaving it with few options other than the threat of nuclear escalation. Maintaining stability requires reducing the likelihood that China's leaders could ever see initiating such an attack as being in their interest. A direct U.S.-Chinese military confrontation is, of course, extremely unlikely. But the aim of the balancing half of U.S. strategy must be to ensure that it remains so, even as China's power grows. Failing to respond adequately to Beijing's buildup could undermine the credibility of the security guarantees that Washington extends to its Asian allies. In the absence of strong signals of continuing commitment and resolve from the United States, its friends may grow fearful of abandonment, perhaps eventually losing heart and succumbing to the temptations of appeasement. To prevent them from doing so, Washington will have to do more than talk. Together, the United States and its allies have more than sufficient resources with which to balance China. But if Washington wants its allies to increase their own defense efforts, it will have to seriously respond to China's growing capabilities itself. When it comes to Asia, the United States does not have the option of what The New Yorker first described as the Obama administration's penchant for "leading from behind."

#### Lack of resolve undermines deterrence with China – elites base calculations on American resolve

Christensen 1 (Thomas – professor of politics at Princeton, Spring 2001, “Posing problems without catching up”, International Security, p. ebscohost)

On the active defense side, it appears that China is attempting to import and to build indigenously a fairly impressive layered air defense system to counter cruise missiles and advanced aircraft. In addition to reported clandestine acquisition of Patriot technology, China has purchased and is seeking to purchase from Russia an undisclosed number of SA-10 (S-300) and SA-15 (TOR-1) SAM systems. Some of this Russian technology might be successfully integrated into China's own domestically produced SAM systems, such as the HQ-9. [66] China is also working to develop antistealth and antisatellite capabilities. Even if the Chinese programs have only limited effect against more technologically advanced foes, they may still pose a future security challenge to Taiwan and the United States. If Beijing elites believe that they are in a protracted war of wills over an issue that they care about much more than do the Americans, such as Taiwan, those elites might still be emboldened by the perceived capability--however limited--to increase costs to American and Taiwanese forces and to reduce costs to mainland assets in such a struggle. This problem is only exacerbated by any perceptions that Chinese elites might have about America's supposed limited willingness to fight such protracted wars and to suffer casualties. Implications and Prescriptions for U.S. Strategy If the analysis above is correct, preventing war across the Taiwan Strait and between the United States and China is much more difficult than a straightforward net assessment of relative military power in the region might suggest. To deter China from launching attacks against Taiwan and escalating crises and conflicts by attacking American assets in the region, the United States must do more than demonstrate an ability to prevail militarily in a conflict; it must also demonstrate American resolve and, perhaps, the ability to protect its forces not only from defeat but also from significant harm.

#### War powers strong now

Posner, 13 (Eric, professor at the University of Chicago Law School, Obama Is Only Making His War Powers Mightier. http://www.slate.com/articles/news\_and\_politics/view\_from\_chicago/2013/09/obama\_going\_to\_congress\_on\_syria\_he\_s\_actually\_strengthening\_the\_war\_powers.html)

President Obama’s surprise announcement that he will ask Congress for approval of a military attack on Syria is being hailed as a vindication of the rule of law and a revival of the central role of Congress in war-making, even by critics. But all of this is wrong. Far from breaking new legal ground, President Obama has reaffirmed the primacy of the executive in matters of war and peace. The war powers of the presidency remain as mighty as ever.¶ It would have been different if the president had announced that only Congress can authorize the use of military force, as dictated by the Constitution, which gives Congress alone the power to declare war. That would have been worthy of notice, a reversal of the ascendance of executive power over Congress. But the president said no such thing. He said: “I believe I have the authority to carry out this military action without specific congressional authorization.” Secretary of State John Kerry confirmed that the president “has the right to do that”—launch a military strike—“no matter what Congress does.”¶ Thus, the president believes that the law gives him the option to seek a congressional yes or to act on his own. He does not believe that he is bound to do the first. He has merely stated the law as countless other presidents and their lawyers have described it before him.¶ The president’s announcement should be understood as a political move, not a legal one. His motive is both self-serving and easy to understand, and it has been all but acknowledged by the administration. If Congress now approves the war, it must share blame with the president if what happens next in Syria goes badly. If Congress rejects the war, it must share blame with the president if Bashar al-Assad gases more Syrian children. The big problem for Obama arises if Congress says no and he decides he must go ahead anyway, and then the war goes badly. He won’t have broken the law as he understands it, but he will look bad. He would be the first president ever to ask Congress for the power to make war and then to go to war after Congress said no. (In the past, presidents who expected dissent did not ask Congress for permission.)¶ People who celebrate the president for humbly begging Congress for approval also apparently don’t realize that his understanding of the law—that it gives him the option to go to Congress—maximizes executive power vis-à-vis Congress. If the president were required to act alone, without Congress, then he would have to take the blame for failing to use force when he should and using force when he shouldn’t. If he were required to obtain congressional authorization, then Congress would be able to block him. But if he can have it either way, he can force Congress to share responsibility when he wants to and avoid it when he knows that it will stand in his way.¶ This approach also empowers the president relative to Congress by giving him the ability to embarrass members of Congress when he wants to. Just ask Hillary Clinton, whose vote in favor of the 2003 Iraq War damaged her chances against Barack Obama in 2008, and the Democratic senators who could not enter the 1992 campaign for the presidency because their votes against the 1991 Iraq War rendered them unelectable. The best thing for individual members of Congress is to be able to carp on the sidelines—to complain about not being consulted and to blame the president if the war goes badly. That is why David Axelrod said, “Congress is now the dog that caught the car.” This is hardball politics, not a rediscovery of legal values.¶ If Obama gains by spreading blame among Congress, why didn’t the president ask Congress for military authorization earlier, before he threatened Syria with a missile strike? The answer appears to be that the president expected international support for the invasion and believed that if other countries supported him, he would not need support in Congress. Only when the British poodle rediscovered its inner lion did he shift gears. Again, this has nothing to do with the law; it’s a matter of political prudence.

#### Obama’s been broadening war power authorities

New York Times 9/9

Charlie Savage, New York Times, 9/9/13, “In Syrian crisis, US President Barack Obama tests limits of power”, http://www.ndtv.com/article/world/in-syrian-crisis-us-president-barack-obama-tests-limits-of-power-416490 //jchen

But by the 2011 conflict in Libya he abandoned his campaign view of presidential war powers as too limited. While the NATO intervention was authorized for international law purposes by the Security Council, in domestic law Congress did not authorize Obama to participate. But Obama's Office of Legal Counsel argued that it was lawful for him to unilaterally order American forces to bomb Libya because of national interests in preserving regional stability and in supporting the "credibility and effectiveness" of the Security Council.

In recent weeks, administration lawyers decided that it was within Obama's constitutional authority to carry out a strike on Syria as well, even without permission from Congress or the Security Council, because of the "important national interests" of limiting regional instability and of enforcing the norm against using chemical weapons, Ruemmler said.

#### WPR in effect broadened authority

US News 8/30

Lauren Fox 8/30/13, US News, “The War Powers Act Is Pretty Unclear About Whether Congress Gets a Vote On Syria”, http://www.usnews.com/news/articles/2013/08/30/the-war-powers-act-is-pretty-unclear-about-whether-congress-gets-a-vote-on-syria //jchen

But many experts say members of Congress have it all wrong. They argue that the War Powers Resolution of 1973 clarifies the Constitution and actually gives the president broader authority to engage in "limited" military action overseas. In such circumstances, they say, Obama doesn't need to get formal authorization from Capitol Hill.

#### The framing issue is PERCEPTION: lack of resolve undermines conventional deterrence

Gerson 09

MICHAEL S. GERSON, research analyst at the Center for Naval Analyses, Policy Fellow with the ONE Campaign, a visiting fellow with the Center for Public Justice, and a former senior fellow at the Council on Foreign Relations,“Conventional Deterrence in the Second Nuclear Age”, Strategic Studies Institute, Autumn 2009 //jchen

The importance of the credibility of US conventional capabilities remains relevant. Future adversaries may discount conventional threats in the mistaken belief that they could circumvent US forces via a fait accompli strategy or otherwise withstand, overcome, or outmaneuver the United States on the conventional battlefield. But a singular focus on the capabilities part of the credibility equation misses the critical importance of an adversary’s judgment of US political resolve. In future conventional deterrence challenges, perceptions of US political willpower are likely to be as important for deterrence credibility as military capabilities.

One of the key challenges facing the United States in future conventional deterrence contingencies is the perception that American public and political leaders are highly sensitive to US combat casualties and civilian collateral damage.48 Regardless of the actual validity of this belief—and there is some evidence suggesting that the US public is willing to tolerate casualties if the conflict is viewed as legitimate or the public believes the United States has a reasonable chance of prevailing49—this view appears to be relatively widespread.50 If conventional deterrence is largely based on the threat to rapidly engage the opponent’s forces in combat, then the credibility of this threat depends on an opponent’s belief that the Unit- ed States is willing to accept the human and fiscal costs of conventional conflict. Consequently, perceptions of casualty sensitivity can undermine the credibility and potential success of conventional deterrence. A nation might be more inclined to attempt regional aggression if it believes that a sufficient US military response would be hindered or prevented by the political pressures associated with America’s alleged aversion to casualties.

#### Even the THREAT of enforced restrictions make the President less likely to exert influence

Waxman 8/25 [Matthew Waxman 8/25/13, Professor of Law – Columbia and Adjunct Senior Fellow for Law and Foreign Policy – CFR, “The Constitutional Power to Threaten War,” Forthcoming in Yale Law Journal, vol. 123, August 25, 2013, SSRN]

Even if Congress already wields informal political influence over threatened force, more potent and formal requirements of legislative force authorization or stricter enforcement of existing ones would still probably push U.S. policy a narrower set of commitments and more reserved use of threats – a more selective coercive and deterrent strategy – in several ways. For a President, knowing that he requires legally authorization from Congress to carry through on threats raises the expected political costs of making them (even very popular ones would require spending some political capital to obtain formal legislative backing). A more formal and substantial role for Congress in authorizing the carrying out of threats would also probably amplify some of the informational effects of executive-legislative dialogue and congressional debate described in the previous section: these processes – which could become more robust and attract greater attention – make it difficult to conceal or misrepresent preferences about war and peace, and therefore reduce opportunities for bluffing.

#### Congressional action hamstrings flexibility.

Grimmett 12 [Richard F. Grimmett Specialist in International Security September 24, 2012 The War Powers Resolution: After Thirty-Eight Years http://www.fas.org/sgp/crs/natsec/R42699.pdf]

A contrary view is that the War Powers Resolution is an inappropriate instrument that restricts the President’s effectiveness in foreign policy and should be repealed.89 Those with this perspective believe that the basic premise of the War Powers Resolution is wrong because in it, Congress attempts excessive control of the deployment of U.S. military forces, encroaching on the responsibility of the President.90 Supporters of repeal contend that the President needs more flexibility in the conduct of foreign policy and that the time limitation in the War Powers Resolution is unconstitutional and impractical. Some holding this view contend that Congress has always had the power, through appropriations and general lawmaking, to inquire into, support, limit, or prohibit specific uses of U.S. Armed Forces if there is majority support. The War Powers Resolution does not fundamentally change this equation, it is argued, but it complicates action, misleads military opponents, and diverts attention from key policy questions.

#### Congressional involvement creates murky lines of authority – undermines warfighting.

Wall 12 [Andru, senior official – Alston & Bird, Demystifying the Title 10-Title 50 Debate: Distinguishing Military Operations, Intelligence Activities & Covert Action, Harvard National Security Journal]

Congress’s failure to provide necessary interagency authorities and budget authorizations threatens our ability to prevent and wage warfare. Congress’s stubborn insistence that military and intelligence activities inhabit separate worlds casts a pall of illegitimacy over interagency support, as well as unconventional and cyber warfare. The U.S. military and intelligence agencies work together more closely than perhaps at any time in American history, yet Congressional oversight and statutory authorities sadly remain mired in an obsolete paradigm. After ten years of war, Congress still has not adopted critical recommendations made by the 9/11 Commission regarding congressional oversight of intelligence activities. Congress’s stovepiped oversight sows confusion over statutory authorities and causes Executive Branch attorneys to waste countless hours distinguishing distinct lines of authority and funding. Our military and intelligence operatives work tirelessly to coordinate, synchronize, and integrate their efforts; they deserve interagency authorities and Congressional oversight that encourages and supports such integration.

#### Statutory limitations devastate presidential flexibility in a crisis.

Vermueule 6 [Adrian Vermeule, Professor of Law, Harvard Law School, 2006, “THE EMERGENCY CONSTITUTION IN THE POST-SEPTEMBER 11 WORLD ORDER: SELF-DEFEATING PROPOSALS: ACKERMAN ON EMERGENCY POWERS,” Fordham Law Review, Nov., pp.]

The reason for the failure of statutory frameworks is plain. When an emergency or war or crisis arises, the executive needs flexibility; because statutory limitations determined in advance can only reduce flexibility, and do so in a way that does not anticipate the particular requirements of a new emergency, no one has any ex post interest in insisting that these limitations be respected. Ackerman acknowledges the grim historical record but provides no valid reason for thinking that his framework statute – which more ambitious than the other ones - might fare differently.