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### 2AC – Topicality USAF Into Hostilities

#### 1. We meet – Nuclear weapons use decisions are made by service people in the Armed forces.

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#### 2. Counterinterpretation - The armed forces are the Army, Navy, Air Force, Marine Corp, Special ops and Strategic forces. Includes nuclear forces.

US Code 10 subsection 111 'Military Force Structure Review Act of 1996'. \*\*\* Current through PL 113-31, approved 8/9/13 \*\*\* TITLE 10. ARMED FORCES SUBTITLE A. GENERAL MILITARY LAW PART I. ORGANIZATION AND GENERAL MILITARY POWERS CHAPTER 2. DEPARTMENT OF DEFENSE Go to the United States Code Service Archive Directory 10 USCS § 111 Lexis

"(1) The term ' above the line' force structure of the Armed Forces' means the force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

"(A) In the case of the Army, the division.

"(B) In the case of the Navy, the battle group.

"(C) In the case of the Air Force, the wing.

"(D) In the case of the Marine Corps, the expeditionary force.

"(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

"(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

"(2) The term 'Commission on Roles and Missions of the Armed Forces' means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1738; 10 U.S.C. 111 note).

[*To contextualize - SS]* (1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 923(d). The purpose of the assessment is to develop proposals for an 'above the line' force structure of the Armed Forces and to provide the Secretary and Congress recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

#### 3. We meet the counter interp – the plan restricts the president’s war powers if not their argument is semantical quibbling. The affirmative has to redefine the scope of the war powers authority – their view of topicality is self-defeating because it would demand all affirmatives endorse status quo limits on prez pwrs.

Lobel 2012 JULES LOBEL Professor of Law, University of Pittsburgh Law School Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War. \*OHIO STATE LAW JOURNAL [Vol. 69:391

Given the fatal flaws in all of the approaches discussed above, perhaps the suppositions that underlie those theories should be reexamined before formulating a new theory. The alternative approach to be explored in the remainder of this Article starts by challenging the commonly accepted understanding that the President has exclusive authority over battlefield operations and that Congress cannot participate in the conduct of campaigns. As a matter of constitutional logic and history, that usually agreed on proposition is untenable. 60 As Part II of this Article demonstrates, throughout our history—from the QuasiWar with France to the Civil War to the Vietnam conflict—on numerous occasions Congress has enacted legislation that interfered with the President’s socalled exclusive authority over battlefield operations and campaigns. Moreover, the constitutional grant of authority to the President to be Commander in Chief was not designed by the Framers to preclude congressional authority over the conduct of warfare. Rather, the Framers’ grant to Congress of the powers to raise and support armies, to declare war, to issue letters of marque and reprisal, and to provide rules for the armed forces and rules governing captures was designed to provide important checks on the President’s Commander in Chief power. There is no basis in the text of the Constitution or logic to limit Congress’s substantive power over the conduct of warfare powers and make them subservient to the President’s Commander in Chief power. For example, Congress’s power to raise an army means that it can raise an army with certain weapons, not others, and a certain number of troops and no more. As Professor Stephen Carter points out: Nothing in the language or structure of the Constitution suggests a distinction between rules limiting the number of tanks and limiting the theatres of operation. One might, I suppose, try to argue that restrictions on the number of soldiers or amount of equipment are limits on what the armed forces shall be; stipulations on where or how these forces can fight are limits on what the armed forces may do. But that difference—if it is a difference—is merely semantical. 61 Congress can therefore say the army shall not be one with nuclear weapons or that it shall have nuclear weapons but only use them in response to a nuclear attack—both of which would be important restrictions on the President’s ability to use tactical nuclear weapons in a battlefield situation. Or the Congress could (and has) said that it will be an army that does not use ground troops in a particular conflict, or does not torture prisoners. All these restrictions, which Carter views as definitional and nearly always constitutional, effectively say, “We have created this army, not that one.” 62 So too, the congressional power to declare or authorize war has been long held to permit Congress to authorize and wage a limited war—“limited in place, in objects, and in time.” 63 When Congress places such restrictions on the President’s authority to wage war, it limits the President’s discretion to conduct battlefield operations. For example, Congress authorized President George H. W. Bush to attack Iraq in response to Iraq’s 1990 invasion of Kuwait, but it confined the President’s authority to the use of U.S. armed forces pursuant to U.N. Security Council resolutions directed to force Iraqi troops to leave Kuwait. That restriction would not have permitted the President to march into Baghdad after the Iraqi army had been decisively ejected from Kuwait, a limitation recognized by President Bush himself. 64 Yet that restriction seems to be the very kind of limitation on a President’s tactical battlefield command that the commonly accepted premise would not permit. But if Congress can thus limit the purpose of the war against an enemy, why could it not impose other similar restrictions— limiting for example the theater of war, or even the places the military can attack? If the 1991 Persian Gulf Resolution was constitutional—and nobody claimed it was not—Congress could have authorized war against Germany for the purpose of protecting Britain and liberating Western Europe, while not permitting combat operations into Germany or other theaters of action such as the Middle East or North Africa. Congress would never have done so, but the 1991 Persian Gulf authorization suggests that it could have. The 1991 Persian Gulf authorization is not an anomaly; Congress has limited the objects, purposes, and tactics Presidents could use in conducting war throughout our history.

#### 4. Counterinterpretation – The presidential control of nuclear weapons resides in what Justice Jackson called the “ Zone of Twilight” – even if not specifically granted by congress – the effective control and lack of restriction means nuclear weapons control is War powers authority.

Hemesath 2000 PAUL A. HEMESATH\* J.D./M.S.F.S. Georgetown University Law Center, School of Foreign Service, 2001; B.A. University of California at Los Angeles, 1996 88 Geo. L.J. 2473 1999-2000 Who's Got the Button? Nuclear War Powers Uncertainty in the Post-Cold War Era

As intimated above, the end of the Cold War has brought fundamental change to the war powers regime. The post-Cold War era has signaled a normalization of previously heightened tensions, resulting in a change in the way that nuclear weapons may be classified. First, the decline of Cold War tensions has stripped the Executive of justifications for the accretion of unilateral presidential power, exposing it to attacks regarding the constitutionality of the war powers authority it continues to wield. The decline of Cold War hysteria, perhaps justified at the time, suggests that the "tacit deal" described by Ely may be coming to an end. 113 In its place, the Congress may demand a reversion to the constitutional standards imposed by the Framers. Specifically, in light of the normalization of the national security threat, Congress may assert its claim to be consulted before acts of conventional war, and particularly, acts of possible nuclear war. If the Cold War actually required an exception to the Constitution for the sake of national security, its decline may also signal a necessary return to original principles. Second, the substitution of the dangers of terrorism for the Soviet threat, and the resulting decline of deterrence as a primary strategic tool, has constitutionally redefined the use of nuclear weapons because the use of nuclear weapons may no longer be characterized as merely a repelling action, as envisioned by the Framers.114 If nuclear arsenals do not effectively deter the violent acts of terrorists, as they deterred the Soviets from first-strikes, any eventual use must be defined under the alternatives: offensive attack or reprisal- 15-military actions that would not be countenanced by the repel exception to the War Powers Clause." 6 Therefore, the transformation of nuclear weapons from deterrence based, defensive shields to reprisal-seeking, offensive weapons, carrying a possible inherent declaration of war, may bring their use closer to the sphere of congressional control. 11 The significance of these two changes is amplified by application of the Steel Seizure case.t18 In a widely accepted concurrence, Justice Jackson divided the foreign powers of the presidency into three zones of constitutional scrutiny.1 9 The Executive, Jackson held, wields the most power to act in foreign relations when Congress has explicitly approved its actions, and the least power when Congress explicitly disapproves of its actions.120 Where Congress remains silent, the President's powers exist in an ambiguous zone of "twilight."121 Applying the Steel Seizure case to congressional attitudes during the Cold War, the phenomenon of presidential aggrandizement could be classified as operating under the ambiguous zone of twilight. Although Congress passed no law explicitly authorizing the President to take control of nuclear weapons, it tacitly supported the presidential control of nuclear weapons because tense U.S.-Soviet relations and the realities of a delicate deterrence strategy demanded deference. 122 Indeed, during the Cold War, to reserve any part of the nuclear command control process to congressional deliberation would have weakened the appearance of a perfectly responsive deterrence mechanism. 23 Thus, during the Cold War, the Executive could be said to have been operating under the middle zone of the Steel Seizure test: with nebulous and tacit congressional approval, but lacking the permanence or legitimacy of a mandate actually legislated by Congress. However, with the decline of traditional deterrence models in the post-Cold War period, extreme deference to the Executive-previously granted to demonstrate the appearance of an immediately responsive nuclear response-is no longer necessary because no enemy retains the ability to launch a counter-force attack, 124 nor is deference to the Executive an effective means of ensuring national security in the context of terrorism.1 25 As a result, the status of a solely presidential nuclear decision has transformed from an authority secured by the perceived need for executive brinksmanship to one where Congress may plausibly reassert its prerogatives in light of a return to normalcy.

#### 5. Reasons to prefer -

#### A. Legal Precision – The negative’s interpretation is ridiculous and relies on a faulty reading of the War Powers Resolution and ignores the context of “hostilities” – it would mean that the bombing of Cambodia wouldn’t have been covered by the resolution that was written to ban it

#### **1AR**

Fisher 12 Military Operations in Libya: No War? No Hostilities? Louis Fisher is Scholar in Residence at The Constitution Project. He spent four decades at the Library of Congress from 1970 to 2010, ﬁrst as Senior Specialist in Separation of Powers at the Congressional Research Service and later as Specialist in Constitutional Law at the Law Library. The Constitution Project Presidential Studies Quarterly 42, no. 1 (March)

Several issues of interest appear in this sentence. First, it speaks of no need for “further congressional authorization.” Further? There had been no congressional authorization at all for the Libyan military action. Second, the administration interpreted the word “hostilities” in the War Powers Resolution to mean that hostilities did not exist with the U.S. military effort in Libya: U.S. forces are playing a constrained and supporting role in a multinational coalition, whose operations are both legitimated by and limited to the terms of a United Nations Security Council Resolution that authorizes the use of force solely to protect civilians and civilian populated areas under attack or threat of attack and to enforce a no-ﬂy zone and an arms embargo. U.S. operations do not involve sustained ﬁghting or active exchanges of ﬁre with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any signiﬁcant chance of escalation into a conﬂict characterized by those factors. (U.S. White House 2011d, 25) This interpretation is unpersuasive. It ignores the political context under which the War Powers Resolution was debated and enacted. Part of the momentum behind passage of the statute concerned the decision of the Nixon administration to bomb Cambodia (Eagleton 1974, 150-83). The massive U.S. air campaign did not involve “sustained ﬁghting or active exchanges of ﬁre with hostile forces,” the presence of U.S. ground troops, or substantial U.S. casualties (U.S. White House 2011d, 25). Nevertheless, it was understood by all parties that the bombing constituted hostilities and helped prompt Congress to enact statutory restrictions on presidential power. According to the analysis by the Obama administration, if the United States conducted military operations by bombing at 30,000 feet, launching Tomahawk missiles from ships in the Mediterranean, and using armed drones, there would be no “hostilities” in Libya (or anywhere else) under the terms of the War Powers Resolution, provided that U.S. casualties were minimal or nonexistent. Under that interpretation, a nation with superior military force could pulverize another country—including the use of nuclear weapons—and there would be neither hostilities nor war. Although OLC in its April 1 memo offered a legal defense for President Obama’s military actions in Libya, despite the lack of statutory authorization, it was later asked to argue that “hostilities” (as used in the War Powers Resolution) were absent in Libya. It refused to offer that conclusion.

#### Aff Flexibility – Their interpretation favors a mythical and static view of presidential powers – the aff must change the scope of these powers, their interpretation confines the aff to indefensible positions.

#### Functional Limits – solvency advocates and CP are checks on these potential affirmatives

#### Predictability -- Their interpretation is absurd, creates terrible debates and is historically inaccurate. Nuclear weapons policy is the foundation and justification of contemporary expansions of the war powers – we’re literally the core of the topic.

#### → Competing Interpretations is a race to the bottom – Reasonability should be the standard to evaluate topicality, because the aff can’t win on T.

# Threats

### 2AC Ubervu

#### Crisis management should frame all your impact calculus, a world with NFU means nuclear strikes never happen – its try or die aff. 3 Reasons

#### Deterence – retaining the option to first use is more dangerous, that’s Acton. Limiting our options is the only thing that can make our threats credible.

#### Firebreak – NFU is key to maintain the nuclear taboo that prevents other nations from ever considering first striking, that’s Schwatz.

#### Accidents – the fear of nuclear stikes causes use it or loose it mentalities that force commanders to initate launch on warning policies, disperse force rapidly and haphazardly, raise alert levels and predelegate launch authority.

### A2: No accidents

#### Extend reif, US nuclear posture erodes the credibility of our deterrence making accidents more likely

#### Extend Acton, miscalculation occurs because countries get locked into use it or loose it logic forces them to raise alert levels, predelegate launch authority making

# China

### 2AC Ubervu

#### US-Chinese nuclear relations are stuck on declaratory policy, this creates the incentive for nuclear build up, that’s Kulaki. Without NFU the crisis will continue to destabilize leading to miscalculation, that’s Perkovich.

### A2: Alt causes

#### Framing issue – general relations don’t matter extend Perkovich nuclear relations are key to stabilize crisis management in the region.

#### The aff solves the alt causes, Chase says dialog could serve as a basis for Chinese participation if future multilateral arms-control negotiations reducing the underlying tension in all other dialog

### A2: No China war

#### Extend Colby and Denmark 1AC, stability of US-China nuclear relations is critical to prevent crisis escalation, they have conceded that crisis stability makes the probability of war larger than any of their offense.

# Prolif

### 2AC Ubervu

#### NPT collapsing now, that’s Perkovich. NFU is the only that can legitimize US arms control credentials, that’s Korb and Rothman. Collapse leads to massive horizontal and vertical proliferation, Bromley 2 because states give up on their commitments to the NPT. The Middle East and other conflicts escalate because of the loss of the firebreak, that’s Guzanky.

### A2: NFU doesn’t solve prolif

#### NFU solves prolif

Yin 13

(Lu Yin, Institute for Strategic Studies National Defense University, P.R. China, “An Analysis of China’s No-First-Use Policy” PROGRAM ON STRATEGIC STABILITY EVALUATION (POSSE) http://posse.gatech.edu/sites/posse.gatech.edu/files/2013-0201-NFU-POSSE%20PAPER%20BY%20LU%20YIN(final%20versionCHINA).pdf)

3. The global mechanism of nuclear non-proliferation can be further consolidated. The No-First-Use policy can fundamentally lower the role of nuclear weapons and guarantee that no relevant countries will launch preemptive strikes, and nor will they use nuclear strikes as the last resort to handle conventional conflicts. If China and the United States can reach such an agreement, it will set a good example for other countries that possess nuclear weapons to follow the same track which can remove the concerns of countries without nuclear weapons or at the threshold of possessing nuclear weapons and weaken their intention to develop nuclear weapons.

### A2 Prolif Good

#### No offense—optimists are wrong

Matthew Kroenig, Assistant Professor, Government, Georgetown University and fellow, Council on Foreign Relations, “The History of Proliferation Optimism: Does It Have a Future?” Nonproliferation Policy Education Center, 5—26—12, http://www.npolicy.org/article.php?aid=1182&tid=30

Proliferation Optimism: Proliferation optimism was revived in the academy in Kenneth Waltz’s 1979 book, Theory of International Politics.[[1]](#footnote-1)[29] In this, and subsequent works, Waltz argued that the spread of nuclear weapons has beneficial effects on international politics. He maintained that states, fearing a catastrophic nuclear war, will be deterred from going to war with other nuclear-armed states. As more and more states acquire nuclear weapons, therefore, there are fewer states against which other states will be willing to wage war. The spread of nuclear weapons, according to Waltz, leads to greater levels of international stability. Looking to the empirical record, he argued that the introduction of nuclear weapons in 1945 coincided with an unprecedented period of peace among the great powers. While the United States and the Soviet Union engaged in many proxy wars in peripheral geographic regions during the Cold War, they never engaged in direct combat. And, despite regional scuffles involving nuclear-armed states in the Middle East, South Asia, and East Asia, none of these conflicts resulted in a major theater war. This lid on the intensity of conflict, according to Waltz, was the direct result of the stabilizing effect of nuclear weapons. Following in the path blazed by the strategic thinkers reviewed above, Waltz argued that the requirements for deterrence are not high. He argued that, contrary to the behavior of the Cold War superpowers, a state need not build a large arsenal with multiple survivable delivery vehicles in order to deter its adversaries. Rather, he claimed that a few nuclear weapons are sufficient for deterrence. Indeed, he even went further, asserting that any state will be deterred even if it merely suspects its opponent might have a few nuclear weapons because the costs of getting it wrong are simply too high. Not even nuclear accident is a concern according to Waltz because leaders in nuclear-armed states understand that if they ever lost control of nuclear weapons, resulting in an accidental nuclear exchange, the nuclear retaliation they would suffer in response would be catastrophic. Nuclear-armed states, therefore, have strong incentives to maintain control of their nuclear weapons. Not even new nuclear states, without experience in managing nuclear arsenals, would ever allow nuclear weapons to be used or let them fall in the wrong hands. Following Waltz, many other scholars have advanced arguments in the proliferation optimist school. For example, Bruce Bueno de Mesquite and William Riker explore the “merits of selective nuclear proliferation.”[[2]](#footnote-2)[30] John Mearsheimer made the case for a “Ukrainian nuclear deterrent,” following the collapse of the Soviet Union.[[3]](#footnote-3)[31] In the run up to the 2003 Gulf War, John Mearsheimer and Steven Walt argued that we should not worry about a nuclear-armed Iraq because a nuclear-armed Iraq can be deterred.[[4]](#footnote-4)[32] And, in recent years, Barry Posen and many other realists have argued that nuclear proliferation in Iran does not pose a threat, again arguing that a nuclear-armed Iran can be deterred.[[5]](#footnote-5)[33] What’s Wrong with Proliferation Optimism? The proliferation optimist position, while having a distinguished pedigree, has several major problems. Many of these weaknesses have been chronicled in brilliant detail by Scott Sagan and other contemporary proliferation pessimists.[[6]](#footnote-6)[34] Rather than repeat these substantial efforts, I will use this section to offer some original critiques of the recent incarnations of proliferation optimism. First and foremost, proliferation optimists do not appear to understand contemporary deterrence theory. I do not say this lightly in an effort to marginalize or discredit my intellectual opponents. Rather, I make this claim with all due caution and with complete sincerity. A careful review of the contemporary proliferation optimism literature does not reflect an understanding of, or engagement with, the developments in academic deterrence theory in top scholarly journals such as the American Political Science Review and International Organization over the past few decades.[[7]](#footnote-7)[35] While early optimists like Viner and Brodie can be excused for not knowing better, the writings of contemporary proliferation optimists ignore the past fifty years of academic research on nuclear deterrence theory. In the 1940s, Viner, Brodie, and others argued that the advent of Mutually Assured Destruction (MAD) rendered war among major powers obsolete, but nuclear deterrence theory soon advanced beyond that simple understanding.[[8]](#footnote-8)[36] After all, great power political competition does not end with nuclear weapons. And nuclear-armed states still seek to threaten nuclear-armed adversaries. States cannot credibly threaten to launch a suicidal nuclear war, but they still want to coerce their adversaries. This leads to a credibility problem: how can states credibly threaten a nuclear-armed opponent? Since the 1960s academic nuclear deterrence theory has been devoted almost exclusively to answering this question.[[9]](#footnote-9)[37] And, unfortunately for proliferation optimists, the answers do not give us reasons to be optimistic. Thomas Schelling was the first to devise a rational means by which states can threaten nuclear-armed opponents.[[10]](#footnote-10)[38] He argued that leaders cannot credibly threaten to intentionally launch a suicidal nuclear war, but they can make a “threat that leaves something to chance.”[[11]](#footnote-11)[39] They can engage in a process, the nuclear crisis, which increases the risk of nuclear war in an attempt to force a less resolved adversary to back down. As states escalate a nuclear crisis there is an increasing probability that the conflict will spiral out of controland result in an inadvertent or accidental nuclear exchange. As long as the benefit of winning the crisis is greater than the incremental increase in the risk of nuclear war, threats to escalate nuclear crises are inherently credible. In these games of nuclear brinkmanship, the state that is willing to run the greatest risk of nuclear war before back down will win the crisis as long as it does not end in catastrophe. It is for this reason that Thomas Schelling called great power politics in the nuclear era a “competition in risk taking.”[[12]](#footnote-12)[40] This does not mean that states eagerly bid up the risk of nuclear war. Rather, they face gut-wrenching decisions at each stage of the crisis. They can quit the crisis to avoid nuclear war, but only by ceding an important geopolitical issue to an opponent. Or they can the escalate the crisis in an attempt to prevail, but only at the risk of suffering a possible nuclear exchange. Since 1945 there were have been many high stakes nuclear crises (by my count, there have been twenty) in which “rational” states like the United States run a risk of nuclear war and inch very close to the brink of nuclear war.[[13]](#footnote-13)[41] By asking whether states can be deterred or not, therefore, proliferation optimists are asking the wrong question. The right question to ask is: what risk of nuclear war is a specific state willing to run against a particular opponent in a given crisis? Optimists are likelycorrect when they assert that Iran will not intentionally commit national suicide by launching a bolt-from-the-blue nuclear attack on the United States or Israel. This doesnot mean that Iran will never use nuclear weapons, however. Indeed, it is almost inconceivable to think that a nuclear-armed Iran would not, at some point, find itself in a crisis with another nuclear-armed power and that it would not be willing to run any risk of nuclear war in order to achieve its objectives. If a nuclear-armed Iran and the United States or Israel have a geopolitical conflict in the future, over say the internal politics of Syria, an Israeli conflict with Iran’s client Hezbollah, the U.S. presence in the Persian Gulf, passage through the Strait of Hormuz, or some other issue, do we believe that Iran would immediately capitulate? Or is it possible that Iran would push back, possibly even brandishing nuclear weapons in an attempt to deter its adversaries? If the latter, there is a real risk that proliferation to Iran could result in nuclear war. An optimist might counter that nuclear weapons will never be used, even in a crisis situation, because states have such a strong incentive, namely national survival, to ensure that nuclear weapons are not used. But, this objection ignores the fact that leaders operate under competing pressures. Leaders in nuclear-armed states also have very strong incentives to convince their adversaries that nuclear weapons could very well be used. Historically we have seen that in crises, leaders purposely do things like put nuclear weapons on high alert and delegate nuclear launch authority to low level commanders, purposely increasing the risk of accidental nuclear war in an attempt to force less-resolved opponents to back down. Moreover, not even the optimists’ first principles about the irrelevance of nuclear posture stand up to scrutiny. Not all nuclear wars would be equally devastating.[[14]](#footnote-14)[42] Any nuclear exchange would have devastating consequences no doubt, but, if a crisis were to spiral out of control and result in nuclear war, any sane leader would rather be facing a country with five nuclear weapons than one with thirty-five thousand. Similarly, any sane leader would be willing to run a greater risk of nuclear war against the former state than against the latter. Indeed, systematic research has demonstrated that states are willing to run greater risks and, therefore, more likely to win nuclear crises when they enjoy nuclear superiority over their opponent.[[15]](#footnote-15)[43] Proliferation optimists miss this point, however, because they are still mired in 1940s deterrence theory. It is true that no rational leader would choose to launch a nuclear war, but, depending on the context, she would almost certainly be willing to risk one.Nuclear deterrence theorists have proposed a second scenario under which rational leaders could instigate a nuclear exchange: a limited nuclear war.[[16]](#footnote-16)[44] By launching a single nuclear weapon against a small city, for example, it was thought that a nuclear-armed state could signal its willingness to escalate the crisis, while leaving its adversary with enough left to lose to deter the adversary from launching a full-scale nuclear response. In a future crisis between a nuclear-armed China and the United States over Taiwan, for example, China could choose to launch a nuclear attack on Honolulu to demonstrate its seriousness. In that situation, with the continental United States intact, would Washington choose to launch a full-scale nuclear war on China that could result in the destruction of many more American cities? Or would it back down? China might decide to strike hoping that Washington will choose a humiliating retreat over a full-scale nuclear war. If launching a limited nuclear war could be rational, it follows that the spread of nuclear weapons increases the risk of nuclear use. Again, by ignoring contemporary developments in scholarly discourse and relying exclusively on understandings of nuclear deterrence theory that became obsolete decades ago, optimists reveal the shortcomings of their analysis and fail to make a compelling case.The optimists also error by confusing stability for the national interest.Even if the spread of nuclear weapons contributes to greater levels of international stability (which discussions above and below suggest it might not) it does not necessarily follow that the spread of nuclear weapons is in the U.S. interest. There might be other nationalgoals that trump stability, such as reducing to zero the risk of nuclear war in an important geopolitical region. Optimists might argue that South Asia is more stable when India and Pakistan have nuclear weapons, but certainly the risk of nuclear war is higher than if there were no nuclear weapons on the subcontinent. In addition, it is wrong to assume that stability is always in the national interest. Sometimes it is, but sometimes it is not. If stability is obtained because Washington is deterred from using force against a nuclear-armed adversary in a situation where using force could have advanced national goals, stability harms, rather than advances, U.S. national interests. The final gaping weakness in the proliferation optimist argument, however, is that it rests on a logical contradiction. This is particularly ironic, given that many optimists like to portray themselves as hard-headed thinkers, following their premises to their logical conclusions. But, the contradiction at the heart of the optimistargument is glaring and simple to understand: either the probability of nuclear war iszero, or it is nonzero, but it cannot be both. If the probability of nuclear war is zero, then nuclear weapons should have no deterrent effect. States will not be deterred by a nuclear war that could never occur and states should be willing to intentionally launch large-scale wars against nuclear-armed states. In this case, proliferation optimists cannot conclude that the spread of nuclear weapons is stabilizing. If, on the other hand, the probability of nuclear war is nonzero, then there is a real danger that the spread of nuclear weapons increases the probability of a catastrophicnuclear war. If this is true, then proliferation optimists cannot be certain that nuclear weapons will never be used. In sum, the spread of nuclear weapons can either raise the risk of nuclear war and in so doing, deter large-scale conventional conflict. Or there is no danger that nuclear weapons will be used and the spread of nuclear weapons does not increase international instability. But, despite the claims of the proliferation optimists, it is nonsensical to argue that nuclear weapons will never be used and to simultaneously claim that their spread contributes to international stability. Proliferation Anti-obsessionists: Other scholars, who I label “anti-obsessionists” argue that the spread of nuclear weapons has neither been good nor bad for international politics, but rather irrelevant. They argue that academics and policymakers concerned about nuclear proliferation spend too much time and energy obsessing over something, nuclear weapons, that, at the end of the day, are not all that important. In Atomic Obsession, John Mueller argues that widespread fears about the threat of nuclear weapons are overblown.[[17]](#footnote-17)[45] He acknowledges that policymakers and experts have often worried that the spread of nuclear weapons could lead to nuclear war, nuclear terrorism and cascades of nuclear proliferation, but he then sets about systematically dismantling each of these fears. Rather, he contends that nuclear weapons have had little effect on the conduct of international diplomacy and that world history would have been roughly the same had nuclear weapons never been invented. Finally, Mueller concludes by arguing that the real problem is not nuclear proliferation, but nuclear nonproliferation policy because states do harmful things in the name of nonproliferation, like take military action and deny countries access to nuclear technology for peaceful purposes. Similarly, Ward Wilson argues that, despite the belief held by optimists and pessimists alike, nuclear weapons are not useful tools of deterrence.[[18]](#footnote-18)[46] In his study of the end of World War II, for example, Wilson argues that it was not the U.S. use of nuclear weapons on Hiroshima and Nagasaki that forced Japanese surrender, but a variety of other factors, including the Soviet Union’s decision to enter the war. If the actual use of nuclear weapons was not enough to convince a country to capitulate to its opponent he argues, then there is little reason to think that the mere threat of nuclear use has been important to keeping the peace over the past half century. Leaders of nuclear-armed states justify nuclear possession by touting their deterrent benefits, but if nuclear weapons have no deterrent value, there is no reason, Ward claims, not to simply get rid of them. Finally, Anne Harrington de Santana argues that nuclear experts “fetishize” nuclear weapons.[[19]](#footnote-19)[47] Just like capitalists, according to Karl Marx, bestow magical qualities on money, thus fetishizing it, she argues that leaders and national security experts do the same thing to nuclear weapons. Nuclear deterrence as a critical component of national security strategy, according to Harrington de Santana, is not inherent in the technology of nuclear weapons themselves, but is rather the result of how leaders in countries around the world think about them. In short, she argues, “Nuclear weapons are powerful because we treat them as powerful.”[[20]](#footnote-20)[48] But, she maintains, we could just as easily “defetish” them, treating them as unimportant and, therefore, rendering them obsolete. She concludes that “Perhaps some day, the deactivated nuclear weapons on display in museums across the United States will be nothing more than a reminder of how powerful nuclear weapons used to be.”[[21]](#footnote-21)[49] The anti-obsessionists make some thought-provoking points and may help to reign in some of the most hyperbolic accounts of the effect of nuclear proliferation. They remind us, for example, that our worst fears have not been realized, at least not yet. Yet, by taking the next step and arguing that nuclear weapons have been, and will continue to be, irrelevant, they go too far. Their arguments call to mind the story about the man who jumps to his death from the top of a New York City skyscraper and, when asked how things are going as he passes the 15th story window, replies, “so far so good.”The idea that world history would have been largely unchanged had nuclear weapons not been invented is a provocative one, but it is also unfalsifiable. There is good reason to believe that world history would have been different, and in many ways better, had certain countries not acquired nuclear weapons. Let’s take Pakistan as an example. Pakistan officially joined the ranks of the nuclear powers in May 1998 when it followed India in conducting a series of nuclear tests. Since then, Pakistan has been a poster child for the possible negative consequences of nuclear proliferation. Pakistan’s nuclear weapons have led to further nuclear proliferation as Pakistan, with the help of rogue scientist A.Q. Khan, transferred uranium enrichment technology to Iran, Libya, and North Korea.[[22]](#footnote-22)[50] Indeed, part of the reason that North Korea and Iran are so far along with their uranium enrichment programs is because they got help from Pakistan. Pakistan has also become more aggressive since acquiring nuclear weapons, displaying an increased willingness to sponsor cross-border incursions into India with terrorists and irregular forces.[[23]](#footnote-23)[51] In a number of high-stakes nuclear crises between India and Pakistan, U.S. officials worried that the conflicts could escalate to a nuclear exchange and intervened diplomatically to prevent Armageddon on the subcontinent. The U.S. government also worries about the safety and security of Pakistan’s nuclear arsenal, fearing that Pakistan’s nukes could fall into the hands of terrorists in the event of a state collapse or a break down in nuclear security. And we still have not witnessed the full range of consequences arising from Pakistani nuclear proliferation. Islamabad has only possessed the bomb for a little over a decade, but they are likely to keep it for decades to come, meaning that we could still have a nuclear war involving Pakistan. In short, Pakistan’s nuclear capability has already had deleterious effects on U.S. national security and these threats are only likely to grow over time. In addition, the anti-obsessionists are incorrect to argue that the cure of U.S. nuclear nonproliferation policy is worse than the disease of proliferation. Many observers would agree with Mueller that the U.S. invasion of Iraq in 2003 was a disaster, costing much in the way of blood and treasure and offering little strategic benefit. But the Iraq War is hardly representative of U.S. nonproliferation policy. For the most part, nonproliferation policy operates in the mundane realm of legal frameworks, negotiations, inspections, sanctions, and a variety of other tools. Even occasional preventive military strikes on nuclear facilities have been far less calamitous than the Iraq War. Indeed, the Israeli strikes on nuclear reactors in Iraq and Syria in 1981 and 2007, respectively, produced no meaningful military retaliation and a muted international response. Moreover, the idea that the Iraq War was primarily about nuclear nonproliferation is a contestable one, with Saddam Hussein’s history of aggression, the unsustainability of maintaining the pre-war containment regime indefinitely, Saddam’s ties to terrorist groups, his past possession and use of chemical and biological weapons, and the window of opportunity created by September 11th, all serving as possible prompts for U.S. military action in the Spring of 2003. The claim that nonproliferation policy is dangerous because it denies developing countries access to nuclear energy also rests on shaky ground. If anything, the global nonproliferation regime has, on balance, increased access to nuclear technology. Does anyone really believe that countries like Algeria, Congo, and Vietnam would have nuclear reactors today were it not for Atoms for Peace, Article IV of the NPT, and other appendages of the nonproliferation regime that have provided developing states with nuclear technology in exchange for promises to forgo nuclear weapons development? Moreover, the sensitive fuel-cycle technology denied by the Nuclear Suppliers Group (NSG) and other supply control regimes is not even necessary to the development of a vibrant nuclear energy program as the many countries that have fuel-cycle services provided by foreign nuclear suppliers clearly demonstrate. Finally, the notion that nuclear energy is somehow the key to lifting developing countries from third to first world status does not pass the laugh test. Given the large upfront investments, the cost of back-end fuel management and storage, and the ever-present danger of environmental catastrophe exemplified most recently by the Fukushima disaster in Japan, many argue that nuclear energy is not a cost-effective source of energy (if all the externalities are taken into account) for any country, not to mention those developing states least able to manage these myriad challenges. Taken together, therefore, the argument that nuclear nonproliferation policy is more dangerous than the consequences of nuclear proliferation, including possible nuclear war, is untenable. Indeed, it would certainly come as a surprise to the mild mannered diplomats and scientists who staff the International Atomic Energy Agency, the global focal point of the nuclear nonproliferation regime, located in Vienna, Austria. The anti-obsessionsists, like the optimists, also walk themselves into logical contradictions. In this case, their policy recommendations do not necessarily follow from their analyses. Ward argues that nuclear weapons are irrelevant and, therefore, we should eliminate them.[[24]](#footnote-24)[52] But, if nuclear weapons are really so irrelevant, why not just keep them lying around? They will not cause any problems if they are as meaningless as anti-obsessionists claim and it is certainly more cost effective to do nothing than to negotiate complicated international treaties and dismantle thousands of warheads, delivery vehicles, and their associated facilities. Finally, the idea that nuclear weapons are only important because we think they are powerful is arresting, but false. There are properties inherent in nuclear weapons that can be used to create military effects that simply cannot, at least not yet, be replicated with conventional munitions. If a military planner wants to quickly destroy a city on the other side of the planet, his only option today is a nuclear weapon mounted on an ICBM. Therefore, if the collective “we” suddenlydecided to “defetishize” nuclearweaponsby treating them as unimportant, it is implausible thatsome leadersomewherewouldnotindependentlycome to the idea that nuclear weapons could advance his or her country’s national security and thereby re-fetishize them.In short, the optimists and anti-obsessionists have brought an important perspective to the nonproliferation debate. Their arguments are provocative and they raise the bar for those who wish to argue that the spread of nuclear weapons is indeed a problem. Nevertheless, their counterintuitive arguments are not enough to wish away the enormous security challenges posed by the spread of the world’s most dangerous weapons. These myriad threats will be considered in the next section. Why Nuclear Proliferation Is a Problem The spread of nuclear weapons poses a number of severe threats to international peace and U.S. national security including: nuclear war, nuclear terrorism, emboldened nuclear powers, constrained freedom of action, weakened alliances, and further nuclear proliferation. This section explores each of these threats in turn. Nuclear War. The greatest threat posed by the spread of nuclear weapons is nuclear war. The more states in possession of nuclear weapons, the greater the probability that somewhere, someday, there is a catastrophic nuclear war. A nuclear exchange between the two superpowers during the Cold War could have arguably resulted in human extinction and a nuclear exchange between states with smaller nuclear arsenals, such as India and Pakistan, could still result in millions of deaths and casualties, billions of dollars of economic devastation, environmental degradation, and a parade of other horrors. To date, nuclear weapons have only been used in warfare once. In 1945, the United States used one nuclear weapon each on Hiroshima and Nagasaki, bringing World War II to a close. Many analysts point to sixty-five-plus-year tradition of nuclear non-use as evidence that nuclear weapons are unusable, but it would be naïve to think that nuclear weapons will never be used again. After all, analysts in the 1990s argued that worldwide economic downturns like the great depression were a thing of the past, only to be surprised by the dot-com bubble bursting in the later 1990s and the Great Recession of the late Naughts.[[25]](#footnote-25)[53] This author, for one, would be surprised if nuclear weapons are not used in my lifetime. Before reaching a state of MAD, new nuclear states go through a transition period in which they lack a secure-second strike capability. In this context, one or both states might believe that it has an incentive to use nuclear weapons first. For example, if Iran acquires nuclear weapons neither Iran, nor its nuclear-armed rival, Israel, will have a secure, second-strike capability. Even though it is believed to have a large arsenal, given its small size and lack of strategic depth, Israel might not be confident that it could absorb a nuclear strike and respond with a devastating counterstrike. Similarly, Iran might eventually be able to build a large and survivable nuclear arsenal, but, when it first crosses the nuclear threshold, Tehran will have a small and vulnerable nuclear force. In these pre-MAD situations, there are at least three ways that nuclear war could occur. First, the state with the nuclear advantage might believe it has a splendid first strike capability. In a crisis, Israel might, therefore, decide to launch a preemptive nuclear strike to disarm Iran’s nuclear capabilities and eliminate the threat of nuclear war against Israel. Indeed, this incentive might be further increased by Israel’s aggressive strategic culture that emphasizes preemptive action. Second, the state with a small and vulnerable nuclear arsenal, in this case Iran, might feel use ‘em or loose ‘em pressures. That is, if Tehran believes that Israel might launch a preemptive strike, Iran might decide to strike first rather than risk having its entire nuclear arsenal destroyed. Third, as Thomas Schelling has argued, nuclear war could result due to the reciprocal fear of surprise attack.[[26]](#footnote-26)[54] If there are advantages to striking first, one state might start a nuclear war in the belief that war is inevitable and that it would be better to go first than to go second. In a future Israeli-Iranian crisis, for example, Israel and Iran might both prefer to avoid a nuclear war, but decide to strike first rather than suffer a devastating first attack from an opponent. Even in a world of MAD, there is a risk of nuclear war. Rational deterrence theory assumes nuclear-armed states are governed by rational leaders that would not intentionally launch a suicidal nuclear war. This assumption appears to have applied to past and current nuclear powers, but there is no guarantee that it will continue to hold in the future. For example, Iran’s theocratic government, despite its inflammatory rhetoric, has followed a fairly pragmatic foreign policy since 1979, but it containsleaders who genuinely hold millenarian religious worldviews who could one day ascend to power and have their finger on the nuclear trigger. We cannot rule out the possibility that, as nuclear weapons continue to spread, one leader will choose to launch a nuclear war, knowing full well that it could result in self-destruction.One does not need to resort to irrationality, however, to imagine a nuclear war under MAD.Nuclear weapons may deter leaders from intentionally launching full-scale wars, but they do not mean the end of international politics. As was discussed above, nuclear-armed states still have conflicts of interest and leaders still seek to coerce nuclear-armed adversaries. This leads to the credibility problem that is at the heart of modern deterrence theory: how can you threaten to launch a suicidal nuclear war? Deterrence theorists have devised at least two answers to this question. First, as stated above, leaderscan choose to launch a limited nuclear war.[[27]](#footnote-27)[55] This strategy might be especially attractive to states in a position of conventional military inferiority that might have an incentive to escalate a crisis quickly. During the Cold War, the United States was willing to use nuclear weapons first to stop a Soviet invasion of Western Europe given NATO’s conventional inferiority in continental Europe. As Russia’s conventional military power has deteriorated since the end of the Cold War, Moscow has come to rely more heavily on nuclear use in its strategic doctrine. Indeed, Russian strategy calls for the use of nuclear weapons early in a conflict (something that most Western strategists would consider to be escalatory) as a way to de-escalate a crisis.Similarly, Pakistan’s military plans for nuclear use in the event of an invasion from conventionally stronger India. And finally, Chinese generals openly talk about the possibility of nuclear use against a U.S. superpower in a possible East Asia contingency. Second, as was also discussed above leaders can make a “threat that leaves something to chance.”[[28]](#footnote-28)[56] They can initiate a nuclear crisis. By playing these risky games of nuclear brinkmanship, states can increases the risk of nuclear war in an attempt to force a less resolved adversary to back down. Historical crises have not resulted in nuclear war, but many of them, including the 1962 Cuban Missile Crisis, have come close. And scholars have documented historical incidents when accidents could have led to war.[[29]](#footnote-29)[57] When we think about future nuclear crisis dyads, such as India and Pakistan and Iran and Israel, there are fewer sources of stability that existed during the Cold War, meaning that there is a very real risk that a future Middle East crisis could result in a devastating nuclear exchange.

### Prolif is stabilizing

#### Extend Perkovich, the NPT will collapse now, that destabilizes prolif because states give up their commitments

# Heg DA

## A2: Heg DA

#### Case outweighs

#### Accidents – the 1NC concedes nuclear escalation doesn’t happen under NFU, that’s Acton and Reif.

#### China - US primacy in Asia and the Pacific is over – even before the crash of 08, China was already catching up

Rachman 11 (Gideon Rachman, Financial Times chief foreign affairs commentator, *Zero-Sum Future*, 2011, pp 187-188)

Even before the crash of 2008, the military balance between China and the United States was shifting. Aaron Friedberg of Princeton University noted in 2009 that China's sustained military buildup meant that "everyone of the relative handful of bases on which the United States relies to sustain its presence in East Asia will soon be within range of bombardment by repeated salvos of precisely targeted Chinese conventional ballistic and cruise missiles." 21 American aircraft carriers, the key to its Pacific strategy, are particularly vulnerable to new Chinese precision-guided weapons. Friedberg warned that "Washington must find ways to counter China's evolving anti-access capabilities. If it does not, America's longstanding military dominance in East Asia will quickly disappear." 22 He was not along in his concerns. In an article on the "Pentagon's wasting assets" for Foreign Affairs, also in 2009, Andrew Krepinevich worried that "East Asian waters are slowly but surely becoming a potential no-go zone for US ships." Krepinevich pointed out that "the US military's wasting assets are the direct consequence of the unavoidable loss of its near monopoly on guided weapons."23 China has also been working on its ability to knock out the communications satellites on which American hightech warfare depends. When China blasted one of its own satellites out of the sky with a missile test in January 2007, the move was widely interpreted as an implied threat to American satellites.24 This emerging power struggle is being followed closely around the world. In the aftermath of the financial crisis I was told by a senior British policy maker, "Everywhere you go in Asia, you find questions about how long American military dominance can be maintained."25

#### Heg is insufficient to solve proliferation – Asian proliferators empirically prove.

Zbigniew Brzezinski 07 (formerly President Carter’s National Security Advisor, counselor and trustee at the Center for Strategic and International Studies and professor of American foreign policy at the School of Advanced International Studies @ Johns Hopkins University) 2007 “Second Chance” p 103

The failure to contain nuclear proliferation in the Far East and in South Asia conveyed a sobering lesson. Short of a unilateral military action--with all its unpredictable consequences—even the world's only superpower could not by itself dissuade a country firmly determined to acquire nuclear weapons. A successful preventive effort would have required an early concentration of attention on the issue, determined and coordinated mobilization of other concerned states, and early formulation of a program including both incentives, self-restraint and costly consequences for continued pursuit of nuclear weapons. In the early, heady days of American unilateral supremacy, it was easy to ignore incipient proliferation in the belief that an intimidating response by the United States would eventually suffice to halt it. The lesson bequeathed to the Clinton administration's successor was that even given the great asymmetry of power between the United States and any would-be proliferator, the only alternative to sear was genuine international cooperation, mounted on at least a regional basis, at an early stage of the nuclear challenge.

#### Theres no link diferential between the plan and cp,

#### They just read a war powers link, Syria proves theres constraints on war power now.

#### No impact: Heg does not solve war –

#### A. No threats require primacy and other factors ensure security.

Friedman and Preble 10 (Benjamin Friedman is a research fellow in defense and homeland security studies at the Cato Institute, Christopher Preble is director of foreign policy studies at the Cato Institute, Budgetary Savings from Military Restraint, September 22, 2010 Cato Policy Analysis No. 667 September 23, 2010 http://www.cato.org/pubs/pas/PA667.pdf

The United States confuses what it wants from its military, which is global primacy or hegemony, with what its needs, which is safety. Our leaders tend to exaggerate the capability of the enemies we have and invent new enemies by defining traditional foreign troubles —geopolitical competition among states and instability within them, for example—as pressing threats to our security. Geography, wealth, and nuclear weapons provide us with safety that our ancestors would envy. Our hyperactive military policies damage it by encouraging rivalry and resentment. Global military primacy is a game not worth the candle.56

#### B. No war – States have an incentive to avoid it.

Zakaria 08 (Fareed Zakaria, editor of Newsweek International, 2008, The Post-American World, p. 244)

In certain areas – the South China Sea, for example – U.S. military force is likely to be less relevant than that of China. In international negotiations, America will have to bargain and compromise with the others. Does all this add up to instability and disorder? Not necessarily. Two hundred years of Anglo-American hegemony has in fact created a system that is not as fragile is it might have been in the 1920s and 1930s. (When British power waned, American power was unwilling to stip in, and Europe fell through the cracks). The basic conception of the current system – an open world economy, multilateral negotiations – has wide acceptance. And new forms of cooperation are growing. Ann-Marie Slaughter has written about how legal systems are constructing a set of standards without anyone’s forcing them to do so—creating a bottom-up, networked order. Not every issue will lend itself to such stabilization, but many will. In other words, the search for a superpower solution to every problem may be futile and unnecessary. Small work-arounds might be just as effective.

# Debt ceiling

### Debt Ceiling Kentuky

#### Cross x proves they have zero link, we fiat congress, which means the only scenario for backlash is the CP

#### ZERO PERCENT CHANCE of a default – Wall Street proves

Shell 10/4 (Adam Shell, USA TODAY 9:48 a.m. EDT October 4, 2013, “Wall Street: Main bout debt limit, not shutdown” http://www.usatoday.com/story/money/markets/2013/10/03/wall-street-stares-down-us-default/2916643/)

As fights go, Wall Street views the slugfest between Democrats and Republicans over the government shutdown as the undercard event. The main bout is the coming showdown over raising the debt ceiling and making sure the U.S. has enough cash to pay its bills and avoid the unthinkable: defaulting on its debt.¶ "The shutdown is a sideshow," says Brian Belski, chief investment strategist at BMO Capital Markets. "It's all about the debt ceiling and potential default."¶ There's a big difference between the hit to confidence and the economy due to the government temporarily closing for business, and the more serious threat of putting the full faith and credit of the USA at risk.¶ On Thursday, which marked Day 3 of the government's partial shutdown, volatility in the stock market began to rise. The Dow Jones industrial average fell more than 180 points before finishing down 137 points and below 15,000. Fears of a drawn-out fight over the shutdown have shifted to worries that Congress won't agree to bump up the nation's borrowing limit in time to avert disaster. The U.S. Treasury said it will be virtually out of cash on Oct. 17.¶ Still, there's a belief on Wall Street that the consequences of the U.S. not meeting its financial obligations would be so devastating to the economy and markets that there's virtually no way Congress will allow the first-ever U.S. default.¶ The U.S. not making timely interest and principal payments to holders of U.S. government debt is "the single most bearish scenario," says Adam Parker, chief U.S. equity strategist at Morgan Stanley. And Congress knows that.¶ "There is a 0% chance that the U.S. will default," Parker says. ¶ The reason is simple: The financial fallout in the summer of 2011 is a deterrent of sorts, as Congress doesn't want to see that horror movie again. In August 2011, a last-hour Congressional vote to raise the debt ceiling was too little too late, and resulted in the U.S. getting its triple-A credit rating downgraded and intensifying a stock sell-off that knocked the Standard & Poor's index down almost 20%.¶ The U.S. Treasury warned Thursday that a default "has the potential to be catastrophic." It said it could spark a financial crisis and recession that "could echo the events of 2008 or worse."¶ Joseph LaVorgna, chief U.S. economist at Deutsche Bank, agrees with the Treasury's assessment, even though he, too, says the risk of default is "effectively zero."

#### Boehner will break the Hastert Rule and use a coalition of Dems and GOP votes

Parker and Lowrey 10/3/13 (Ashley Parker and Annie Lowrey / New York Times , “Boehner determined to prevent default, sources say “ <http://www.boston.com/news/politics/2013/10/03/john-boehner-determined-prevent-default-house-republican-says/nxhdstLixuZbcQILk5wt3L/story.html>)

With a budget deal still elusive and a deadline approaching on raising the debt ceiling, Speaker John A. Boehner has told colleagues that he is determined to prevent a federal default and is willing to pass a measure through a combination of Republican and Democratic votes, according to multiple House Republicans.¶ One lawmaker, who spoke on the condition of anonymity, said Boehner had indicated he would be willing to violate the so-called Hastert Rule if necessary to pass a debt-limit increase. The informal rule refers to a policy of not bringing to the floor any measure that does not have a majority of Republican votes.¶ A spokesman for Boehner pushed back on the idea that the speaker would try to pass a debt-limit increase mainly with Democratic votes but acknowledged that the speaker understood the need to head off a default.¶ “The speaker always, always prefers to pass legislation with a strong Republican majority,” said Michael Steel, a spokesman for Boehner.¶ “The speaker has always been clear that a default would be disastrous for our economy,” Steel said. “He’s also been clear that a ‘clean’ debt hike cannot pass the House. That’s why the president and Senate Democrats should drop their ‘no negotiations’ stance and work with us on a plan to raise the debt limit in a responsible way, with spending cuts and reforms to get our economy moving again and create jobs.”

#### Political capital isn’t key – Dem strategy is to keep Obama out of negotiations and he wouldn’t spend PC on this anyway

Allen, 9/27/13 - Politics reporter for Politico (Jonathan, “President Obama’s distance diplomacy” http://www.politico.com/story/2013/09/government-shutdown-barack-obama-house-gop-97483.html?hp=t3\_3)

The White House’s distance diplomacy with Republicans is an approach that tacitly acknowledges three inescapable realities: There’s no one to negotiate with on the GOP side; Obama’s direct involvement in a pact would poison it for many rank and file Republicans; and Democrats don’t trust him not to cut a lousy deal.¶ Indeed, Democrats are urging Obama to stay at arm’s length from Congress so there’s no confusion over his message that he won’t negotiate on an increase in the debt limit, which the nation is expected to breach as early as Oct. 17 without legislative action.¶ “I believe the president has made it very clear, as we have tried to make it clear: There are no negotiations. We’re through,” Senate Majority Leader Harry Reid (D-Nev.) told POLITICO.¶ In past installments of the fiscal-failure soap opera, overheated rhetoric about government shutdowns and a default on the national debt has been matched by sober and direct deal-making behind the scenes — usually in the form of a virtual handshake between Vice President Joe Biden and Senate Minority Leader Mitch McConnell.¶ In the winter 2010 debate over tax cuts, Biden and McConnell agreed to extend all of the Bush-era tax cuts for two years, infuriating the left. In 2011, Boehner and Obama secretly discussed for weeks a possible grand-bargain deal — but when the details were leaked, Democrats were furious and the negotiations fell apart. And in 2012, Biden and McConnell averted the so-called fiscal cliff — but that greatly upset Reid, who believed the White House gave away too much to Republicans whose backs were against the wall.¶ Indeed, many Democrats had buyer’s remorse on aspects of those agreements, particularly a budget sequestration plan that has squeezed domestic and military spending, and the locking in of much of the Bush tax rates.¶ When Chief of Staff Denis McDonough and other senior White House aides quietly discussed budget issues with a group of Senate Republicans earlier this year, top Democrats believed it made little sense to continue negotiations that appeared to be going nowhere and didn’t seem likely to help their party.¶ So they’ve asked Obama himself to steer clear of this round of the debt fight and try to force Republicans to come to him. The Senate, on a party line 54-44 vote on Friday, sent a bill that would keep the government operating but dropped a House provision defunding Obamacare. Now the House is expected to load up the measure with more provisions that aren’t acceptable to Democrats — though it has been hard for House GOP leaders to herd their troops on a budget bill and a separate plan to raise the debt ceiling.¶ “You first need the Republicans to have a position to negotiate – they don’t yet,” Sen. Chuck Schumer (D-N.Y.), who often advises the White House on strategy, said Friday when asked about Obama’s posture. “Until the House Republican Caucus figures out what it wants to do, nobody can deal with them.”¶ Other than a terse phone call to Speaker John Boehner last Friday to reiterate that he won’t negotiate on the debt limit, Obama hasn’t talked to House Republicans — the key constituency in the fight.¶ The White House has let Reid take the lead in the latest fights, even scrapping a potential meeting at the White House with Obama and the three other congressional leaders to allow the process to play out on Capitol Hill. With Republicans fighting with each other over Obamacare, Democrats believe it makes far more sense to keep the focus on the GOP intraparty warfare, rather than risk putting Obama middle of a politically sensitive negotiation.¶ Republicans sourly note that Obama has been quicker to talk with Russian President Vladimir Putin — and now Iranian President Hassan Rouhani — than with House Speaker John Boehner.¶ “Grandstanding from the president, who refuses to even be a part of the process, won’t bring Congress any closer to a resolution,” said Brendan Buck, a spokesman for House Speaker John Boehner.¶ When McDonough went to the Hill this week for closed-door talks, it was to reassure fellow Democrats that the president wouldn’t fold early, as he’s been accused of doing in past budget battles.¶ Obama isn’t expected to meet with congressional leaders until after the Tuesday deadline to stop a government shutdown.¶ Asked if he believed that Obama would eventually have to engage directly in the fiscal fights, Reid said: “Not on the debt ceiling and not on the CR. Maybe on something else – but not these two. We have to fund the government and pay our bills.”¶ Whether Obama can sustain his no-negotiation position on the debt ceiling remains to be seen. Senate Republicans — even those who have balked at calls to use the threat of a government shutdown to defund Obamacare — say the president won’t get a clean debt ceiling increase.¶ “It’s what’s wrong with the government right now,” said Sen. Roy Blunt (R-Mo.), who voted to break a GOP-led filibuster blocking the continuing resolution. “I suppose the Congress might say we don’t want a negotiation on the debt ceiling either.”¶ If Obama can’t get 60 votes in the Senate for a clean debt ceiling increase, he will very likely to have to engage in direct talks with Republicans, even Democrats privately concede.¶ But for now, Democratic leaders say the president is doing what he has to: Making speeches to attack Republicans, and letting his allies on the Hill deal with the nitty-gritty of legislating and horse-trading.¶ Republican Rep. Mike Rogers (R-Mich.), who has worked with the White House on national security issues, says the president’s always had a “laissez-faire” approach to Congress.

#### the plan is a win that spills over to future victories

**Hirsh 2/7** – chief correspondent of National Journal (Michael, “There’s No Such Thing as Political Capital”, <http://www.nationaljournal.com/magazine/there-s-no-such-thing-as-political-capital-20130207>, CMR)

On Tuesday, in his State of the Union address, President **Obama will** do what every president does this time of year. For about 60 minutes, he will **lay out a sprawling and ambitious wish list** highlighted by gun control and immigration reform, climate change and debt reduction. In response, the **pundits will** do what they always do this time of year: They will **talk about how** unrealistic most of the proposals are, discussions often informed by sagacious reckonings of how **much “political capital” Obama possesses to push his program through**.¶ Most of **this talk will have no bearing on what actually happens** over the next four years.¶ Consider this: Three months ago, just before the November election, if someone had talked seriously about Obama having enough political capital to oversee passage of both immigration reform and gun-control legislation at the beginning of his second term—even after winning the election by 4 percentage points and 5 million votes (the actual final tally)—this person would have been called crazy and stripped of his pundit’s license. (It doesn’t exist, but it ought to.) In his first term, in a starkly polarized country, the president had been so frustrated by GOP resistance that he finally issued a limited executive order last August permitting immigrants who entered the country illegally as children to work without fear of deportation for at least two years. Obama didn’t dare to even bring up gun control, a Democratic “third rail” that has cost the party elections and that actually might have been even less popular on the right than the president’s health care law. And yet, for reasons that have very little to do with Obama’s personal prestige or popularity—variously put in terms of a “mandate” or “political capital”—chances are fair that both will now happen.¶ What changed? In the case of gun control, of course, it wasn’t the election. It was the horror of the 20 first-graders who were slaughtered in Newtown, Conn., in mid-December. The sickening reality of little girls and boys riddled with bullets from a high-capacity assault weapon seemed to precipitate a sudden tipping point in the national conscience. One thing changed after another. Wayne LaPierre of the National Rifle Association marginalized himself with poorly chosen comments soon after the massacre. The pro-gun lobby, once a phalanx of opposition, began to fissure into reasonables and crazies. Former Rep. Gabrielle Giffords, D-Ariz., who was shot in the head two years ago and is still struggling to speak and walk, started a PAC with her husband to appeal to the moderate middle of gun owners. Then she gave riveting and poignant testimony to the Senate, challenging lawmakers: “Be bold.”¶ As a result, momentum has appeared to build around some kind of a plan to curtail sales of the most dangerous weapons and ammunition and the way people are permitted to buy them. It’s impossible to say now whether such a bill will pass and, if it does, whether it will make anything more than cosmetic changes to gun laws. But one thing is clear: The political tectonics have shifted dramatically in very little time. Whole new possibilities exist now that didn’t a few weeks ago.¶ Meanwhile, the Republican members of the Senate’s so-called Gang of Eight are pushing hard for a new spirit of compromise on immigration reform, a sharp change after an election year in which the GOP standard-bearer declared he would make life so miserable for the 11 million illegal immigrants in the U.S. that they would “self-deport.” But this turnaround has very little to do with Obama’s personal influence—his political mandate, as it were. It has almost entirely to do with just two numbers: 71 and 27. That’s 71 percent for Obama, 27 percent for Mitt Romney, the breakdown of the Hispanic vote in the 2012 presidential election. Obama drove home his advantage by giving a speech on immigration reform on Jan. 29 at a Hispanic-dominated high school in Nevada, a swing state he won by a surprising 8 percentage points in November. But the movement on immigration has mainly come out of the Republican Party’s recent introspection, and the realization by its more thoughtful members, such as Sen. Marco Rubio of Florida and Gov. Bobby Jindal of Louisiana, that without such a shift the party may be facing demographic death in a country where the 2010 census showed, for the first time, that white births have fallen into the minority. It’s got nothing to do with Obama’s political capital or, indeed, Obama at all.¶ The point is not that “political capital” is a meaningless term. Often it is a synonym for “mandate” or “momentum” in the aftermath of a decisive election—and just about every politician ever elected has tried to claim more of a mandate than he actually has. Certainly, Obama can say that because he was elected and Romney wasn’t, he has a better claim on the country’s mood and direction. Many pundits still defend political capital as a useful metaphor at least. “It’s an unquantifiable but meaningful concept,” says Norman Ornstein of the American Enterprise Institute. “You can’t really look at a president and say he’s got 37 ounces of political capital. But the fact is, it’s a concept that matters, if you have popularity and some momentum on your side.”¶ The real problem is that **the idea of political capital**—or mandates, or momentum—**is so poorly defined that presidents and pundits often get it wrong.** “Presidents usually over-estimate it,” says George Edwards, a presidential scholar at Texas A&M University. “The best kind of **political capital**—some sense of an electoral mandate to do something—**is very rare. It almost never happens**. In 1964, maybe. And to some degree in 1980.” For that reason, **political capital is a concept that misleads far more than it enlightens. It is distortionary**. It conveys the idea that we know more than we really do about the ever-elusive concept of political power, and it discounts the way unforeseen events can suddenly change everything. Instead, **it suggests,** erroneously, that a political figure has a concrete amount **of political capital to invest, just as someone might have real investment capital—that a particular leader can bank his gains, and the size of his account determines what he can do at any given moment in history**.¶ Naturally, any president has practical and electoral limits. Does he have a majority in both chambers of Congress and a cohesive coalition behind him? Obama has neither at present. And unless a surge in the economy—at the moment, still stuck—or some other great victory gives him more momentum, it is inevitable that the closer Obama gets to the 2014 election, the less he will be able to get done. Going into the midterms, Republicans will increasingly avoid any concessions that make him (and the Democrats) stronger.¶ But the abrupt emergence of the immigration and gun-control issues illustrates how suddenly shifts in mood can occur and how political interests can align in new ways just as suddenly. Indeed, **the pseudo-concept of political capital masks a larger truth about Washington that is kindergarten simple**: You just don’t know what you can do until you try. Or **as Ornstein** himself **once wrote** years ago, “**Winning wins**.” In theory, and in practice, **depending on Obama’s handling of any particular issue, even in a polarized time**, **he could still deliver on a lot of his second-term goals,** depending on his skill and the breaks. Unforeseen catalysts can appear, like Newtown. Epiphanies can dawn, such as when many Republican Party leaders suddenly woke up in panic to the huge disparity in the Hispanic vote.¶ Some **political scientists who study the elusive calculus of how to pass legislation and run successful presidencies say that political capital is**, at best, an empty concept, **and** that almost **nothing in the academic literature successfully quantifies or even defines it.** “It can refer to a very abstract thing, like a president’s popularity, but there’s no mechanism there. That makes it kind of useless,” says Richard Bensel, a government professor at Cornell University. Even Ornstein concedes that the calculus is far more complex than the term suggests. **Winning on one issue often changes the calculation for the next issue; there is never any known amount of capital**. “The idea here is**, if an issue comes up where the conventional wisdom is that president is not going to get what he wants, and he gets it, then each time that happens, it** changes the calculus of the other actors” Ornstein says. “**If they think he’s going to win, they may change positions to get on the winning side. It’s a bandwagon effect.”**¶ALL THE WAY WITH LBJ¶ Sometimes, **a clever practitioner of power can get more done just because he’s aggressive and knows the hallways of Congress well**. Texas A&M’s Edwards is right to say that the outcome of the 1964 election, Lyndon Johnson’s landslide victory over Barry Goldwater, was one of the few that conveyed a mandate. But one of the main reasons for that mandate (in addition to Goldwater’s ineptitude as a candidate) was President Johnson’s masterful use of power leading up to that election, and his ability to get far more done than anyone thought possible, given his limited political capital. In the newest volume in his exhaustive study of LBJ, The Passage of Power, historian Robert Caro recalls Johnson getting cautionary advice after he assumed the presidency from the assassinated John F. Kennedy in late 1963. Don’t focus on a long-stalled civil-rights bill, advisers told him, because it might jeopardize Southern lawmakers’ support for a tax cut and appropriations bills the president needed. “One of the wise, practical people around the table [said that] the presidency has only a certain amount of coinage to expend, and you oughtn’t to expend it on this,” Caro writes. (Coinage, of course, was what political capital was called in those days.) Johnson replied, “Well, what the hell’s the presidency for?”¶

#### 4) No link – cross apply Kristensen Obama theoretically committed to reduce the role of nuclear weapons; he wouldn’t pick a fight over the plan.

#### 5) Plan is popular

Pincus ‘5

Walter Pincus, Washington Post, “Pentagon Revises Nuclear Strike Plan,” September 11, 2005, http://www.washingtonpost.com/wp-dyn/content/article/2005/09/10/AR2005091001053.html

The first example for potential nuclear weapon use listed in the draft is against an enemy that is using "or intending to use WMD" against U.S. or allied, multinational military forces or civilian populations. Another scenario for a possible nuclear preemptive strike is in case of an "imminent attack from adversary biological weapons that only effects from nuclear weapons can safely destroy." That and other provisions in the document appear to refer to nuclear initiatives proposed by the administration that Congress has thus far declined to fully support. Last year, for example, Congress refused to fund research toward development of nuclear weapons that could destroy biological or chemical weapons materials without dispersing them into the atmosphere. The draft document also envisions the use of atomic weapons for "attacks on adversary installations including WMD, deep, hardened bunkers containing chemical or biological weapons." But Congress last year halted funding of a study to determine the viability of the Robust Nuclear Earth Penetrator warhead (RNEP) -- commonly called the bunker buster -- that the Pentagon has said is needed to attack hardened, deeply buried weapons sites.

#### 6) Non-intrinsic—a logical policy maker can pass the plan and the bill

#### 7) Political capital doesn’t matter – there’s no center to be persuaded and Congress cares more about getting primaried than compromising

Reynolds 9/20 (DAVID F. REYNOLDS, Editor, Roanoke Times, “Seeking the political center” http://www.roanoke.com/opinion/commentary/2224286-12/seekingthe-political-center.html)

It seems to be lost. Our nation’s political center is missing. That elusive spot on the political map where compromises once took place has disappeared. Washington has run out of not just financial capital, but political capital.¶ Why bother? It’s only politics? We should care because politics is the currency by which we govern. Without politics — and the compromises that take place at the political center — we cannot effectively govern ourselves. With the center gone, our ability to govern is missing in action, much like a battle is lost when the center fails to hold. Not sure? Ask any former member of the United States Congress.¶ What will restore the political center? No one really knows. Campaign finance reform and term limits both sound good. However, one restricts free speech and the other limits those most qualified to serve.¶ So what other options are there to help close the gap along our political spectrum? How about telling our elected officials that there is no need to fear extreme groups? Their job is to find solutions to our problems — solutions that are usually found in the center. Compromise need not be something to fear. Compromising does not usually require a loss of your principles.¶ However, compromise is not sought inside the Capital Beltway because there is no need to do so outside the Beltway. When a member of Congress represents a safe district (as most members do), why get into the nasty business of trying to knock heads together? Why seek to perform the dance of legislation with the other party when it may cost you your seat? Today, primary re-election battles are almost as common as battling the other party in the general election.

#### 8)Vote no triggers the link—this debate represents the bill being debated in Congress means Obama’s political capital has already been used

9) No impact – empirically, debt ceiling has little effect on the markets

Wall Street Journal Sep 20, 2013 Debt Ceiling, Act III: Will the Market Notice at All This Time? <http://blogs.wsj.com/moneybeat/2013/09/20/debt-ceiling-act-iii-will-the-market-notice-at-all-this-time/>

So there you have it. The Republicans want to defund Obamacare. The president vows not to negotiate. Another government shut down looms. It all sounds serious enough. You wonder, though, if the market will pay attention at all. Even going back to the shutdown in the 1990s, these political battles have had little lasting effect on markets. The 2011 debt-ceiling fight came with a real-world effect: the specter of squabbling factions in Washington, and their decision to put politics above probity, spurred S&P to downgrade U.S. debt, for the first time in history. The move sent shock waves through the markets, but ironically saw investors flee into the very debt instrument that had just been downgraded: U.S. Treasurys. Congress hit the debt ceiling in May of 2011, and the Treasury Department started deploying gimmicks to keep the government under the ceiling until a budget agreement could be reached. An 11-hour deal was reached on Aug. 2. On Aug. 5, S&P downgraded U.S. debt. The markets started falling on July 22, with the Dow at 12681, and kept falling through Aug. 19, when it hit 10818. It wasn’t until February when the index retook the July level. In the 2012 fiscal-cliff fight, Congress didn’t reach an 11th-hour deal. It reached a 13th-hour deal. The deadline this time was Dec. 31, and Congress missed it. But the general outlines of a plan were in place, and Congress passed the American Taxpayer Relief Act the next day, on Jan. 1. President Obama signed it into law on Jan. 2. The market paid almost no attention to the fight this time. The Dow had been rising from mid-November into Dec. 21, when it stood at 13191. It dipped to 12938 on Dec. 28, and then started rising again. Even during the 1995-1996 budget fight, when the government actually did shut down, the Dow went from 4870 on Nov. 10, 1995, to 5184 on Jan. 19, 1996, at the beginning of the dot-com boom. So far, 2013 has been a banner year for stocks, and the bulls just got a big reprieve from the Federal Reserve, which decided against cutting its stimulus program by any amount (for the time being).

# CP

### 2AC A2 Executive CPs

#### 1. Permutation – do the plan and the counterplan. Solves the link to the da and the case.

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

More ongoing negotiation and contact would finally place the responsibility for developing “big picture” strategy—including the deployment and use of nuclear weapons—where it belongs: between the branches, in a process of co-determination. This need not lead to the sort of gridlock commonly associated with the budget process. While the National Security Strategy is required to be produced yearly (thus far, the Bush administration is in breach, having only produced one document in 2002), it is more of a philosophical overview than a planning document. The Nuclear Posture Review, on the other hand—which, as we have seen, sets a number of long-term planning and budgetary wheels in motion—is produced only once per decade. It does not seem unreasonable that the U.S. Congress and the president should reexamine U.S. nuclear strategy and negotiate its contours once per decade, rather than leaving such an important and constitutionally fraught task solely in the hands of the executive.

#### **BOTH** Congressional and Presidential action is key – only the plan fiats the necessary signal of resolve

Gaouette 10/2/2013 (Nicole, “Shutdown Undercuts Obama Defining America’s Global Role”, http://www.bloomberg.com/news/2013-10-02/shutdown-undercuts-obama-defining-america-s-global-role.html)

“It does cast a very significant pall over America’s credibility with our allies,” Hagel said yesterday. “It does have an effect on our relationships around the world and cuts straight to the obvious question: Can you rely on the United States as a reliable partner to fulfill its commitments?” Those commitments include new initiatives to negotiate with Iran, which might have reason to doubt Obama’s ability to persuade Congress to reduce sanctions in return for scaling back its nuclear program. If the president and Congress can’t even agree on a plan to keep government running, Brzezinski said, it might be a stretch to ask foreign powers to trust that they can handle much tougher issues overseas.

#### 2. Executive flexibility fails – insulated policy making by the president is not credible and can be rolled back.

Streichler 2008 Stuart Streichler Adjunct Faculty, Seattle University School of Law. Ph.D., Johns Hopkins University; J.D., University of Michigan Law School; B.S., Bowling Green State University. Mad about Yoo, or, Why Worry about the Next Unconstitutional War? Journal of Law & Politics [Vol.XXIV:93

When Yoo discusses the need for flexibility in the process for warmaking, he creates a false dilemma. He suggests that the president has discretionary power to start wars or that the president must secure prior authorization from Congress through a “fixed, legalistic process.” 230 For Yoo, the latter would inevitably hamper the government’s ability to respond to terrorist threats. 231 Yet even if Congress has the power to decide whether to go to war, the president retains substantial powers to respond quickly to defend the country. No lawmaker would insist on Congress deliberating while terrorists set off weapons of mass destruction in the United States. Americans who lived with the risk of nuclear attack during the Cold War accepted the president’s authority to respond to the Soviet Union without waiting for the results of legislative debate. Additionally, Congress has demonstrated that it can move quickly to authorize the use of military force. Three days after September 11, the Senate voted 98-0 to authorize the president to use force in response to the attacks, 232 and the House approved the measure a few hours later (420- 1). 233 Another four days passed before the president signed it. 234 The last time Congress declared war in response to an attack on the United States, it did not take lawmakers long to do so. The Senate (82-0) and the House (388-1) issued a declaration of war thirty-three minutes after President Franklin D. Roosevelt’s “Day of Infamy” speech. 235 Furthermore, whatever their capacity for dynamic response, presidents do not always react to security threats with speed and energy. While Yoo cleverly aligns his position with flexibility, there is more to constructing an adaptive foreign policy than letting the president initiate military hostilities. Executive decisions on war that appear, in the short term, to reflect a flexible approach may limit policy options over the long run, constraining foreign policymakers and military planners. Yoo expresses no doubt that the president’s capacity to make decisions in foreign affairs and defense—to “consider policy choices” and to “evaluate threats”—is “far superior” to Congress’s.236 That overstates the case. Despite the imperfections of the legislative process, it is hard to reach such an unqualified conclusion. Seemingly for every example where executive decision-making works well, another can be cited exposing its deficiencies. President John F. Kennedy’s management of the Cuban missile crisis, though not without its critics, is often cited as a classic model of decision-making in crisis. The same president’s handling of the Bay of Pigs invasion has been roundly criticized.237 As Yoo presents his argument on executive decision-making, it does not matter who occupies the office of the president. In fact, that can make a good deal of difference. With the presidency structured around one individual, the decision-making process is shaped by the chief executive’s native abilities, judgment, and experience.238 A whole range of personal qualities may affect the president’s decision on whether to take the nation to war: how the president assesses risk (especially with the uncertain conditions that prevail in foreign affairs); whether he or she engages in wishful thinking; whether he or she is practical, flexible, and open-minded. While every president consults with advisers, small group dynamics add another layer of difficulties in the executive decision-making process. Even talented White House staffers and independent-minded cabinet secretaries succumb to groupthink, as it has been called—the overt and subtle pressures driving group cohesiveness that can distort the decision-making process.240 This effect can be pronounced in foreign policy, with stressful crises that often involve morally difficult choices.241 Members of the president’s team, not fully aware they are doing so, may overrate their own power or moral position, cut off the flow of information, downplay contrary views of outside experts, limit consideration of long-term consequences, underestimate the risks of a particular policy, or fail to develop contingency plans.242 Once the group coalesces around a particular view, it becomes increasingly difficult for individual members to press the group to reassess rejected alternatives. This unique circumstances of working for the president can make matters worse. Members of the administration generally share the president’s outlook, ideology, and policy prefences. Internal decision-making may get ske wed because executive officials give advice based on what they think the president wants to hear. Even if the president’s subordinates differ with the chief executive on particular questions, they can only go so far to challenge the president.244 In short, there are more questions surrounding presidential decision-making on war than Yoo is willing to admit. Congress, with the president still involved, may be able to offset the structural disadvantages of a decision-making process taking place behind closed doors in the White House. While the executive branch tends to concentrate command authority in one person, power is dispersed on Capitol Hill. Not all members of Congress are equal, but no person has influence comparable to the president’s power within the executive branch. In comparison with the select handful of advisers who have the most influence with the president, the number of elected legislators and their diverse ideologies, constituencies, and perspectives make them less susceptible to groupthink. Co ntrary to the president’s decision-making process, insulated by executive privilege, the legislative process involves on-the-record votes and speeches by elected representatives and thus provides a forum for public deliberation.24

#### 3. Congressional restrictions are more credible signals.

Gallagher 2011 Unconstitutional War: Strategic Risk in the Age of Congressional Abdication Joseph V. Gallagher III served as an F/A-18C Pilot, Air Officer, and F/A-18C/D Flight Instructor in the US Marine Corps operating forces. He worked Security Assistance initiatives for the US European Command and most recently as a Joint Planner in the USEUCOM J3 and J5. Gallagher is currently assigned to the Joint Staff, PakistanAfghanistan Coordination Cell. <http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/2011summer/gallagher.pdf>

As the practice of declaring war has become passé, American strategy has likewise become disjointed and disconnected from national security objectives. Following World War II, an acquiescent Congress and an aggressive presidency have, for decades, fostered a strategic climate that failed to maintain the links between the political dimensions of the state and its strategy. The predominant “NSC-68 thinking,” largely a product of executive national security panels that administrations have embraced and Congress has blithely followed, provided inadequate guidance on how objectives and capabilities should be joined to produce coherent overall strategy.63 This connection, Clausewitz observed, is necessary for success in war. For example, US strategy following World War II ironically came to resemble the German strategy of the early 20th century, relying heavily on military ways and means that failed to address the political and economic components of warfare.64 Historians are quick to extol the superiority of the German military machine, but Germany lost two world wars. Similarly, the United States has pursued a strategy built on loosely linked operational and tactical successes. Unfortunately, without concretely defined end states specified in a coherent all-encompassing strategy, these successes have not achieved national strategic ends. In Vietnam, Afghanistan, and Iraq, our leaders failed to properly define the national strategic ends, so the attendant strategies have been inchoate. Leaders’ attempts to match ways and means to fluctuating or poorly defined ends resulted in unacceptable levels of uncertainty and risk. These protracted and strategically uncertain conflicts are alien to America’s strategic culture, which has little tolerance for long, risky, or uncertain conflicts.65 More recently, as the executive branch exercises greater authority in directing military interventions, the gap between risk and strategy becomes wider. Theater commanders charged with developing adequate or complete strategies with sound ends and feasible ways to achieve them lack confidence in congressional support to provide the means necessary to achieve these strategic objectives.66 As the world’s only superpower, the United States can expect asymmetrical conflict as the norm. Future adversaries will increasingly focus on the strategic target of the American people’s collective will in their efforts to subvert our national strategy.67

#### 4. No solvency – Executive statements fail – it needs to be enforceable.

Miller, 2002 (Steven, No First Use of Nuclear Weapons, London UK 15-17 November, The utility of Nuclear Weapons and the Strategy of No-First Use. Pugwash Meeting no. 279)

If NFU is to be more than a declaratory policy, then it must be meaningfully reflected in the war planning and force postures of the nuclear powers. Because the possibility of first use inheres in the possession of a nuclear arsenal, it is not easy to create a posture that effectively displays genuine fidelity to the NFU pledge. Because it is easy to proclaim NFU as a declaratory policy, little weight has been given in the past to the NFU pledges made by various nuclear powers. It seems safe to say, for example, that the United States and its NATO allies gave no credence whatsoever to the NFU commitment made by the Soviet Union.¶ What must nuclear-armed states do if they wish to genuinely adopt a strategy of no-first-use? How might they make this a credible and reassuring step? How could they configure their forces so as to reflect a real NFU policy? In the context of anything like present nuclear forces, it is not clear that there is a wholly convincing answer to these questions - or at least, an answer that would be wholly convincing to a suspicious adversary. But an implication of NFU is that the present force postures must be left far behind. Then, as a general matter, the answer must be that a real NFU policy would have to ripple through the entire military posture and preparations of the nuclear-armed state. And the end result would need to be a doctrine that does not rely on first use and a nuclear force posture that has little or no capacity to be used first.¶ War planning. NFU cannot be real if militaries develop war plans that include, or even depend upon, the expectation of first-use of nuclear weapons. It has long been a commonplace to note the gap that often exists in nuclear powers between declaratory policy and operation policy. The Soviet Union's NFU pledge, for example, coexisted with war plans for a European war that called for substantial use of nuclear weapons from the outset of hostilities.25 A genuine strategy of no-first use would need to be reflected in operational war plans. These would have to assume an entirely non-nuclear character and to extirpate all scenarios in which recourse is made to the first use of nuclear weapons.¶ Eradicating the idea that nuclear first use is an option would have enormous implications. It would alter the expectations of politicians and commanders. It would (or should) influence military investment decisions - more conventional capability may be necessary, for example.26 It could affect public articulations of defense policy and military doctrine. In the Soviet period, Moscow's NFU pledge was undermined by a profusion of military writings that emphasized nuclear preemption and warfighting and otherwise were in tension with NFU. But a genuine NFU strategy would need to harmonize doctrinal expositions and political explanations of defense policy with the constraints of the NFU commitment. Changes in public rhetoric alone will not be sufficient to convince the world that a NFU strategy is firmly in place. But they could help send the message that NFU was being taken seriously. NATO presently proclaims at every occasion that nuclear weapons are essential and that nuclear first-use is an integral component of alliance military strategy. If NATO instead were to proclaim that nuclear weapons are irrelevant to most of the alliance's security needs and that it could not envision circumstances in which it would use nuclear weapons first, this would certainly set a very different tone.¶ War planning, of course, is not a public activity, though it has public outcroppings. So though this is a necessary step if NFU is to be real, it must be coupled with other, more visible steps, if others are to be convinced that NFU is more than declaratory policy.¶

#### 5. Lack of commitment means the CP Doesn’t solve proliferation. Extinction.

Brooks 2013 Linton Forrestall Brooks is a former US Ambassador and former Under Secretary of Energy for Nuclear Security and Administrator of the National Nuclear Security Administration. The elements of a Possible Political Agreement to Maintain a Safe, Secure, Reliable, and effective Nuclear Deterrent http://csis.org/files/publication/130422\_Spies\_ForgingConsensus\_Web.pdf

Sustaining the political agreement hypothesized in this paper requires that the united states be perceived domestically as committed to sustaining a robust international legal regime of arms control and nonproliferation. As a practical matter, this means some form of continued arms control with the Russian Federation as well as visible U.S. support for the international legal regime associated with the Nuclear Nonproliferation Treaty and the international Atomic energy Agency. Voluntary arrangements such as those associated with the 2010 and 2012 Nuclear Security Summits, the Proliferation Security initiative, the Global initiative to combat Nuclear Terrorism, and similar efforts are important and desirable, but will not substitute for supporting a formal international legal regime in terms of maintaining a domestic political agreement.

#### - Solvency deficit – delay - The executive can’t change on their own quickly enough – Can’t solve china – extinction DA to the CP.

Kristensen 2013 Hans M. Kristensen director of the Nuclear Information Project at the Federation of American Scientists. Falling Short of Prague: Obama’s Nuclear Weapons Employment Policy <http://www.armscontrol.org/files/ACT_Sept_2013_Digital_Issue_Final.pdf>

Reviews of presidential nuclear weapons employment guidance can result in significant changes, but they rarely do. Nuclear guidance changes slowly, usually very slowly. Instead of forging radical new directions for nuclear policy, presidential guidance generally does little more than catch up with reality. The Obama administration’s guidance, announced June 19, appears to fit the mold. Rather than to “put an end to Cold War thinking,” as President Barack Obama promised in his Prague speech in 2009, the guidance appears to continue Cold War thinking by reaffirming decades-old core principles and characteristics of nuclear-strike planning. The guidance makes relatively small adjustments to the U.S. posture in response to changes in the international environment after the Cold War and enhancements of non-nuclear military capabilities.

# GirNO K

#### Case outweighs –

#### Accidents – retaining the option to first use destabilizes every crisis, that’s Reif. Its try or die aff, first use creates the incentive to use nukes first or loose them.

#### Systemic violence - the nuclear industrial complex produces massive systemic violence from mining uranium creating miserable labor conditions in 3rd world nations

#### China – nuclear relations are low now, that’s Kulacki. NFU is critical to stabilizing those relations, that’s Colby. Key to prevent escalation of crises because China will act aggressively in response to the perception of us containing them.

#### Prolif – the NPT will collapse in 2015, NFU is critical to show its viability to foreign nations, its collapse causes rapid prolif that make escalation inevitable in the middle east.

#### The plan is a normative statement-the role of the ballot is to determine its desirability. Prior questions are infinite and moot the entirety 1AC killing fairness. Evaluating the plan versus the status quo or a competitive policy option is the only interpretation grounded in the wording of the resolution.

Topical Education—Manipulating the topic to access a political project destroys discussion of the important question asked by the resolution. Deliberating on government adoption of specific nuclear policies is key—the timeframe is now.

Cirincione ‘9 (President, Ploughshares Fund, “Barack Obama’s New Nuclear Policy,” delivered at the Elliot School for International Affairs. Quoted by Dough Shaw. http://nukesonablog.blogspot.com/2009/03/role-of-higher-education-in.html //shree)

“The one thing we know about policy windows is that, as sure as they open, they close. If you think change is permanent, you don’t understand change…If we miss this moment, we fail.” Highlighting the importance of what the New York Times editorial page had earlier in the day called a “Watershed Moment on Nuclear Arms,” Mr. Cirincione described the extraordinary political momentum in the United States and internationally, the activity of new and important validators (including George Shultz, Sam Nunn, Henry Kissinger, and Bill Perry) of moving towards the abolition of nuclear weapons, the agenda and team that the Obama Administration has put in place to lead a transformation of US nuclear weapons policy, and the challenges this transformation will face in the window of a year or two in which the conditions remain right to make it happen. On nuclear weapons policy, he observed, “this Administration is going to be characterized as a struggle between transformationalists and the incrementalists.” Mr. Cirincione offered specific thoughts about the role that universities can and should play in the debate over the future of nuclear weapons policy, nonproliferation, and disarmament. First, he observed the extraordinary contribution of Stanford University, where faculty members George Shultz and Bill Perry have convened an ongoing discussion among scholars and practitioners about “Steps Toward a World Free of Nuclear Weapons” under the heading of “Reykjavik Revisited,” recalling the summit meeting between then US President Ronald Reagan and Soviet Premier Mikhail Gorbachev in October 1986. Mr. Cirincione pointed out that “this whole movement was hatched at a university.” Universities “change the paradigm; you change the way people are thinking about this,” argued Mr. Cirincione, who also encouraged universities to support scholars with breakthrough ideas and to do serious research in the area of nuclear nonproliferation and disarmament. He emphasized that universities should provided fora for public debate on nuclear weapons policy, including opposing viewpoints, and also provide venues for US Government officials to connect with the public. Finally, Mr. Cirincione included students specifically in his call to “get involved” and make political leaders care about nuclear weapons policy.

#### Perm do the aff and embrace a pedagogy outside of violent spectacles.

#### Evaluate the consequences of the plan–

#### A) Maximizing lives affirms equality of all lives and prevents the kill-to-save mentality

Cummisky 90 – Professor of Philosophy, Bates (David, Kantian Consequentialism, Ethics 100.3, p 601-2, p 606, jstor, AG)

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract "social entity." It is not a question of some persons having to bear the cost for some elusive "overall social good." Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that "to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has."30 Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is "rational nature exists as an end-in-itself' (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. Persons may have "dignity, an unconditional and incomparable value" that transcends any market value (GMM, p. 436), but, as rational beings, persons also have a fundamental equality which dictates that some must sometimes give way for the sake of others. The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal valueand equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

#### B) Moral tunnel vision is complicit with evil

Isaac 2 – Professor of Political Science, Indiana (Jeffrey, “Ends, Means and Politics,” Dissent 49.2, p 35-6, ebsco, AG)

As writers such as Niccolo Machiavelli, Max Weber, Reinhold Niebuhr, and Hannah Arendt have taught, an unyielding concern with moral goodness undercuts political responsibility. The concern may be morally laudable, reflecting a kind of personal integrity, but it suffers from three fatal flaws: (1) It fails to see that the purity of one's intention does not ensure the achievement of what one intends. Abjuring violence or refusing to make common cause with morally compromised parties may seem like the right thing; but if such tactics entail impotence, then it is hard to view them as serving any moral good beyond the clean conscience of their supporters; (2) it fails to see that in a world of real violence and injustice, moral purity is not simply a form of powerlessness; it is often a form of complicity in injustice. This is why, from the standpoint of politics--as opposed to religion--pacifism is always a potentially immoral stand. In categorically repudiating violence, it refuses in principle to oppose certain violent injustices with any effect; and (3) it fails to see that politics is as much about unintended consequences as it is about intentions; it is the effects of action, rather than the motives of action, that ismost significant. Just as the alignment with "good" may engender impotence, it is often the pursuit of "good" that generates evil. This is the lesson of communism in the twentieth century: it is not enough that one's goals be sincere or idealistic; it is equally important, always, to ask about the effects of pursuing these goals and to judge these effects in pragmatic and historically contextualized ways. Moral absolutism inhibits this judgment. It alienates those who are not true believers. It promotes arrogance. And it undermines political effectiveness.

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