# 1NC

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#### Obama’s political capital is effectively holding off passage of the Iran sanctions bill now – but it’s still a fight

Delmore 2/5/14 (Erin, Political Analyst @ MSNBC, "Democrats split over Syria, Iran," http://www.msnbc.com/all/democrats-split-over-syria-iran)

Over strong objections from the president, 16 Senate Democrats support a bill that would impose new sanctions on Iran should the country fail to reach a permanent agreement with international negotiators to roll back its nuclear program. Those senators, along with 43 Republicans, argue that tough sanctions brought Iran to the negotiating table in the first place and further pressure would flex American muscle in the 6-month talks toward crafting a permanent solution. The bill drew support from Sens. Chuck Schumer, D-N.Y, and Harry Reid, D-Nev., both close allies of Obama’s but also leading supporters of policies favoring Israel. The American Israel Public Affairs Committee, America’s most powerful pro-Israel advocacy group, has lobbied members of Congress from both parties to support the sanctions.¶ Other Democrats are siding with the Obama administration, which argues that imposing new sanctions damaged “good-faith” negotiations while empowering Iran’s hard-liners rooting for the talks to fail. (A National Security Council spokeswoman charged last month that the sanctions bill could end negotiations and bring the U.S. closer to war.) ¶ The Senate bill has been losing steam ever since the White House ratcheted up pressure on Senate Democrats to abandon the it. Introduced in December by Democrat Robert Menendez, D-N.J. and Sen. Mark Kirk. R-Ill., the legislation was backed by 59 members – but now Senate leaders say they will hold off bringing the legislation to a vote until the six-month negotiation process ends.¶ Adam Sharon, a spokesman for the Senate Foreign Relations Committee, which Menendez chairs, said the New Jersey Senator stands behind the bill that bears his name. ¶ Menendez and 58 other senators support the bill, Sharon said. “It’s his bill, three or four senators say they wouldn’t call for a vote now. His position has been, having a bill, having this in place is an extremely effective and necessary tool when negotiating with the Iranians that we need to have to avoid Iran crossing the nuclear threshold. He stands behind this bill and the whole essence of the bill is to have sanctions in waiting, but you have to move on them now to make it happen.”¶ The movement is still alive in the House with enough votes to pass, despite a letter signed by at least 70 Democrats opposing the measure, and a letter of criticism by former Secretary of State Hillary Clinton. Obama reiterated in last week’s State of the Union address a promise to veto any attempt to impose new sanctions on Iran.

#### It’s a war powers fight that Obama wins – but failure commits us to Israeli strikes

**Merry 1/1** (Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy, “Obama may buck the Israel lobby on Iran”, 2014, Washington Times, factiva)

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.” For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House. With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto. It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement. However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control. Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.” While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.” That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars. That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

#### The plan’s a perceived loss – it saps capital and causes defections

Loomis 7 --- Department of Government at Georgetown

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

Declining political authority encourages defection. American political analyst Norman Ornstein writes of the domestic context, In a system where a President has limited formal power, perception matters. The reputation for success—the belief by other political actors that even when he looks down, a president will find a way to pull out a victory—is the most valuable resource a chief executive can have. Conversely, the widespread belief that the Oval Office occupant is on the defensive, on the wane or without the ability to win under adversity can lead to disaster, as individual lawmakers calculate who will be on the winning side and negotiate accordingly. In simple terms, winners win and losers lose more often than not. Failure begets failure. In short, a president experiencing declining amounts of political capital has diminished capacity to advance his goals. As a result, political allies perceive a decreasing benefit in publicly tying themselves to the president, and an increasing benefit in allying with rising centers of authority. A president’s incapacity and his record of success are interlocked and reinforce each other. Incapacity leads to political failure, which reinforces perceptions of incapacity. This feedback loop accelerates decay both in leadership capacity and defection by key allies. The central point of this review of the presidential literature is that the sources of presidential influence—and thus their prospects for enjoying success in pursuing preferred foreign policies—go beyond the structural factors imbued by the Constitution. Presidential authority is affected by ideational resources in the form of public perceptions of legitimacy. The public offers and rescinds its support in accordance with normative trends and historical patterns, non-material sources of power that affects the character of U.S. policy, foreign and domestic.

#### Causes Israel strikes

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

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran.¶ On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates:¶ If the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence.¶ Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July:¶ "If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb."¶ Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come."¶ But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway.¶ Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza.¶ That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback?¶ Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

#### Impact is nuclear war

**Reuveny** **10** (Rafael – professor in the School of Public and Environmental affairs at Indiana University, Unilateral strike on Iran could trigger world depression, p. http://www.indiana.edu/~spea/news/speaking\_out/reuveny\_on\_unilateral\_strike\_Iran.shtml)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond. A regional war Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony. Replaying Nixon’s nightmare Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons, but would probably not risk using force. While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

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#### Congressional action undermines the state secrete privilege – ends court deference and spills over

Windsor 12 (Lindsay – J.D. candidate and Master of Security Studies candidate at Georgetown University, “IS THE STATE SECRETS PRIVILEGE IN THE CONSTITUTION? THE BASIS OF THE STATE SECRETS PRIVILEGE IN INHERENT EXECUTIVE POWERS & WHY COURT-IMPLEMENTED SAFEGUARDS ARE CONSTITUTIONAL AND PRUDENT”, 2012, 43 Geo. J. Int'l L. 897, lexis)

In contrast to the acknowledged roles of both Congress and the President in foreign affairs matters, the Constitution does not grant the judiciary branch any authority over foreign affairs, and the courts have traditionally been "hesitant to intrude" upon matters of foreign policy and national security. n153 The Supreme Court "has recognized the generally accepted view that foreign policy [is] the province and responsibility of the Executive." n154 Hence, "courts traditionally have been reluctant to intrude upon the authority of the Executive in military and national security affairs." n155 This hesitation and reluctance stem from the limited institutional competence of the judiciary in foreign affairs. As the Court wrote in Boumediene v. Bush, "Unlike the President and some designated Members of Congress, neither the Members of this Court nor most federal judges begin the day with briefings that may describe new and serious threats to our Nation and its people." n156 Echoing the "sole organ" [\*920] scheme of Curtiss-Wright, the Court later wrote that in foreign affairs matters, "The Judiciary is not suited to [make] determinations that would . . . undermine the Government's ability to speak with one voice in this area." n157 A court should, therefore, give great deference to the Executive's invocation of the state secrets privilege because it inherently involves matters of national security. Nonetheless, deciding cases or controversies before the Court is within its field of expertise. n158 Such cases include separation of powers controversies between federal branches and enforcing checks on executive power. n159 Though a court could not amend the substance of the state secrets privilege, it could amend the procedure for its invocation in one of two ways: pursuant to congressional authorization or by interpreting its own rules of procedure. First, if Congress enacts specific legislation under its Article I powers requiring the President to follow certain procedures in invoking the privilege, then a court could enforce that procedure in a case before it. Second, the Court could reinterpret the procedural requirements for the privilege. The Reynolds Court specifically wrote a court should not always "insist[] upon an examination of the evidence, even by the judge alone, in chambers." n160 But in national security cases implicating core civil liberties, the Court could find that plaintiffs' necessity routinely requires different procedures to satisfy the Court that national security matters are at stake. n16

#### State Secrets Privilege protects private and government patent secrets – key to the military superiority

Donohue 10 (Laura – Associate Professor of Law, Georgetown University Law Center, “The Shadow of State Secrets”, 2010, 159 U. Pa. L. Rev. 77, lexis)

In contrast, docket searches demonstrate that, from January 2001 to January 2009, the privilege played a significant role in the executive branch's national security litigation strategy. In one case, the Administration asserted the state secrets privilege some 245 times. n31 More to the point, the government has invoked the state secrets privilege in more than 100 cases, which is more than five times the number of cases previously considered. And it is not just the executive branch that benefitted from the privilege: in scores of additional cases, private industry claimed that the state secrets doctrine applied, with the expectation that the federal government would later intervene to prevent certain documents from being subject to discovery or to stop the suit from moving forward. Beyond these, there are hundreds of cases on which the shadow of the privilege fell. This Article thus focuses on cases working their way through the courts between 2001 and 2009. It begins with disputes related to government contractors, where the threatened and actual invocation of the privilege appears in a broad range of grievances. Breach of contract, patent disputes, trade secrets, fraud, and employment termination cases prove remarkable in their frequency, length, and range of technologies involved. Wrongful death, personal injury, and negligence [\*88] cases extend beyond product liability to include infrastructure and services, as well as an emerging area perhaps best understood as the conduct of war. These corporate cases are distinguished by the tendency of companies to claim that state secrets are at stake early in the dispute and the subsequent role of the United States, if it chooses to become involved and to invoke the privilege, as an intervenor. Close inspection suggests a conservative executive branch that is more likely to step forward when breach of contract, trade secrets, or patent disputes present themselves, and unlikely - once it invokes the privilege - to back down. Where the executive initially decides not to intervene and invoke the privilege, the rapid expansion of the use of contractors appears to be giving birth to a new form of "graymail": should the government initially refuse to support the corporation's state secrets claim, companies deeply embedded in the state may threaten to air legally or politically damaging information. n32 Even when no overt threat is made, the government may worry that certain information will emerge during the course of the trial that would politically compromise the agency or individuals involved. In other cases, the government may be dependent upon a corporation for a key aspect of national defense, thus creating an incentive for the state to protect the company from financial penalties associated with bad behavior. n33

#### Secrecy is key to the US nuclear deterrent

Green 97 (Tracey – Associate with McNair Law Firm, J.D. – University of South Carolina, “Providing for the Common Defense versus Promoting the General Welfare: the Conflicts Between National Security and National Environmental Policy”, South Carolina Environmental Law Journal, Fall, 6 S.C Envtl. L.J. 137, lexis)

The deployment of nuclear weapons, however, is a DoD action for which secrecy is crucial and, thus, is classified by Executive Order. n59 According to the American policy of deterrence through mutually assured destruction (MAD), nuclear weapons are essential to an effective deterrent. n60 If DoD disclosed the location of these weapons, disclosure would reduce or destroy the deterrent. An adversary could destroy all nuclear weapons with an initial strike, leaving the country exposed to nuclear terror. n61 Additionally, terrorists would know where to strike to obtain material for nuclear blackmail. In short, secrecy regarding nuclear weapons has enormous implications for national security. While the armed services must consider the environmental effects of maintaining nuclear weapons, they cannot release any information regarding the storage of these weapons.

#### Escalates to global nuclear war

**Caves 10** (John P. Jr., Senior Research Fellow in the Center for the Study of Weapons of Mass Destruction – National Defense University, “Avoiding a Crisis of Confidence in the U.S. Nuclear Deterrent”, Strategic Forum, No. 252, http://www.ndu.edu/inss/docUploaded/SF%20252\_John%20Caves.pdf)

Perceptions of a compromised U.S. nuclear deterrent as described above would have profound policy implications, particu­larly if they emerge at a time when a nuclear-armed great power is pursuing a more aggressive strategy toward U.S. allies and partners in its region in a bid to enhance its regional and global clout.

■ A dangerous period of vulnerability would open for the United States and those nations that depend on U.S. protection while the United States attempted to rectify the problems with its nuclear forces. As it would take more than a decade for the United States to produce new nuclear weapons, ensuing events could preclude a return to anything like the status quo ante.

■ The assertive, nuclear-armed great power, and other major adversaries, could be willing to challenge U.S. interests more directly in the expectation that the United States would be less prepared to threaten or deliver a military response that could lead to direct conflict. They will want to keep the United States from reclaiming its earlier power position.

■ Allies and partners who have relied upon explicit or implicit assurances of U.S. nuclear protection as a foundation of their security could lose faith in those assur­ances. They could compensate by accom­modating U.S. rivals, especially in the short term, or acquiring their own nuclear deter­rents, which in most cases could be accom­plished only over the mid- to long term. A more nuclear world would likely ensue over a period of years.

■ Important U.S. interests could be com­promised or abandoned, or a major war could occur as adversaries and/or the United States miscalculate new boundaries of deterrence and provocation. At worst, war could lead to state-on-state employment of weapons of mass destruction (WMD) on a scale far more catastrophic than what nuclear-armed terror­ists alone could inflict.

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#### A. Interpretation – Statutory restrictions must directly prohibit activities currently under the president’s war powers authority – this excludes regulation or oversight

#### Statutory restrictions prohibit actions

Lamont 5 (Michael, Legal Analyst @ Occupational health, "Legal: Staying on the right side of the law," http://www.personneltoday.com/articles/01/04/2005/29005/legal-staying-on-the-right-side-of-the-law.htm#.UgFe\_o3qnoI)

It will be obvious what 'conduct' and 'redundancy' dismissals are. A statutory restriction means that the employee is prevented by law from doing the job - for example, a driver who loses his driving licence. 'Some other substantial reason' means "Parliament can't be expected to think of everything".

#### Restrictions on authority are distinct from conditions

William Conner 78, former federal judge for the United States District Court for the Southern District of New York United States District Court, S. D. New York, CORPORACION VENEZOLANA de FOMENTO v. VINTERO SALES, http://www.leagle.com/decision/19781560452FSupp1108\_11379

Plaintiff next contends that Merban was charged with notice of the restrictions on the authority of plaintiff's officers to execute the guarantees. Properly interpreted, the "conditions" that had been imposed by plaintiff's Board of Directors and by the Venezuelan Cabinet were not "restrictions" or "limitations" upon the authority of plaintiff's agents but rather conditions precedent to the granting of authority. Essentially, then, plaintiff's argument is that Merban should have known that plaintiff's officers were not authorized to act except upon the fulfillment of the specified conditions.

#### B. Vote Neg –

#### 1. Limits – Regulation and oversight of authority allows a litany of new affs in each area – justifies indirect effects of statutory policies and affs that don’t alter presidential authority – undermines prep and clash

#### 2. Ground – Restriction ground is the locus of neg prep – their interpretation jacks all core disads – politics, presidential powers, and any area based disad because an aff doesn’t have to prevent the president from doing anything

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#### War powers authority is enumerated in prior statutes---doesn’t include CIC power because it’s not a congressionally authorized source of Presidential power

Curtis Bradley 10, Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School, Curtis, “CLEAR STATEMENT RULES AND EXECUTIVE WAR POWERS” http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2730&context=faculty\_scholarship

The scope of the President’s independent war powers is **notoriously unclear**, and courts are understandably reluctant to issue constitutional rulings that might deprive the federal government as a whole of the flexibility needed to respond to crises. As a result, courts often look for signs that Congress has either supported or opposed the President’s actions and rest their decisions on statutory grounds. This is essentially the approach outlined by Justice Jackson in his concurrence in Youngstown.1 For the most part, the Supreme Court has also followed this approach in deciding executive power issues relating to the war on terror. In Hamdi v. Rumsfeld, for example, Justice O’Connor based her plurality decision, which allowed for military detention of a U.S. citizen captured in Afghanistan, on Congress’s September 18, 2001, Authorization for Use of Military Force (AUMF).2 Similarly, in Hamdan v. Rumsfeld, the Court grounded its disallowance of the Bush Administration’s military commission system on what it found to be congressionally imposed restrictions.3 The Court’s decision in Boumediene v. Bush4 might seem an aberration in this regard, but it is not. Although the Court in Boumediene did rely on the Constitution in holding that the detainees at Guantanamo have a right to seek habeas corpus re‐ view in U.S. courts, it did not impose any specific restrictions on the executive’s detention, treatment, or trial of the detainees.5 In other words, Boumediene was more about preserving a role for the courts than about prohibiting the executive from exercising statutorily conferred authority.

#### Vote negative---

#### Limits---commander-in-chief power blows the lid off the topic to include anything that might be a potential authority---makes adequate research impossible

#### Precision---Congress can only restrict authority which it has granted, which means any other reading of the topic is incoherent

## LOAC

### Robotics D

#### No impact to robotics

McGinnis, senior professor – Northwestern Law, ‘10

(John O., 104 Nw. U. L. Rev. Colloquy 366)

It is not as if in the absence of AI wars or weapons will cease to exist. The way to think about the effects of AI on war is to think of the consequences of substituting technologically advanced robots for humans on the battlefield. In at least three ways, that substitution is likely to be beneficial to humans. First, robots make conventional forces more effective and less vulnerable to certain weapons of mass destruction, like chemical and biological weapons. Rebalancing the world to make such weapons **less effective**, even if marginally so, must be counted as a benefit. Second, one of the reasons that conventional armies deploy lethal force is to protect the human soldiers against death or serious injury. If only robots are at stake in a battle, a nation is more likely to use non-lethal force, such as stun guns and the like. The United States is in fact considering outfitting some of its robotic forces with non-lethal weapon-ry. Third, AI-driven weaponry gives an advantage to the developed world and particularly to the United States, be-cause of its advanced capability in technological innovation. Robotic weapons have been among the most successful in the fight against Al-Qaeda and other groups waging asymmetrical warfare against the United States. The Predator, a robotic airplane, has been successfully targeting terrorists throughout Afghanistan and Pakistan, and more technologi-cally advanced versions are being rapidly developed. Moreover, it does so in a targeted manner without the need to launch large-scale wars to hold territory--a process that would almost certainly result in more collateral damage. n61 If one believes that the United States is on the whole the best enforcer of rules of conduct that make for a peaceful and prosperous world, this development must also be counted as a benefit.

#### All these scenarios are insanely long timeframe—make them read evidence on timeframe and feasibility of the tech itself—we shouldn’t need impact d cards to science fiction

#### No nanotech impact

**Park 03** Robert L.**,** Professor of Physics and former chairman of the Department of Physics at the University of Maryland, (“End of the World?” Issues in Science and Technology, Volume: 20. Issue: 1. Publication Date: Fall 2003. Page Number: 84, www.questia.com)

What follows is a set of brilliant essays forming more or less independent chapters that could be read in any order. He does not ignore the continued threat of nuclear holocaust or collision between Earth and an asteroid, but we have lived with these threats for a long time. His primary focus is on 21st century hazards, such as bioengineered pathogens, out-of-control nanomachines, or superintelligent computers. These new threats are difficult to treat because they don't yet exist and may never do so. He acknowledges that the odds of self-replicating nanorobots or "assemblers" getting loose and turning the world into a "grey-goo" of more assemblers are remote. After all, we're not close to building a nanorobot, and perhaps it can't be done. But this, Rees points out, is "Pascal's wager." The evaluation of risk requires that we multiply the odds of it happening (very small) by the number of casualties if it does (maybe the entire population). Personally, I think the grey-goo threat is zero. We are already confronted with incredibly tiny machines that devour the stuff around them and turn it into replicas of themselves. There are countless millions of these machines in every human gut. We call them bacteria and they took over Earth billions of years before humans showed up. We treat them with respect or they kill us.

So why isn't Earth turned into grey-goo by bacteria? The simple answer is that they run out of food. You can't make a bacterium out of just anything, and they don't have wings or legs to go somewhere else for dinner. Unless they can hitch a ride on a wind-blown leaf or a passing animal, they stop multiplying when the local food supply runs out. Assemblers will do the same thing. You should find something else to worry about.

### Alt Causes

**Alt causes to LOAC-**

#### A) PMC’s

Daniel P. Ridlon, A.F. Captain, JD Harvard, 2008, “CONTRACTORS OR ILLEGAL COMBATANTS? THE STATUS OF ARMED CONTRACTORS IN IRAQ,” 62 A.F. L. Rev. 199, ln

In addition to legal liability, the United States' employment of PMF personnel in future conflicts has potential negative policy ramifications. Employing PMF personnel who are potentially viewed as illegal combatants may undermine the public image that the United States conducts its military operations in accordance with the laws of war. This would not only serve as a public relations problem for the United States, but it could also be used as justification for other nations or non-state actors to violate the laws of war, especially if those states or groups are engaged in a conflict against the United States. In the end, the employment of illegal combatants could reduce prisoner of war [\*253] protections afforded to United States military personnel if they are captured.

#### B) Goldstone Report

Michael A. Newton 10, Law Prof @ Vanderbilt, “LAWFARE AND THE ISRAELI-PALESTINE PREDICAMENT: Illustrating Illegitimate Lawfare,” 43 Case W. Res. J. Int'l L. 255, ln

After detailing the content of the leaflet and radio broadcast warnings, the Report concluded that the warnings did not comply with the obligations of Protocol I because Israeli forces were presumed to have had the capability to issue more effective warnings, civilians in Gaza were uncertain about whether and where to go for safety, and some places of shelter were [\*277] struck after the warnings were issued. n91 Thus, despite giving more extensive warnings to the civilian population than in any other conflict in the long history of war, the efforts of the Israeli attackers were equated with attacks intentionally directed against the civilian population. This approach eviscerates the appropriate margin of appreciation that commanders who respect the law and endeavor to enforce its constraints should be entitled to rely upon--and which the law itself provides. There is simply no legal precedent for taking the position that the civilians actually respond to such warnings, particularly in circumstances such as Gaza where the civilian population is intimidated and often abused by an enemy that seeks to protect itself by deliberately intermingling with the innocent civilian population. The newly minted Goldstone standard for warning the civilian population would displace operational initiative from the commander in the attack to the defender who it must be remembered commits a war crime by intentionally commingling military objectives with protected civilians. This aspect of the report would itself serve to amend the entire fabric of the textual rules that currently regulate offensive uses of force in the midst of armed conflict.¶ This, then, is the essence of illegitimate lawfare. Words matter--particularly when they are charged with legal significance and purport to convey legal rights and obligations. When purported legal "developments" actually undermine the ends of the law, they are illegitimate and inappropriate. Legal movements that foreseeably serve to discredit the law of armed conflict even further in the eyes of a cynical world actually undermine its utility. Lawfare that creates uncertainty over the application of previously clear rules must be opposed vigorously because it does perhaps irrevocable harm to the fabric of the laws and customs of war. Illegitimate lawfare will marginalize the precepts of humanitarian law if left unchecked, and may serve to create strong disincentives to its application and enforcement. Knowledge of the law and an accompanying professional awareness that the law is binding remains central to the professional ethos of military forces around our planet irrespective of the reality that incomplete compliance with the jus in bello remains the regrettable norm. Hence, it logically follows that any efforts to distort and politicize fundamental principles of international law cannot be meekly accepted as inevitable developments.

#### C) UN Operations

Matthew E. Dunham 13, JD Dickinson, “SACRIFICING THE LAW OF ARMED CONFLICT IN THE NAME OF PEACE: A PROBLEM OF POLITICS,” 69 A.F. L. Rev. 155, ln

Peace operations are the United Nation's (UN's) core business and its most visible activity. n3 Between 1948 and 2012, the UN Department of Peacekeeping Operations (DPKO) conducted sixty-seven peace operations with the general purpose of ending violence. n4 The worldwide presence of peace operation forces is even larger when one adds operations carried out by states under unified command. n5 [\*157] When conducting peace operations, the DPKO maintains that successful operations are based in the rule of law. n6 This principle clearly follows from one of the major purposes of the UN to "maintain international peace and security . . . in conformity with the principles of justice and international law." n7 Nevertheless, to sustain political support for some peace operations, the UN and its member states intentionally ignore the applicability of the law of armed conflict (LOAC) n8 by refusing to classify hostilities as an armed conflict and by wrongly denying that peace operation forces have become belligerents in armed conflict. If the international community wishes to conduct high-intensity peace operations without causing the LOAC to be cast aside in future conflicts, it must promote the rule of law by ceasing to pretend that such operations are passive and impartial. This paper provides three examples where the UN and its member states improperly circumvented the LOAC. The first two examples concern intervention of peace operation forces in East Timor by Australia and then the UN between 1999 and 2000. Both Australia and the UN determined the LOAC did not apply to hostilities even though the facts on the ground required its application. n9 The third example examines the UN's intervention in the Ivory Coast in 2011, where the UN conducted air assaults against one party to a non-international armed conflict (NIAC). After the offensive, the UN Secretary-General implausibly denied the UN had become a party to the conflict, thereby denying the application of the LOAC as a matter of law to those UN actions. n10 The UN and its member states sacrifice the LOAC in peace operations because of conflicting concepts of sovereignty and an unsustainable adherence to traditional peacekeeping doctrine. Under traditional peacekeeping doctrine, a peace operation force must gain consent from the parties, remain impartial to the conflict, and only use force in self-defense. n11 Traditional peacekeeping is based on a Westphalian concept of sovereignty, which absolutely prohibits interference in the [\*158] internal affairs of another state. n12 More recently, however, peace operations have become more robust and aggressive. n13 Particularly since the mid-1990s, the UN Security Council has typically authorized peace operations under Chapter VII of the UN Charter to not only use force for individual and unit self-defense, but also to further the mission's mandate and protect civilians. n14 These more aggressive peace operations are based on a post-Westphalian view that a sovereign's inability or unwillingness to protect its citizens could result in involuntary forfeiture of sovereignty. n15 Further obscuring the application of the LOAC in peace operations is the fact that the international community lacks accepted definitions for peace operations and its different forms, such as "peacekeeping" and "peace enforcement." n16 While the DPKO distinguishes five types of peace operations (conflict prevention, peacekeeping, peace enforcement, peacemaking, and peace building), it only generically describes the activities. n17 The lack of clear definitions makes it difficult [\*159] to consistently apply the terms. While Part II of this paper generally distinguishes between peacekeeping and peace enforcement, the majority of the paper uses the generic term "peace operation" when feasible to emphasize the importance of consistency in the application of terms. n18 The international community is forcing a square peg into a round hole by trying to apply traditional Westphalian principles of consent, impartiality, and the use of force in self-defense to robust peace operations justified under a post-Westphalian concept of sovereignty. To fit the peg into the Westphalian idea of a valid peace operation, the UN and its member states avoid objective classification of hostilities and proper characterization of participants in hostilities. Unfortunately, such political maneuvering sacrifices the LOAC--represented by the pieces shaved off the square peg as it breaks down to fit the round hole. Instead of avoiding the LOAC, peace operation forces should promote and respect the LOAC by objectively identifying their role and the nature hostilities. Otherwise, states may use examples of peace operations to justify unlawful actions in armed conflict. The next section of this paper, Part II, focuses on the evolution of peace operations as background for considering why the UN and states conducting peace operations sacrifice the LOAC in the name of peace. It discusses the origin of peace operations under a Westphalian concept of sovereignty and shows how such operations have expanded with a shifting view of sovereignty. This section also examines the evolution of the application of the LOAC to peace operations--from an initial perspective that the LOAC never applies to peacekeepers, to a view that the LOAC will apply if peacekeepers become a party to a conflict. Despite theoretical progression on the application of the LOAC to peace operations, Part III analyzes hostilities in East Timor between 1999 and 2000, and the Ivory Coast in early 2011, to illustrate intentional avoidance of the LOAC in peace operations. Within these contexts, Part IV shows how peace operation forces in East Timor and the Ivory Coast applied traditional Westphalian peacekeeping principles to post-Westphalian peace operations for political purposes. Further, this section shows [\*160] why such political calculations undermine the LOAC. Finally, Part V argues the error in sacrificing the LOAC to justify humanitarian intervention. This section contends that intentional avoidance of the LOAC in peace operations creates a model for states to ignore the LOAC in other conflicts. It also shows that the apparent success in one peace operation undertaken by political maneuver may, in fact, be detrimental to the next humanitarian crisis. Accordingly, the UN and its member states must properly categorize hostilities and the participant's status if they wish to use military force in peace operations. II. THE EVOLUTION OF PEACE OPERATIONS AND THE APPLICABILITY OF THE LAW OF ARMED CONFLICT Peace operations are a core activity of the UN, which is charged with maintaining international peace and security in accordance with the rule of law. When conducting such operations, however, traditional notions of sovereignty undermine the ability of the UN and its member states to effectively adhere to the LOAC. To explore this problem, this section examines the origin of peace operations in light of the Westphalian concept of sovereignty in which they were developed, n19 and it shows how the purpose of peace operations has expanded with a shifting concept of sovereignty. The section then discusses the types of circumstances that trigger the LOAC. Finally, it addresses the evolving application of the LOAC to peace operations and identifies the political dilemma of applying the LOAC to certain types of peace operations.

### Impact D

**No terminal impact to Taiwan, South Korea or India – if they read them we’ll read D**

**Loac is unnecessary**

**Glazier 09** (David, Professor of Law, Loyola Law School Los Angeles, Dec. 2009, "PLAYING BY THE RULES: COMBATING AL QAEDA WITHIN THE LAW OF WAR" William and Mary Law Review, Lexis)

But even the most cursory study of the law of war quickly reveals the fallacy of this view. Virtually every society that has left a written record has documented legal constraints on the conduct of hostilities. n133 **The law of war constitutes a major portion of eighteenth- and nineteenth-century international law treatises.** n134 **The explosive growth of international law in the twentieth century, including the proliferation of multinational organizations and international courts, as well as the development of such new fields as international environmental and human rights law, relegated the law of war to relative obscurity. Today, it typically occupies just a single chapter in an international law text.** n135 This is ironic given the equally expansive development of the law of war during this same era n136 but may explain why expertise on this subject seems so limited among policymakers.

### I/L D

**Their Martin evidence in the un- highlighted part says that NSA and UN operations trigger it – they only highlighted the TK part**

#### U.S. breaking the rules doesn’t kill the regime

Brooks & Wohlforth 8 – Stephen G. Brooks, Assistant Professor of Government at Dartmouth, and William C. Wohlforth, Associate Professor of Government at Dartmouth, 2008, World Out of Balance: International Relations and the Challenge of American Primacy, p. 201-206

First, empirical studies find no clear relationship between U.S. rulebreaking, legitimacy, and the continued general propensity of other governments to comply with the overall institutional order. Case studies of U.S. unilateralism—that is, perceived violations of the multilateral principle underlying the current institutional order—reach decidedly mixed results.74 Sometimes unilateralism appears to impose costs on the United States that may derive from legitimacy problems; in other cases, these acts appear to win support internationally and eventually are accorded symbolic trappings of legitimacy; in yet others, no effect is discernable. Similar results are reported in detailed analyses of the most salient cases of U.S. noncompliance with international law, which, according to several studies, is as likely to result in a “new multilateral agreement and treaties [that] generally tilt towards U.S. policy preferences” as it is to corrode the legitimacy of accepted rules.75 The contestation created by the Bush administration’s “new unilateralism,” on the one hand, and the “new multilateralism” represented by other states’ efforts to develop new rules and institutions that appear to constrain the United States, on the other hand, fits the historical pattern of the indirect effect of power on law. Highlighting only the details of the struggle over each new rule or institution may deflect attention from the structural influence of the United States on the overall direction of change. For example, a focus on highly contested issues in the UN, such as the attempt at a second resolution authorizing the invasion of Iraq, fails to note how the institution’s whole agenda has shifted to address concerns (e.g., terrorism, proliferation) that the United States particularly cares about. The secretary-general’s Highlevel Panel on Threats, Challenges and Change endorsed a range of U.S.-supported positions on terrorism and proliferation.76 International legal scholars argue that the United States made measurable headway in inculcating new rules of customary law to legitimate its approach to fighting terrorism and containing “rogue states.”77 For example, UN Security Council Resolution 1373 imposed uniform, mandatory counterterrorist obligations on all member states and established a committee to monitor compliance. That said, there is also evidence of resistance to U.S. attempts to rewrite rules or exempt itself from rules. Arguably the most salient example of this is the International Criminal Court (ICC). During the negotiations on the Rome Convention in the late 1990s, the United States explicitly sought to preserve great-power control over ICC jurisdiction. U.S. representatives argued that the United States needed protection from a more independent ICC in order to continue to provide the public good of global military intervention. When this logic failed to persuade the majority, U.S. officials shifted to purely legal arguments, but, as noted, these foundered on the inconsistency created by Washington’s strong support of war crimes tribunals for others. The Rome Convention rejected the U.S. view in favor of the majority position granting the ICC judicial panel authority to refer cases to court’s jurisdiction.78 By 2007, 130 states had signed the treaty and over 100 were full-fledged parties to it. President Clinton signed the treaty, but declined to submit it to the Senate for ratification. The Bush administration “unsigned” it in order legally to be able to take action to undermine it. The United States then persuaded over 75 countries to enter into agreements under which they undertake not to send any U.S. citizen to the ICC without the United States’ consent; importantly, these agreements do not obligate the United States to investigate or prosecute any American accused of involvement in war crimes. This clearly undermines the ICC, especially given that about half the states that have signed these special agreements with the United States are also parties to the Rome Statute. 79 At the same time, the EU and other ICC supporters pressured governments not to sign special agreements with the United States, and some 45 have refused to do so—about half losing U.S. military assistance as a result. In April 2005, the United States chose not to veto a UN Security Council resolution referring the situation in Darfur, Sudan, to the ICC. To many observers, this suggests that inconsistency may yet undermine U.S. opposition to the court.80 If the U.S. campaign to thwart the court fails, and there is no compromise solution that meets some American concerns, the result will be a small but noticeable constraint: U.S. citizens involved in what might be construed as war crimes and who are not investigated and prosecuted by the U.S. legal system may have to watch where they travel. The upshot as of 2007 was something of a stalemate on the ICC, demonstrating the limits of both the United States’ capability to quash a new legal institution it doesn’t like and the Europeans’ ability to legitimize such an institution without the United States’ participation. Similar stalemates characterize other high-profile arguments over other new international legal instruments, such as the Kyoto Protocol on Climate Change and the Ottawa Landmine Convention. Exactly as constructivists suggest, these outcomes lend credence to the argument that power does not translate unproblematically into legitimacy. What the larger pattern of evidence on rule breaking shows, however, is that this is only one part of the story; the other part involves rule breaking with few, if any, legitimacy costs, and the frequent use of go-it-alone power to revise or create rules. AN EROSION OF THE ORDER? The second general evidence pattern concerns whether fallout from the unpopular U.S. actions on ICC, Kyoto and Ottawa, Iraq, and many other issues have led to an erosion of the legitimacy of the larger institutional order. Constructivist theory identifies a number of reasons why institutional orders are resistant to change, so strong and sustained action is presumably necessary to precipitate a legitimacy crisis that might undermine the workings of the current order. While aspects of this order remain controversial among sections of the public and elite both in the United States and abroad, there is little evidence of a trend toward others opting out of the order or setting up alternatives. Recall also that the legitimacy argument works better in the economic than in the security realm. It is also in the economic realm that the United States arguably has the most to lose. Yet it is hard to make the empirical case that U.S. rule violations have undermined the institutional order in the economic realm. Complex rules on trade and investment have underwritten economic globalization. The United States generally favors these rules, has written and promulgated many of them, and the big story of the 1990s and 2000s is their growing scope and ramified nature—in a word, their growing legitimacy. On trade, the WTO represents a major strengthening of the GATT rules that the United States pushed for (by, in part, violating the old rules to create pressure for the upgrade). As of 2007, it had 149 members, and the only major economy remaining outside was Russia’s. And notwithstanding President Putin’s stated preference for an “alternative” WTO, Russian policy focused on accession.81 To be sure, constructivists are right that the WTO, like other rational-legal institutions, gets its legitimacy in part from the appearance of independence from the major powers.82 Critical analysts repeatedly demonstrate, however, that the organization’s core agenda remains powerfully influenced by the interests of the United States.83 Regarding international finance, the balance between the constraining and enabling properties of rules and institutions is even more favorable to the United States, and there is little evidence of general legitimacy costs. The United States retains a privileged position of influence within the International Monetary Fund and the World Bank. An example of how the scope of these institutions can expand under the radar screen of most legitimacy scholarship is International Center for Settlement of Investment Disputes (ICSID)—the major dispute settlement mechanism for investment treaties. Part of theWorld Bank group of institutions, it was established in 1966, and by 1991 it had considered only 26 disputes. With the dramatic growth in investment treaties in the 1990s, however, the ICSID came into its own. Between 1998 and 2004, over 121 disputes were registered with the Center.84 This increase reflects the rapidly growing scope of international investment law. And these new rules and treaties overwhelmingly serve to protect investors’ rights, in which the United States has a powerful interest given how much it invests overseas. Looking beyond the economic realm, the evidence simply does not provide a basis for concluding that serial U.S. rule-breaking imposed general legitimacy costs sufficient to erode the existing order. On the contrary, it suggests a complex and malleable relationship between rule breaking, legitimacy, and compliance with the existing order that opens up numerous opportunities for the United States to use its power to change rules and limit the legitimacy costs of breaking rules. The evidence also suggests that just as rules do not automatically constrain power, power does not always smoothly translate into legitimacy. As our review of the ICC issue showed, the United States is not omnipotent, and its policies can run afoul of the problems of hypocrisy and inconsistency that constructivists and legal scholars identify. Indeed, neither the theory nor the evidence presented in this chapter can rule out the possibility that the United States might have enjoyed much more compliance, and had much more success promulgating its favored rules and quashing undesired rule change, had it not been such a rule breaker or had it pursued compensating strategies more energetically.

**Their Goodman evidence is in the Context of Kosovo and Rwanda – should’ve triggered the impact**

### No Solvency

#### Conflation is a norm and is inevitable – multiple alt causes disprove the impact

Benvenisti 9 (Eyal, Professor of Law, Tel Aviv University, “Rethinking the Divide Between Jus ad Bellum and Jus in Bello in Warfare Against Nonstate Actors,” Yale Journal of International Law, Vol. 34, <http://law.bepress.com/cgi/viewcontent.cgi?article=1114&context=taulwps>)

A. Observing State Practice

The reasons for maintaining the “total separation” between jus ad bellum and jus in bello, which are generally valid, are both moral and pragmatic. Yet they become strained in the context of warfare against nonstate actors. As a result, it is possible to observe a shift in the attitude of different actors, who inject ad bellum considerations into their assessment of the legality of certain military measures. In this Part, I first articulate the observation concerning the changing practice and then discuss its normative basis.

**Even the adherents** of the separation between ad bellum and in bello admit that “conflicts continue to be viewed in terms of ‘good’ and ‘evil’ . . . [and that] the reality is that such differences, real or perceived, matter.”15 For example, during the Gulf War of 1991 both the coalition forces and the international community took into consideration the illegality of the Iraqi invasion of Kuwait when assessing the proportionality of the military tactics adopted by the coalition forces. As Gardam noted, “[i]n the assessment of proportionality, civilians, and to a lesser extent combatants, of the aggressor state were accorded less weight in the balancing process than combatants of the ‘just side.’”16 Reactions during the military conflict in Lebanon in the summer of 2006 conflated ad bellum with in bello obligations.17 Similarly, in reaction to the Israeli attack in the Gaza Strip in December 2008 and January 2009, key observers linked ad bellum and in bello considerations. When asked whether Israel’s attacks were disproportionate, the U.S. ambassador to the United Nations responded: “Israel has the right to defend itself against these rocket attacks and we understand also that Israel needs to do all that it can to make sure that the impact of its exercise of right of self defense against rockets is as minimal and no affect [sic] on the civilian population.”18

#### No enforcement mechanism

**Blank, 12 -** Director, International Humanitarian Law Clinic, Emory Law School (Laurie, “TARGETED STRIKES: THE CONSEQUENCES OF BLURRING THE ARMED CONFLICT AND SELF-DEFENSE JUSTIFICATIONS,” 1656 WILLIAM MITCHELL LAW REVIEW [Vol.38:5, <http://www.wmitchell.edu/lawreview/Volume38/documents/11.BlankFINAL.pdf>)

Finally, effective implementation of and compliance with the law, whether the LOAC, the law of self-defense, or human rights law, depends on regular and respected mechanisms for enforcement. In the arena of international law, both formal (courts and tribunals) and informal (public opinion, response from other states) enforcement have value and effect. Any judicial body determining the lawfulness of state action or the criminal responsibility of individuals must first determine the applicable law in order to reach an appropriate result. n141 When the legal regimes become blurred through repeated conflation, application of the law and thus enforcement will be hampered. The resulting consequence, of course, is that a lack of effective enforcement then undermines effective implementation of the law and protection of persons in the future. These problems often are highlighted in the more informal enforcement arena of media reporting, public opinion, advocacy reports, and other responses, where disputes over applicable law and appropriate analyses abound. When international or nongovernmental organization reports produce primarily disputes over which law is applied - rather than how the law is applied to the facts on the ground - the debate becomes centered on the law and legal disputes rather than on the victims, the perpetrators, and how to prevent legal violations in the future. The blurring of lines between armed conflict and self-defense takes these challenges to another level as well, however, creating a situation in which independent analysts may have difficulty identifying the key pieces of information necessary to an effective examination of the legality of the state's policies and actions.

#### Inevitable – zones definition is conflated

**Blank, 12 -** Director, International Humanitarian Law Clinic, Emory Law School (Laurie, “TARGETED STRIKES: THE CONSEQUENCES OF BLURRING THE ARMED CONFLICT AND SELF-DEFENSE JUSTIFICATIONS,” 1656 WILLIAM MITCHELL LAW REVIEW [Vol.38:5, <http://www.wmitchell.edu/lawreview/Volume38/documents/11.BlankFINAL.pdf>)

One core purpose of the LOAC is the protection of innocent civilians by minimizing harm to civilians and civilian objects during wartime. Another is to enable effective military operations within the boundaries of the law. A central purpose of human rights law is the protection of individuals from violation of their rights and overreaching, even - and especially - during times of national emergency. Blurring the lines between armed conflict and self-defense and the targeting authority relevant to each legal regime directly affects all three of these critical goals. First, the hard-to-define parameters of an ongoing armed conflict with terrorist groups raise serious concerns about too many areas being subsumed within an area of armed conflict and the use of lethal force as a first resort. As more and more areas are viewed as part of the "zone of combat," more innocent civilians will face the consequences of hostilities, whether unintended death, injury, or property damage. This result runs counter to both the LOAC and human rights law. The potential spillover between status-based [\*1698] targeting and direct participation in the armed conflict framework and imminence and necessity (but without belligerent nexus) in the self-defense framework provoke similar consternation with regard to the protective and discriminating purposes of both bodies of law.

#### Plan does nothing – it ends the use of self-defense justifications in armed conflict. The greatest risk is the opposite – the use of jus in bello justifications in self-defense targeting.

**Blank, 12 -** Director, International Humanitarian Law Clinic, Emory Law School (Laurie, “TARGETED STRIKES: THE CONSEQUENCES OF BLURRING THE ARMED CONFLICT AND SELF-DEFENSE JUSTIFICATIONS,” 1656 WILLIAM MITCHELL LAW REVIEW [Vol.38:5, <http://www.wmitchell.edu/lawreview/Volume38/documents/11.BlankFINAL.pdf>)

When no differentiation is made between the armed conflict and self-defense justifications and the two paradigms are potentially conflated, serious concerns regarding the legal parameters for targeting may arise. The greatest risk is that the status-based targeting regime relevant to armed conflict could bleed over into self-defense targeting. Suddenly, imminence and individualized [\*1695] threat determinations begin to give way to more amorphous and seemingly simplistic designations of membership and affiliation or association. In fact, even beyond that danger, one might argue that it is easier to group more groups or individuals within the category of "enemy" because of the greater ease in reaching them with the superior capability and decreased riskiness of drones. n129 The use of so-called "signature strikes" n130 outside of Afghanistan and Pakistan - the "hot battlefields" - surely raises the prospect of status-based targeting in areas where the existence of an armed conflict is uncertain. The category of persons who can be targeted outside of armed conflict thus becomes significantly broader than that contemplated by international law and that normally demonstrated through state practice in situations in which self-defense is not conflated with armed conflict.

#### There’s no such thing as ‘self-defense targeted killings’ – jus ad bellum only allows the use of self-defense against states that facilitate non-state actors’ attacks. The plan codifies an expansive notion of jus ad bellum that increases the risk of armed conflict

**Martin, 11 -** Associate Professor of Law at Washburn University School of Law (Craig, “GOING MEDIEVAL: TARGETED KILLING, SELFDEFENSE AND THE JUS AD BELLUM REGIME” SSRN) **NSA = Non State Actors**

In sum, the proposition that states can use force against NSAs as such, and thereby against states with little responsibility for the NSAs actions, is not consistent with the current jus ad bellum system, and moreover there are good reasons why this is so. It will be objected that this tends to create something of an asymmetry, as well as to give rise to something of a paradox—for while under the current law a terrorist attack may constitute an armed attack in jus ad bellum terms, a response to the attack is not permissible if there was not sufficient state complicity in the NSAs operation. Thus, so the objection would go, the jus ad bellum regime recognizes that NSAs can mount armed attacks, but then it insulates them from the responding use of force in self-defense.75 There is thereby a recognition of a wrong, but the denial of a remedy. Of course, in response to this it must be pointed out that the current law exists precisely because the remedy sought would be inflicted on states that are not themselves guilty of the kind of wrong that legitimates the use of force against them. But even to this the detractors would argue that from a philosophical and moral perspective it might be entirely defensible to inflict a remedy on a not entirely blameless state. As between Utopia, the innocent victim of terrorist attacks, and Oceania, which while not sufficiently responsible for the attacks to justify a response in selfdefense is not blameless, surely we should permit harm to the latter.76 However, in response to this entire line of argument it has to be emphasized that the modern jus ad bellum regime is not primarily grounded in such moral balancing, or even in a sense of justice, but rather is founded on the profound need to prevent war among states. Permitting the use of force against states that have not assisted terrorists acting from within their territory would create a different and far more serious asymmetry, which would distort and undermine the integrity of the jus ad bellum regime, and increase the risk of armed conflict among nations.

Such risk is not mere idle speculation. In Columbian raids against NSAs in Ecuador in 2006, and Turkish attacks on Kurds in Iraq in 2007–08, there was a serious risk of escalation. Consider the ramifications if India had characterized the Mumbai attack of 2008 as an “armed attack” justifying the use of force in selfdefense against Lashkar-e-Taiba, quite independent of whether there was sufficient evidence to establish that its operations could be attributed to Pakistan. The use of force against the group within the territory of Pakistan would have nonetheless been viewed as an act of war by Pakistan, and there would have been a real risk of a full-blown armed confl ict between nuclear powers.77

#### No causal link between U.S. drone doctrine and other’ countries choices---means can’t set a precedent

Kenneth Anderson 11, Professor of International Law at American University, 10/9/11, “What Kind of Drones Arms Race Is Coming?,” <http://www.volokh.com/2011/10/09/what-kind-of-drones-arms-race-is-coming/#more-51516>

New York Times national security correspondent Scott Shane has an opinion piece in today’s Sunday Times predicting an “arms race” in military drones. The methodology essentially looks at the US as the leader, followed by Israel – countries that have built, deployed and used drones in both surveillance and as weapons platforms. It then looks at the list of other countries that are following fast in US footsteps to both build and deploy, as well as purchase or sell the technology – noting, correctly, that the list is a long one, starting with China. The predicament is put this way: ¶ Eventually, the United States will face a military adversary or terrorist group armed with drones, military analysts say. But what the short-run hazard experts foresee is not an attack on the United States, which faces no enemies with significant combat drone capabilities, but the political and legal challenges posed when another country follows the American example. The Bush administration, and even more aggressively the Obama administration, embraced an extraordinary principle: that the United States can send this robotic weapon over borders to kill perceived enemies, even American citizens, who are viewed as a threat. ¶ “Is this the world we want to live in?” asks Micah Zenko, a fellow at the Council on Foreign Relations. “Because we’re creating it.” ¶ By asserting that “we’re” creating it, this is a claim that there is an arms race among states over military drones, and that it is a consequence of the US creating the technology and deploying it – and then, beyond the technology, changing the normative legal and moral rules in the international community about using it across borders. In effect, the combination of those two, technological and normative, forces other countries in strategic competition with the US to follow suit. (The other unstated premise underlying the whole opinion piece is a studiously neutral moral relativism signaled by that otherwise unexamined phrase “perceived enemies.” Does it matter if they are not merely our “perceived” but are our actual enemies? Irrespective of what one might be entitled to do to them, is it so very difficult to conclude, even in the New York Times, that Anwar al-Awlaki was, in objective terms, our enemy?) ¶ It sounds like it must be true. But is it? There are a number of reasons to doubt that moves by other countries are an arms race in the sense that the US “created” it or could have stopped it, or that something different would have happened had the US not pursued the technology or not used it in the ways it has against non-state terrorist actors. Here are a couple of quick reasons why I don’t find this thesis very persuasive, and what I think the real “arms race” surrounding drones will be. ¶ Unmanned aerial vehicles have clearly got a big push from the US military in the way of research, development, and deployment. But the reality today is that the technology will transform civil aviation, in many of the same ways and for the same reasons that another robotic technology, driverless cars (which Google is busily plying up and down the streets of San Francisco, but which started as a DARPA project). UAVs will eventually move into many roles in ordinary aviation, because it is cheaper, relatively safer, more reliable – and it will eventually include cargo planes, crop dusting, border patrol, forest fire patrols, and many other tasks. There is a reason for this – the avionics involved are simply not so complicated as to be beyond the abilities of many, many states. Military applications will carry drones many different directions, from next-generation unmanned fighter aircraft able to operate against other craft at much higher G stresses to tiny surveillance drones. But the flying-around technology for aircraft that are generally sizes flown today is not that difficult, and any substantial state that feels like developing them will be able to do so. ¶ But the point is that this was happening anyway, and the technology was already available. The US might have been first, but it hasn’t sparked an arms race in any sense that absent the US push, no one would have done this. That’s just a fantasy reading of where the technology in general aviation was already going; Zenko’s ‘original sin’ attribution of this to the US opening Pandora’s box is not a credible understanding of the development and applications of the technology. Had the US not moved on this, the result would have been a US playing catch-up to someone else. For that matter, the off-the-shelf technology for small, hobbyist UAVs is simple enough and available enough that terrorists will eventually try to do their own amateur version, putting some kind of bomb on it.¶ Moving on from the avionics, weaponizing the craft is also not difficult. The US stuck an anti-tank missile on a Predator; this is also not rocket science. Many states can build drones, many states can operate them, and crudely weaponizing them is also not rocket science. The US didn’t spark an arms race; this would occur to any state with a drone. To the extent that there is real development here, it lies in the development of specialized weapons that enable vastly more discriminating targeting. The details are sketchy, but there are indications from DangerRoom and other observers (including some comments from military officials off the record) that US military budgets include amounts for much smaller missiles designed not as anti-tank weapons, but to penetrate and kill persons inside a car without blowing it to bits, for example. This is genuinely harder to do – but still not all that difficult for a major state, whether leading NATO states, China, Russia, or India. The question is whether it would be a bad thing to have states competing to come up with weapons technologies that are … more discriminating.

#### U.S. can’t effectively signal

Zenko 13 (Micah, Council on Foreign Relations Center for Preventive Action Douglas Dillon fellow, "The Signal and the Noise," Foreign Policy, 2-2-13, www.foreignpolicy.com/articles/2013/02/20/the\_signal\_and\_the\_noise)

Later, Gen. Austin observed of cutting forces from the Middle East: "Once you reduce the presence in the region, you could very well signal the wrong things to our adversaries." Sen. Kelly Ayotte echoed his observation, claiming that President Obama's plan to withdraw 34,000 thousand U.S. troops from Afghanistan within one year "leaves us dangerously low on military personnel...it's going to send a clear signal that America's commitment to Afghanistan is going wobbly." Similarly, during a separate House Armed Services Committee hearing, Deputy Secretary of Defense Ashton Carter ominously warned of the possibility of sequestration: "Perhaps most important, the world is watching. Our friends and allies are watching, potential foes -- all over the world." These routine and unchallenged assertions highlight what is perhaps the most widely agreed-upon conventional wisdom in U.S. foreign and national security policymaking: the inherent power of signaling. This psychological capability rests on two core assumptions: All relevant international audiences can or will accurately interpret the signals conveyed, and upon correctly comprehending this signal, these audiences will act as intended by U.S. policymakers. Many policymakers and pundits fundamentally believe that the Pentagon is an omni-directional radar that uniformly transmits signals via presidential declarations, defense spending levels, visits with defense ministers, or troop deployments to receptive antennas. A bit of digging, however, exposes cracks in the premises underlying signaling theories. There is a half-century of social science research demonstrating the cultural and cognitive biases that make communication difficult between two humans. Why would this be any different between two states, or between a state and non-state actor? Unlike foreign policy signaling in the context of disputes or escalating crises -- of which there is an extensive body of research into types and effectiveness -- policymakers' claims about signaling are merely made in a peacetime vacuum. These signals are never articulated with a precision that could be tested or falsified, and thus policymakers cannot be judged misleading or wrong. Paired with the faith in signaling is the assumption that policymakers can read the minds of potential or actual friends and adversaries. During the cycle of congressional hearings this spring, you can rest assured that elected representatives and expert witnesses will claim to know what the Iranian supreme leader thinks, how "the Taliban" perceives White House pronouncements about Afghanistan, or how allies in East Asia will react to sequestration. This self-assuredness is referred to as the illusion of transparency by psychologists, or how "people overestimate others' ability to know them, and...also overestimate their ability to know others." Policymakers also conceive of signaling as a one-way transmission: something that the United States does and others absorb. You rarely read or hear critical thinking from U.S. policymakers about how to interpret the signals from others states. Moreover, since U.S. officials correctly downplay the attention-seeking actions of adversaries -- such as Iran's near-weekly pronouncement of inventing a new drone or missile -- wouldn't it be safer to assume that the majority of U.S. signals are similarly dismissed? During my encounters with foreign officials, few take U.S. government pronouncements seriously, and instead assume they are made to appease domestic audiences.

## Terrorism

### Uniqueness

#### Allied Coop inevitable

Kristin Archick, European affairs specialist @ CRS, 9-4-2013, “U.S.-EU Cooperation Against Terrorism,” Congressional Research Service, <http://www.fas.org/sgp/crs/row/RS22030.pdf>

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.”

#### Drone program sustainable

Robert Chesney 12, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, 8/29/12, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2138623>

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas.

The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a mend-it-don’t-end-it approach culminating in passage of the Military Commissions Act of 2009, which addressed a number of key objections to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is far more stable today than at any point in the past decade.51

There have been strong elements of cross-party continuity between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of using lethal force not just in contexts of overt combat deployments but also in areas physically remote from the “hot battlefield.” Indeed, the Obama administration quickly outstripped the Bush administration in terms of the quantity and location of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also succeeded in fending off a lawsuit challenging the legality of the drone strike program (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54

The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism no longer seemed likely to spill over in the form of disruptive judicial rulings, newly-restrictive legislation, or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of cross-branch and cross-party consensus, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

### Link Turn

#### The plan limits executive war fighting capabilities – devastates all operations

Kriner 10 (Douglas – asst prof of poli sci @ Boston Univ , "After the Rubicon: Congress, Presidents, and the Politics of Waging War," Ed. by William Howell and Jon Peverhouse, p. 285-286)

American history offers few examples of Congress using its legislative power to bring to heel a wayward commander in chief. Only in the rarest cases will Congress be able to marshall the supermajorities required to pass legislation compelling the president to abandon his preferred policy preferences. However, to focus only on the lack of concrete legislation terminating an ongoing war or blocking the use of force altogether is to miss the more indirect, yet still powerful means of influence through which members of Congress have routinely shaped the course of American military affairs. Even when Congress fails to write its military preferences into law, its members rarely stand on the sidelines of the policy process. Rather, members of Congress have historically engaged in a variety of actions from formal intiatives, such as introducing legislation or holding hearings that challenge the president's conduct of military action, to informal efforts to shape the nature of the policy debate in the public sphere. These actions can raise significantly the political and strategic costs to the president of waging large-scale, long-duration military actions to pursue their policy goals. In some cases, presidents may judge that the benefits of responding miltiarily to a foreign policy crisis or continuing an ongoing military engagement may outweigh even the heightened costs that congressional opposition generates. In these instances, enacting legislation to compel the president to change course may be the only remedy available to congressional opponents. In many other cases, however, congressional opposition has had tangible effects on policy outcomes. Again and again, the statistical and qualitative analyses have showed presidents modifying their policies, moderating the scale and duration of their military ventures, and sometimes foregoing a military response altogether, when faced with real or anticipated opposition on Capitol Hill. When exerted indirectly, congressional influence is less immediately visible and dramatic than it is in the rare occasions when Congress has enacted legislation to mandate a change in militar policy. Yet through indirect mechanisms, Congress has often encouraged presidents to pursue significantly different military policies than they would have adopted in the absence of congressional opposition.

#### It spills over to destabilize all presidential war powers

Heder 10 (Adam, J.D., magna cum laude , J. Reuben Clark Law School, Brigham Young University, “THE POWER TO END WAR: THE EXTENT AND LIMITS OF CONGRESSIONAL POWER,” St. Mary’s Law Journal Vol. 41 No. 3, <http://www.stmaryslawjournal.org/pdfs/Hederreadytogo.pdf>)

This constitutional silence invokes Justice Rehnquist’s oftquoted language from the landmark “political question” case, Goldwater v. Carter . 121 In Goldwater , a group of senators challenged President Carter’s termination, without Senate approval, of the United States ’ Mutual Defense Treaty with Taiwan. 122 A plurality of the Court held, 123 in an opinion authored by Justice Rehnquist, that this was a nonjusticiable political question. 124 He wrote: “In light of the absence of any constitutional provision governing the termination of a treaty, . . . the instant case in my view also ‘must surely be controlled by political standards.’” 125 Notably, Justice Rehnquist relied on the fact that there was no constitutional provision on point. Likewise, there is no constitutional provision on whether Congress has the legislative power to limit, end, or otherwise redefine the scope of a war. Though Justice Powell argues in Goldwater that the Treaty Clause and Article VI of the Constitution “add support to the view that the text of the Constitution does not unquestionably commit the power to terminate treaties to the President alone,” 126 the same cannot be said about Congress’s legislative authority to terminate or limit a war in a way that goes beyond its explicitly enumerated powers. There are no such similar provisions that would suggest Congress may decline to exercise its appropriation power but nonetheless legally order the President to cease all military operations. Thus, the case for deference to the political branches on this issue is even greater than it was in the Goldwater context. Finally, the Constitution does not imply any additional powers for Congress to end, limit, or redefine a war. The textual and historical evidence suggests the Framers purposefully declined to grant Congress such powers. And as this Article argues, granting Congress this power would be inconsistent with the general war powers structure of the Constitution. Such a reading of the Constitution would unnecessarily empower Congress and tilt the scales heavily in its favor. More over, it would strip the President of his Commander in Chief authority to direct the movement of troops at a time when the Executive’s expertise is needed. 127 And fears that the President will grow too powerful are unfounded, given the reasons noted above. 128 In short, the Constitution does not impliedly afford Congress any authority to prematurely terminate a war above what it explicitly grants. 129 Declaring these issues nonjusticiable political questions would be the most practical means of balancing the textual and historical demands, the structural demands, and the practical demands that complex modern warfare brings . Adjudicating these matters would only lead the courts to engage in impermissible line drawing — lines that would both confus e the issue and add layers to the text of the Constitution in an area where the Framers themselves declined to give such guidance.

#### The impact is the loss of fourth-gen warfighting capabilities that escalate to nuclear use

Li 9 (Zheyao, J.D. candidate, Georgetown University Law Center, 2009; B.A., political science and history, Yale University, 2006. This paper is the culmination of work begun in the "Constitutional Interpretation in the Legislative and Executive Branches" seminar, led by Judge Brett Kavanaugh, “War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare,” 7 Geo. J.L. & Pub. Pol'y 373 2009 WAR POWERS IN THE FOURTH GENERATION OF WARFARE)

A. The Emergence of Non-State Actors

Even as the quantity of nation-states in the world has increased dramatically since the end of World War II, the institution of the nation-state has been in decline over the past few decades. Much of this decline is the direct result of the waning of major interstate war, which primarily resulted from the introduction of nuclear weapons.122 The proliferation of nuclear weapons, and their immense capacity for absolute destruction, has ensured that conventional wars remain limited in scope and duration. Hence, "both the size of the armed forces and the quantity of weapons at their disposal has declined quite sharply" since 1945.123 At the same time, concurrent with the decline of the nation-state in the second half of the twentieth century, non-state actors have increasingly been willing and able to use force to advance their causes. In contrast to nation-states, who adhere to the Clausewitzian distinction between the ends of policy and the means of war to achieve those ends, non-state actors do not necessarily fight as a mere means of advancing any coherent policy. Rather, they see their fight as a life-and-death struggle, wherein the ordinary terminology of war as an instrument of policy breaks down because of this blending of means and ends.124 It is the existential nature of this struggle and the disappearance of the Clausewitzian distinction between war and policy that has given rise to a new generation of warfare. The concept of fourth-generational warfare was first articulated in an influential article in the Marine Corps Gazette in 1989, which has proven highly prescient. In describing what they saw as the modem trend toward a new phase of warfighting, the authors argued that: In broad terms, fourth generation warfare seems likely to be widely dispersed and largely undefined; the distinction between war and peace will be blurred to the vanishing point. It will be nonlinear, possibly to the point of having no definable battlefields or fronts. The distinction between "civilian" and "military" may disappear. Actions will occur concurrently throughout all participants' depth, including their society as a cultural, not just a physical, entity. Major military facilities, such as airfields, fixed communications sites, and large headquarters will become rarities because of their vulnerability; the same may be true of civilian equivalents, such as seats of government, power plants, and industrial sites (including knowledge as well as manufacturing industries). 125 It is precisely this blurring of peace and war and the demise of traditionally definable battlefields that provides the impetus for the formulation of a new. theory of war powers. As evidenced by Part M, supra, the constitutional allocation of war powers, and the Framers' commitment of the war power to two co-equal branches, was not designed to cope with the current international system, one that is characterized by the persistent machinations of international terrorist organizations, the rise of multilateral alliances, the emergence of rogue states, and the potentially wide proliferation of easily deployable weapons of mass destruction, nuclear and otherwise. B. The Framers' World vs. Today's World The Framers crafted the Constitution, and the people ratified it, in a time when everyone understood that the state controlled both the raising of armies and their use. Today, however, the threat of terrorism is bringing an end to the era of the nation-state's legal monopoly on violence, and the kind of war that existed before-based on a clear division between government, armed forces, and the people-is on the decline. 126 As states are caught between their decreasing ability to fight each other due to the existence of nuclear weapons and the increasing threat from non-state actors, it is clear that the Westphalian system of nation-states that informed the Framers' allocation of war powers is no longer the order of the day. 127 As seen in Part III, supra, the rise of the modem nation-state occurred as a result of its military effectiveness and ability to defend its citizens. If nation-states such as the United States are unable to adapt to the changing circumstances of fourth-generational warfare-that is, if they are unable to adequately defend against low-intensity conflict conducted by non-state actors-"then clearly [the modem state] does not have a future in front of it.' 128 The challenge in formulating a new theory of war powers for fourthgenerational warfare that remains legally justifiable lies in the difficulty of adapting to changed circumstances while remaining faithful to the constitutional text and the original meaning. 29 To that end, it is crucial to remember that the Framers crafted the Constitution in the context of the Westphalian system of nation-states. The three centuries following the Peace of Westphalia of 1648 witnessed an international system characterized by wars, which, "through the efforts of governments, assumed a more regular, interconnected character."' 130 That period saw the rise of an independent military class and the stabilization of military institutions. Consequently, "warfare became more regular, better organized, and more attuned to the purpose of war-that is, to its political objective."' 1 3' That era is now over. Today, the stability of the long-existing Westphalian international order has been greatly eroded in recent years with the advent of international terrorist organizations, which care nothing for the traditional norms of the laws of war. This new global environment exposes the limitations inherent in the interpretational methods of originalism and textualism and necessitates the adoption of a new method of constitutional interpretation. While one must always be aware of the text of the Constitution and the original understanding of that text, that very awareness identifies the extent to which fourth-generational warfare epitomizes a phenomenon unforeseen by the Framers, a problem the constitutional resolution of which must rely on the good judgment of the present generation. 13 Now, to adapt the constitutional warmarking scheme to the new international order characterized by fourth-generational warfare, one must understand the threat it is being adapted to confront. C. The Jihadist Threat The erosion of the Westphalian and Clausewitzian model of warfare and the blurring of the distinction between the means of warfare and the ends of policy, which is one characteristic of fourth-generational warfare, apply to al-Qaeda and other adherents of jihadist ideology who view the United States as an enemy. An excellent analysis of jihadist ideology and its implications for the rest of the world are presented by Professor Mary Habeck. 133 Professor Habeck identifies the centrality of the Qur'an, specifically a particular reading of the Qur'an and hadith (traditions about the life of Muhammad), to the jihadist terrorists. 134 The jihadis believe that the scope of the Qur'an is universal, and "that their interpretation of Islam is also intended for the entire world, which must be brought to recognize this fact peacefully if possible and through violence if not."' 135 Along these lines, the jihadis view the United States and her allies as among the greatest enemies of Islam: they believe "that every element of modern Western liberalism is flawed, wrong, and evil" because the basis of liberalism is secularism. 136 The jihadis emphasize the superiority of Islam to all other religions, and they believe that "God does not want differing belief systems to coexist."' 37 For this reason, jihadist groups such as al-Qaeda "recognize that the West will not submit without a fight and believe in fact that the Christians, Jews, and liberals have united against Islam in a war that will end in the complete destruction of the unbelievers.' 138 Thus, the adherents of this jihadist ideology, be it al-Qaeda or other groups, will continue to target the United States until she is destroyed. Their ideology demands it. 139 To effectively combat terrorist groups such as al-Qaeda, it is necessary to understand not only how they think, but also how they operate. Al-Qaeda is a transnational organization capable of simultaneously managing multiple operations all over the world."14 It is both centralized and decentralized: al-Qaeda is centralized in the sense that Osama bin Laden is the unquestioned leader, but it is decentralized in that its operations are carried out locally, by distinct cells."4 AI-Qaeda benefits immensely from this arrangement because it can exercise direct control over high-probability operations, while maintaining a distance from low-probability attacks, only taking the credit for those that succeed. The local terrorist cells benefit by gaining access to al-Qaeda's "worldwide network of assets, people, and expertise."' 42 Post-September 11 events have highlighted al-Qaeda's resilience. Even as the United States and her allies fought back, inflicting heavy casualties on al-Qaeda in Afghanistan and destroying dozens of cells worldwide, "al-Qaeda's networked nature allowed it to absorb the damage and remain a threat." 14 3 This is a far cry from earlier generations of warfare, where the decimation of the enemy's military forces would generally bring an end to the conflict. D. The Need for Rapid Reaction and Expanded Presidential War Power By now it should be clear just how different this conflict against the extremist terrorists is from the type of warfare that occupied the minds of the Framers at the time of the Founding. Rather than maintaining the geographical and political isolation desired by the Framers for the new country, today's United States is an international power targeted by individuals and groups that will not rest until seeing her demise. The Global War on Terrorism is not truly a war within the Framers' eighteenth-century conception of the term, and the normal constitutional provisions regulating the division of war powers between Congress and the President do not apply. Instead, this "war" is a struggle for survival and dominance against forces that threaten to destroy the United States and her allies, and the fourth-generational nature of the conflict, highlighted by an indiscernible distinction between wartime and peacetime, necessitates an evolution of America's traditional constitutional warmaking scheme. As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should consider the implications of the OODA Loop: Observe, Orient, Decide, and Act. 44 In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries." 145 In the words of Professor Creveld, "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police."1 46 Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision- making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute. In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourthgenerational opponents.

### Defense

#### No risk of nuclear terrorism---too many obstacles

John J. Mearsheimer 14, R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago, “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.¶ What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.¶ Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

### 1NC Bioterror

#### No bioterror impact

Keller 13-- Analyst at Stratfor, Post-Doctoral Fellow at University of Colorado at Boulder (Rebecca, 2013, "Bioterrorism and the Pandemic Potential," http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential)

It is important to remember that the risk of biological attack is very low and that, partly because viruses can mutate easily, the potential for natural outbreaks is unpredictable. The key is having the right tools in case of an outbreak, epidemic or pandemic, and these include a plan for containment, open channels of communication, scientific research and knowledge sharing. In most cases involving a potential pathogen, the news can appear far worse than the actual threat. Infectious Disease Propagation Since the beginning of February there have been occurrences of H5N1 (bird flu) in Cambodia, H1N1 (swine flu) in India and a new, or novel, coronavirus (a member of the same virus family as SARS) in the United Kingdom. In the past week, a man from Nepal traveled through several countries and eventually ended up in the United States, where it was discovered he had a drug-resistant form of tuberculosis, and the Centers for Disease Control and Prevention released a report stating that antibiotic-resistant infections in hospitals are on the rise. In addition, the United States is experiencing a worse-than-normal flu season, bringing more attention to the influenza virus and other infectious diseases. The potential for a disease to spread is measured by its effective reproduction number, or R-value, a numerical score that indicates whether a disease will propagate or die out. When the disease first occurs and no preventive measures are in place, the reproductive potential of the disease is referred to as R0, the basic reproduction rate. The numerical value is the number of cases a single case can cause on average during its infectious period. An R0 above 1 means the disease will likely spread (many influenza viruses have an R0 between 2 and 3, while measles had an R0 value of between 12 and 18), while an R-value of less than 1 indicates a disease will likely die out. Factors contributing to the spread of the disease include the length of time people are contagious, how mobile they are when they are contagious, how the disease spreads (through the air or bodily fluids) and how susceptible the population is. The initial R0, which assumes no inherent immunity, can be decreased through control measures that bring the value either near or below 1, stopping the further spread of the disease. Both the coronavirus family and the influenza virus are RNA viruses, meaning they replicate using only RNA (which can be thought of as a single-stranded version of DNA, the more commonly known double helix containing genetic makeup). The rapid RNA replication used by many viruses is very susceptible to mutations, which are simply errors in the replication process. Some mutations can alter the behavior of a virus, including the severity of infection and how the virus is transmitted. The combination of two different strains of a virus, through a process known as antigenic shift, can result in what is essentially a new virus. Influenza, because it infects multiple species, is the hallmark example of this kind of evolution. Mutations can make the virus unfamiliar to the body's immune system. The lack of established immunity within a population enables a disease to spread more rapidly because the population is less equipped to battle the disease. The trajectory of a mutated virus (or any other infectious disease) can reach three basic levels of magnitude. An outbreak is a small, localized occurrence of a pathogen. An epidemic indicates a more widespread infection that is still regional, while a pandemic indicates that the disease has spread to a global level. Virologists are able to track mutations by deciphering the genetic sequence of new infections. It is this technology that helped scientists to determine last year that a smattering of respiratory infections discovered in the Middle East was actually a novel coronavirus. And it is possible that through a series of mutations a virus like H5N1 could change in such a way to become easily transmitted between humans. Lessons Learned There have been several influenza pandemics throughout history. The 1918 Spanish Flu pandemic is often cited as a worst-case scenario, since it infected between 20 and 40 percent of the world's population, killing roughly 2 percent of those infected. In more recent history, smaller incidents, including an epidemic of the SARS virus in 2003 and what was technically defined as a pandemic of the swine flu (H1N1) in 2009, caused fear of another pandemic like the 1918 occurrence. The spread of these two diseases was contained before reaching catastrophic levels, although the economic impact from fear of the diseases reached beyond the infected areas. Previous pandemics have underscored the importance of preparation, which is essential to effective disease management. The World Health Organization lays out a set of guidelines for pandemic prevention and containment. The general principles of preparedness include stockpiling vaccines, which is done by both the United States and the European Union (although the possibility exists that the vaccines may not be effective against a new virus). In the event of an outbreak, the guidelines call for developed nations to share vaccines with developing nations. Containment strategies beyond vaccines include quarantine of exposed individuals, limited travel and additional screenings at places where the virus could easily spread, such as airports. Further measures include the closing of businesses, schools and borders. Individual measures can also be taken to guard against infection. These involve general hygienic measures -- avoiding mass gatherings, thoroughly washing hands and even wearing masks in specific, high-risk situations. However, airborne viruses such as influenza are still the most difficult to contain because of the method of transmission. Diseases like noroviruses, HIV or cholera are more serious but have to be transmitted by blood, other bodily fluids or fecal matter. The threat of a rapid pandemic is thereby slowed because it is easier to identify potential contaminates and either avoid or sterilize them. Research is another important aspect of overall preparedness. Knowledge gained from studying the viruses and the ready availability of information can be instrumental in tracking diseases. For example, the genomic sequence of the novel coronavirus was made available, helping scientists and doctors in different countries to readily identify the infection in limited cases and implement quarantine procedures as necessary. There have been only 13 documented cases of the novel coronavirus, so much is unknown regarding the disease. Recent cases in the United Kingdom indicate possible human-to-human transmission. Further sharing of information relating to the novel coronavirus can aid in both treatment and containment. Ongoing research into viruses can also help make future vaccines more efficient against possible mutations, though this type of research is not without controversy. A case in point is research on the H5N1 virus. H5N1 first appeared in humans in 1997. Of the more than 600 cases that have appeared since then, more than half have resulted in death. However, the virus is not easily transmitted because it must cross from bird to human. Human-to-human transmission of H5N1 is very rare, with only a few suspected incidents in the known history of the disease. While there is an H5N1 vaccine, it is possible that a new variation of the vaccine would be needed were the virus to mutate into a form that was transmittable between humans. Vaccines can take months or even years to develop, but preliminary research on the virus, before an outbreak, can help speed up development. In December 2011, two separate research labs, one in the United States and one in the Netherlands, sought to publish their research on the H5N1 virus. Over the course of their research, these labs had created mutations in the virus that allowed for airborne transmission between ferrets. These mutations also caused other changes, including a decrease in the virus's lethality and robustness (the ability to survive outside the carrier). Publication of the research was delayed due to concerns that the results could increase the risk of accidental release of the virus by encouraging further research, or that the information could be used by terrorist organizations to conduct a biological attack. Eventually, publication of papers by both labs was allowed. However, the scientific community imposed a voluntary moratorium in order to allow the community and regulatory bodies to determine the best practices moving forward. This voluntary ban was lifted for much of the world on Jan. 24, 2013. On Feb. 21, the National Institutes of Health in the United States issued proposed guidelines for federally funded labs working with H5N1. Once standards are set, decisions will likely be made on a case-by-case basis to allow research to continue. Fear of a pandemic resulting from research on H5N1 continues even after the moratorium was lifted. Opponents of the research cite the possibility that the virus will be accidentally released or intentionally used as a bioweapon, since information in scientific publications would be considered readily available. The Risk-Reward Equation The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact. As far as continued research is concerned, there is a risk-reward equation to consider. The threat of a terrorist attack using biological weapons is very low. And while it is impossible to predict viral outbreaks, it is important to be able to recognize a new strain of virus that could result in an epidemic or even a pandemic, enabling countries to respond more effectively. All of this hinges on the level of preparedness of developed nations and their ability to rapidly exchange information, conduct research and promote individual awareness of the threat.

#### -- Tech hurdles prevent bioterror

Mueller 6 (John, Chair of National Security Studies – Mershon Center and Professor of Political Science – Ohio State University, Overblown, p. 24)

Not only has the science about chemical and biological weapons been quite sophisticated for more than a century, but that science has become massively more developed over that period. Moreover, govern­ments (not just small terrorist groups) have spent a great deal of money over decades in an effort to make the weapons more effective. Yet, although there have been great improvements in the lethality, effective­ness, and deployment of conventional and nuclear weapons during that time, the difficulties of controlling and dispersing chemical and biological substances seem to have persisted. Perhaps dedicated terrorists will, in time, figure it out. However, the experience in the 1990s of the Japanese cult Aum Shinrikyo suggests there are great difficulties. The group had some 300 scientists in its employ and an estimated budget of $1 billion, and it reportedly tried at least nine times over five years to set off biological weapons by spray­ing pathogens from trucks and wafting them from rooftops, hoping fancifully to ignite an apocalyptic war**. These efforts failed to create a single fatality**; in fact, nobody even noticed that the attacks had taken place. It was at that point that the group abandoned its biological efforts in frustration and instead turned to the infamous sarin chemical attack.29 As two analysts stress, there have been so few biological (and chem­ical) terrorist attacks because they would require overcoming several **major technological hurdles**. Among them: gaining access to specialized ingredients, acquiring equipment and know-how to produce and dis­perse the agents, and creating an organization that can resist infiltration or early detection by law enforcement." In the meantime, the science with respect to detecting and ably responding to such attacks is likely to grow. Although acknowledging that things could change in the future, the Gilmore Commission has concluded, "As easy as some argue that it may be for terrorists to culture anthrax spores or brew up a concoction of deadly nerve gas, the effective dissemination or dispersal of these viruses and poisons still presents seri­ous technological hurdles that greatly inhibit their effective use.

#### -- No acquisition

Burton and Stewart 8 (Fred and Scott, Stratfor Intelligence, “Busting the Anthrax Myth”, 7-30,

http://www.stratfor.com/weekly/busting\_anthrax\_myth)

Operating in the badlands along the Pakistani-Afghan border, al Qaeda cannot easily build large modern factories capable of producing large quantities of agents or toxins. Such fixed facilities are expensive and consume a lot of resources. Even if al Qaeda had the spare capacity to invest in such facilities, the fixed nature of them means that they could be compromised and quickly destroyed by the United States. If al Qaeda could somehow create and hide a fixed biological weapons facility in Pakistan’s Federally Administered Tribal Areas or North-West Frontier Province, it would still face the daunting task of transporting large quantities of biological agents from the Pakistani badlands to targets in the United States or Europe. Al Qaeda operatives certainly can create and transport small quantities of these compounds, but not enough to wreak the kind of massive damage it desires. Al Qaeda’s lead chemical and biological weapons expert, Midhat Mursi al-Sayid Umar, also known as Abu Khabab al-Masri, was reportedly killed on July 28, 2008, by a U.S. missile strike on his home in Pakistan. Al-Sayid, who had a $5 million dollar bounty on his head, was initially reported to have been one of those killed in the January 2006 strike in [Damadola](http://www.stratfor.com/bin_laden_tape_and_strike_damadola). If he was indeed killed, his death should be another significant blow to the group’s biological warfare efforts. Of course, we must recognize that the jihadist threat goes just beyond the al Qaeda core. As we have been writing for several years now, al Qaeda has undergone a metamorphosis from a smaller core group of professional operatives into an operational model that encourages independent grassroots jihadists to conduct attacks. The core al Qaeda group, through men like al-Sayid, has published manuals in hard copy and on the Internet that provide instructions on how to manufacture rudimentary biological weapons. It is our belief that independent jihadist cells and lone-wolf jihadists will almost certainly attempt to brew up some of the recipes from the al Qaeda cookbook. There also exists a very real threat that a jihadist sympathizer could obtain a small quantity of deadly biological organisms by infiltrating a research facility. This means that we likely will see some limited attempts at employing biological weapons. That does not mean, however, that such attacks will be large-scale or create mass casualties. The Bottom Line While there has been much consternation and alarm-raising over the potential for widespread proliferation of biological weapons and the possible use of such weapons on a massive scale, there are significant constraints on such designs. The current dearth of substantial biological weapons programs and arsenals by governments worldwide, and the even smaller number of cases in which systems were actually used, seems to belie — or at least bring into question — the intense concern about such programs.

# 2NC

### Impact – 2NC

#### Turns case – sets a precedent to delegate authority – draws us into war

**Richman 13** (Sheldon, Counterpunch, “AIPAC's Stranglehold Congress Must Not Cede Its War Power to Israel”, <http://www.counterpunch.org/2013/12/27/congress-must-not-cede-its-war-power-to-israel/>)

The American people should know that pending right now in Congress is a bipartisan bill that would virtually commit the United States to go to war against Iran if Israel attacks the Islamic Republic. “The bill outsources any decision about resort to military action to the government of Israel,” Columbia University Iran expert Gary Sick wrote to Sen. Chuck Schumer (D-NY) in protest, one of the bill’s principal sponsors. The mind boggles at the thought that Congress would let a foreign government decide when America goes to war, so here is the language (PDF): If the government of Israel is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program, the United States Government should stand with Israel and provide, in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force, diplomatic, military and economic support to the Government of Israel in its defense of its territory, people and existence. This section is legally nonbinding, but given the clout of the bill’s chief supporter outside of Congress — the American-Israel Public Affairs Committee (AIPAC [PDF]), leader of the pro-Israel lobby — that is a mere formality. Since AIPAC wants this bill passed, it follows that so does the government of Israeli Prime Minister Benjamin Netanyahu, who opposes American negotiations with Iran and has repeatedly threatened to attack the Islamic Republic. Against all evidence, Netanyahu insists the purpose of Iran’s nuclear program is to build a weapon with which to attack Israel. Iran says its facilities, which are routinely inspected, are for peaceful civilian purposes: the generation of electricity and the production of medical isotopes. The bill, whose other principal sponsors are Sen. Robert Menendez (D-NJ) and Sen. Mark Kirk (R-IL), has a total of 26 Senate cosponsors. If it passes when the Senate reconvenes in January, it could provoke a historic conflict between Congress and President Obama, whose administration is engaged in negotiations with Iran at this time. Aside from declaring that the U.S. government should assist Israel if it attacks Iran, the bill would also impose new economic sanctions on the Iranian people. Obama has asked the Senate not to impose additional sanctions while his administration and five other governments are negotiating with Iran on a permanent settlement of the nuclear issue. A six-month interim agreement is now in force, one provision of which prohibits new sanctions on Iran. “The [Menendez-Schumer-Kirk] bill allows Obama to waive the new sanctions during the current talks by certifying every 30 days that Iran is complying with the Geneva deal and negotiating in good faith on a final agreement,” Ali Gharib writes at Foreign Policy magazine. That would effectively give Congress the power to undermine negotiations. As Iran’s foreign minister, Javad Zarif, told Time magazine, if Congress imposes new sanctions, even if they are delayed for six months, “The entire deal is dead. We do not like to negotiate under duress.” Clearly, the bill is designed to destroy the talks with Iran, which is bending over backward to demonstrate that its nuclear program has no military aims.

### Impact – Turns Cred/Coop

#### Failed deal turns credibility which jacks norms and decimates allied coop

**Leverett, 11/10/13 -** senior fellow at the New America Foundation in Washington, D.C. and a professor at the Pennsylvania State University School of International Affairs(Flynt, “Nuclear Negotiations and America’s Moment of Truth About Iran” <http://www.campaigniran.org/casmii/?q=node/13358>)

America’s Iran policy is at a crossroads. Washington can abandon its counterproductive insistence on Middle Eastern hegemony, negotiate a nuclear deal grounded in the Nuclear Non-Proliferation Treaty (NPT), and get serious about working with Tehran to broker a settlement to the Syrian conflict. In the process, the United States would greatly improve its ability to shape important outcomes there. Alternatively, America can continue on its present path, leading ultimately to strategic irrelevance in one of the world’s most vital regions—with negative implications for its standing in Asia as well. U.S. policy is at this juncture because the costs of Washington’s post-Cold War drive to dominate the Middle East have risen perilously high. President Obama’s self-inflicted debacle over his plan to attack Syria after chemical weapons were used there in August showed that America can no longer credibly threaten the effective use of force to impose its preferences in the region. While Obama still insists “all options are on the table” for Iran, the reality is that, if Washington is to deal efficaciously with the nuclear issue, it will be through diplomacy. In this context, last month’s Geneva meeting between Iran and the P5+1 brought America’s political class to a strategic and political moment of truth. Can American elites turn away from a self-damaging quest for Middle Eastern hegemony by coming to terms with an independent regional power? Or are they so enthralled with an increasingly surreal notion of America as hegemon that, to preserve U.S. “leadership,” they will pursue a course further eviscerating its strategic position? The proposal for resolving the nuclear issue that Iran’s foreign minister, Javad Zarif, presented in Geneva seeks answers to these questions. It operationalizes the approach advocated by Hassan Rohani and other Iranian leaders for over a decade: greater transparency on Iran’s nuclear activities in return for recognizing its rights as a sovereign NPT signatory—especially to enrich uranium under international safeguards—and removal of sanctions. For years, the Bush and Obama administrations rejected this approach. Now Obama must at least consider it. The Iranian package provides greater transparency on Tehran’s nuclear activities in two crucial respects. First, it gives greater visibility on the conduct of Iran’s nuclear program. Iran has reportedly offered to comply voluntarily for some months with the Additional Protocol (AP) to the NPT—which it has signed but not yet ratified and which authorizes more proactive and intrusive inspections—to encourage diplomatic progress. Tehran would ratify the AP—thereby committing to its permanent implementation—as part of a final deal. Second, the package aims to validate Iran’s declarations that its enrichment infrastructure is not meant to produce weapons-grade fissile material. Iran would stop enriching at the near-20 percent level of fissile-isotope purity needed to fuel the Tehran Research Reactor and cap enrichment at levels suitable for fueling power reactors. Similarly, Iran is open to capping the number of centrifuges it would install—at least for some years—at its enrichment sites in Natanz and Fordo. Based on conversations with Iranian officials and political figures in New York in September (during Rohani and Zarif’s visit to the UN General Assembly) and in Tehran last month, it is also possible to identify items that the Iranian proposal almost certainly does not include. Supreme Leader Ayatollah Seyed Ali Khamenei has reportedly given President Rohani and his diplomats flexibility in negotiating a settlement—but he has also directed that they not compromise Iran’s sovereignty. Thus, the Islamic Republic will not acquiesce to American (and Israeli) demands to suspend enrichment, shut its enrichment site at Fordo, stop a heavy-water reactor under construction at Arak, and ship its current enriched uranium stockpile abroad. On one level, the Iranian package is crafted to resolve the nuclear issue based on the NPT, within a year. Iran’s nuclear rights would be respected; transparency measures would reduce the proliferation risks of its enrichment activities below what Washington tolerates elsewhere. On another level, though, the package means to test America’s willingness and capability to resolve the issue on this basis. It tests this not just for Tehran’s edification, but also for that of other P5+1 states, especially China and Russia, and of rising powers like India and South Korea. America can fail the Iranian test in two ways. First, the Obama administration—reflecting America’s political class more broadly—may prove unwilling to acknowledge Iran’s nuclear rights in a straightforward way, insisting on terms for a deal that effectively suborn these rights and violate Iranian sovereignty. There are powerful constituencies—e.g., the Israel lobby, neoconservative Republicans, their Democratic “fellow travelers,” and U.S.-based Iran “experts”—that oppose any deal recognizing Iran’s nuclear rights. They understand that acknowledging these rights would also mean accepting the Islamic Republic as an enduring entity representing legitimate national interests; to do so, America would have to abandon its post-Cold War pretensions to Middle Eastern hegemony. Those pretensions have proven dangerously corrosive of America’s ability to accomplish important objectives in the Middle East, and of its global standing. Just witness the profoundly self-damaging consequences of America’s invasion and occupation of Iraq, and how badly the “global war on terror” has eviscerated the perceived legitimacy of American purposes in the Muslim world. But, as the drama over Obama’s call for military action against Syria indicates, America’s political class remains deeply attached to imperial pretense—even as the American public turns away from it. If Washington could accept the Islamic Republic as a legitimate regional power, it could work with Tehran and others on a political solution to the Syrian conflict. Instead, Washington reiterates hubristic demands that President Bashar al-Assad step down before a political process starts, and relies on a Saudi-funded “Syrian opposition” increasingly dominated by al-Qa’ida-like extremists. If Obama does not conclude a deal recognizing Iran’s nuclear rights, it will confirm suspicions already held by many Iranian elites—including Ayatollah Khamenei—and in Beijing and Moscow about America’s real agenda vis-à-vis the Islamic Republic. It will become undeniably clear that U.S. opposition to indigenous Iranian enrichment is not motivated by proliferation concerns, but by determination to preserve American hegemony—and Israeli military dominance—in the Middle East. If this is so, why should China, Russia, or rising Asian powers continue trying to help Washington—e.g., by accommodating U.S. demands to limit their own commercial interactions with Iran—obtain an outcome it does not actually want?

### Impact – Turns Terror

#### Turns terror

Brookes, National security affairs senior fellow, 07

(Peter, 4-2-07, “Iran Emboldened: Tehran Seeks to Dominate Middle East Politics”, DOA: 10-10-13, <http://www.heritage.org/research/commentary/2007/04/iran-emboldened-tehran-seeks-to-dominate-middle-east-politics>, llc)

According to the U.S. State Department, Iran continues to be the world's most active state sponsor of terrorism. At the request of senior Iranian leadership, Iran's Ministry of Intelligence and Security (MOIS) and Islamic Revolutionary Guard Corps (IRGC) support Palestinian terrorist groups such as Hamas, Palestinian Islamic Jihad, the al Aqsa Martyrs Brigade and the Popular Front for the Liberation of Palestine-General Command with funding, training and weapons. Hezbollah - a Lebanese Shiite terrorist group - is a particular favorite. In fact, Iran established Hezbollah to parry Israel's 1982 invasion of Lebanon. Tehran may fund Hezbollah to the tune of $100 million per year. Last summer, Tehran's military support for Hezbollah was evident. Iran likely gave Hezbollah the green light to ambush an Israeli patrol and kidnap soldiers, which ultimately kicked off the monthlong conflict. In the ensuing days, Hezbollah indiscriminately fired as many as 10,000 Iran-supplied rockets and missiles into Israel. In addition, many were stunned when a C-802 cruise missile struck an Israeli naval vessel off the coast of Lebanon. While the shooter was never identified, the Chinese C-802 is in Iran's inventory. It could have been fired by either Hezbollah or the IRGC. Today, Hezbollah, with Iranian and Syrian support, is threatening to topple Lebanon's democratically elected government unless it is given additional cabinet seats - potentially giving it veto power over Beirut's decisions. Iran would love to add Lebanon to Syria as a client state in its effort to form an arc of Iranian influence across the region. Iran has made a number of not-so-veiled threats that it would deploy its irregular forces and terrorist allies against the U.S. and American interests, if necessary. This is likely not an idle threat. American blood is already on the hands of Iran and its terrorist proxies as a result of the 1983 Beirut Marine barracks attack and the 1996 Khobar Towers bombing in Saudi Arabia, and in Iraq today. It is almost without question that Tehran sees its ability to hold U.S. interests at risk across the globe - including in the U.S. - as leverage against American military action over its nuclear program or meddling in Iraq. Perhaps the most frightening scenario is that Iran might transfer weapons of mass destruction capability to a terrorist ally. While this is risky behavior, it is a possibility. Iran could transfer nuclear capability to a Hezbollah-dominated government in Lebanon, or a Hamas-led Palestinian Authority, significantly increasing the threat to Israeli security. Osama bin Laden has not been shy about his desire for WMD or al-Qaida's readiness to use them. The insurgency's recent use of chlorine gas in Iraq is evidence of a terrorist group's willingness to employ WMD.

### A2: Slager

#### Slager says it’s possible – they don’t solve Israel’s willingness because seen as life or death, only NEGOTIATION success can do that

Under both traditional and alternative analyses, Israel would not be **presently justified** to preemptively strike Iran's nuclear program. Under the customary international law analysis, Israel would not be justified because the threat is not yet imminent: Iran has not demonstrated a clear intent to attack Israel and does not yet have the capability to carry out a nuclear attack. Under Sadoff's proposed framework, Israel would not be justified for many of the same reasons: there is not a sufficient likelihood that an attack would occur. There is room**, however,** for Israel to justify a preemptive strike **under the "preventive" self-defense approach, in which a preemptive strike may occur though the threat is more temporally removed.** n402 This demonstrates the danger inherent in adopting such an approach, which discounts the importance of anticipatory force being used only as a "last resort." An approach that strays too far from existing modern law norms runs the risk of endorsing actions that would be widely viewed as illegitimate. n403 [\*324] An additional consideration is that under a legitimacy argument, the danger that a nuclear Iran poses to global peace and security may be enough to justify a preemptive strike in order to ensure global security. Many nations have indeed spoken out against Iran's development of nuclear weapons. By several accounts, a nuclear-capable Iran would be a serious threat to the entire Middle East region and the world. n404 For example, Algerian ministers claim that once Iran achieves nuclear capability, they will share the technology with "its fellow Muslim nations." n405 **However**, this danger should not be addressed by the unilateral assessment of a paternalistic nation, such as the United States. If the threat Iran poses to global security warrants a preemptive strike, then multilateral action by the U.N. Security Council should be taken. n406 In conclusion, though it is tempting to simply "rewrite the rules" to adapt the traditional international laws to address modern day threats, **doing so would disrupt the international legal order.** **Deficiencies in the modern legal framework should be addressed** incrementally, **with** a priority given to **incorporating legitimacy and creating clear, practicable standards to evaluate use of force in anticipatory self-defense**. Such a framework would clarify the [\*325] present illegitimacy and illegality of an Israeli strike on Iran's nuclear program. Wide recognition of the illegitimacy of a strike would lead to international condemnation, thus foiling the trigger that would lead the world into World War III.

### Sanctions = Strikes – 2NC

#### The bill shatters international enforcement and greenlights an Israeli strike

Krass 12/31 (Richard Klass, retired USAF Colonel; Lt. General (USA Ret.) Robert Gard, the chairman of the Center for Arms Control and Non-Proliferation, contributed to this piece, Huffington Post, “The Road to Wars”, 2013, <http://www.huffingtonpost.com/richard-klass/the-road-to-wars_b_4524280.html>)

Senator Robert Menendez (D-NJ), chairman of the Senate Foreign Relations Committee, has introduced legislation that sets the United States on the road to war with Iran and the road to an internal war within the Democratic Party. The bill (S.1881), which has many Democratic co-sponsors, increases the chances for war in two major ways. First, it undercuts ongoing negotiations to build on the first-step nuclear agreement with Iran by adding additional sanctions before the current six month negotiating period plays out. Iran has threatened to withdraw from these negotiations if a bad faith act, such as adding new sanctions, transpires. The U.S. would do the same if, for example, Iran's parliament passed legislation to open a new nuclear production facility. If the first-step deal collapses, there will be no problem in quickly instituting new sanctions. And there will certainly be calls for military action, no matter how short-term the results would be. But if the collapse is triggered by a U.S. unilateral action, the coalition now enforcing those sanctions could well collapse. This undermining of the president's negotiating authority and international cooperation is as unprecedented as it is dangerous. The second danger in this bill is that it encourages an Israeli attack on Iran. The bill states that "... if the Government of Israel is compelled to take military action in legitimate self-defense against Iran's nuclear weapon program, the United States Government should stand with Israel and provide ..., diplomatic, military, and economic support to the Government of Israel in its defense of its territory, people, and existence...." While the language is "should," not "must," and there are bows to the Constitution and congressional authority, this is a clear signal to Israel that it can count on U.S. support for a "unilateral" air strike. And Iran cannot be blamed if it takes it that way. No one should doubt who will determine if the Iranian program provides an existential threat to Israel. The Israeli government's position is that any enrichment in Iran is such a threat. Yet reaching any agreement with Iran will undoubtedly require some residual domestic enrichment capability. Military experts agree that Israel would need substantial U.S. help for any effective attack. This would include not only intelligence and aerial refueling, but also combat search and rescue for downed Israeli pilots, possible suppression of enemy air defenses and other direct combat missions. In short, war. This language, while not requiring that the U.S. support an Israeli attack, certainly will be taken that way in Israel and Iran. Also, it just might be enough to doom a diplomatic settlement and unleash the dogs of war.

#### New sanctions wreck the deal and cause Israeli strikes

**McGeough, 1/5/14 –** chief foreign correspondent for the Sydney Morning Herald (Paul, “US, Iranian hardliners work to give war a chance” Sydney Morning Herald, <http://www.smh.com.au/comment/us-iranian-hardliners-work-to-give-war-a-chance-20140104-30amw.html>)

They're the congressional hardliners, a bit like the fundamentalists in Iran, who would love to scupper the opening deal agreed in November by Iran and the so-called P5+1 countries, under which Tehran has agreed to a six-month freeze of its nuclear program in return for nominal relief from crippling sanctions. They have dressed up their intervention as a helping hand for the idiots at the negotiating table - the threat of more sanctions is just what is needed, the vandals reckon, to force Iran to cave in. The P5+1 are not to be brushed off lightly. The P5 bit are the permanent members of the United Nations Security Council - the US, Russia, China, France and Britain. The 1 is Germany. You'd think that, if these six could agree tentatively on steps towards fixing an intractable problem, it might be constructive for Congress' bellyachers to have wound down for their postprandial Christmas nap. Instead, in the week before Christmas, more than two dozen senators, from both parties, put up a bill demanding even harsher sanctions on Iran. They have ignored White House pleas and intelligence assessments that their bill, likely to be debated in the next week or so, undermines the chances of a final agreement with Iran. Apart from being against the spirit of the interim deal, under which there would be no new sanctions, the senators' bill also demands that, in any final agreement, Iran must dismantle its uranium enrichment program. But Iranians know their history and there's been nothing well meant in the blows they've been dealt by Washington - the CIA's overthrow of the democratically elected Mosaddegh government in 1953 and the reinstalling of the shah and his SAVAK secret police, American support for Iraq after it began the 1980s war with Iran and former president George W. Bush's inclusion of Iran in his ''axis of evil''. Iranians might be forgiven for thinking the latest sanctions bill in DC is a continuation of that malevolent history. They're not on their own - some thoughtful international commentators and analysts see it that way, too. But, even with all that history, the significantly changed mood in Tehran after Hassan Rouhani's election as president demands that the international community explore all steps short of war to resolve this crisis. Hence there's a conclusion being drawn in some quarters that the Senate push is calculated to make agreement impossible. And, because the senators are opposed to a nuclear Iran, the only conclusion to be drawn is that they want to force President Barack Obama's hand on the military option. There was no surprise then that this ''tit'' by the American senators was met with a ''tat'' from their Iranian counterparts - hardliners who oppose the interim deal and anything that looks like concessions by Iran to the international community. So they have drafted their own legislation to be debated in the Iranian parliament, calling for any new sanctions to be met by an escalation in Iran's uranium enrichment to a near bomb-grade level of 60 per cent. In both countries, we have influential rejectionists who rely on each other to make their worst prognostications believable. Neither side is interested in a diplomatic solution. Citing the respective attitudes to Israel, Bill Keller portrays this self-serving dynamic in his blog for The New York Times: ''To the Iranian hard core, Israel is a nuclear-armed interloper and America's conjoined infidel twin; to their American counterparts, Israel's values and interests are inextricable from our own and Benjamin Netanyahu is a more trustworthy defender of our security than Barack Obama.'' Keller draws a dismal, scary conclusion: ''A failure of negotiations would delight both of them - American hawks because Israel could get on with the business of bombing; Iranian hawks because there's nothing like an attack by the infidels to unify a fractious public behind an authoritarian regime.''

#### Iran could miscalculate – means we don’t need Israeli strike

David Finkel 1-16, Editor of Against the Current, 1/16/14, “Will The Iran Deal Hold?,” http://www.viewpointonline.net/site/component/content/article/38-bottomnews/3608-will-the-iran-deal-hold.html

The dangers, however, remain. It’s quite possible that Israel would undertake some major provocations in the coming months. The Obama White House might feel it necessary to do something to look tough. Iran’s rulers might miscalculate if new sanctions legislation looks like passing Congress.

The risk of any particular crisis leading to escalation and unintended catastrophe are small, but over time the cumulative risk of apocalypse most certainly isn’t.

#### Legislation’s key to stop Israeli strike

Daryl G. Kimball 1-23, executive director of the Arms Control Association, and Sanford Gottlieb, was executive director of the National Committee for a Sane Nuclear Policy, 1/23/14, “Bill could scuttle Iran deal [Commentary],” The Baltimore Sun, http://www.baltimoresun.com/news/opinion/oped/bs-ed-iran-deal-20140123,0,5752254.story#ixzz2rGSLEZ8z

The bill's authors say their proposal won't necessarily impose new sanctions right away because S. 1881 gives the U.S. president authority to temporarily waive the sanctions if Tehran meets the terms of the first phase agreement, as well as additional measures. That is misleading. The bill would require that Iran take additional steps (including ending financing for terrorist groups and halting missile tests) that go beyond the terms of the first phase nuclear agreement. If Iran does not meet these added requirements (and it will not), new sanctions would go into effect within weeks. Iran's Foreign Minister has made clear that new sanctions legislation would be interpreted as a violation of the U.S. commitments in the nuclear agreement. International sanctions have certainly played a role in motivating Tehran's leaders to reach the first-phase deal to limit their nuclear program by halting uranium enrichment above normal fuel-grade, stopping installation of more advanced uranium centrifuges and halting major construction work on a new reactor that could produce plutonium in the future. But if the U.S. tries to impose still more sanctions in the middle of the ongoing nuclear talks, other countries will see Washington, not Tehran, as the problem, and their support for the enforcing international sanctions against Iran will erode. The threat of further U.S. sanctions would also undermine support inside Iran for nuclear restraint. Iranian hardliners, who already oppose the nuclear deal, will likely take retaliatory steps and make it harder for Iran's President, Hassan Rouhani, to agree to further limits on Iran's nuclear program. As a result, talks on a comprehensive deal would likely collapse, Iran's nuclear activities would accelerate, bringing it closer to being able to produce nuclear weapons, and the risk of an Israeli military attack on Iran's nuclear sites would grow.

### A2: U Overwhelms Link

#### Obama is holding off support for Iran sanctions, but continued pressure is key to winning the battle – AIPAC and bipartisan supporters of the bill are continuing to fight

Bennis 2/8/14 (Phyllis, Fellow and the Director of the New Internationalism Project at the Institute for Policy Studies, "States of the Union, States of War, States of the Middle East – Challenging All," http://therealnews.com/t2/component/content/article/51-phyllis/1959-states-of-the-union-states-of-war-states-of-the-middle-east--challenging-all)

There is some good news on Iran – but we have to be careful. AIPAC is losing. That’s huge. The American-Israel Public Affairs Committee has been waging a no-holds-barred, increasingly desperate campaign to derail the interim agreement between Iran and the U.S.-led “Perm 5 + One” global powers (Britain, China, France, Russia, United States and Germany). Last month it looked like the lobby – as is too often the case – was winning. The AIPAC-led campaign resulted in 49 Senators signing on as co-sponsors of a bill imposing a whole host of new sanctions if Iran didn’t behave exactly as they wanted. They were aiming for a veto-proof 67-vote majority – and getting 49 the first couple days made that seem possible. I discussed the threat of the war-mongers scuttling the agreement here in Common Dreams.¶ John Kerry and Mohamed Javad Zarif¶ But then it stalled. Top U.S. intelligence officials – and crucially, the White House – agreed that new sanctions would be a deal breaker. The White House took an uncharacteristically tough position, calling out those in Congress who preferred war to diplomacy. And during the State of the Union speech President Obama powerfully reminded Congress that diplomacy is working, that negotiations are responsible for “halt[ing] the progress of Iran’s nuclear program…Iran has begun to eliminate its stockpile of higher levels of enriched uranium. It’s not installing advanced centrifuges. Unprecedented inspections help the world verify every day that Iran is not building a bomb.” Then the kicker: “Let me be clear: if this Congress sends me a new sanctions bill now that threatens to derail these talks, I will veto it.” At least three of the original 49 have now pulled back.¶ So the agreement is in place, and for now it’s holding. That’s all good, but it still faces some danger. Despite opposition from Iran’s own hard-liners (whose position the Washington Post says “mirrors that of Republicans in the U.S. Congress”) Tehran has welcomed UN nuclear inspectors, and is in the process of implementing the various requirements of the agreement. (In case you missed it, you can read my analysis of the agreement here in The Nation.) Washington and its allies haven’t yet begun releasing the small amount of Iran’s assets authorized in the agreement, or begun easing any of the few sanctions the agreement calls for reducing. Hard-core opponents of the agreement, led by Democrat Robert Menendez, remain committed to war over diplomacy. And AIPAC hasn’t given up. The pressure remains. Senate Majority Leader Harry Reid’s refusal to put the new sanctions resolution on the table, President Obama’s threat to veto any new sanctions bill, the 70+ members of the House who have signed a letter supporting the Iran agreement and opposing new sanctions – all could collapse unless public pressure is maintained against AIPAC’s powerful arsenal of bribes and threats. That’s our job – we can’t count on official Washington to do it. Sign the petition here for a start.

#### Obama is prevailing now with Dems to stop momentum for the Iran sanctions bill but political winds can change

Sorcher 1/30/14 (Sara, National Security Correspondent @ National Journal, "Inhofe Says There’s Not Enough Support to Override a Veto on Iran Sanctions," http://www.defenseone.com/politics/2014/01/inhofe-says-theres-not-enough-support-override-veto-iran-sanctions/77837/?oref=d-channelriver?oref=d-interstitial-continue?oref=d-interstitial-continue)

President Obama used his State of the Union address Tuesday to threaten a veto of any congressional plan to slap Iran with new sanctions, and he just might have gotten his way.¶ The top Republican on the Senate Armed Services Committee thinks Obama is “naive” to believe the U.S. is having any “great success” in persuading Iran to curb parts of its nuclear program—but he is not optimistic there’s enough momentum in the Senate, all told, to ram through new sanctions against the wishes of the president.¶ “[Obama] said last night he would veto any [new sanctions],” Sen. Jim Inhofe said in an interview. “The question is, is there support to override a veto on that? I say, ‘No.’ ”¶ The Nuclear Weapon Free Iran Act, authored by two senators, Illinois Republican Mark Kirk and New Jersey Democrat Robert Menendez, has 59 cosponsors, and includes measures to punish Iran’s oil industry if it breaches diplomatic commitments. Inhofe does not believe a vote now would result in the majority necessary to override a presidential veto, because enough Democrats would still side with their president.¶ Even some of the Senate bill’s Democratic cosponsors, including Joe Manchin of West Virginia and Christopher Coons of Delaware, have also backed away from the sanctions bill since Obama’s speech, The Hill reported.¶ In his address Tuesday night, Obama defended the interim deal, which he said “has halted the progress of Iran’s nuclear program—and rolled parts of that program back—for the very first time in a decade.” Iran has started eliminating its stockpile of higher levels of enriched uranium, Obama said, and is no longer installing advanced centrifuges. If diplomacy fails, then all options—presumably even military force—remain on the table, Obama promised. “I will be the first to call for more sanctions, and stand ready to exercise all options to make sure Iran does not build a nuclear weapon.”¶ Inhofe, though, isn’t buying it. New Iranian President Hassan Rouhani is not to be trusted; inspections won’t be enough, he said. “They,” Inhofe said, referring to the Obama administration, “seem to think, for some reason, that this new president is a president they can talk to, and negotiate with…. This guy, I don’t think we can trust him more than anybody else, [even former President Mahmoud] Ahmadinejad.”¶ Even though the momentum may be slipping, Inhofe said, Democrats loyal to Obama are quickly becoming “endangered species.” So if talks between world powers and Iran fall apart, or new revelations emerge that Iran is breaking its diplomatic commitments, it’s possible the political winds could shift.

#### Fight not over – Obama is winning for the moment but bill supporters aren’t retreated and are close to veto-proof override

Lander 2/3/14 (Mark, NYT, "Potent Pro-Israel Group Finds Its Momentum Blunted," http://www.nytimes.com/2014/02/04/world/middleeast/potent-pro-israel-group-finds-its-momentum-blunted.html?\_r=0)

Officials at the group insist it never called for an immediate vote and say the legislation may yet pass if Mr. Obama’s effort to negotiate a nuclear agreement with Iran fails or if Iran reneges on its interim deal with the West. But for the moment, Mr. Obama has successfully made the case that passing new sanctions against Tehran now could scuttle the nuclear talks and put America on the road to another war.¶ In doing so, the president has raised questions about the effectiveness of Aipac’s tactics and even its role as the unchallenged voice of the pro-Israel lobby in Washington. Jewish leaders say that pro-Israel groups disagreed on how aggressively to push the legislation, even if all the groups favor additional sanctions.¶ “Some of us see the object as being to target Iran,” said Abraham H. Foxman, the national director of the Anti-Defamation League. “We’re not out there to target the president; we’re out there to target Iran.”¶ With neither side spoiling for a fight or ready to back down, Mr. Foxman said, the sanctions campaign is stalled. Lawmakers confirm that the political climate on Capitol Hill has changed since the bill’s sponsors and Aipac made their push in December.¶ Senator Richard Blumenthal of Connecticut, a staunch supporter of Israel, is one of 16 Democrats who signed on to the bill, along with 43 of the Senate’s 45 Republicans, bringing it to within a few votes of a veto-proof majority. Now Mr. Blumenthal says the Senate should hold off on a vote to give Mr. Obama breathing room for diplomacy.¶ “There’s been an unquestionable, undeniable shift in the perception of national security,” Mr. Blumenthal said. “I’m sensitive to the feelings, the resistance, the aversion of the general public to any kind of American military engagement.”¶ On Monday, 70 House Democrats sent Mr. Obama a letter backing his diplomatic efforts and opposing new sanctions. Former Secretary of State Hillary Rodham Clinton added her voice to those urging no legislation.¶ The bill’s chief sponsors insist they are not retreating, with some congressional aides predicting that the White House’s tough tactics could backfire down the road.¶ “The American people — Democrats and Republicans alike — overwhelmingly want Iran held accountable during any negotiations,” said Senator Mark S. Kirk, Republican of Illinois, who is a lead co-sponsor, along with Senator Robert Menendez, Democrat of New Jersey.¶ But Aipac’s headaches go beyond Iran. In September, it threw an army of lobbyists behind an effort to win a congressional mandate for Mr. Obama’s threatened military strike on Syria. Facing certain failure in Congress, the president pulled the plug on the effort.¶ Earlier last year, it came under fire from the right for not publicly opposing Mr. Obama’s nomination of Chuck Hagel as secretary of defense, because of what critics said was his anti-Israel record.¶ ¶ ¶ None of this will prevent Aipac from drawing 14,000 supporters and a who’s who of speakers from the White House and Congress when it holds its annual meeting here next month. But this year’s meeting could be more complicated than the one in 2012, when Prime Minister Benjamin Netanyahu of Israel turned out to demand that Mr. Obama threaten Iran with a military strike if it produced a nuclear weapon. The president, who also spoke, promised to keep all options on the table, including military action.¶ Aipac officials said that their fund-raising is at record levels and that the March meeting will be the largest in its history. The group has helped secure $3.1 billion in American aid for Israel for the fiscal year and largely framed the public debate over Iran’s nuclear program.¶ “Under any other circumstances, having 59 senators from both parties supporting a bill that has this type of opposition is extraordinary,” said a spokesman for Aipac, Marshall Wittmann. “For someone to describe this as a setback is completely preposterous.”

#### Fight not done – Obama only appears to be prevailing AND bipartisan support for sanctions remains strong

Crittenden 2/5/14 (Michael, Wall St Journal, "White House-Congress Standoff Over Iran Eases," http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-446018/)

WASHINGTON—The Obama administration appeared to be prevailing in its effort to persuade lawmakers to give U.S. diplomacy with Iran a chance, but faced continued skepticism from senators at a hearing Tuesday.¶ Senior aides said pressure on Senate leaders to allow a vote on new sanctions has eased in recent weeks, as lawmakers gauge the effectiveness of an interim deal reached in November between Iran and world powers.¶ But while many lawmakers said they were willing to give diplomacy time to work, Democrats and Republicans alike said the stakes were high if talks fail.¶ “If these negotiations fail, there are two grim alternatives, a nuclear Iran, or war, or perhaps both,” said Sen. Richard Durbin (D., Ill.), a Senate Foreign Relations Committee member.¶ The White House and lawmakers have wrestled over the issue for months. Many in Congress support new sanctions, while the administration insists such a step would disrupt high-level negotiations with Tehran. A six-month deal provides Iran with relief from international sanctions in exchange for enhanced inspections and Tehran’s agreement to halt or roll back parts of its nuclear program.¶ Sen. Robert Menendez (D., N.J.), chairman of the Senate Foreign Relations Committee, argued the agreement provides Iran with economic benefits that outpace what Western governments have received in return. He said he remained concerned Iran would never agree to fully put aside its nuclear ambitions.¶ “I am convinced that we should only relieve pressure on Iran in return for verifiable concessions that will fundamentally dismantle Iran’s nuclear program,” Mr. Menendez said.¶ A top State Department official argued that any move by the U.S. to impose new sanctions would risk unraveling the international talks. “It is crucial we give diplomacy a chance to succeed,” Wendy Sherman, the State Department undersecretary of political affairs, told the Foreign Relations panel.¶ President Barack Obama and his administration have urged lawmakers to hold off on additional actions. Mr. Obama vowed in his State of the Union address to veto any bill “that threatens to derail these talks.”¶ Lawmakers have bristled at some of the White House criticism, particularly the suggestion that those seeking more sanctions were in favor of war. Sen. Timothy Kaine (D., Va.), addressing those complaints Tuesday, said that those who support new sanctions “are not pro-war and those that oppose it are not soft on Iran or anti-Israel.”

#### Fight isn't over - AIPAC and Democratic supporters are continuing to push for Iran sanctions

Wilner 2/7/14 (Michael, Jerusalem Post, "AIPAC demonstrates muscle, then partially retreats on Iran," http://www.jpost.com/Iranian-Threat/News/Republicans-demand-vote-in-Senate-on-Iran-sanctions-340667)

WASHINGTON – The American Israel Public Affairs Committee sent a message on Thursday to those who doubt its influence in Washington.¶ On Monday, the New York Times declared a victory for US President Barack Obama over AIPAC, the largest pro-Israel lobby in the United States. AIPAC has aggressively pushed for legislation in Congress that holds diplomats in Geneva accountable— by AIPAC's standards— in their efforts to negotiate a settlement to the longstanding nuclear crisis with Iran.¶ Progress has been slow— "blunted," according to the Times report. But with a strongly-worded letter from the Republican Senate caucus, and with a forceful speech from Senate Foreign Relations Committee chairman Robert Menendez on the chamber floor on Thursday, AIPAC is pushing back, and reasserting its influence on Capitol Hill.¶ Dozens of Senate Republicans sent a letter to Senate Majority Leader Harry Reid on Wednesday night demanding a vote on Menendez's bill, which would trigger additional sanctions tools against Iran should Obama’s efforts at diplomacy fail to end the longstanding nuclear impasse.¶ Their letter aimed to call attention to a significant shift in the dynamic in Congress on Iran policy, one of the sole bipartisan issues left on the Hill.¶ That bipartisanship is in jeopardy, the 42 Republican members said, as Reid – following the lead of the president and an apparent majority of Democrats who oppose the bill at this time – has given no indication he has any plans to bring the legislation to a vote.¶ The letter called the moment a “crossroads” in the two parties’ unified effort to prevent Iran from obtaining nuclear weapons capacity.¶ Obama told Congress in his fifth State of the Union address last month that he would veto any sanctions legislation during the negotiation process, fearing that such action would fray an international consensus at the negotiating table with Iran and prompt Iranians to leave the table altogether.¶ “The American people - Democrats and Republicans alike – overwhelmingly support this legislation,” the letter reads. “We should not allow the administration to turn one of the most bipartisan issues in America into a partisan one.”¶ The letter charges Reid with having taken “unprecedented steps” to strip Republicans of rights in the Senate and notes that 16 Democratic senators have endorsed the bill, amounting to a near-filibuster- proof majority.¶ Senior Republican Senate aides told The Jerusalem Post that Reid should expect them to exercise the gamut of subterfuge strategies in their effort to give the bill, formally known as the Nuclear Weapon Free Iran Act of 2013, a vote on the floor.¶ Iran negotiated with the US and world powers a six-month freeze in much of its nuclear work, in exchange for roughly $7 billion in sanctions relief, while the parties attempt to negotiate a solution to worries over its expansive nuclear program.¶ Testifying before the Senate Foreign Relations Committee on Tuesday, Under Secretary for Political Affairs Wendy Sherman, the chief US negotiator with Iran, said the interim deal was “not perfect,” but bought time for the US and its allies to achieve a peaceful solution to the crisis.¶ Sherman was questioned by Menendez, who authored the bill that Senate Republicans are now pushing Reid on for a vote.¶ She said that some dismantling of Iran’s nuclear program would be required for the US to agree to a deal and that no deal is better than a bad one.¶ In an interview with Press TV this week, Ali Akbar Salehi, head of Iran’s Atomic Energy Organization, said that Iran would be willing to make some “design changes” to its heavy-water plutonium facility in Arak, which could provide their government with a second path to a nuclear weapon.¶ “We can do some design change – in other words, make some change in the design in order to produce less plutonium in this reactor – and in this way allay the worries and mitigate the concerns,” he said.¶ But in recent weeks, Iranian President Hassan Rouhani and Iranian Foreign Minister Mohammad Javad Zarif have granted several press interviews in which they have rejected the idea of dismantling their uranium facilities, spanning over 20,000 centrifuges across multiple facilities.¶ On Tuesday, Sherman characterized those comments as Iran’s “maximalist negotiating position,” meant for domestic consumption.¶ Zarif replied with sharp words, calling on the US diplomat to “stick to the reality” in her public remarks.¶ Bucking Obama's veto threat, Menendez said on Thursday that the bill should be seen as a "win" by the White House, urging his colleagues to support the bill and warning against a rare partisan fracture on the longstanding national security issue.

### PC Key – 2NC

#### 1NC Leverett – Says Obama has political capital he is utilizing with Senate Democrats – that’s effective

#### Obama retains political capital on foreign policy

**Ziaberi 1/24**­ (Kourosh – interview with Kaveh Afrasiabi, the author of several books on Iran’s foreign policy and a former advisor of Center for Strategic Research , “Congress New Sanctions Bill Scuttles the Geneva Deal” Iran Review, <http://www.iranreview.org/content/Documents/Congress-New-Sanctions-Bill-Scuttles-the-Geneva-Deal.htm>)

Q: Can we interpret the conflicts and disputes between the White House and the Congress as a power struggle which has manifested itself in the nuclear standoff? Is it that the complexity of the decision-making hierarchy in the United States has resulted in a conflict between the government and the two chambers of the Congress?

A: Well, certainly this can be viewed from many different angles, such as the ‘checks’ and balance’ and Congressional role in foreign policy, not to mention traditional party politics. Since the Clinton Administration, Congress has organically inserted itself in the Iran policy and even more so during the “Obama era,” as a result of which White House’s moves on Iran are subject to intense congressional scrutiny. But, given Secretary John Kerry’s long tenure in the Senate, compared to the first Obama administration, I would say that the second Obama administration has a greater sway on Congress’s foreign policy input, otherwise the Geneva deal would not have survived the criticisms.

#### Obama’s investing all PC to block sanctions – he’s winning and has momentum

**Benen 1/17** (Steve – American political writer and blogger, an MSNBC contributor, and a producer for The Rachel Maddow Show , “Support for new Iran sanctions wanes”

<http://www.msnbc.com/rachel-maddow-show/support-new-iran-sanctions-wanes>)

A week ago, it was practically a foregone conclusion that such a bill would pass the House and Senate; the question is whether President Obama’s veto could be overridden. Just of the last few days, however, the odds of such a bill even reaching the president’s desk have dropped unexpectedly. The Hill, for example, reported yesterday that House Republicans “are moving away from a proposal to adopt new Iran sanctions.” House Democrats who were otherwise sympathetic to the idea became “irked” by GOP political tactics “and the idea appears to have been at least temporarily shelved.” In the Senate, meanwhile, BuzzFeed reports that Sen. Bob Corker (R-Tenn.), a co-sponsor of the legislation, has “proposed the idea of scheduling a vote on Iran sanctions six months from now, after the interim nuclear agreement has run its course, instead of voting on sanctions right now.” In other words, lawmakers could at least wait to see if the talks bear fruit before sabotaging them in advance. Corker’s idea isn’t ideal – it would reportedly lock in the Senate for a vote on July 21, exactly six months after the current deal is implemented, regardless of the status of the diplomacy – but in the larger context it suggests even sanctions supporters are starting to see value in waiting. Indeed, an unnamed senator who supports the sanctions bill told Greg Sargent this week that opponents have the momentum. The senator added, “At the moment, there’s no rush to put the bill on the floor. I’m not aware of any deadline in anyone’s head.” Keep in mind, the sanctions legislation was introduced in the Senate on Dec. 19 with a bipartisan group of 26 sponsors. Over the course of just three weeks, that total more than doubled to 59 sponsors. But the last addition was eight days ago – and no other senators have signed on since. What changed the direction of the debate? To be sure, White House pressure has made a difference, reinforced by President Obama’s direct lobbying to Democratic senators this week. I also talked to a Senate staffer yesterday who said public pressure has also increased, with more voters contacting the Hill with phone calls and emails, voicing opposition to the bill.

#### Their PC ev doesn’t assume a major decrease on a foreign policy issue

**Krasuhaar 13** (Josh, National Journal, “The Iran Deal Puts Pro-Israel Democrats in a Bind” <http://www.nationaljournal.com/magazine/the-iran-deal-puts-pro-israel-democrats-in-a-bind-20131121>)

All of this puts Democrats, who routinely win overwhelming support from Jewish Americans on Election Day, in an awkward position. Do they stand with the president on politically sensitive foreign policy issues, or stake their own course? That difficult dynamic is currently playing out in Congress, where the Obama administration is resisting a Senate push to maintain tough sanctions against Iran. This week, Obama met with leading senators on the Banking and Foreign Relations committees to dissuade them from their efforts while diplomacy is underway. "There's a fundamental disagreement between the vast majority of Congress and the president when it comes to increasing Iran sanctions right now," said one Democratic operative involved in the advocacy efforts. "Pro-Israel groups, like AIPAC, try to do things in a bipartisan way; they don't like open confrontation. But in this instance, it's hard." That awkwardness has been evident in the lukewarm reaction from many of Obama's Senate Democratic allies to the administration's outreach to Iran. Senate Foreign Relations Committee Chairman Robert Menendez of New Jersey said last week he was concerned that the administration seems "to want the deal almost more than the Iranians." Normally outspoken Sen. Chuck Schumer of New York, a reliable ally of Israel, has been conspicuously quiet about his views on the negotiations. In a CNN interview this month, Democratic Rep. Debbie Wasserman Schultz of Florida, whose job as chairwoman of the Democratic National Committee is to defend the president, notably declined to endorse the administration's approach, focusing instead on Obama's past support of sanctions. This, despite the full-court press from Secretary of State John Kerry, a former congressional colleague. On Tuesday, after meeting with Obama, Menendez and Schumer signed a bipartisan letter to Kerry warning the administration about accepting a deal that would allow Iran to continue its nuclear program. The letter was also signed by Sens. John McCain, R-Ariz., Lindsey Graham, R-S.C., Susan Collins, R-Maine, and Robert Casey, D-Pa. Democrats, of course, realize that the president plays an outsized role in the policy direction of his party. Just as George W. Bush moved the Republican Party in a more hawkish direction during his war-riven presidency, Obama is nudging Democrats away from their traditionally instinctive support for the Jewish state. "I can't remember the last time the differences [between the U.S. and Israel] were this stark," said one former Democratic White House official with ties to the Jewish community. "There's now a little more freedom [for progressive Democrats] to say what they want to say, without fear of getting their tuchus kicked by the organized Jewish community." A Gallup survey conducted this year showed 55 percent of Democrats sympathizing with the Israelis over the Palestinians, compared with 78 percent of Republicans and 63 percent of independents who do so. A landmark Pew poll of American Jews, released in October, showed that 35 percent of Jewish Democrats said they had little or no attachment to Israel, more than double the 15 percent of Jewish Republicans who answered similarly. At the 2012 Democratic National Convention, many delegates booed a platform proposal supporting the move of the U.S. Embassy in Israel from Tel Aviv to Jerusalem. In 2011, Democrats lost Anthony Weiner's heavily Jewish, solidly Democratic Brooklyn House seat because enough Jewish voters wanted to rebuke the president's perceived hostility toward Israel. Pro-Israel advocacy groups rely on the mantra that support for Israel carries overwhelming bipartisan support, a maxim that has held true for decades in Congress. But most also reluctantly acknowledge the growing influence of a faction within the Democratic Party that is more critical of the two countries' close relationship. Within the Jewish community, that faction is represented by J Street, which positions itself as the home for "pro-Israel, pro-peace Americans" and supports the Iran negotiations. "Organizations that claim to represent the American Jewish community are undermining [Obama's] approach by pushing for new and harsher penalties against Iran," the group wrote in an action alert to its members. Some supporters of Israel view J Street with concern. "There's a small cadre of people that comes from the progressive side of the party that are in the business of blaming Israel first. There's a chorus of these guys," said a former Clinton administration foreign policy official. "But that doesn't make them the dominant folks in the policy space of the party, or the Hill." Pro-Israel activists worry that one of the ironies of Obama's situation is that as his poll numbers sink, his interest in striking a deal with Iran will grow because he'll be looking for any bit of positive news that can draw attention away from the health care law's problems. Thus far, Obama's diminished political fortunes aren't deterring Democrats from protecting the administration's prerogatives. Congressional sources expect the Senate Banking Committee, chaired by South Dakota Democrat Tim Johnson, to hold off on any sanctions legislation until there's a resolution to the Iranian negotiations. But if Obama's standing continues to drop, and negotiations produce a deal that Israel doesn't like, don't be surprised to see Democrats become less hesitant about going their own way.

### U – Prefer Our Ev – 2NC

#### Specific to veto – PC is key to make veto threats effective

**Slezak 7** (Nicole – University of California, Los Angeles , “The Presidential Veto: A Strategic Asset,” <http://www.thepresidency.org/storage/documents/Vater/Slezak.pdf>)

Spitzer states that the veto is the “key presidential weapon,”13 and I suggest that it offers him a strategy to take both the defensive and the offensive against an often divided and combative Congress. The president takes the defensive by waiting for legislation to be sent to him from Congress and then vetoing legislation that is unacceptable and offensive to his administration’s goals. The veto is a way for the president to “go public” and to show his dislike for the legislation through his veto message. In addition, he can prove to Congress that unless they amend the legislation in accordance with his suggestions, he will not pass the bills that they send him. Gattuso speaks on this matter by stating, “The veto, moreover, is a very effective device for grabbing the public’s attention and focusing it on the President’s struggle to pursue policies on behalf of all the people and against special interests. A veto message may be a President’s most effective bully pulpit.”14 However, the veto is more than a tool to block, and the president may also take the offensive by using the veto threat. Aside from the conventional use of the veto (blocking legislation from passing), it can also be used in this more subtle and less potentially damaging way. The veto threat is a special tool that allows the president to warn Congress of a veto before the legislation is even presented to him. The veto threat stems from the power that the veto has built over the centuries and which relies heavily on a president’s possession of political capital. If the president is in the fourth year of his term, when Congress is most likely to be confrontational, the president should not use the veto threat as often as he did in the first year of his term. This is due to the fact that when a president enters office he is riding on the mandate of his election and has a large amount of political capital to spend. This is why Spitzer warns that, “like a veto itself, a threat applied too often loses its potency, and a threat not considered credible is not a threat at all.”15 Once the president makes the decision to make a veto threat and does so, there are four outcomes that are possible. Congress can decide to shape the legislation in a manner that is acceptable to the president so that he will sign it into public law, Congress can construct a compromise with the president and pass an altered bill, the president can give in and sign the bill if Congress sends it unchanged, or neither side can compromise and will lead to Congress passing the bill unchanged and the president vetoing it.16 In order to take advantage of the strategic uses of the veto, both in its defensive and offensive applications, it must be determined what factors lead a president to veto or pass legislation. To do this, I will assess what factors scholars believe influence a president’s decision to veto legislation. To determine if these widely supported factors are important in the president’s decision to veto, they will be tested to determine whether they are statistically significant. Once it is known what factors truly cause the president to veto legislation, and which actually matter, it will help the president create a reliable veto strategy. The veto strategy is a model to help the president assess when the use of the veto will maximize effectiveness. This allows the president to calculate when it is an opportune time to risk political capital and a potential override in order to veto legislation, or when he should avoid losing capital and attempt to bargain with Congress or simply pass legislation.

### More PC Key

#### Obama will hold off a vote on Iran sanctions now---PC’s key---failure destroys regional and global U.S. power and cred

Leverett 1/20 (Flynt Leverett, professor at Pennsylvania State University’s School of International Affairs and is a Visiting Scholar at Peking University’s School of International Studies, and Hillary Mann Leverett, Senior Professorial Lecturer at the American University in Washington, DC and a Visiting Scholar at Peking University in Beijing, 1/20/14, “Iran, Syria and the Tragicomedy of U.S. Foreign Policy,” http://goingtotehran.com/iran-syria-and-the-tragicomedy-of-u-s-foreign-policy)

Regarding President Obama’s ongoing struggle with the Senate over Iran policy, Hillary cautions against premature claims of “victory” for the Obama administration’s efforts to avert new sanctions legislation while the Joint Plan of Action is being implemented. She points out that “the foes of the Iran nuclear deal, of any kind of peace and conflict resolution in the Middle East writ large, are still very strong and formidable. For example, the annual AIPAC policy conference—a gathering here in Washington of over 10,000 people from all over the country, where they come to lobby congressmen and senators, especially on the Iran issue—that will be taking place in very early March. There’s still a lot that can be pushed and played here.” To be sure, President Obama and Secretary of State John Kerry “have put a lot of political capital on the line.” No other administration has so openly staked out its opposition to a piece of legislation or policy initiative favored by AIPAC and backed by a bipartisan majority on Capitol Hill since the 1980s, when the Reagan administration successfully defended its decision to sell AWACs planes to Saudi Arabia. But, Hillary notes, if the pro-Israel lobby is able to secure a vote on the new sanctions bill, and to sustain the promised veto of said bill by President Obama, “that would be such a dramatic blow to President Obama, and not just on his foreign policy agenda, but it would be devastating to his domestic agenda.” So Obama “has a tremendous amount to lose, and by no means is the fight anywhere near over.” Of course, to say that Obama has put a lot of political capital on the line over the sanctions issue begs the question of whether he is really prepared to spend the far larger amounts of capital that will be required to close a final nuclear deal with Tehran. As Hillary points out, if Obama were “really trying to lead this country on a much more constructive, positive trajectory after failed wars and invasions in Iraq and Afghanistan and Libya—Libya entirely on President Obama’s watch—[he] would be doing a lot more, rather than just giving these lukewarm talks, basically trying to continue to kiss up to major pro-Israel constituencies, and then trying to bring in some of political favors” on Capitol Hill. Compare Obama’s handling of Iran and other Middle East challenges to President Nixon’s orchestration of the American opening to China—including Nixon’s willingness to “break the crockery” of the pro-Taiwan lobby—and the inadequacy of Obama’s approach become glaringly apparent. And that, Hillary underscores, is why we wrote our book, Going to Tehran—because “we think it’s absolutely essential for President Obama to do what Nixon did and go to Tehran, as Nixon went to China,” for “the Middle East is the make-or-break point for the United States, not just in our foreign affairs but in our global economic power and what we’re able to do here at home. If we can’t get what we’re doing in the Middle East on a much better, more positive trajectory, not only will we see the loss of our power, credibility, and prestige in the Middle East, but we will see it globally.”

### Thumpers

#### Vote counts go our way – reasoning behind them is that Democrats are afraid to challenge Obama on national security ---the plan signals a break in that thinking

Rosner 1/23 (Shmuel Rosner, editor, writer and researcher based in Tel Aviv; Senior Political Editor for the Jewish Journal, 1/23/14, “Why Israel Should Worry about the Failure to Pass another Iran Sanctions Bill,” http://www.jewishjournal.com/rosnersdomain/item/why\_israel\_should\_worry\_about\_the\_failure\_to\_pass\_another\_iran\_sanctions\_bi)

There are two ways of looking at the current map of expectations and calculations regarding a new Iran sanctions bill: one is mathematical, the other one focuses on trends rather than numbers.¶ Looking at the numbers makes sense, as the vote is ultimately about numbers. Can the bill pass? Can it withstand a Presidential veto? These are the important questions. To answer them, using the approach taken by Greg Sargent and Ron Kampeas can be helpful. According to their counts “19 members of the Senate Democratic caucus opposed to a vote, versus 15 who might be assumed to support one, with 21 not accounted for”. This teaches us that “although 58 senators have co-sponsored the proposed legislation that would tighten the restrictions on doing business with the tyrannical Islamist regime”, as Jonathan Tobin writes, “the Obama administration seems to have acquired the upper hand in the battle”. There will not be enough votes to overcome a veto. And if the count keeps coming down as it has in recent days, there might not be enough votes to pass a bill in the Senate (the House is another story).¶ Looking only at the numbers is a mistake, though, as the more troubling picture arises when one looks at the trends behind those numbers.¶ Legislators seem very reluctant to challenge the Obama administration on matters of national security and foreign affairs. This can’t be good for an Israeli government that finds a much more sympathetic ear on the Hill than in the white House.

Obama’s political capital is holding Dems in line because Obama’s framing opposition around the idea that the Executive should be free from restrictions in foreign policy---the plan’s a loss on the vital argument

VOA 1/23 (Voice of America News, 1/23/14, “Support Slipping for Iran Sanctions in US Senate,” http://www.voanews.com/content/support-slipping-for-iran-sanctions-in-senate/1836453.html)

More Democratic senators are quietly signaling their opposition to a bill that spells out new sanctions against Iran if negotiations to limit the country’s nuclear program do not yield a final accord. The bill retains bipartisan support in both houses of Congress, but passage is seen as increasingly unlikely in the Democratic-led Senate amid an intense lobbying effort by the Obama administration to hold off on sanctions while international negotiations proceed. Senators Patty Murray and Elizabeth Warren are the latest Democrats to announce their opposition to the Iran sanctions bill currently before Congress. In a letter to constituents in Washington state, Murray said “the administration should be given time to negotiate a strong verifiable comprehensive agreement” on Iran’s nuclear program. At the same time, she pledged to work “to swiftly enact sanctions” if the talks ultimately fail. Similarly, a spokeswoman for Warren says the Massachusetts senator “does not support imposing additional sanctions through new legislation while diplomatic efforts to achieve a long-term agreement are ongoing.” The sanctions bill has 16 Democratic co-sponsors, near-unanimous support among Republicans, and the backing of politically potent pro-Israeli U.S. lobbying groups. But 11 Senate committee chairs, including Murray, currently oppose the bill. Among Democrats who signed on to the measure late last year, some have grown less vocal in their defense and promotion of the measure in recent weeks. Senate Majority Leader Harry Reid has neither explicitly promised a vote on the bill, nor ruled it out. Congressional expert William Galston of the Brookings Institution says pressure from President Barack Obama appears to be swaying a growing number of Democratic lawmakers. “The White House is determined to prevent this from happening," he said. "The administration believes in the marrow of its bones that the executive branch is the lead negotiator in the matter and that it deserves a chance to conduct its own foreign policy." Iran says any new sanctions would violate last year’s interim nuclear accord and spell the end of negotiations. The White House has promised a presidential veto of any sanctions Congress may pass before negotiations run their course.

### A2: Thumper – TPA/Fast Track

#### Obama is on the sidelines – he’s not pushing or spending PC

Levy 1/29 (Phil – Foreign Policy, “Is Obama Even Trying on Trade?”, 2014, http://shadow.foreignpolicy.com/posts/2014/01/29/is\_obama\_even\_trying\_on\_trade)

Even had the president made this statement at the beginning of last summer, when discussions were just starting up on the TPA, it would have been cursory. Few people are persuaded by the bare assertion that their strong beliefs are false and the opposite is true. Usually, to change minds, some supporting detail is required, some evidence, or a carefully structured argument. Weak mercantilist claims are easily rejected by skeptics (e.g. if trade is good because exports bring jobs, what does it mean when we run a trade deficit and imports exceed exports?). Not only did the president fail to make much of a sales pitch, but his vague call to ‘work together' comes at a time when a bipartisan bill has been crafted and the battle lines are drawn. By not mentioning the bill, nor taking a stance on the controversial facets under debate -- currency provisions, intellectual property protection clauses, trade adjustment assistance -- the White House remains on the sidelines, hoping that TPA will simply fall into its lap without much expenditure of effort or political capital.

### A2: Thumper – Obamacare

#### Obama is controlling the spin on Obamacare now

**Dionne 1/20** (EJ – senior fellow at Brookings , “Year Six of Hope and Change” <http://www.realclearpolitics.com/articles/2014/01/20/year_six_of_hope_and_change_121282.html>)

It's true that the last several weeks have allowed Obama to stage something of a comeback from the low point he reached after the collapse of the website that was supposed to ease the way to health insurance coverage for millions of Americans. Obamacare is now working more smoothly than those who wrongly predicted its inevitable demise thought possible. Some Republicans are even proposing fixing the law rather than killing it. In the absence of health care horror stories, the president has been able to put some of his own concerns back on the public agenda with his moving event last Thursday on those college access plans and his unveiling of modest initiatives on behalf of manufacturing. Republicans seem to have pulled away from strategies that produced chaos in the budgeting process, and Congress even passed a normal spending bill. On Friday, the president announced reforms of how the National Security Agency collects and uses telephone records. And the nation's political conversation has been shifting toward issues Obama has always wanted to highlight. Even conservatives are now acknowledging declining social mobility, rising inequality and the persistence of poverty. And, yes, immigration reform is still a possibility.

### A2: Thumper – NSA

#### Obama’s speech placated most Democrats – just not the extreme left, who are all probably hippies that already love Iran anyway

**NPR 1/19** (“Details Sketchy On NSA Changes, But Congress Reacts Quickly” <http://wuwm.com/post/details-sketchy-nsa-changes-congress-reacts-quickly>)

RACHEL MARTIN, HOST: Back in the U.S., while there were complaints that some of the recommendations were vague, reactions have been nonetheless swift, especially in Congress. Joining us to talk about the political fallout at home is NPR's political correspondent Mara Liasson. Good morning, Mara. MARA LIASSON, BYLINE: Good morning, Rachel. MARTIN: So, the president's NSA proposals, how are they going over on Capitol Hill? LIASSON: Well, the reaction was mixed, as you would expect because this is such a divisive issue and not just left and right. The civil libertarian left and the libertarian right is united on this. So, you heard Democrats, like Tom Udall of New Mexico and Ron Wyden of Oregon call this a major milestone, but they want to go much further and put more restraints on the programs. Then you heard other Democrats, like the Senate Intelligence Committee Chairman Dianne Feinstein and the House Intelligence Committee Chairman Mike Rogers, a Republican, saying they're concerned about the president's proposals to put more restrictions on the scrutinizing of people's metadata and calls. And they are worried about that. So, you can see it's a very mixed reaction because this is a divisive issue. MARTIN: But Congress is the body that has to green light these reforms ultimately, right? LIASSON: They do. And if they don't, by June of 2015, the Patriot Act expires, and of course that's what some of the opponents of this collection want to happen, that the whole law goes away. But that is the deadline hanging over Congress and they have a lot to do before then. They have to decide exactly what some of these reforms will look like. The president left the work to them. For instance, exactly where this data will be stored, if not by the government. So, they have a lot of details to figure out. MARTIN: Let's get to the political realities. As you say, the criticism came from the left and the right. But did the president do enough to ease concerns from Democrats, from those in his own party? LIASSON: Well, he's never going to ease the concerns of the ACLU and some parts of his base. But, yes, I think he did go far enough to quiet the concerns of people who thought these programs were going forward unrestrained and unreformed.

### Targeted killing – 2NC

#### Obama fights the plan and sparks controversial battles in Congress – targeted killing is heavily criticized

Radsan and Murphy 12 (Afsheen John – Professor, William Mitchell College of Law; Assistant General Counsel at the Central Intelligence Agency from 2002 to 2004, and Richard – AT&T Professor of Law, Texas Tech University School of Law, “The Evolution of Law and Policy for CIA Targeted Killing”, 2012, 5 J. Nat'l Security L. & Pol'y 439, lexis)

This scenario emphasizes a simple point: President Obama, a Harvard Law School graduate, a former teacher of constitutional law at the University of Chicago and a Nobel Peace Laureate, must believe that he has the authority to order the CIA to fire missiles from drones to kill suspected terrorists. Not everyone agrees with him, though. For almost a decade now, the United States has been firing missiles from unmanned drones to kill people identified as leaders of al Qaeda and the Taliban. This "targeted killing" has engendered controversy in policymaking and legal circles, spilling into law review articles, op-ed pieces, congressional hearings, and television programs. n2 On one level, this [\*441] controversy is curious. A state has considerable authority in war to kill enemy combatants - whether by gun, bomb, or cruise missile - so long as those attacks obey basic, often vague, rules (e.g., avoidance of "disproportionate" collateral damage). So what is so different about targeted killing by drone? Some of the concerns about a CIA drone campaign relate to the personalized nature of targeted killing. All attacks in an armed conflict must, as a matter of basic law and common sense, be targeted. To attack something, whether by shooting a gun at a person or dropping a bomb on a building, is to target it. "Targeted killing," however, refers to a premeditated attack on a specific person. President Franklin D. Roosevelt, for instance, ordered Admiral Yamamoto killed not because he was any Japanese sailor, but because he was the author of "tora, tora, tora" on Pearl Harbor. President Obama, more recently, ordered Osama bin Laden killed not because the Saudi was any member of al Qaeda, but because he was the author of 9/11 who continued to command the terrorist organization. Targeted killing is psychologically disturbing because it is individualized. It is easier for a U.S. operator to kill a faceless soldier in a uniform than someone whom the operator has been tracking with photographs, videos, voice samples, and biographical information in an intelligence file. There is also concern that drones will attack improperly identified targets or cause excessive collateral damage. Targets who hide among peaceful civilians heighten these dangers. Of course, drone strikes should be far more precise than bombs dropped from a piloted aircraft. The lower [\*442] "costs" of drone strikes, however, encourage governments to resort to deadly force more quickly - a trend that may accelerate as drone technology rapidly improves and perhaps becomes fully automated through advances in artificial intelligence. Paradoxically, improved precision could lead to an increase in deadly mistakes. Another concern relates to granting an intelligence agency trigger authority. Entrusting drones to the CIA, an intelligence agency with a checkered history as to the use of force whose activities are largely conducted in secret, heightens concerns in some quarters that strikes may sometimes kill the wrong people for the wrong reasons. If applied sloppily or maliciously, targeted killing by drones could amount to nothing more than advanced death squads. For these and related reasons, the use of killer drones merits serious thought and criticism. Along these lines, many opponents of the reported CIA program have decried it as illegal. Without questioning their sincerity, one can acknowledge the soundness of their tactics. "Law talk" offers them a strong weapon. How could anyone, without shame or worse, support an illegal killing campaign? Illegality is for gangsters, drug dealers, and other outlaws - not the Oval Office.

#### TK restrictions would decimate Obama’s domestic agenda

HUGHES 2/6/13 White House Correspondent—The Washington Examiner [Brian Hughes, Obama's base increasingly wary of drone program, http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787]

The heightened focus on President Obama's targeted killings of American terror suspects overseas has rattled members of his progressive base who have stayed mostly silent during an unprecedented use of secret drone strikes in recent years.¶ During the presidency of George W. Bush, Democrats, including then-Sen. Obama, hammered the administration for employing enhanced interrogation techniques, which critics labeled torture.¶ Liberals have hardly championed the president's drone campaign but have done little to force changes in the practice, even as the White House touts the growing number al Qaeda casualties in the covert war.¶ The issue grates on some Democrats who backed Obama over Hillary Clinton because of her vote in favor of the war in Iraq, only to see the president ignore a campaign promise to close the detainee holding camp in Guantanamo, Cuba, and mount a troop surge in Afghanistan.¶ With the confirmation hearing Thursday for John Brennan, Obama's nominee for CIA director -- and the architect of the drone program -- Democrats will have a high-profile opportunity to air their concerns over the controversial killings.¶ "You watch and see -- the left wing of the party will start targeting Obama over this," said Larry Sabato, a political scientist at the University of Virginia. "It's inevitable. The drumbeat will increase as time goes on, especially with each passing drone strike."¶ Obama late Wednesday decided to share with Congress' intelligence committees the government's legal reasoning for conducting drones strikes against suspected American terrorists abroad, the Associated Press reported. Lawmakers have long demanded to see the full document, accusing the Obama administration of stonewalling oversight efforts.¶ Earlier in the day, one Democrat even hinted at a possible filibuster of Brennan if given unsatisfactory answers about the drone program.¶ "I am going to pull out all the stops to get the actual legal analysis, because with out it, in effect, the administration is practicing secret law," said Sen. Ron Wyden, D-Ore., a member of the Senate Select Intelligence Committee. "This position is no different [than] that the Bush administration adhered to in this area, which is largely 'Trust us, we'll make the right judgments.' "¶ In a Justice Department memo released this week, the administration argued it could order the killing of a suspected American terrorist even with no imminent threat to the homeland.¶ White House press secretary Jay Carney insisted on Wednesday that the administration had provided an "unprecedented level of information to the public" about the drone operations. Yet, questions remain about who exactly orders the killings, or even how many operations have been conducted.¶ "There's been more noise from senators expressing increased discomfort [with the drone program]," said Joshua Foust, a fellow at the American Security Project. "For Brennan, there's going to be more opposition from Democrats than Republicans. It's not just drones but the issue of torture."¶ Facing concerns from liberals, Brennan had to withdraw his name from the running for the top CIA post in 2008 over his connections to waterboarding during the Bush administration.¶ Since becoming president, Obama has championed and expanded most of the Bush-era terror practices that he decried while running for the White House in 2008.¶ It's estimated that roughly 2,500 people have died in drone strikes conducted by the Obama administration.¶ However, most voters have embraced the president's expanded use of drone strikes. A recent Pew survey found 62 percent of Americans approved of the U.S. government's drone campaign against extremist leaders. And some analysts doubted whether Democratic lawmakers would challenged Obama and risk undermining his second-term agenda.¶ "Democrats, they're going to want the president to succeed on domestic priorities and don't want to do anything to erode his political capital," said Christopher Preble, vice president for defense and foreign policy studies at the Cato Institute. "It's just so partisan right now. An awful lot of [lawmakers] think the president should be able to do whatever he wants."

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**D. Decapitation strikes**

**Boyle 05** (Francis, Professor of Law, University of Illinois, "Iraq and the Laws of War" Information Clearing House) www.informationclearinghouse.info/article10621.htm

**On 19 March 2003** President **Bush** Jr. **commenced his** criminal **war against Iraq by ordering a** so-called **decapitation strike against the President of Iraq in violation of a 48-hour ultimatum he had given publicly to the Iraqi President and his sons to leave the country. This duplicitous behavior violated the customary international laws of war set forth in the 1907 Hague Convention on the Opening of Hostilities** to which the United States is still a contracting party, as evidenced by paragraphs 20, 21, 22, and 23 of U.S. Army Field Manual 27-10 (1956). Furthermore, President Bush Jr.'s attempt to assassinate the President of Iraq was an international crime in its own right. Of course the Bush Jr. administration's war of aggression against Iraq constituted a Crime against Peace as defined by the Nuremberg Charter (1945), the Nuremberg Judgment (1946), and the Nuremberg Principles (1950) as well as by paragraph 498 of U.S. Army Field Manual 27-10 (1956).

**E. “Shock and Awe”**

**Boyle 05** (Francis, Professor of Law, University of Illinois, "Iraq and the Laws of War" Information Clearing House) www.informationclearinghouse.info/article10621.htm

**Next came the Pentagon's military strategy of inflicting "shock and awe" upon** the city of **Baghdad**. To the contrary, **article 6(b) of the 1945 Nuremberg Charter defined the term "War crimes" to include: "... wanton destruction of cities, towns or villages, or devastation not justified by military necessity..." The Bush Jr. administration's infliction of "shock and awe"** upon Baghdad and its inhabitants **constituted the wanton destruction of that city, and it was certainly not justified by "military necessity," which is always defined by and includes the laws of war.** Such terror bombings of cities have been criminal behavior under international law since before the Second World War: Nagasaki, Hiroshima, Tokyo, Dresden, London, Guernica.

**F. Home demolition**

**Human Rights Watch 04** (1-12-04, "Iraq: U.S. Demolitions May Violate Laws of War") www.hrw.org/news/2004/01/11/iraq-us-demolitions-may-violate-laws-war

**U.S. military forces in Iraq appear to have violated the laws of war by demolishing the homes of relatives of suspected insurgents or wanted former officals, Human Rights Watch said** today. In a letter to U.S. Secretary of Defense Donald Rumsfeld, Human Rights Watch said that **at least four house demolitions over the past two months appeared to be for purposes of punishing families of suspected insurgents or compelling their cooperation. Destroying civilian property as a reprisal or deterrent amounts to collective punishment, which is prohibited by the 1949 Geneva Conventions.**

### Martin turns

#### The plan isn’t valid under self defense – they are preventative strikes, in the same way as their iran add on is – the 1ac is a recognition of self-defense tareted killing, which is more expansive than the status quo and makes the 1ac indistinct from the bush doctrine - That’s Martin, writing a legal response to the 1ac’s authors -

#### Not a single US drone strike meets the definition of ‘self-defense targeted killing’ – the only effect of the plan is the stance it takes towards legal regimes – means the case is meaningless and if anything wrecks those regimes – only the CP solves

**Martin, 11 -** Associate Professor of Law at Washburn University School of Law (Craig, “GOING MEDIEVAL: TARGETED KILLING, SELFDEFENSE AND THE JUS AD BELLUM REGIME” SSRN) **NSA = Non State Actors**

Without going through the analysis for each of these scenarios in detail, we can nonetheless conclude that while it may be possible to justify the use of force against these states on the basis of self-defense, the crucial point is that the justificatory analysis is case-dependent. When the United States engages in strikes that constitute the use of force against each of these states, the claim of the right of self-defense must make specific reference to the armed attacks that justify it, how the group that is the object of the use of force is responsible for the attacks, and how the state in which the group is being targeted can itself be held legally responsible for the operations of that group so as to justify the use of force against the state. The problem with the current U.S. claim of self-defense is that it does none of this, but rather asserts a general right to use force against Al Qaeda, the Taliban, and any other groups associated with them; and against any country in which the members of such groups are located, not based on the state’s actual involvement in the group’s attacks, but merely on it being insufficiently willing or able to suppress the group’s operations.96 It almost goes without saying that the principles of necessity and proportionality cannot be satisfied under such sweeping and general claims of self-defense. It is not possible to demonstrate that the use of force was strictly necessary when there has been no identification of the armed attacks in question, or explanation of how the specific groups being targeted pose the threat of imminent armed attacks, that can only be stopped through the use of force. Similarly, there can be no proportionality analysis without the identification of the harm that would be caused by specific attacks, against which one can compare the harm being inflicted by the defensive use of force.97 Thus, in order to satisfy the necessity and proportionality principles that are at the core of the doctrine, the United States must provide the information required for such analysis. In sum, the U.S. government’s reliance upon self-defense as a justification for the targeted killing policy in countries such as Yemen, Somalia, and Pakistan, at least in the very general terms with which it has been asserted, is not consistent with the principles of self-defense under the jus ad bellum regime. This finding would suggest that, unless and until the administration offers more particularized support for this justification, the ongoing use of missile strikes for the purposes of killing suspected “terrorists,” “militants” and “insurgents” in countries like Somalia, Yemen, and Pakistan, is a violation of the prohibition on the use of armed force. Such a conclusion is troubling enough. But even more important in the long run is the potential harm this continued practice could cause to the jus ad bellum regime, and to the relationship between the jus ad bellum and IHL regimes, to which we turn next.

### Russia war

**Based on internal strategy for Chechnya, no modeling relative to aff solvency, one statement from Putin, not reflective of entire armed forces establishment, not Putin’s own declaration, just that some escalations have said it. Doesn’t say it WOULD cause Central Asia war, just that it could. Obvi don’t solve Chechnya**

#### No Russia war

**Graham 7** (senior advisor on Russia in the US National Security Council staff 2002-2007, Thomas, Russia in Global Affairs, July - September 2007, “The Dialectics of Strength and Weakness,” http://eng.globalaffairs.ru/numbers/20/1129.html)

An astute historian of Russia, Martin Malia, wrote several years ago that “Russia has at different times been demonized or divinized by Western opinion less because of her real role in Europe than because of the fears and frustrations, or hopes and aspirations, generated within European society by its own domestic problems.” Such is the case today. To be sure, mounting Western concerns about Russia are a consequence of Russian policies that appear to undermine Western interests, but they are also a reflection of declining confidence in our own abilities and the efficacy of our own policies. Ironically, this growing fear and distrust of Russia come at a time when Russia is arguably less threatening to the West, and the United States in particular, than it has been at any time since the end of the Second World War. Russia does not champion a totalitarian ideology intent on our destruction, its military poses no threat to sweep across Europe, its economic growth depends on constructive commercial relations with Europe, and its strategic arsenal – while still capable of annihilating the United States – is under more reliable control than it has been in the past fifteen years and the threat of a strategic strike **approaches zero probability**. Political gridlock in key Western countries, however, precludes the creativity, risk-taking, and subtlety needed to advance our interests on issues over which we are at odds with Russia while laying the basis for more constructive long-term relations with Russia.

#### De-escalation solves—generals agree

**Ivashnov, 7** – Colonel General Leonid Ivashov, President of the Academy of Geopolitical Problems (Leonid,. July 2007 “Will America Fight Russia”. Defense and Security, No 78. LN

Ivashov: Numerous scenarios and options are possible. Everything may begin as a local conflict that will rapidly deteriorate into a total confrontation. An ultimatum will be sent to Russia: say, change the domestic policy because human rights are allegedly encroached on, or give Western businesses access to oil and gas fields. Russia will refuse and its objects (radars, air defense components, command posts, infrastructure) will be wiped out by guided missiles with conventional warheads and by aviation. Once this phase is over, an even stiffer ultimatum will be presented - demanding something up to the deployment of NATO "peacekeepers" on the territory of Russia.

Refusal to bow to the demands will be met with a mass aviation and missile strike at Army and Navy assets, infrastructure, and objects of defense industry. NATO armies will invade Belarus and western Russia. Two turns of events may follow that. Moscow may accept the ultimatum through the use of some device that will help it save face. The acceptance will be followed by talks over the estrangement of the Kaliningrad enclave, parts of the Caucasus and Caspian region, international control over the Russian gas and oil complex, and NATO control over Russian nuclear forces. The second scenario involves a warning from the Kremlin to the United States that continuation of the aggression will trigger retaliation with the use of all weapons in nuclear arsenals. It will stop the war and put negotiations into motion.

#### No Chechnya war

**RussiaToday 2009** (No more terrorists in Chechnya? http://www.russiatoday.com/Top\_News/2009-03-31/No\_more\_terrorists\_in\_Chechnya.html/print)

The national anti-terrorism committee is considering ending the anti-terrorist operation in the Chechen republic, launched a decade ago. The Russian Republic of Chechnya is well on the road to putting the dark days of conflict behind it, but the counter-terrorism operation still underway there is preventing a full recovery for the economy and scaring off investors. Yet the wind of change is in the air. Restoration works are in full swing in the Chechen capital, and it is hard to believe two years ago the city was in ruins. The republic’s president Ramzan Kadyrov has managed to bring peace to the republic, but social problems still exist. More than 50% of the republic’s population is unemployed. President Kadyrov says he wants to create job opportunities. Before that happens, the counter-terrorist operation, which is still officially ongoing in Chechnya, should end. Although there have been no recent terrorist attacks, the authorities admit that the operation itself keeps away possible investors, never mind Chechens living abroad. “People, including investors, get scared when they read on the Internet a counter-terrorist operation is underway in Chechnya. Rich people always look for quiet places without problems, where their business will be well-protected. If the counter-terrorist operation regime is lifted, it would be easier for us to rebuild the economy, to create jobs”, says the president. (You can find full version of the interview with the President of the Chechen Republic Ramzan Kadyrov here) Read more The counter-terrorist operation was launched some ten years ago, after a group of militants from Chechnya intruded in the neighbouring republic of Dagestan. They proclaimed an Islamic state on the territory of the two republics, which resulted in riots in Dagestan and a second campaign against militants in Chechnya. Grozny on June 2007 (AFP Photo / Ruslan Alkhanov) Military expert Viktor Litovkin says the situation in Chechnya has become more or less stable: “Law enforcement agencies are stronger now. The leadership of the Chechen Republic is eager to establish ties with the outside world, but it is difficult under the counter-terrorist operation regime”, explains the expert. An airport in the capital Grozny used to serve international flights ten years ago, but now it’s for domestic traffic only. Due to the ongoing counter-terrorism alert, there is no customs service in the republic. “It is inconvenient, because currently you have to go someplace else, pay extra, get approvals from various government agencies”, says Grozny resident Ramzan Digayev. Food and goods in Chechen shops are more expensive than elsewhere in Russia, because many supplies must come from other regions. The anti-terrorist measures in force pose difficulties here too, as everything crossing the Chechen border has to be checked and documented. Although the Kremlin is considering lifting the measures, the security situation will continue to be monitored as militants may remain in mountainous regions. The Chechen president claims his republic is one of the quietest regions of Russia. The experts agree–his policies brought relative peace to this area, but that has led to the violence being exported to the neighboring republics. While defeated here, the Islamist militants found shelter in Ingushetia and Dagestan, which became the new arenas of counter-terrorist operations.

## Terror

### Defense

#### Finishing the card

John J. Mearsheimer 14, R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago, “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.¶ What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists § Marked 15:37 § with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.¶ Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

#### No retaliation—definitely no escalation

**Mueller 5** (John, Professor of Political Science – Ohio State University, Reactions and Overreactions to Terrorism, http://polisci.osu.edu/faculty/jmueller/NB.PDF)

However, history clearly demonstrates that overreaction is not necessarily inevitable. Sometimes, in fact, leaders have been able to restrain their instinct to overreact. Even more important, **restrained reaction--or even capitulation to terrorist acts--has often proved to be entirely acceptable politically**. That is, there are many instances where leaders did nothing after a terrorist attack (or at least refrained from overreacting) and did not suffer politically or otherwise. Similarly, after an unacceptable loss of American lives in Somalia in 1993, Bill Clinton responded by withdrawing the troops without noticeable negative impact on his 1996 re-election bid. Although Clinton responded with (apparently counterproductive) military retaliations after the two U.S. embassies were bombed in Africa in 1998 as discussed earlier, his administration did not have a notable response to terrorist attacks on American targets in Saudi Arabia (Khobar Towers) in 1996 or to the bombing of the U.S.S. Cole in 2000, and these non-responses never caused it political pain. George W. Bush's response to the anthrax attacks of 2001 did include, as noted above, a costly and wasteful stocking-up of anthrax vaccine and enormous extra spending by the U.S. Post Office. However, beyond that, it was the same as Clinton's had been to the terrorist attacks against the World Trade Center in 1993 and in Oklahoma City in 1995 and the same as the one applied in Spain when terrorist bombed trains there in 2004 or in Britain after attacks in 2005: the dedicated application of police work to try to apprehend the perpetrators. This approach was politically acceptable even though the culprit in the anthrax case (unlike the other ones) has yet to be found. The demands for retaliation may be somewhat more problematic in the case of suicide terrorists since the direct perpetrators of the terrorist act are already dead, thus sometimes impelling a vengeful need to seek out other targets. Nonetheless, the attacks in Lebanon, Saudi Arabia, Great Britain, and against the Cole were all suicidal, yet no direct retaliatory action was taken. **Thus, despite short-term demands that some sort of action must be taken**, experience suggests politicians can often successfully ride out this demand after the obligatory (and inexpensive) expressions of outrage are prominently issued.

#### Their ev is fearmongering – internal documents prove no terror

Mueller and Stewart 12 [John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute in Washington, D.C. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “The Terrorism Delusion”, International Security, Vol. 37, No. 1 (Summer 2012), pp. 81–110, Chetan]

It seems increasingly likely that the official and popular reaction to the terrorist attacks of September 11, 2001, has been substantially deluded—massively disproportionate to the threat that al-Qaida has ever actually presented either as an international menace or as an inspiration or model to homegrown amateurs. Applying the extensive datasets on terrorism that have been generated over the last decades, we conclude that the chances of an American perishing at the hands of a terrorist at present rates is one in 3.5 million per year—well within the range of what risk analysts hold to be “acceptable risk.”40 Yet, despite the importance of responsibly communicating risk and despite the costs of irresponsible fearmongering, just about the only official who has ever openly put the threat presented by terrorism in some sort of context is New York’s Mayor Michael Bloomberg, who in 2007 pointed out that people should “get a life” and that they have a greater chance of being hit by lightning than of being a victim of terrorism—an observation that may be a bit off the mark but is roughly accurate.41 (It might be noted that, despite this unorthodox outburst, Bloomberg still managed to be re-elected two years later.) Indeed, much of the reaction to the September 11 attacks calls to mind Hans Christian Andersen’s fable of delusion, “The Emperor’s New Clothes,” in which con artists convince the emperor’s court that they can weave stuffs of the most beautiful colors and elaborate patterns from the delicate silk and purest gold thread they are given. These stuffs, they further convincingly explain, have the property of remaining invisible to anyone who is unusually stupid or unfit for office. The emperor finds this quite appealing because not only will he have splendid new clothes, but he will be able to discover which of his officials are unfit for their posts—or in today’s terms, have lost their effectiveness. His courtiers, then, have great professional incentive to proclaim the stuffs on the loom to be absolutely magnificent even while mentally justifying this conclusion with the equivalent of “absence of evidence is not evidence of absence.” Unlike the emperor’s new clothes, terrorism does of course exist. Much of the reaction to the threat, however, has a distinctly delusionary quality. In Carle’s view, for example, the CIA has been “spinning in self-referential circles” in which “our premises were flawed, our facts used to fit our premises, our premises determined, and our fears justified our operational actions, in a self-contained process that arrived at a conclusion dramatically at odds with the facts.” The process “projected evil actions where there was, more often, muddled indirect and unavoidable complicity, or not much at all.” These “delusional ratiocinations,” he further observes, “were all sincerely, ardently held to have constituted a rigorous, rational process to identify terrorist threats” in which “the avalanche of reporting confirms its validity by its quantity,” in which there is a tendency to “reject incongruous or contradictory facts as erroneous, because they do not conform to accepted reality,” and in which potential dissenters are not-so-subtly reminded of career dangers: “Say what you want at meetings. It’s your decision. But you are doing yourself no favors.”42 Consider in this context the alarming and profoundly imaginary estimates of U.S. intelligence agencies in the year after the September 11 attacks that the number of trained al-Qaida operatives in the United States was between 2,000 and 5,000.43 Terrorist cells, they told reporters, were “embedded in most U.S. cities with sizable Islamic communities,” usually in the “run-down sections,” and were “up and active” because electronic intercepts had found some of them to be “talking to each other.”44 Another account relayed the view of “experts” that Osama bin Laden was ready to unleash an “11,000 strong terrorist army” operating in more than sixty countries “controlled by a Mr. Big who is based in Europe,” but that intelligence had “no idea where thousands of these men are.”45 Similarly, FBI Director Robert Mueller assured the Senate Intelligence Committee on February 11, 2003, that, although his agency had yet to identify even one al-Qaida cell in the United States, “I remain very concerned about what we are not seeing,” a sentence rendered in bold lettering in his prepared text. Moreover, he claimed that such unidentified entities presented “the greatest threat,” had “developed a support infrastructure” in the country, and had achieved both the “ability” and the “intent” to inflict “signi ficant casualties in the US with little warning.”46 Over the course of time, such essentially delusionary thinking has been internalized and institutionalized in a great many ways. For example, an extrapolation of delusionary proportions is evident in the common observation that, because terrorists were able, mostly by thuggish means, to crash airplanes into buildings, they might therefore be able to construct a nuclear bomb. Brian Jenkins has run an internet search to discover how often variants of the term “al-Qaida” appeared within ten words of “nuclear.” There were only seven hits in 1999 and eleven in 2000, but the number soared to 1,742 in 2001 and to 2,931 in 2002.47 By 2008, Defense Secretary Robert Gates was assuring a congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.”48 Few of the sleepless, it seems, found much solace in the fact that an al-Qaida computer seized in Afghanistan in 2001 indicated that the group’s budget for research on weapons of mass destruction (almost all of it focused on primitive chemical weapons work) was $2,000 to $4,000.49 In the wake of the killing of Osama bin Laden, officials now have many more al-Qaida computers, and nothing in their content appears to suggest that the group had the time or inclination, let alone the money, to set up and staff a uranium-seizing operation, as well as a fancy, super-high-technology facility to fabricate a bomb. This is a process that requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew—all while attracting no attention from outsiders.50 If the miscreants in the American cases have been unable to create and set off even the simplest conventional bombs, it stands to reason that none of them were very close to creating, or having anything to do with, nuclear weapons—or for that matter biological, radiological, or chemical ones. In fact, with perhaps one exception, none seems to have even dreamed of the prospect; and the exception is José Padilla (case 2), who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one. His idea about isotope separation was to put uranium into a pail and then to make himself into a human centrifuge by swinging the pail around in great arcs.51 Even if a weapon were made abroad and then brought into the United States, its detonation would require individuals in-country with the capacity to receive and handle the complicated weapons and then to set them off. Thus far, the talent pool appears, to put mildly, very thin.

### 2NC Terror

#### No risk of terrorism – a Harvard professor says to prefer our study

Walt 12 (Stephen, Belfer Professor of International Affairs – Harvard University, “What Terrorist Threat?,” Foreign Policy, 8-13, http://walt.foreignpolicy.com/posts/2012/08/13/what\_terrorist\_threat)

Remember how the London Olympics were supposedly left vulnerable to terrorists after the security firm hired for the games admitted that it couldn't supply enough manpower? This "humiliating shambles" forced the British government to call in 3,500 security personnel of its own, and led GOP presidential candidate Mitt Romney to utter some tactless remarks about Britain's alleged mismanagement during his official "Foot-in-Mouth" foreign tour last month. Well, surprise, surprise. Not only was there no terrorist attack, the Games themselves came off rather well. There were the inevitable minor glitches, of course, but no disasters and some quite impressive organizational achievements. And of course, athletes from around the world delivered inspiring, impressive, heroic, and sometimes disappointing performances, which is what the Games are all about. Two lessons might be drawn from this event. The first is that the head-long rush to privatize everything -- including the provision of security -- has some obvious downsides. When markets and private firms fail, it is the state that has to come to the rescue. It was true after the 2007-08 financial crisis, it's true in the ongoing euro-mess, and it was true in the Olympics. Bear that in mind when Romney and new VP nominee Paul Ryan tout the virtues of shrinking government, especially the need to privatize Social Security and Medicare. The second lesson is that we continue to over-react to the "terrorist threat." Here I recommend you read John Mueller and Mark G. Stewart's The Terrorism Delusion: America's Overwrought Response to September 11, in the latest issue of International Security. Mueller and Stewart analyze 50 cases of supposed "Islamic terrorist plots" against the United States, and show how virtually all of the perpetrators were (in their words) "incompetent, ineffective, unintelligent, idiotic, ignorant, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational and foolish." They quote former Glenn Carle, former deputy national intelligence officer for transnational threats saying "we must see jihadists for the small, lethal, disjointed and miserable opponents that they are," noting further that al Qaeda's "capabilities are far inferior to its desires." Further, Mueller and Stewart estimate that expenditures on domestic homeland security (i.e., not counting the wars in Iraq or Afghanistan) have increased by more than $1 trillion since 9/11, even though the annual risk of dying in a domestic terrorist attack is about 1 in 3.5 million. Using conservative assumptions and conventional risk-assessment methodology, they estimate that for these expenditures to be cost-effective "they would have had to deter, prevent, foil or protect against 333 very large attacks that would otherwise have been successful every year." Finally, they worry that this exaggerated sense of danger has now been "internalized": even when politicians and "terrorism experts" aren't hyping the danger, the public still sees the threat as large and imminent. As they conclude: ... Americans seems to have internalized their anxiety about terrorism, and politicians and policymakers have come to believe that they can defy it only at their own peril.  Concern about appearing to be soft on terrorism has replaced concern about seeming to be soft on communism, a phenomenon that lasted far longer than the dramatic that generated it ... This extraordinarily exaggerated and essentially delusional response may prove to be perpetual." Which is another way of saying that you should be prepared to keep standing in those pleasant and efficient TSA lines for the rest of your life, and to keep paying for far-flung foreign interventions designed to "root out" those nasty jihadis.

#### No nuclear terror – operation, cohesion and coordination

Mueller and Stewart 12 [John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute in Washington, D.C. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “The Terrorism Delusion”, International Security, Vol. 37, No. 1 (Summer 2012), pp. 81–110, Chetan]

In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 has been with gunfire—inflicting a total of perhaps sixteen deaths over the period (cases 4, 26, 32).11 This limited capacity is impressive because, at one time, small-scale terrorists in the United States were quite successful in setting off bombs. Noting that the scale of the September 11 attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that the 1970s witnessed sixty to seventy terrorist incidents, mostly bombings, on U.S. soil every year.12 The situation seems scarcely different in Europe and other Western locales. Michael Kenney, who has interviewed dozens of government officials and intelligence agents and analyzed court documents, has found that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamist militants in those locations are operationally unsophisticated, short on know-how, prone to making mistakes, poor at planning, and limited in their capacity to learn.13 Another study documents the difficulties of network coordination that continually threaten the terrorists’ operational unity, trust, cohesion, and ability to act collectively.14 In addition, although some of the plotters in the cases targeting the United States harbored visions of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (cases 2, 8, 12, 19, 23, 30, 42), all were nothing more than wild fantasies, far beyond the plotters’ capacities however much they may have been encouraged in some instances by FBI operatives. Indeed, in many of the cases, target selection is effectively a random process, lacking guile and careful planning. Often, it seems, targets have been chosen almost capriciously and simply for their convenience. For example, a would-be bomber targeted a mall in Rockford, Illinois, because it was nearby (case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20-mile radius of their shared apartment, some of which did not even exist (case 15). In Norway, a neo-Nazi terrorist on his way to bomb a synagogue took a tram going the wrong way and dynamited a mosque instead.15 Although the efforts of would-be terrorists have often seemed pathetic, even comical or absurd, the comedy remains a dark one. Left to their own devices, at least a few of these often inept and almost always self-deluded individuals could eventually have committed some serious, if small-scale, damage.16

#### Even if there is an attack – it would be small scale and disorganized

Mueller and Stewart 12 [John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute in Washington, D.C. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “The Terrorism Delusion”, International Security, Vol. 37, No. 1 (Summer 2012), pp. 81–110, Chetan]

Calculating the Costs of the Counterterrorism Delusion Delusion is a quality that is difficult to quantify. Nevertheless, there may be a way to get a sense of its dimensions—or at least of its cost consequences. We have argued that terrorism is a limited problem with limited consequences and that the reaction to it has been excessive, and even delusional. Some degree of effort to deal with the terrorism hazard is, however, certainly appropriate—and is decidedly not delusional. The issue then is a quantitative one: At what point does a reaction to a threat that is real become excessive or even delusional? At present rates, as noted earlier, an American’s chance of being killed by terrorism is one in 3.5 million in a given year. This calculation is based on history (but one that includes the September 11 attacks in the count), and things could, of course, become worse in the future. The analysis here, however, suggests that terrorists are not really all that capable, that terrorism tends to be a counterproductive exercise, and that September 11 is increasingly standing out as an aberration, not a harbinger. Moreover, it has essentially become officially accepted that the likelihood of a large-scale organized attack such as September 11 has declined and that the terrorist attacks to fear most are ones that are small scale and disorganized.66 Attacks such as these can inflict painful losses, of course, but they are quite limited in their effect and, even if they do occur, they would not change the fatality risk for the American population very much.

#### Al Qaeda is crumbling internally by alienating foreign supporters

Mueller and Stewart 12 [John Mueller is Senior Research Scientist at the Mershon Center for International Security Studies and Adjunct Professor in the Department of Political Science, both at Ohio State University, and Senior Fellow at the Cato Institute in Washington, D.C. Mark G. Stewart is Australian Research Council Professorial Fellow and Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “The Terrorism Delusion”, International Security, Vol. 37, No. 1 (Summer 2012), pp. 81–110, Chetan]

In fact, it is unclear whether al-Qaida central, now holed up in Pakistan and under sustained attack, has done much of anything since September 11 except issue videos filled with empty, self-infatuated, and essentially delusional threats. For example, it was in October 2002 that Osama bin Laden proclaimed, “Understand the lesson of New York and Washington raids, which came in response to some of your previous crimes. . . . God is my witness, the youth of Islam are preparing things that will fill your hearts with fear. They will target key sectors of your economy until you stop your injustice and aggression or until the more short-lived of us die.” And in January 2006, he insisted that the “delay” in carrying out operations in the United States “was not due to failure to breach your security measures,” and that “operations are under preparation, and you will see them on your own ground once they are finished, God willing.”18 Bin Laden’s tiny group of 100 or so followers does appear to have served as something of an inspiration to some Muslim extremists, may have done some training, has contributed a bit to the Taliban’s far larger insurgency in Afghanistan, and may have participated in a few terrorist acts in Pakistan.19 In his examination of the major terrorist plots against the West since September 11, Mitchell Silber finds only two (cases 1 and 20) that could be said to be under the “command and control” of al-Qaida central (as opposed to ones suggested, endorsed, or inspired by the organization), and there are questions about how full its control was even in these two instances.20 This highly limited record suggests that Carle was right in 2008 when he warned, “We must not take fright at the specter our leaders have exaggerated. In fact, we must see jihadists for the small, lethal, disjointed and miserable opponents that they are.” Al-Qaida “has only a handful of individuals capable of planning, organizing and leading a terrorist organization,” and although it has threatened attacks, “its capabilities are far inferior to its desires.”21 Impressively, bin Laden appears to have remained in a state of self-delusion even to his brutal and abrupt end. He continued to cling to the belief that another attack such as September 11 might force the United States out of the Middle East, and he was unfazed that the first such effort had proven to be spectacularly counterproductive in this respect by triggering a deadly invasion of his base in Afghanistan and an equally deadly pursuit of his operatives.22 Other terrorist groups around the world affiliated or aligned or otherwise connected to al-Qaida may be able to do intermittent damage to people and infrastructure, but nothing that is very sustained or focused. In all, extremist Islamist terrorism—whether associated with al-Qaida or not—has claimed 200 to 400 lives yearly worldwide outside war zones. That is 200 to 400 too many, of course, but it is about the same number as bathtub drownings every year in the United States.23 In addition to its delusional tendencies, al-Qaida has, as Patrick Porter notes, a “talent at self-destruction.”24 With the September 11 attacks and subsequent activity, bin Laden and his followers mainly succeeded in uniting the world, including its huge Muslim population, against their violent global jihad.25 These activities also turned many radical Islamists against them, including some of the most prominent and respected.26 No matter how much states around the world might disagree with the United States on other issues (most notably on its war in Iraq), there is a compelling incentive for them to cooperate to confront any international terrorist problem emanating from groups and individuals connected to, or sympathetic with, al-Qaida. Although these multilateral efforts, particularly by such Muslim states as Libya, Pakistan, Sudan, Syria, and even Iran, may not have received sufficient publicity, these countries have felt directly threatened by the militant network, and their diligent and aggressive efforts have led to important breakthroughs against the group.27 Thus a terrorist bombing in Bali in 2002 galvanized the Indonesian government into action and into making extensive arrests and obtaining convictions. When terrorists attacked Saudis in Saudi Arabia in 2003, the government became considerably more serious about dealing with internal terrorism, including a clampdown on radical clerics and preachers. The main result of al-Qaida-linked suicide terrorism in Jordan in 2005 was to outrage Jordanians and other Arabs against the perpetrators. In polls conducted in thirty-five predominantly Muslim countries by 2008, more than 90 percent condemned bin Laden’s terrorism on religious grounds.28 In addition, the mindless brutalities of al-Qaida-affiliated combatants in Iraq—staging beheadings at mosques, bombing playgrounds, taking over hospitals, executing ordinary citizens, performing forced marriages—eventually turned the Iraqis against them, including many of those who had previously been fighting the U.S. occupation either on their own or in connection with the group.29 In fact, they seem to have managed to alienate the entire population: data from polls in Iraq in 2007 indicate that 97 percent of those surveyed opposed efforts to recruit foreigners to fight in Iraq; 98 percent opposed the militants’ efforts to gain control of territory; and 100 percent considered attacks against Iraqi civilians “unacceptable.”30 In Iraq as in other places, “al-Qaeda is its own worst enemy,” notes Robert Grenier, a former top CIA counterterrorism official. “Where they have succeeded initially, they very quickly discredit themselves.”31 Grenier’s improbable company in this observation is Osama bin Laden, who was so concerned about al-Qaida’s alienation of most Muslims that he argued from his hideout that the organization should take on a new name.32 Al-Qaida has also had great difficulty recruiting Americans. The group’s most important, and perhaps only, effort at this is the Lackawanna experience, when a smooth-talking operative returned to the upstate New York town in early 2000 and tried to convert young Yemini-American men to join the cause (case 5). In the summer of 2001, seven agreed to accompany him to an al-Qaida training camp, and several more were apparently planning to go later. Appalled at what they found there, however, six of the seven returned home and helped to dissuade those in the next contingent.

### 1NC Bioterror

#### No bioterror impact

Keller 13-- Analyst at Stratfor, Post-Doctoral Fellow at University of Colorado at Boulder (Rebecca, 2013, "Bioterrorism and the Pandemic Potential," http://www.stratfor.com/weekly/bioterrorism-and-pandemic-potential)

It is important to remember that the risk of biological attack is very low and § Marked 15:37 § that, partly because viruses can mutate easily, the potential for natural outbreaks is unpredictable. The key is having the right tools in case of an outbreak, epidemic or pandemic, and these include a plan for containment, open channels of communication, scientific research and knowledge sharing. In most cases involving a potential pathogen, the news can appear far worse than the actual threat. Infectious Disease Propagation Since the beginning of February there have been occurrences of H5N1 (bird flu) in Cambodia, H1N1 (swine flu) in India and a new, or novel, coronavirus (a member of the same virus family as SARS) in the United Kingdom. In the past week, a man from Nepal traveled through several countries and eventually ended up in the United States, where it was discovered he had a drug-resistant form of tuberculosis, and the Centers for Disease Control and Prevention released a report stating that antibiotic-resistant infections in hospitals are on the rise. In addition, the United States is experiencing a worse-than-normal flu season, bringing more attention to the influenza virus and other infectious diseases. The potential for a disease to spread is measured by its effective reproduction number, or R-value, a numerical score that indicates whether a disease will propagate or die out. When the disease first occurs and no preventive measures are in place, the reproductive potential of the disease is referred to as R0, the basic reproduction rate. The numerical value is the number of cases a single case can cause on average during its infectious period. An R0 above 1 means the disease will likely spread (many influenza viruses have an R0 between 2 and 3, while measles had an R0 value of between 12 and 18), while an R-value of less than 1 indicates a disease will likely die out. Factors contributing to the spread of the disease include the length of time people are contagious, how mobile they are when they are contagious, how the disease spreads (through the air or bodily fluids) and how susceptible the population is. The initial R0, which assumes no inherent immunity, can be decreased through control measures that bring the value either near or below 1, stopping the further spread of the disease. Both the coronavirus family and the influenza virus are RNA viruses, meaning they replicate using only RNA (which can be thought of as a single-stranded version of DNA, the more commonly known double helix containing genetic makeup). The rapid RNA replication used by many viruses is very susceptible to mutations, which are simply errors in the replication process. Some mutations can alter the behavior of a virus, including the severity of infection and how the virus is transmitted. The combination of two different strains of a virus, through a process known as antigenic shift, can result in what is essentially a new virus. Influenza, because it infects multiple species, is the hallmark example of this kind of evolution. Mutations can make the virus unfamiliar to the body's immune system. The lack of established immunity within a population enables a disease to spread more rapidly because the population is less equipped to battle the disease. The trajectory of a mutated virus (or any other infectious disease) can reach three basic levels of magnitude. An outbreak is a small, localized occurrence of a pathogen. An epidemic indicates a more widespread infection that is still regional, while a pandemic indicates that the disease has spread to a global level. Virologists are able to track mutations by deciphering the genetic sequence of new infections. It is this technology that helped scientists to determine last year that a smattering of respiratory infections discovered in the Middle East was actually a novel coronavirus. And it is possible that through a series of mutations a virus like H5N1 could change in such a way to become easily transmitted between humans. Lessons Learned There have been several influenza pandemics throughout history. The 1918 Spanish Flu pandemic is often cited as a worst-case scenario, since it infected between 20 and 40 percent of the world's population, killing roughly 2 percent of those infected. In more recent history, smaller incidents, including an epidemic of the SARS virus in 2003 and what was technically defined as a pandemic of the swine flu (H1N1) in 2009, caused fear of another pandemic like the 1918 occurrence. The spread of these two diseases was contained before reaching catastrophic levels, although the economic impact from fear of the diseases reached beyond the infected areas. Previous pandemics have underscored the importance of preparation, which is essential to effective disease management. The World Health Organization lays out a set of guidelines for pandemic prevention and containment. The general principles of preparedness include stockpiling vaccines, which is done by both the United States and the European Union (although the possibility exists that the vaccines may not be effective against a new virus). In the event of an outbreak, the guidelines call for developed nations to share vaccines with developing nations. Containment strategies beyond vaccines include quarantine of exposed individuals, limited travel and additional screenings at places where the virus could easily spread, such as airports. Further measures include the closing of businesses, schools and borders. Individual measures can also be taken to guard against infection. These involve general hygienic measures -- avoiding mass gatherings, thoroughly washing hands and even wearing masks in specific, high-risk situations. However, airborne viruses such as influenza are still the most difficult to contain because of the method of transmission. Diseases like noroviruses, HIV or cholera are more serious but have to be transmitted by blood, other bodily fluids or fecal matter. The threat of a rapid pandemic is thereby slowed because it is easier to identify potential contaminates and either avoid or sterilize them. Research is another important aspect of overall preparedness. Knowledge gained from studying the viruses and the ready availability of information can be instrumental in tracking diseases. For example, the genomic sequence of the novel coronavirus was made available, helping scientists and doctors in different countries to readily identify the infection in limited cases and implement quarantine procedures as necessary. There have been only 13 documented cases of the novel coronavirus, so much is unknown regarding the disease. Recent cases in the United Kingdom indicate possible human-to-human transmission. Further sharing of information relating to the novel coronavirus can aid in both treatment and containment. Ongoing research into viruses can also help make future vaccines more efficient against possible mutations, though this type of research is not without controversy. A case in point is research on the H5N1 virus. H5N1 first appeared in humans in 1997. Of the more than 600 cases that have appeared since then, more than half have resulted in death. However, the virus is not easily transmitted because it must cross from bird to human. Human-to-human transmission of H5N1 is very rare, with only a few suspected incidents in the known history of the disease. While there is an H5N1 vaccine, it is possible that a new variation of the vaccine would be needed were the virus to mutate into a form that was transmittable between humans. Vaccines can take months or even years to develop, but preliminary research on the virus, before an outbreak, can help speed up development. In December 2011, two separate research labs, one in the United States and one in the Netherlands, sought to publish their research on the H5N1 virus. Over the course of their research, these labs had created mutations in the virus that allowed for airborne transmission between ferrets. These mutations also caused other changes, including a decrease in the virus's lethality and robustness (the ability to survive outside the carrier). Publication of the research was delayed due to concerns that the results could increase the risk of accidental release of the virus by encouraging further research, or that the information could be used by terrorist organizations to conduct a biological attack. Eventually, publication of papers by both labs was allowed. However, the scientific community imposed a voluntary moratorium in order to allow the community and regulatory bodies to determine the best practices moving forward. This voluntary ban was lifted for much of the world on Jan. 24, 2013. On Feb. 21, the National Institutes of Health in the United States issued proposed guidelines for federally funded labs working with H5N1. Once standards are set, decisions will likely be made on a case-by-case basis to allow research to continue. Fear of a pandemic resulting from research on H5N1 continues even after the moratorium was lifted. Opponents of the research cite the possibility that the virus will be accidentally released or intentionally used as a bioweapon, since information in scientific publications would be considered readily available. The Risk-Reward Equation The risk of an accidental release of H5N1 is similar to that of other infectious pathogens currently being studied. Proper safety standards are key, of course, and experts in the field have had a year to determine the best way to proceed, balancing safety and research benefits. Previous work with the virus was conducted at biosafety level three out of four, which requires researchers wearing respirators and disposable gowns to work in pairs in a negative pressure environment. While many of these labs are part of universities, access is controlled either through keyed entry or even palm scanners. There are roughly 40 labs that submitted to the voluntary ban. Those wishing to resume work after the ban was lifted must comply with guidelines requiring strict national oversight and close communication and collaboration with national authorities. The risk of release either through accident or theft cannot be completely eliminated, but given the established parameters the risk is minimal. The use of the pathogen as a biological weapon requires an assessment of whether a non-state actor would have the capabilities to isolate the virulent strain, then weaponize and distribute it. Stratfor has long held the position that while terrorist organizations may have rudimentary capabilities regarding biological weapons, the likelihood of a successful attack is very low. Given that the laboratory version of H5N1 -- or any influenza virus, for that matter -- is a contagious pathogen, there would be two possible modes that a non-state actor would have to instigate an attack. The virus could be refined and then aerosolized and released into a populated area, or an individual could be infected with the virus and sent to freely circulate within a population. There are severe constraints that make success using either of these methods unlikely. The technology needed to refine and aerosolize a pathogen for a biological attack is beyond the capability of most non-state actors. Even if they were able to develop a weapon, other factors such as wind patterns and humidity can render an attack ineffective. Using a human carrier is a less expensive method, but it requires that the biological agent be a contagion. Additionally, in order to infect the large number of people necessary to start an outbreak, the infected carrier must be mobile while contagious, something that is doubtful with a serious disease like small pox. The carrier also cannot be visibly ill because that would limit the necessary human contact. As far as continued research is concerned, there is a risk-reward equation to consider. The threat of a terrorist attack using biological weapons is very low. And while it is impossible to predict viral outbreaks, it is important to be able to recognize a new strain of virus that could result in an epidemic or even a pandemic, enabling countries to respond more effectively. All of this hinges on the level of preparedness of developed nations and their ability to rapidly exchange information, conduct research and promote individual awareness of the threat.

#### -- Tech hurdles prevent bioterror

Mueller 6 (John, Chair of National Security Studies – Mershon Center and Professor of Political Science – Ohio State University, Overblown, p. 24)

Not only has the science about chemical and biological weapons been quite sophisticated for more than a century, but that science has become massively more developed over that period. Moreover, govern­ments (not just small terrorist groups) have spent a great deal of money over decades in an effort to make the weapons more effective. Yet, although there have been great improvements in the lethality, effective­ness, and deployment of conventional and nuclear weapons during that time, the difficulties of controlling and dispersing chemical and biological substances seem to have persisted. Perhaps dedicated terrorists will, in time, figure it out. However, the experience in the 1990s of the Japanese cult Aum Shinrikyo suggests there are great difficulties. The group had some 300 scientists in its employ and an estimated budget of $1 billion, and it reportedly tried at least nine times over five years to set off biological weapons by spray­ing pathogens from trucks and wafting them from rooftops, hoping fancifully to ignite an apocalyptic war**. These efforts failed to create a single fatality**; in fact, nobody even noticed that the attacks had taken place. It was at that point that the group abandoned its biological efforts in frustration and instead turned to the infamous sarin chemical attack.29 As two analysts stress, there have been so few biological (and chem­ical) terrorist attacks because they would require overcoming several **major technological hurdles**. Among them: gaining access to specialized ingredients, acquiring equipment and know-how to produce and dis­perse the agents, and creating an organization that can resist infiltration or early detection by law enforcement." In the meantime, the science with respect to detecting and ably responding to such attacks is likely to grow. Although acknowledging that things could change in the future, the Gilmore Commission has concluded, "As easy as some argue that it may be for terrorists to culture anthrax spores or brew up a concoction of deadly nerve gas, the effective dissemination or dispersal of these viruses and poisons still presents seri­ous technological hurdles that greatly inhibit their effective use.

#### -- No acquisition

Burton and Stewart 8 (Fred and Scott, Stratfor Intelligence, “Busting the Anthrax Myth”, 7-30,

http://www.stratfor.com/weekly/busting\_anthrax\_myth)

Operating in the badlands along the Pakistani-Afghan border, al Qaeda cannot easily build large modern factories capable of producing large quantities of agents or toxins. Such fixed facilities are expensive and consume a lot of resources. Even if al Qaeda had the spare capacity to invest in such facilities, the fixed nature of them means that they could be compromised and quickly destroyed by the United States. If al Qaeda could somehow create and hide a fixed biological weapons facility in Pakistan’s Federally Administered Tribal Areas or North-West Frontier Province, it would still face the daunting task of transporting large quantities of biological agents from the Pakistani badlands to targets in the United States or Europe. Al Qaeda operatives certainly can create and transport small quantities of these compounds, but not enough to wreak the kind of massive damage it desires. Al Qaeda’s lead chemical and biological weapons expert, Midhat Mursi al-Sayid Umar, also known as Abu Khabab al-Masri, was reportedly killed on July 28, 2008, by a U.S. missile strike on his home in Pakistan. Al-Sayid, who had a $5 million dollar bounty on his head, was initially reported to have been one of those killed in the January 2006 strike in [Damadola](http://www.stratfor.com/bin_laden_tape_and_strike_damadola). If he was indeed killed, his death should be another significant blow to the group’s biological warfare efforts. Of course, we must recognize that the jihadist threat goes just beyond the al Qaeda core. As we have been writing for several years now, al Qaeda has undergone a metamorphosis from a smaller core group of professional operatives into an operational model that encourages independent grassroots jihadists to conduct attacks. The core al Qaeda group, through men like al-Sayid, has published manuals in hard copy and on the Internet that provide instructions on how to manufacture rudimentary biological weapons. It is our belief that independent jihadist cells and lone-wolf jihadists will almost certainly attempt to brew up some of the recipes from the al Qaeda cookbook. There also exists a very real threat that a jihadist sympathizer could obtain a small quantity of deadly biological organisms by infiltrating a research facility. This means that we likely will see some limited attempts at employing biological weapons. That does not mean, however, that such attacks will be large-scale or create mass casualties. The Bottom Line While there has been much consternation and alarm-raising over the potential for widespread proliferation of biological weapons and the possible use of such weapons on a massive scale, there are significant constraints on such designs. The current dearth of substantial biological weapons programs and arsenals by governments worldwide, and the even smaller number of cases in which systems were actually used, seems to belie — or at least bring into question — the intense concern about such programs.

### A2: Bioterror O/W Nuke War

#### Nuclear war outweighs – bioweapons leave survivors and land intact

Klotz 09

[Lynn, former Harvard University faculty member and biotechnology executive, Senior Science Fellow at the Center for Arms Control and Non Proliferation and a long-time member of the Scientists' Working Group on Chemical and Biological Weapons. He has published several papers on biological and chemical weapons issues relating to biotechnology, industry and Biological Weapons Convention (BWC) compliance and verification issues. And Edward Sylvester, professor of journalism at the Walter Cronkite School of Journalism and Mass Communication, Arizona State University, Breeding Bio Insecurity: How U.S. Biodefense Is Exporting Fear, Globalizing Risk, and Making Us All Less Secure, October 2009, P 129-130]

However, if we simply consider the lethality and morbidity or contagiousness of the agents themselves, we come to a point of universal agreement. Anthrax and the other major bioweapons agents complete a cast of microscopic horrors to populate the worst nightmares, and later it will be clear why. Terrible as they might be, the natural outbreaks and epidemics of these agents only kill some percentage of their victims—nothing like, say, a hydrogen bomb. But the outcome of warfare conducted with microbial agents recrafted with the powerful new tools of biology could be another story. Under that scenario, many scientists fear fatality rates that rocket off the charts. Biological warfare deaths and permanent casualties may grow to the same unthinkable magnitude as those of nuclear war. They could truly become “weapons of mass death”—not of mass destruction, because microbial and chemical agents do not destroy buildings or, if carefully designed, leave land uninhabitable. Just as in a nuclear attack, some would survive, but they likely would fi nd themselves in the world forecast by Soviet leader Nikita Khrushchev, who reportedly said that following a nuclear exchange, “the living would envy the dead.”11