## 1NC

### 1

#### A. Interpretation-Authority is solely a question of jurisdiction-topical affirmatives can only change jurisdiction not policy questions.

Dictionary.com

http://dictionary.reference.com/browse/authority

au·thor·i·ty [uh-thawr-i-tee, uh-thor-] Show IPA

noun, plural au·thor·i·ties.

1.

the power to determine, adjudicate, or otherwise settle issues or disputes; jurisdiction; the right to control, command, or determine.

2.

a power or right delegated or given; authorization: Who has the authority to grant permission?

#### “In the area” means all of the activities-the plan only applies to Iran

UN 13

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

PART I INTRODUCTION Article 1

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

#### B. Vote Negative-Our interpretation focuses the topic on core affirmatives that deal with authority. Their interpretation explodes the topic by back dooring policy affirmatives like ban X weapon or intervention. Independently, the parts of the plan that change policy are extra-topical and generate unfair advantage ground.

### 2

#### Text

#### The United States federal government should statutorily preclude the use of United States Armed Forces in military conflict with Persia that is initiated by the United States or others.

#### Observation One: The Counterplan is legitimate. Net benefits check abuse and prove the counterplan is a germane policy consideration. Literature makes the counterplan predictable and proves its relevant for topic specific education.

#### Observation Two: Net Benefits

#### Deployment of the name “Iran” is an act of historical erasure that distorts western engagement.

#### [Akbarzadeh](mailto:persia_1980@yahoo.com)- Member of the "Artists Without Frontiers-‘3

http://www.payvand.com/news/03/dec/1130.html

#### Until a few decades ago, in the English language (which is now international) and in international circles, our country was called "Persia." Unfortunately, however, in 1935 the then government of Persia requested all countries in the world to call Persia by its native name, "Iran," without heeding the delicate point that as an ancient land, possessing a civilization thousands of years old, our country was known as "Persia," not "Iran." Aside from political issues and the political motive of closeness with Germany and Adolf Hitler, which was the main reason for this change of name ordered by Reza Shah, some expressed the view that "Persia" denoted only one province of "Iran." Although it may be said that perhaps for us Persians, the name "Persia" only connotes a province of Persia, for others in the world, who for 26 centuries (and perhaps even to this day), have used the name "Persia," this name is associated with the whole of our land, and when speaking in foreign languages, we are obliged to take advantage of this name. We must therefore observe what effect this name has in the minds of foreigners, not in the minds of Persians. We must not be prejudiced and think that only because we ourselves use the name "Iran," foreigners must also say, "Iran." On an international scale, many countries are called by a name different from that of their native names. The people of Egypt, for example, call their country "Al-Misr," but their international name is "Egypt" - two names which are in no way similar. But Egyptians have never forced other countries to say, "Al-Misr!" For they know that, with its ancient civilization, their country has become known to the world as Egypt. There are other cases such as: International Name: Native Name: India Bharat Germany Deutschland Finland Suomi Greece Hellas Japan Nihon and many others.... For us speakers of Persian, the name "Iran" is a very dear and respectable name, but in world culture, for non-Persians, Persia connotes an ancient culture. The change in the international name of our country, from Persia to Iran, has created a detrimental gap between Persia and its historical and cultural past in the minds of the people of the world. In the West today, there are very few people for whom Iran and Persia connote the same meaning. Contrary to what the government officials of Persia believed in the 1930s, in the West, not only are people not aware of an association between the name "Iran" and the "Aryan" race, but rather due to the great similarity that exists in European languages between the names "Iran" and "Iraq," many, especially among the youth, mistake Iran with this newly-established Arab entity which borders western Iran. Like it or not, the great similarity between these two names in the West have muddled the identities of these two countries! For those who recognize a difference between "Iran" and "Iraq," Iran is a country bordering the Persian Gulf, possessing oil, with a more or less Arab identity, which has no clear connection with the "Persia" in history.

#### The discourse of foreign policymaking creates our understanding of nations and the world

#### MCALISTER 2001 – PROFESSOR AMERICAN STUDIES GEORGE WASHINGTON U

*EPIC ENCOUNTERS*, http://ark.cdlib.org/ark:/13030/kt3290180q/

The first premise is simply that foreign policy itself is a meaning-making activity, and one that has helped to frame our ideas of nationhood and national interest. Foreign policy statements and government actions become part of a larger discourse through their relation to other kinds of representations, including news and television accounts of current events, but also novels, films, museum exhibits, and advertising. To examine these very different types of materials in relationship to one another is not to suggest that they are all the same thing, or that they work the same way. Obviously, the practice of foreign policymakers, be it the establishment of diplomatic contacts with a former guerrilla leader or an order to send troops into a foreign territory, works from a set of assumptions and constraints that differs from that of filmmakers or television news producers. But foreign policy is a semiotic activity, not only because it is articulated and transmitted through texts but also because the policies themselves construct meanings. By defending borders, making alliances, and establishing connections, foreign policy becomes a site for defining the nation and its interests.

#### The process of naming is not neutral. The plan sustains the root cause of structural violence

#### BILGIN 2005 – PROF IR BIKENT UNIVERSITY

*REGIONAL SECURITY IN THE MIDDLE EAST A CRITICAL PERSPECTIVE*, PAGE 194

This leads me to the third point, which is about Adler and Barnett's conceptualisation of power and the power/knowledge nexus. It could be argued that their conceptualisation is inadequate not because they stress the material dimension of power, but because they fail to adequately conceptualise 'representational power'. Indeed, as Janice Bially Mattern has argued (2000:306-7), it is plainly not true that 'sticks and stones can break my bones but names can never hurt me'. In fact, one might argue that threats posed by representational force are a greater normative challenge because their insidious nature makes them harder to resist or neutralize. Bially Mattern's point strikes a chord within the Middle Eastern context where representational power has been utilised to keep potential issues outside security agendas thereby exacerbating 'structural violence', or for representing the Middle East as a 'hotbed of conflict and war' thereby marginalising the calls for regional disarmament whilst privileging practices such as massive rearmament. The need to pay attention to the representational dimension of power becomes more apparent when we consider the ways in which language and knowledge were used to re-inforce existing power imbalance between the two parties at the Oslo negotiations (see Jones 1999). Hence the need to seek the roots of regional insecurity not only in 'world politics' but also in 'word politics' (Bilgin 2000-01).

### 3

#### TPA is top of the agenda and Obama is making a full court press-Now is the make or break time for spending political capital on trade-TPA failure collapses global trade, the economy and US leadership.

McLarty-former chief of staff to Clinton during the NAFTA ratification fight-2/2/14

Huffington Post 2/2/14

http://www.huffingtonpost.com/thomas-f-mclarty/a-critical-test-of-leader\_b\_4705623.html

A Critical Test of Leadership

In his State of the Union address last week, President Obama took a good first step in asking Congress to provide the tools he needs to close two of the most ambitious trade deals in U.S. history. But he faces an immediate challenge from within his party that could imperil negotiations, with huge stakes for the U.S. globally and for our economy at home. At issue is Trade Promotion Authority (TPA), which allows the president to send a trade agreement to Congress for an up-or-down vote, without amendments. Many Republicans reflexively oppose granting any request from the administration. But the biggest opposition is coming from Democrats skeptical of the value of free trade. The day after the president's address, Senate Majority Leader Harry Reid said he opposed "fast track" authority. His remarks revealed the depth of a gulf among Democrats over trade, and sparked new criticism from Republicans as a sign that the president's party couldn't be lined up behind a major administration initiative. For President Obama, this is a critical test of his leadership. Can he muster enough support for his trade agenda within his own party, and then assemble a bipartisan majority in both houses of Congress? Failure would be a great setback for U.S. prestige internationally, and a dismal signal for the president's remaining three years in office. We've seen this movie before -- and it didn't end well. The last Democratic president to seek fast track authority on trade was Bill Clinton in 1997. The effort collapsed when then House Speaker Newt Gingrich was unable to marshal his Republican majority. It was an opportunity lost, ending a period of bipartisan cooperation on trade and stalling momentum created a few years earlier by the North American Free Trade Agreement. Repeating this history would be a mistake, especially as our economy struggles to create good jobs at high wages. But the president faces an uphill battle. Now is the moment for Democrats to pause and take full measure of the stakes involved in opposing fast track. It's time for Republican supporters of trade to rally. And it is essential that the president and his cabinet exert persistent, focused leadership to persuade the skeptics. President Obama deserves much credit for advancing the most far-reaching trade agenda in a generation. The administration is nearing the finish line in negotiations of the Trans Pacific Partnership, an agreement with 11 Pacific Rim nations, including Japan and perhaps South Korea and others. Simultaneous talks are underway between the United States and the European Union over the Transatlantic Trade and Investment Partnership -- creating an economic NATO and the largest liberalized trade zone in the world. Together, the agreements would lower barriers in markets accounting for more than 60 percent of the global economy. Neither negotiation would survive a failure to renew Trade Promotion Authority, which expired in 2007. TPA reassures our negotiating partners that they will not agree to difficult concessions only to see Congress later force unilateral changes. Under TPA, Congress establishes negotiating goals and must be regularly consulted by the president. In exchange, Congress promises an up-or-down vote without amendment. No major trade legislation has passed Congress in decades without it. President Clinton knew that because trade was so hard, its support had to be bipartisan. To push for NAFTA, he assembled a high-profile war room in the White House, led by a prominent Democrat, Bill Daley, and former Republican Congressman Bill Frenzel. The president worked members tirelessly. The bill eventually passed with 102 Democratic and 132 Republican votes, and a similarly bipartisan total in the Senate. By contrast, the 1997 effort to renew fast-track authority lacked that high-profile White House push -- helping seal its doom. Over the last decades, global trade has proven essential to building employment and reducing inequality at home. One of every five jobs in the United States is tied to exports. More significantly for the long run, 95 percent of the world's customers live outside our borders. While many Americans have concerns about free trade, they say the benefits of U.S. involvement in the global economy outweigh the risks (by a 2-1 margin in a poll last month by the Pew Research Center). Even so, last fall 151 House Democrats signed a letter expressing their opposition to granting President Obama Trade Promotion Authority. Almost three dozen House Republicans followed suit. When the bill to renew TPA was introduced earlier this month, a number of Democratic Senators announced their opposition. They have now been joined by Sen. Reid. The warning signs are clear, but so is the path forward. Now is the time for a full-court press from the White House. President Obama should be clear about the imperative of TPA and make the strong case for trade as a catalyst for job growth. Then he must press his cabinet to the task. Ambassador Froman is a skilled negotiator and advocate. His cabinet colleagues include many effective proponents of free trade and international engagement, including Secretary of State John Kerry, Treasury Secretary Jack Lew, and Commerce Secretary Penny Pritzker. Without a concerted effort, TPA may well fail, embarrassing us abroad, casting a shadow on the president's second term and hurting our economy in the long run. Why not instead show America and the world that the president and Congress, including leaders of his own party, can work together?

#### The plan expends capital on a separate war powers issue–it’s immediate and forces a trade-off

O’Neil-prof law Fordham-7 (David – Adjunct Associate Professor of Law, Fordham Law School, “The Political Safeguards of –Executive Privilege”, 2007, 60 Vand. L. Rev. 1079, lexis)

a. Conscious Pursuit of Institutional Prerogatives The first such assumption is belied both by first-hand accounts of information battles and by the conclusions of experts who study them. Participants in such battles report that short-term political calculations consistently trump the constitutional interests at stake. One veteran of the first Bush White House, for example, has explained that rational-choice theory predicts what he in fact experienced: The rewards for a consistent and forceful defense of the legal interests of the office of the presidency would be largely abstract, since they would consist primarily of fidelity to a certain theory of the Constitution... . The costs of pursuing a serious defense of the presidency, however, would tend to be immediate and tangible. These costs would include the expenditure of political capital that might have been used for more pressing purposes, [and] the unpleasantness of increased friction with congressional barons and their allies. n182 Louis Fisher, one of the leading defenders of the political branches' competence and authority to interpret the Constitution independently of the courts, n183 acknowledges that politics and "practical considerations" typically override the legal and constitutional principles implicated in information disputes. n184 In his view, although debate about congressional access and executive privilege "usually proceeds in terms of constitutional doctrine, it is the messy political realities of the moment that usually decide the issue." n185 Indeed, Professor Peter Shane, who has extensively studied such conflicts, concludes that their successful resolution in fact depends upon the parties focusing only on short-term political [\*1123] considerations. n186 When the participants "get institutional," Shane observes, non-judicial resolution "becomes vastly more difficult." n187

#### Free trade prevents multiple scenarios for world war and WMD Terrorism

Panzner-New York Institute of Finance-8

Michael, faculty at the New York Institute of Finance, 25-year veteran of the global stock, bond, and currency markets who has worked in New York and London for HSBC, Soros Funds, ABN Amro, Dresdner Bank, and JPMorgan Chase “Financial Armageddon: Protect Your Future from Economic Collapse,” pg. 136-138

Continuing calls for curbs on the flow of finance and trade will inspire the United States and other nations to spew forth protectionist legislation like the notorious Smoot-Hawley bill. Introduced at the start of the Great Depression, it triggered a series of tit-for-tat economic responses, which many commentators believe helped turn a serious economic downturn into a prolonged and devastating global disaster. But if history is any guide, those lessons will have been long forgotten during the next collapse. Eventually, fed by a mood of desperation and growing public anger, restrictions on trade, finance, investment, and immigration will almost certainly intensify. Authorities and ordinary citizens will likely scrutinize the cross-border movement of Americans and outsiders alike, and lawmakers may even call for a general crackdown on nonessential travel. Meanwhile, many nations will make transporting or sending funds to other countries exceedingly difficult. As desperate officials try to limit the fallout from decades of ill-conceived, corrupt, and reckless policies, they will introduce controls on foreign exchange. Foreign individuals and companies seeking to acquire certain American infrastructure assets, or trying to buy property and other assets on the cheap thanks to a rapidly depreciating dollar, will be stymied by limits on investment by noncitizens. Those efforts will cause spasms to ripple across economies and markets, disrupting global payment, settlement, and clearing mechanisms. All of this will, of course, continue to undermine business confidence and consumer spending. In a world of lockouts and lockdowns, any link that transmits systemic financial pressures across markets through arbitrage or portfolio-based risk management, or that allows diseases to be easily spread from one country to the next by tourists and wildlife, or that otherwise facilitates unwelcome exchanges of any kind will be viewed with suspicion and dealt with accordingly. The rise in isolationism and protectionism will bring about ever more heated arguments and dangerous confrontations over shared sources of oil, gas, and other key commodities as well as factors of production that must, out of necessity, be acquired from less-than-friendly nations. Whether involving raw materials used in strategic industries or basic necessities such as food, water, and energy, efforts to secure adequate supplies will take increasing precedence in a world where demand seems constantly out of kilter with supply. Disputes over the misuse, overuse, and pollution of the environment and natural resources will become more commonplace. Around the world, such tensions will give rise to full-scale military encounters, often with minimal provocation. In some instances, economic conditions will serve as a convenient pretext for conflicts that stem from cultural and religious differences. Alternatively, nations may look to divert attention away from domestic problems by channeling frustration and populist sentiment toward other countries and cultures. Enabled by cheap technology and the waning threat of American retribution, terrorist groups will likely boost the frequency and scale of their horrifying attacks, bringing the threat of random violence to a whole new level. Turbulent conditions will encourage aggressive saber rattling and interdictions by rogue nations running amok. Age-old clashes will also take on a new, more heated sense of urgency. China will likely assume an increasingly belligerent posture toward Taiwan, while Iran may embark on overt colonization of its neighbors in the Mideast. Israel, for its part, may look to draw a dwindling list of allies from around the world into a growing number of conflicts. Some observers, like John Mearsheimer, a political scientist at the University of Chicago, have even speculated that an “intense confrontation” between the United States and China is “inevitable” at some point. More than a few disputes will turn out to be almost wholly ideological. Growing cultural and religious differences will be transformed from wars of words to battles soaked in blood. Long-simmering resentments could also degenerate quickly, spurring the basest of human instincts and triggering genocidal acts. Terrorists employing biological or nuclear weapons will vie with conventional forces using jets, cruise missiles, and bunker-busting bombs to cause widespread destruction. Many will interpret stepped-up conflicts between Muslims and Western societies as the beginnings of a new world war.

### 4

#### The United States federal judiciary should increase statutory restrictions on the war powers authority of the President in the area of introducing Armed Forces into hostilities with the Islamic Republic of Iran.

#### Court empirically resolved a host of war power disputes

Fisher 2005 (Louis Fisher, senior specialist in separation of Powers with the Congressional Research Service, September 2005, “Judicial Review of the War Power,” Presidential Studies Quarterly, Vol 35, No 3, <http://www.constitutionproject.org/pdf/422.pdf>)

The sharp disagreements between Judges Silberman and Tatel in the D.C. Circuit ¶ underscore the rift that still exists among federal "judges on war power issues and the ¶ political question doctrine. Contrary to the general impression that war power disputes ¶ present delicate political issues beyond the scope of judicial scrutiny, courts have generally regarded the exercise of war powers by the political departments as subject to independent judicial scrutiny. Throughout the past two centuries, federal courts accepted and ¶ decided a broad range of issues involving military operations. Most of those lawsuits ¶ were brought by private individuals who expected their legal claims to be settled on the ¶ legal and constitutional merits. ¶ While courts often acknowledge the president's broad discretionary powers in ¶ foreign policy and military actions, they usually do so after interpreting what Congress ¶ has authorized by statute. Even at the height of judicial unwillingness to reach the constitutional merits of the Vietnam War, the courts looked for some form of congressional ¶ approval or at least ratification of presidential war initiatives. They also intimated, ¶ repeatedly, that absent such a support (express or implicit) the decisions they reached ¶ might have turned against the president.

### SOP

#### The only empirical data proves U.S. hegemony’s unrelated to great power peace---every key factor in global stability is decoupled from U.S. primacy

**Fettweis, Tulane political science professor, 2010**

(Christopher, Dangerous Times? The International Politics of Great Power Peace, p. 175-176, ldg)

It is also perhaps worth noting that if opposite trends had unfolded, if other states had reacted to news of cuts in U.S. defense spending with more aggressive or insecure behavior, then internationalists would surely argue that their expectations had been fulfilled. If increases in conflict would have been interpreted as evidence for the wisdom of internationalist strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only data we have regarding the likely systemic reaction to a more restrained United States suggests that current peaceful trends are unrelated to U.S. military spending. Evidently the rest of the world can operate quite effectively without the presence of a global policeman. Those who think otherwise base their view on faith alone. If the only thing standing between the world and chaos is the U.S. military presence, then an adjustment in grand strategy would be exceptionally counterproductive. But it is worth recalling that none of the other explanations for the decline of war—nuclear weapons, complex economic interdependence, international and domestic political institutions, evolution in ideas and norms— necessitate an activist America to maintain their validity. Were America to become more restrained, nuclear weapons would still affect the calculations of the would-be aggressor; the process of globalization would continue, deepening the complexity of economic interdependence; the United Nations could still deploy peacekeepers where necessary; and democracy would not shrivel where it currently exists. Most importantly, the idea that war is a worthwhile way to resolve conflict would have no reason to return. As was argued in chapter 2, normative evolution is typically unidirectional. Strategic restraint in such a world would be virtually risk-free.

#### No i/l to heg – Ikenberry is about US perception and the impact is about troop withdrawal – no warrant why this would occur

#### Expansive interpretations mean the aff gets circumvented

**Mitchell, GMU law professor, 2009**

(Jonathan, “Legislating Clear-Statement Regimes in National-Security Law”, January, <http://works.bepress.com/cgi/viewcontent.cgi?article=1000&context=jonathan_mitchell>, ldg)

The executive branch’s interpretive theories were far-reaching, and its approach to constitutional avoidance and implied repeal were irreconcilable with the Supreme Court’s precedents. But they provided some political cover for the President by giving his actions a veneer of legality, and may even have protected executive-branch employees from the fear of criminal liability or political reprisals.22 To prevent the executive from continuing to evade Congress’s codified clear-statement requirements in this manner, many proposals have sought to provide more narrow and explicit clear statement requirements in Congress’s framework legislation as well as provisions that withhold funding from activities that Congress has not specifically authorized. For example, Senator Arlen Specter proposed new provisions to FISA stating that no provision of law may repeal or modify FISA unless it “expressly amends or otherwise specifically cites this title,” and that “no funds appropriated or 23 otherwise made available by any Act” may be expended for electronic surveillance conducted outside of FISA. Congress failed 24 to enact Senator Specter’s proposal, but it did enact an amendment to FISA that made the clear-statement regime more explicit, specifying that “[o]nly an express statutory authorization for electronic surveillance” may authorize electronic surveillance outside of FISA’s procedures. And numerous commentators have 25 argued for new provisions in the War Powers Resolution that would withhold funds from military ventures that Congress has not specifically authorized. Yet such proposals are unable to counter 26 the executive branch’s aggressive interpretive doctrines. Executive branch lawyers will remain able to concoct congressional “authorization” from vague statutory language by repeating their assertions that codified clear-statement requirements “bind future Congresses” or that ambiguous language in later-enacted statutes implicitly repeals restrictions in Congress’s framework legislation. Future legislators will continue to acquiesce to the President’s unilateralism when it is politically convenient to do so. And the 27 federal courts’ willingness to enforce clear-statement regimes against the President in national-security law bears no relationship to the codified clear-statement requirements in framework legislation or treaties.28 Congress could produce more effective clear-statement regimes if it precommitted itself against enacting vague or ambiguous legislation from which executive-branch lawyers might claim implicit congressional “authorization” for certain actions. Rather than merely enacting statutes that instruct the executive not to construe ambiguous statutory language as authorizing military hostilities or warrantless electronic surveillance, Congress could establish point-of-order mechanisms that impose roadblocks to enacting such vague legislation in the first place. A point-of-order 29 mechanism would empower a single legislator to object to legislation that authorizes military force, or that funds the military or intelligence agencies. But the point of order would be valid only if the legislation fails to explicitly prohibit or withhold funding for military hostilities beyond sixty days, or warrantless electronic surveillance, unless the bill includes the specific authorizing language that Congress’s framework legislation requires. This device would reduce the likelihood of Congress ever enacting vague or ambiguous legislation that the executive might use to claim “authorization” for extended military hostilities or warrantless electronic surveillance. It would also induce legislators to confront presidents who act without specific congressional authorization by empowering a single legislator to object to legislation necessary to fund the President’s unauthorized endeavors. Yet the political branches have never established such an enforcement mechanism for the clear-statement requirements in national-security legislation, even though they have established such point-of-order devices to enforce precommitments in framework legislation governing the federal budget process. The result is a regime of 30 faint-hearted clear-statement regimes in national-security law—framework legislation that codifies strongly worded clearstatement rules but that lacks any mechanism to induce compliance by future political actors. This may be a calculated choice of members of Congress, or it may reflect the President’s influence in the legislative process. But no one should think that simply legislating more narrow or explicit clear-statement requirements, or adding funding restrictions to Congress’s framework legislation, will prevent the executive from continuing to infer congressional authorization from vague or ambiguous statutory language.

#### There’s no way to assess their internal link.

Posner 2012

Eric, Law Prof @ UChicago, Balance-of-Powers Arguments and the Structural Constitution, November 2012 INSTITUTE FOR LAW AND ECONOMICS WORKING PAPER NO. 622

By contrast, Jack Goldsmith points out that the Bush administration authorized these techniques only after extensive legal analysis, and time and again faced constraints from outside the executive branch.75 The CIA ensured that various executive branch institutions endorsed, or at least gave silent acquiescence to, coercive interrogation. CIA officials made a presentation to members of the House and Senate intelligence committees. After the program was put into effect and information about it leaked out, various members of the public—journalists, lawyers, politicians—raised a hue and cry. The Bush administration was forced to ask inspectors general to evaluate the program—and in doing so, used a mechanism put into place by Congress in the Inspectors General Act. Congress also passed a new law that banned torture. The Bush administration stopped using waterboarding in 2007,76 and the Obama administration has repudiated it as well.77 Although Goldsmith’s account of “pushback” against presidential power relies to a large extent on ordinary politics, he gives some credit to Congress, and suggests that the system of separation of powers prevailed.78 How can one rigorously evaluate this debate? Goldsmith puts a great deal of weight on process, emphasizing the ways in which executive branch officials took account of the law even while attempting to circumvent it. But the critics are not concerned with process but with outcomes. To address the issue rigorously, one would need to identify the ideal point of Congress, the ideal point of the executive, and the location of the policy outcome—sporadic torture. We immediately run into numerous problems. Do we use the ideal point of Congress at the time that it passed the Anti-Torture Statute or the ideal point of Congress at the time of the conflict over torture? Is the ideal point of Congress that of the median voter (in the House, the Senate?), the leadership, or some voting bloc? Do we use the public preferences of Congress or the hidden preferences represented by the committee members who did not object to the interrogation techniques? Did Congress’s ideal point change over time in response to developments in public opinion? The questions are scarcely less difficult to answer when we turn to the executive. Is the ideal point some personal or ideological preference of Bush himself, or his judgment as to the optimal political position to take in response to pressure from voters, or a point that reflects a compromise among the views of different people and institutions in the executive branch? Even if it were that of Bush himself, how can we identify his ideal point? Should we use a public statement or wait for archival records to appear, or acknowledge that we have no idea—he may have wanted to torture as many suspects as possible, or he may have wanted to reserve the use of torture for just the worst cases? We cannot answer these questions with any confidence, but they at least enable us to see how much uncertainty there is as to the issue of whether the executive encroached on the power of Congress. It is possible that the acts of torture were preferred by Congress, at least in the early years; it is even possible that they went beyond what Bush wanted. We simply do not know. Then there is the question whether the outcome, which at least on Goldsmith’s account reflected the power of both branches, reflected a constitutionally valid balance of power. Here again we face considerable uncertainty. The question is not so much whether George Washington could have authorized torture (which he never did) in violation of a statute (which did not exist at that time). It is whether Washington’s influence on relevant policy outcomes was similar to that of George W. Bush. The question seems impossible to answer. And as noted before, there is not even agreement as to whether the founding-era balance of power should be the constitutional baseline, and if not, which era’s balance of power should be.

#### Can’t leverage hegemony

**Maher, Brown political science professor, 2011**

(Richard, “The Paradox of American Unipolarity: Why the United States May Be Better Off in a Post-Unipolar World”, Orbis, 55.1, Science Direct, ldg)

At the same time, preeminence creates burdens and facilitates imprudent behavior. Indeed, because of America’s unique political ideology, which sees its own domestic values and ideals as universal, and the relative openness of the foreign policymaking process, the United States is particularly susceptible to both the temptations and burdens of preponderance. For decades, perhaps since its very founding, the United States has viewed what is good for itself as good for the world. During its period of preeminence, the United States has both tried to maintain its position at the top and to transform world politics in fundamental ways, combining elements of realpolitik and liberal universalism (democratic government, free trade, basic human rights). At times, these desires have conflicted with each other but they also capture the enduring tensions of America’s role in the world. The absence of constraints and America’s overestimation of its own ability to shape outcomes has served to weaken its overall position. And because foreign policy is not the reserved and exclusive domain of the president---who presumably calculates strategy according to the pursuit of the state’s enduring national interests---the policymaking process is open to special interests and outside influences and, thus, susceptible to the cultivation of misperceptions, miscalculations, and misunderstandings. Five features in particular, each a consequence of how America has used its power in the unipolar era, have worked to diminish America’s long-term material and strategic position. Overextension. During its period of preeminence, the United States has found it difficult to stand aloof from threats (real or imagined) to its security, interests, and values. Most states are concerned with what happens in their immediate neighborhoods. The United States has interests that span virtually the entire globe, from its own Western Hemisphere, to Europe, the Middle East, Persian Gulf, South Asia, and East Asia. As its preeminence enters its third decade, the United States continues to define its interests in increasingly expansive terms. This has been facilitated by the massive forward presence of the American military, even when excluding the tens of thousands of troops stationed in Iraq and Afghanistan. The U.S. military has permanent bases in over 30 countries and maintains a troop presence in dozens more.13 There are two logics that lead a preeminent state to overextend, and these logics of overextension lead to goals and policies that exceed even the considerable capabilities of a superpower. First, by definition, preeminent states face few external constraints. Unlike in bipolar or multipolar systems, there are no other states that can serve to reliably check or counterbalance the power and influence of a single hegemon. This gives preeminent states a staggering freedom of action and provides a tempting opportunity to shape world politics in fundamental ways. Rather than pursuing its own narrow interests, preeminence provides an opportunity to mix ideology, values, and normative beliefs with foreign policy. The United States has been susceptible to this temptation, going to great lengths to slay dragons abroad, and even to remake whole societies in its own (liberal democratic) image.14 The costs and risks of taking such bold action or pursuing transformative foreign policies often seem manageable or even remote. We know from both theory and history that external powers can impose important checks on calculated risk-taking and serve as a moderating influence. The bipolar system of the Cold War forced policymakers in both the United States and the Soviet Union to exercise extreme caution and prudence. One wrong move could have led to a crisis that quickly spiraled out of policymakers’ control. Second, preeminent states have a strong incentive to seek to maintain their preeminence in the international system. Being number one has clear strategic, political, and psychological benefits. Preeminent states may, therefore, overestimate the intensity and immediacy of threats, or to fundamentally redefine what constitutes an acceptable level of threat to live with. To protect itself from emerging or even future threats, preeminent states may be more likely to take unilateral action, particularly compared to when power is distributed more evenly in the international system. Preeminence has not only made it possible for the United States to overestimate its power, but also to overestimate the degree to which other states and societies see American power as legitimate and even as worthy of emulation. There is almost a belief in historical determinism, or the feeling that one was destined to stand atop world politics as a colossus, and this preeminence gives one a special prerogative for one’s role and purpose in world politics. The security doctrine that the George W. Bush administration adopted took an aggressive approach to maintaining American preeminence and eliminating threats to American security, including waging preventive war. The invasion of Iraq, based on claims that Saddam Hussein possessed weapons of mass destruction (WMD) and had ties to al Qaeda, both of which turned out to be false, produced huge costs for the United States---in political, material, and human terms. After seven years of war, tens of thousands of American military personnel remain in Iraq. Estimates of its long-term cost are in the trillions of dollars.15 At the same time, the United States has fought a parallel conflict in Afghanistan. While the Obama administration looks to dramatically reduce the American military presence in Iraq, President Obama has committed tens of thousands of additional U.S. troops to Afghanistan. Distraction. Preeminent states have a tendency to seek to shape world politics in fundamental ways, which can lead to conflicting priorities and unnecessary diversions. As resources, attention, and prestige are devoted to one issue or set of issues, others are necessarily disregarded or given reduced importance. There are always trade-offs and opportunity costs in international politics, even for a state as powerful as the United States. Most states are required to define their priorities in highly specific terms. Because the preeminent state has such a large stake in world politics, it feels the need to be vigilant against any changes that could impact its short-, medium-, or longterm interests. The result is taking on commitments on an expansive number of issues all over the globe. The United States has been very active in its ambition to shape the postCold War world. It has expanded NATO to Russia’s doorstep; waged war in Bosnia, Kosovo, Iraq, and Afghanistan; sought to export its own democratic principles and institutions around the world; assembled an international coalition against transnational terrorism; imposed sanctions on North Korea and Iran for their nuclear programs; undertaken ‘‘nation building’’ in Iraq and Afghanistan; announced plans for a missile defense system to be stationed in Poland and the Czech Republic; and, with the United Kingdom, led the response to the recent global financial and economic crisis. By being so involved in so many parts of the world, there often emerges ambiguity over priorities. The United States defines its interests and obligations in global terms, and defending all of them simultaneously is beyond the pale even for a superpower like the United States. Issues that may have received benign neglect during the Cold War, for example, when U.S. attention and resources were almost exclusively devoted to its strategic competition with the Soviet Union, are now viewed as central to U.S. interests. Bearing Disproportionate Costs of Maintaining the Status Quo. As the preeminent power, the United States has the largest stake in maintaining the status quo. The world the United States took the lead in creating---one based on open markets and free trade, democratic norms and institutions, private property rights and the rule of law---has created enormous benefits for the United States. This is true both in terms of reaching unprecedented levels of domestic prosperity and in institutionalizing U.S. preferences, norms, and values globally. But at the same time, this system has proven costly to maintain. Smaller, less powerful states have a strong incentive to free ride, meaning that preeminent states bear a disproportionate share of the costs of maintaining the basic rules and institutions that give world politics order, stability, and predictability. While this might be frustrating to U.S. policymakers, it is perfectly understandable. Other countries know that the United States will continue to provide these goods out of its own self-interest, so there is little incentive for these other states to contribute significant resources to help maintain these public goods.16 The U.S. Navy patrols the oceans keeping vital sea lanes open. During financial crises around the globe---such as in Asia in 1997-1998, Mexico in 1994, or the global financial and economic crisis that began in October 2008--- the U.S. Treasury rather than the IMF takes the lead in setting out and implementing a plan to stabilize global financial markets. The United States has spent massive amounts on defense in part to prevent great power war. The United States, therefore, provides an indisputable collective good---a world, particularly compared to past eras, that is marked by order, stability, and predictability. A number of countries---in Europe, the Middle East, and East Asia---continue to rely on the American security guarantee for their own security. Rather than devoting more resources to defense, they are able to finance generous social welfare programs. To maintain these commitments, the United States has accumulated staggering budget deficits and national debt. As the sole superpower, the United States bears an additional though different kind of weight. From the Israeli-Palestinian dispute to the India Pakistan rivalry over Kashmir, the United States is expected to assert leadership to bring these disagreements to a peaceful resolution. The United States puts its reputation on the line, and as years and decades pass without lasting settlements, U.S. prestige and influence is further eroded. The only way to get other states to contribute more to the provision of public goods is if the United States dramatically decreases its share. At the same time, the United States would have to give other states an expanded role and greater responsibility given the proportionate increase in paying for public goods. This is a political decision for the United States---maintain predominant control over the provision of collective goods or reduce its burden but lose influence in how these public goods are used. Creation of Feelings of Enmity and Anti-Americanism. It is not necessary that everyone admire the United States or accept its ideals, values, and goals. Indeed, such dramatic imbalances of power that characterize world politics today almost always produce in others feelings of mistrust, resentment, and outright hostility. At the same time, it is easier for the United States to realize its own goals and values when these are shared by others, and are viewed as legitimate and in the common interest. As a result of both its vast power but also some of the decisions it has made, particularly over the past eight years, feelings of resentment and hostility toward the United States have grown, and perceptions of the legitimacy of its role and place in the world have correspondingly declined. Multiple factors give rise toanti-American sentiment, and anti-Americanism takes different shapes and forms.17 It emerges partly as a response to the vast disparity in power the United States enjoys over other states. Taking satisfaction in themissteps and indiscretions of the imposing Gulliver is a natural reaction. In societies that globalization (which in many parts of the world is interpreted as equivalent to Americanization) has largely passed over, resentment and alienation are felt when comparing one’s own impoverished, ill-governed, unstable society with the wealth, stability, and influence enjoyed by the United States.18 Anti-Americanism also emerges as a consequence of specific American actions and certain values and principles to which the United States ascribes. Opinion polls showed that a dramatic rise in anti-American sentiment followed the perceived unilateral decision to invade Iraq (under pretences that failed to convince much of the rest of the world) and to depose Saddam Hussein and his government and replace itwith a governmentmuchmore friendly to the United States. To many, this appeared as an arrogant and completely unilateral decision by a single state to decide for itselfwhen---and under what conditions---military force could be used. A number of other policy decisions by not just the George W. Bush but also the Clinton and Obama administrations have provoked feelings of anti-American sentiment. However, it seemed that a large portion of theworld had a particular animus for GeorgeW. Bush and a number of policy decisions of his administration, from voiding the U.S. signature on the International Criminal Court (ICC), resisting a global climate change treaty, detainee abuse at Abu Ghraib in Iraq and at Guantanamo Bay in Cuba, and what many viewed as a simplistic worldview that declared a ‘‘war’’ on terrorism and the division of theworld between goodand evil.Withpopulations around theworld mobilized and politicized to a degree never before seen---let alone barely contemplated---such feelings of anti-American sentiment makes it more difficult for the United States to convince other governments that the U.S.’ own preferences and priorities are legitimate and worthy of emulation. Decreased Allied Dependence. It is counterintuitive to think that America’s unprecedented power decreases its allies’ dependence on it. During the Cold War, for example, America’s allies were highly dependent on the United States for their own security. The security relationship that the United States had with Western Europe and Japan allowed these societies to rebuild and reach a stunning level of economic prosperity in the decades following World War II. Now that the United States is the sole superpower and the threat posed by the Soviet Union no longer exists, these countries have charted more autonomous courses in foreign and security policy. A reversion to a bipolar or multipolar system could change that, making these allies more dependent on the United States for their security. Russia’s reemergence could unnerve America’s European allies, just as China’s continued ascent could provoke unease in Japan. Either possibility would disrupt the equilibrium in Europe and East Asia that the United States has cultivated over the past several decades. New geopolitical rivalries could serve to create incentives for America’s allies to reduce the disagreements they have with Washington and to reinforce their security relationships with the United States.

### Prolif

#### Appeasement kills credibility – it shows countries that the US isn’t hard line - playing a weak hand doesn’t work

Weissberg 10 - Professor of Political Science-Emeritus, University of Illinois-Urbana (Robert, “President Obama's Compulsive Appeasement Disorder”, August 27 of 2010, American Thinker, <http://www.americanthinker.com/2010/08/president_obamas_compulsive_ap.html>)

There's a simple explanation: we are no longer feared. Superpowers of yesteryear, going back to the Greeks and Romans, were feared for a reason -- they leveled a city to make an example. Today, by contrast, Uncle Sam relies on cajoling, bribery (think North Korea), entreating puny leaders of inchoate states (special envoys to the PLO's Mahmoud Abbas) and otherwise playing weak hands. We have gone from resolve to U.N. resolution. We've forgotten Machiavelli's sage advice: since love and fear can hardly exist together, if we must choose between them, it is far safer to be feared than loved.¶ Being feared does not require bombing Iran into the Stone Age, though that would certainly terrify North Korea and even slow down the Somali pirates. Being feared is when your enemy believes that you are willing to use overwhelming, deadly force, and this need not require nuking anybody. The trick is creating a credible, threatening persona -- convincing your enemy that while you may speak softly, you also carry a big stick and are willing to use it. Israel long ago learned this lesson, regardless of world outrage.

#### No impact trigger – no state will first strike Israel to set off their system, even if its there

#### Obama’s hardline credibility is uniquely key to solve conflicts around the global

Ben Coes 11, a former speechwriter in the George H.W. Bush administration, managed Mitt Romney’s successful campaign for Massachusetts Governor in 2002 & author, “The disease of a weak president”, The Daily Caller, http://dailycaller.com/2011/09/30/the-disease-of-a-weak-president/

The disease of a weak president usually begins with the Achilles’ heel all politicians are born with — the desire to be popular. It leads to pandering to different audiences, people and countries and creates a sloppy, incoherent set of policies. Ironically, it ultimately results in that very politician losing the trust and respect of friends and foes alike.¶ In the case of Israel, those of us who are strong supporters can at least take comfort in the knowledge that Tel Aviv will do whatever is necessary to protect itself from potential threats from its unfriendly neighbors. While it would be preferable for the Israelis to be able to count on the United States, in both word and deed, the fact is right now they stand alone. Obama and his foreign policy team have undercut the Israelis in a multitude of ways. Despite this, I wouldn’t bet against the soldiers of Shin Bet, Shayetet 13 and the Israeli Defense Forces.¶ But Obama’s weakness could — in other places — have implications far, far worse than anything that might ultimately occur in Israel. The triangular plot of land that connects Pakistan, India and China is held together with much more fragility and is built upon a truly foreboding foundation of religious hatreds, radicalism, resource envy and nuclear weapons.¶ If you can only worry about preventing one foreign policy disaster, worry about this one.**¶** Here are a few unsettling facts to think about:¶ First, Pakistan and India have fought three wars since the British de-colonized and left the region in 1947. All three wars occurred before the two countries had nuclear weapons. Both countries now possess hundreds of nuclear weapons, enough to wipe each other off the map many times over.¶ Second, Pakistan is 97% Muslim. It is a question of when — not if — Pakistan elects a radical Islamist in the mold of Ayatollah Khomeini as its president. Make no mistake, it will happen, and when it does the world will have a far greater concern than Ali Khamenei or Mahmoud Ahmadinejad and a single nuclear device.¶ Third, China sits at the northern border of both India and Pakistan. China is strategically aligned with Pakistan. Most concerning, China covets India’s natural resources. Over the years, it has slowly inched its way into the northern tier of India-controlled Kashmir Territory, appropriating land and resources and drawing little notice from the outside world.¶ In my book, Coup D’Etat, I consider this tinderbox of colliding forces in Pakistan, India and China as a thriller writer. But thriller writers have the luxury of solving problems by imagining solutions on the page. In my book, when Pakistan elects a radical Islamist who then starts a war with India and introduces nuclear weapons to the theater, America steps in and removes the Pakistani leader through a coup d’état.¶ I wish it was that simple.¶ The more complicated and difficult truth is that we, as Americans, must take sides. We must be willing to be unpopular in certain places. Most important, we must be ready and willing to threaten our military might on behalf of our allies. And our allies are Israel and India.¶ There are many threats out there — Islamic radicalism, Chinese technology espionage, global debt and half a dozen other things that smarter people than me are no doubt worrying about. But the single greatest threat to America is none of these. The single greatest threat facing America and our allies is a weak U.S. president. It doesn’t have to be this way. President Obama could — if he chose — develop a backbone and lead. Alternatively, America could elect a new president. It has to be one or the other. The status quo is simply not an option.

#### No Israel strikes-US negotiations prevent

Defense News 10/7/13

US-Iran Thaw Puts Israeli Attack Options on Ice

<http://www.defensenews.com/article/20131007/DEFREG04/310070017/US-Iran-Thaw-Puts-Israeli-Attack-Options-Ice>

TEL AVIV — Israel is reassessing its dwindling options for combating the Iranian nuclear threat as a war-weary White House and other world powers meet in Geneva later this month to probe diplomatic prospects for a deal with Tehran. Government and defense sources here said US President Barack Obama’s readiness to “test the diplomatic path” has severely undercut Israel’s strategy of compelling complete dismantlement of Iran’s nuclear program through strengthened sanctions and the credible threat of military force. In his Oct. 1 UN General Assembly address in New York, Israeli Prime Minister Benjamin Netanyahu warned that Hassan Rouhani, Iran’s newly elected president, was not a reform-seeking moderate but a “mastermind” of deceit, who aimed to fool the world body “behind a smokescreen of diplomatic engagement and very soothing diplomatic rhetoric.” Netanyahu was adamant that Israel “would never acquiesce” to a nuclear weapon-capable Iran. Nor would it accept a partial agreement that allows Iran to reconstitute the threat should it decide to break away from a deal. Against such a threat, he repeatedly warned, “Israel will have no choice but to defend itself.” But sources here say the Sept. 27 phone call that triggered a thaw in the 34-year freeze between Washington and Tehran has sapped credibility of Netanyahu’s threats. As long as the White House remains directly involved in so-called P5 Plus 1 talks with Iran, they say, Israel cannot contemplate pre-emptive attack. “Obama’s relationship with Rouhani may be warming up, but it’s forcing us to put unilateral strike options on ice,” said a former member of the Israel Defense Forces (IDF) General Staff. Maj. Gen. Seyed Hassan Firouzabadi, Iran’s second-ranking military officer, dismissed Netan­yahu’s threats as “desperation” that would not deter Tehran’s “peaceful nuclear program,” the semi-official Fars news agency quoted the officer as saying. Rouhani responded tauntingly to Netanyahu’s address via his official Twitter account: “Israel is upset to see that its sword has gone blunt and Iran grows more powerful day by day.” Despite Obama’s assurances that both countries share the same goal of preventing a nuclear-armed Iran, most here are disheartened by the White House’s handling of the Syrian chemical threat and increasingly doubt US capability or intent to exercise the military option that the president insists is still on his desk. Washington, London and Paris, however, contend the credible threat of force helped convince Syria to relinquish its chemical weapons and that an overture by Iran’s new leader offers a strategic opportunity that must be explored. While US officials are hopeful, senior officials — as well as lawmakers and strategists — stress that only Iranian actions on its nuclear program rather than its rhetoric will lead to a change in sanctions. In a Sept. 30 Oval Office meeting, Obama told Netanyahu he enters negotiations with Iran “very clear-eyed” and that any diplomatic deal would require “the highest standards of verification” prior to easing sanctions as demanded by Iran. He also said, “We take no options off the table, including military options.” The emerging détente between its patron in Washington and its nemesis in Tehran poses parallel problems for the Jewish state: It needs to ensure a credible US military option should diplomacy fail or be prepared to act unilaterally should diplomacy succeed in a deal that falls short of its maximalist demands. Either way, political and operational conditions do not augur well for a conventional military response should diplomacy fail. With talks between Iran, Germany and the five permanent members of the UN Security Council likely to extend well into the new year, experts here say Israel will intensify public diplomacy in support of sanctions and continue its successful covert war against Iran’s nuclear and cyber programs. Retired Maj. Gen. Amos Yadlin, a former Israeli military intelligence chief, has urged Netanyahu to cooperate closely with Obama toward a positive disarmament deal. “A good agreement must be given a chance, even if it seems that the Iranian move is an exercise in deceit. Exposing the deceit can yield strategic benefits,” Yadlin, now director of Israel’s Institute for National Security Studies, wrote in a Sept. 29 paper. According to Yadlin, even an agreement that carries a certain risk “represents a significantly smaller threat than the dangers inherent in the status quo, which is leading to an Iranian bomb or to a military move to forestall it.”

#### Iran would avoid US involvement if they were to retaliate.

New York Times, 2k12 (“U.S. Sees Iran Attacks as Likely if Israel Strikes”http://www.nytimes.com/2012/02/29/world/middleeast/us-sees-iran-attacks-as-likely-if-israel-strikes.html?pagewanted=all, February 29, 2012)

If Israel did attack, officials said, Iran would be foolhardy, even suicidal, to invite an overpowering retaliation by directly attacking United States military targets — by, for example, unleashing its missiles at American bases on the territory of Persian Gulf allies. “The balance the Iranians will try to strike is doing damage that is sufficiently significant, but just short of what it would take for America to invade,” said General Cartwright, now at the Center for Strategic and International Studies.

#### Irans allies won’t respond- Syrian government pressure, and Palestinian distancing prove.

Middle East Voices 2k12 (Arab Spring News and Conversation - Powered by VOA "Scenarios for Iran Retaliation Vary if Israel Strikes Nuclear Targets” http://middleeastvoices.voanews.com/2012/04/scenarios-for-iran-retaliation-vary-if-israel-strikes-nuclear-targets-97100/, APRIL 13, 2012)

Still, analysts say regional and internal pressures complicate the willingness of Iran’s allies to participate. Retired Brig. Gen. Shlomo Brom, former head of strategic planning for the Israeli military’s general staff, said the year-plus opposition uprising in Syria has tied Assad’s hands. With mounting international pressure on the Syrian government to end its internal crackdown, Brom said it is “highly improbable” that Syria would join Iran in retaliatory strikes on Israel. To Israel’s southwest, in the Gaza Strip, the Hamas movement has for years been seen as an Iranian proxy. Palestinian militants regularly fire rockets into southern Israel while Israeli forces respond with air strikes against Gaza. But Hamas has recently begun to distance itself from the Shi’ite-run governments of Iran and Syria, making its participation in an Iranian-led conflict less likely.

#### No Middle East impact

**Cook et al., CFR Middle East Studies senior fellow, 2007**

(Steven, “Why the Iraq war won't engulf the Mideast”, 6-28, <http://www.iht.com/bin/print.php?id=6383265>, ldg)

Underlying this anxiety was a scenario in which Iraq's sectarian and ethnic violence spills over into neighboring countries, producing conflicts between the major Arab states and Iran as well as Turkey and the Kurdistan Regional Government. These wars then destabilize the entire region well beyond the current conflict zone, involving heavyweights like Egypt. This is scary stuff indeed, but with the exception of the conflict between Turkey and the Kurds, the scenario is far from an accurate reflection of the way Middle Eastern leaders view the situation in Iraq and calculate their interests there. It is abundantly clear that major outside powers like Saudi Arabia, Iran and Turkey are heavily involved in Iraq. These countries have so much at stake in the future of Iraq that it is natural they would seek to influence political developments in the country. Yet, the Saudis, Iranians, Jordanians, Syrians, and others are very unlikely to go to war either to protect their own sect or ethnic group or to prevent one country from gaining the upper hand in Iraq. The reasons are fairly straightforward. First, Middle Eastern leaders, like politicians everywhere, are primarily interested in one thing: self-preservation. Committing forces to Iraq is an inherently risky proposition, which, if the conflict went badly, could threaten domestic political stability. Moreover, most Arab armies are geared toward regime protection rather than projecting power and thus have little capability for sending troops to Iraq. Second, there is cause for concern about the so-called blowback scenario in which jihadis returning from Iraq destabilize their home countries, plunging the region into conflict. Middle Eastern leaders are preparing for this possibility. Unlike in the 1990s, when Arab fighters in the Afghan jihad against the Soviet Union returned to Algeria, Egypt and Saudi Arabia and became a source of instability, Arab security services are being vigilant about who is coming in and going from their countries. In the last month, the Saudi government has arrested approximately 200 people suspected of ties with militants. Riyadh is also building a 700 kilometer wall along part of its frontier with Iraq in order to keep militants out of the kingdom. Finally, there is no precedent for Arab leaders to commit forces to conflicts in which they are not directly involved. The Iraqis and the Saudis did send small contingents to fight the Israelis in 1948 and 1967, but they were either ineffective or never made it. In the 1970s and 1980s, Arab countries other than Syria, which had a compelling interest in establishing its hegemony over Lebanon, never committed forces either to protect the Lebanese from the Israelis or from other Lebanese. The civil war in Lebanon was regarded as someone else's fight. Indeed, this is the way many leaders view the current situation in Iraq. To Cairo, Amman and Riyadh, the situation in Iraq is worrisome, but in the end it is an Iraqi and American fight. As far as Iranian mullahs are concerned, they have long preferred to press their interests through proxies as opposed to direct engagement. At a time when Tehran has access and influence over powerful Shiite militias, a massive cross-border incursion is both unlikely and unnecessary. So Iraqis will remain locked in a sectarian and ethnic struggle that outside powers may abet, but will remain within the borders of Iraq. The Middle East is a region both prone and accustomed to civil wars. But given its experience with ambiguous conflicts, **the region has** also **developed an intuitive ability to contain its civil strife and prevent local conflicts from enveloping the entire Middle East.**

#### No Iranian prolif-weak institutions and technical hurdles-discount predictions because they are routinely baseless.

**Hymans, USC IR professor, 2013**

(Jacques, “Iran Is Still Botching the Bomb”, 2-20, <http://www.foreignaffairs.com/articles/139013/jacques-e-c-hymans/iran-is-still-botching-the-bomb?page=show>, ldg)

At the end of January, Israeli intelligence officials quietly indicated that they have downgraded their assessments of Iran's ability to build a nuclear bomb. This is surprising because less than six months ago, Israeli Prime Minister Benjamin Netanyahu warned from the tribune of the United Nations that the Iranian nuclear D-Day might come as early as 2013. Now, Israel believes that Iran will not have its first nuclear device before 2015 or 2016. The news comes as a great relief. But it also raises questions. This was a serious intelligence failure, one that has led some of Israel's own officials to wonder aloud, "Did we cry wolf too early?" Indeed, Israel has consistently overestimated Iran's nuclear program for decades. In 1992, then Foreign Minister Shimon Peres announced that Iran was on pace to have the bomb by 1999. Israel's many subsequent estimates have become increasingly frenzied but have been consistently wrong. U.S. intelligence agencies have been only slightly less alarmist, and they, too, have had to extend their timelines repeatedly. Overestimating Iran's nuclear potential might not seem like a big problem. However, similar, unfounded fears were the basis for President George W. Bush's preemptive attack against Iraq and its nonexistent weapons of mass destruction. Israel and the United States need to make sure that this kind of human and foreign policy disaster does not happen again. What explains Israel's most recent intelligence failure? Israeli officials have suggested that Iran decided to downshift its nuclear program in response to international sanctions and Israel's hawkish posture. But that theory falls apart when judged against Tehran's own recent aggressiveness. In the past few months, Iran has blocked the International Atomic Energy Agency (IAEA) from gaining access to suspect facilities, stalled on diplomatic meetings, and announced a "successful" space shot and the intention to build higher-quality centrifuges. These are not the actions of a state that is purposely slowing down its nuclear program. Even more to the point, if Tehran were really intent on curbing its nuclear work, an explicit announcement of the new policy could be highly beneficial for the country: many states would praise it, sanctions might be lifted, and an Israeli or U.S. military attack would become much less likely. But Iran has not advertised the downshift, and its only modest concession of late has been to convert some of its 20 percent enriched uranium to reactor fuel. It is doubtful that the Iranians would decide to slow down their nuclear program without asking for anything in return. A second hypothesis is that Israeli intelligence estimates have been manipulated for political purposes. This possibility is hard to verify, but it cannot be dismissed out of hand. Preventing the emergence of a nuclear-armed Iran is Netanyahu's signature foreign policy stance, and he had an acute interest in keeping the anti-Iran pot boiling in the run-up to last month's parliamentary elections, which he nearly lost. Now, with the elections over, perhaps Israeli intelligence officials feel freer to convey a more honest assessment of Iran's status. This theory of pre-election spin is not very satisfying, however, because it fails to explain why Israeli governments of all political orientations have been making exaggerated claims about Iran for 20 years -- to say nothing of the United States' own overly dire predictions. The most plausible reason for the consistent pattern of overstatement is that Israeli and U.S. models of Iranian proliferation are flawed. Sure enough, Israeli officials have acknowledged that they did not anticipate the high number of technical problems Iranian scientists have run into recently. Some of those mishaps may have been the product of Israeli or U.S. efforts at sabotage. For instance, the 2010 Stuxnet computer virus attack on Iran's nuclear facilities reportedly went well. But the long-term impact of such operations is usually small -- or nonexistent: the IAEA and other reputable sources have dismissed the highly publicized claims of a major recent explosion at Iran's Fordow uranium-enrichment plant, for instance. Rather than being hampered by James Bond exploits, Iran's nuclear program has probably suffered much more from Keystone Kops-like blunders: mistaken technical choices and poor implementation by the Iranian nuclear establishment. There is ample reason to believe that such slipups have been the main cause of Iran's extremely slow pace of nuclear progress all along. The country is rife with other botched projects, especially in the chaotic public sector. It is unlikely that the Iranian nuclear program is immune to these problems. This is not a knock against the quality of Iranian scientists and engineers, but rather against the organizational structures in which they are trapped. In such an environment, where top-down mismanagement and political agendas are abundant, even easy technical steps often lead to dead ends and pitfalls. Iran is not the only state with a dysfunctional nuclear weapons program. As I argued in a 2012 Foreign Affairs article, since the 1970s, most states seeking entry into the nuclear weapons club have run their weapons programs poorly, leading to a marked slowdown in global proliferation. The cause of this mismanagement is the poor quality of the would-be proliferator's state institutions. Libya and North Korea are two classic examples. Libya essentially made no progress, even after 30 years of trying. North Korea has gotten somewhere -- but only after 50 years, and with many high-profile embarrassments along the way. Iran, whose nuclear weapons drive began in the mid-1980s, seems to be following a similar trajectory. Considering Iran in the broader context of the proliferation slowdown, it becomes clear that the technical problems it has encountered are more than unpredictable accidents -- they are structurally determined. Since U.S. and Israeli intelligence services have failed to appreciate the weakness of Iran's nuclear weapons program, they have not adjusted their analytical models accordingly. Thus, there is reason to be skeptical about Israel's updated estimate of an Iranian bomb in the next two or three years. The new date is probably just the product of another ad hoc readjustment, but what is needed is a fundamental rethinking.

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### \*\*\*Courts

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### War Powers

#### Courts can restrict war powers

Fisher 2005 (Louis Fisher, senior specialist in separation of Powers with the Congressional Research Service, September 2005, “Judicial Review of the War Power,” Presidential Studies Quarterly, Vol 35, No 3, http://www.constitutionproject.org/pdf/422.pdf)

The terrorist attacks of 9/11, followed by the creation of a military tribunal, treatment of detainees, and passage of the USA Patriot Act, brought to the fore again the ¶ question of what role federal courts should play in policing the war power. Contempo­¶ rary legal studies often argue that foreign affairs-and particularly issues of war and ¶ peace-lie beyond the scope of judicial jurisdiction and competence. However, the record ¶ over the past two centuries demonstrates that not only have courts decided war power ¶ issues many times, they have curbed presidential military actions in time of war.

### Shielding

#### Courts don’t link to politics- avoids political fallout for Congress and Obama

Whittington, 2005 (Keith E. Whittington, Professor of Politics - Princeton University, "Interpose Your Friendly Hand: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, [The American Political Science Review](http://proquest.umi.com.proxy.lib.umich.edu/pqdweb?RQT=318&pmid=28600&TS=1245862067&clientId=17822&VInst=PROD&VName=PQD&VType=PQD), Nov., (99)4, p. 583)

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympathetic to the politician's own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

#### Court involvement allows Obama to blame the Court.

Rosenberg 1991 (Gerald Rosenberg, assistant professor of political science at the University of Chicago, The Hollow Hope, p. 34)

Finally, court orders can simply provide a shield or cover for administrators fearful of political reactions. This is particularly helpful for elected officials who can implement required reforms and protest against them at the same time. This pattern is often seen in the school desegregation area. Writing in 1967, one author noted that “a court order is useful in that it leaves the official no choice and a perfect excuse” (Note 1967, 361). While the history of court ordered desegregation unfortunately shows that officials often had many choices other than implementing court orders, a review of school desegregation cases did find that “many school boards pursue from the outset a course designed to shift the entire political burden of desegregation on the courts” (Kalodner 1978, 3). This was also the case in the Alabama mental health litigation where “the mental health administrators wanted [Judge] Johnson to take all the political heat associated with specific orders while they enjoyed the benefits of his action” (Cooper 1988, 186). Thus Condition IV: Courts may effectively produce significant social reform by providing leverage, or a shield, cover, or excuse, for persons crucial to implementation who are willing to act.

#### Courts don’t link to politics- shielded from political pressure

Ward 2009 (Artemus Ward, Professor at NIU, Political Foundations of Judicial Supremacy, Congress and The Presidency, pg. 119)

After the old order has collapse the once- united, new-regime coalition begins to fracture as original commitments are extended to new issues. In chapter 3 Whittington combines Skowronek's articulation and disjunctive categories into the overarching "affiliated" presidencies as both seek to elaborate the regime begun under reconstructive leaders. By this point in the ascendant regime, Bourts are staffed by justices from the dominant ruling coalition via the appointment process - and Whittington spends time on appointment politics here and more fully in chapter 4. Perhaps counter-intuitively, affiliated political actors - including presidents - encourage Courts to exercise vetoes and operate in issue areas of relatively low political salience. Of course, this "activism" is never used against the affiliated president per se. Instead, affiliated Courts correct for the overreaching of those who operate outside the preferred constitutional vision, which are often state and local governments who need to be brought into line with nationally dominant constitutional commitments. Whittington explains why it is easier for affilitated judges, rather than affiliated presidents, to rein in outliers and conduct constitutional maintenance. The latter are saddled with controlling opposition political figures, satisfying short-term political demands, and navigating intraregime gridlock and political thickets. Furthermore, because of their electoral accountability, politicians engage in position-taking, credit-claiming, and blame-avoidance behavior. By contrast, their judicial counterparts are relatively sheltered from political pressures and have more straightforward decisional processes. Activist Courts can take the blame for advancing and legitimizing constitutional commitments that might have electoral costs. In short, a division of labor exists between politicians and judges affiliated with the dominant regime.

#### Courts don’t link to politics.

Marquand 97 (Robert, staff writer @ Christian Science Monitor, June 25, Why America Puts Its Supreme Court On Lofty Pedestal, Christian Science Monitory)

Today this holds true even more. In one sense, the reason is obvious: With divided government and partisan sniping in Washington, when politicians must create a TV image and constantly raise funds, the scholarly-looking justices seem a refreshing alternative. They come out in black robes from behind red silk curtains, and everyone stands. They ask incisive questions. They disappear. It looks like competence personified. And there's some truth to it. The members of the court don't need to campaign for office every few years. They were selected for life. They don't need speech writers or have to check the polls. The current justices, unlike earlier courts, generally write their own opinions. They are free to dissent, and their rulings are not tied to interest-group pressure. Moreover, as an institution, the court is uniquely constituted. It is not one targetable political persona, as is a single chief executive. Yet it is smaller than a Congress of 535 people. Congress is covered by TV four times as much as the court is. The White House is covered eight times as much, says Lee Epstein of Washington University in St. Louis. The court stands out now because it is not part of Washington's political swamp. The carefully cultivated aloofness of the Supreme Court is, in the Washington scene, almost countercultural in nature. The court's warts don't show. "People don't see the court infighting; it seems more harmonious and less political," says one court-watcher. "With Congress and the White House, we see the blood-letting on the street." Importantly, say scholars, current justices benefit from courageous stands the court took in cases like Brown school desegregation, and the Roe abortion-rights case - when the majority was fragile and the justices felt under great pressure. Those decisions are a main reason the court image is so buffed today. Justices Don't Have to Wade in Washington Swamp.

#### Court decisions aren’t controversial.

O’Brien, prof- Virginia 00 (David O’Brien, Professor of Government and Foreign Affairs at the University of Virginia, Storm Center: The Supreme Court in American Politics, 2000, p. 348)

Most of the Court’s decisions attract s neither media nor widespread public attention. The public tends to identify with the Court’s institutional symbol as a temple of law rather than of politics—impartial and removed from the pressures of special partisan interests.

### 2NC Perm-Politics

#### Doesn’t solve politics; the Court must act first to provide political cover.

Garrett and Stutz 2005 (Robert T. Garrett and Terrence Stutz, Dallas Morning News, “School finance now up to court Justices to decide if overhaul needed after bills fail in Legislature” lexis)

That could foreshadow the court's response to a chief argument by state attorneys – that the court should butt out and leave school finance to the Legislature. A court finding against the state would put the ball back in the hands of lawmakers, who have tended to put off dealing with problems in schools, prisons and mental health facilities until state or federal judges forced them to act. "It's the classic political response to problems they don't want to deal with," said Maurice Dyson, a school finance expert and assistant law professor at Southern Methodist University. "There is no better political cover than to have a court rule that something must be done, which allows politicians to say their hands are tied."

### A/ Racist

Harvard open collection no date

http://ocp.hul.harvard.edu/immigration/exclusion.html

The Chinese Exclusion Act was the first major law restricting immigration to the United States. It was enacted in response to economic fears, especially on the West Coast, where native-born Americans attributed unemployment and declining wages to Chinese workers whom they also viewed as racially inferior. The Chinese Exclusion Act, signed into law on May 6, 1882, by President Chester A. Arthur, effectively halted Chinese immigration for ten years and prohibited Chinese from becoming US citizens. Through the Geary Act of 1892, the law was extended for another ten years before becoming permanent in 1902.

### \*\*\*Appeasement

### 2NC – Must Read

#### Uncertainty over war powers keeps Iran at the table. Obama needs to be perceived as having independent authority

**Zeisberg, Michigan political science professor, 9-25-13**

(Mariah, “Debate over War Powers may yield positive outcome”,

<http://blog.constitutioncenter.org/2013/09/debate-over-war-powers-resolution-may-yield-positive-outcome/>)

Uncertainty about what the Constitution requires is thick: even as President Obama called for legislative authorization to bolster the legitimacy of strikes, and even as he now appeals to the UN for a resolution authorizing military sanctions if Syria does not comply with the U.S.-Russia agreement for destroying its chemical weapons, the president nevertheless maintains that he has the authority to commit the U.S. to hostilities in Syria without Congressional (or UN) authorization. Robert Gates criticized the president for running a risk of looking “weak” if Congress did not authorize military action, and agreed with Leon Panetta that the president obviously has all power needed for strikes in Syria. On the other hand, constitutional scholars Louis Fisher, Stephen Griffin, and Sandy Levinson have argued that Obama’s constitutional grounding for independent strikes is either non-existent or extremely weak. Congress itself has been divided over whether authorization is necessary for a presidential strike in Syria. While the Constitution tells us that Congress has the power to “declare war,” the text nowhere defines what kinds of hostilities count as war – which has enabled some opportunism in the Obama administration, and in many other presidential administrations too. Even the War Powers Resolution restricts “hostilities” without defining the term, and there, too, Obama has been willing to press language to (or beyond) its absolute limit. Constitutional and statutory text that does not define the meaning of the key words that separate one institution’s authority from another necessarily insert some measure of uncertainty into the branches’ war powers regime. What to make of these tensions and ambiguities? Has the Constitution failed in its task to provide a definitive legal framework that can guide decision-makers about important questions such as which institution has the power to take the country to war? Isn’t the point of a Constitution to resolve this kind of conflict? If it is so pervasively difficult to read our political culture and know which branch has war authority, then does that mean that the Constitution has failed to do its job – or worse, that we are witnessing an epidemic of reckless infidelity to the Constitution’s mandates? In fact, I think that uncertainty as to the meaning of the Constitution’s war powers regime in Syria is not catastrophic but may actually carry benefits. As diplomacy around Syria unfolds, I want to draw attention to a few of the intersections between domestic constitutional debates and the conditions for effective international action. First, it is arguably the threat of intervention which moved Russia into high gear in negotiations with Syria. But President Obama needed a plausible claim of independent presidential empowerment for such a claim to be credible. At the same time, such a claim, unresisted, raises the specter of undefined aims, mission creep, costly wars without broad public support, unconsidered policy complexities, and troubling bellicose precedent that are a hallmark of presidentialism in war. This is, in part, why congressional mobilization to defend its institutional prerogatives has been so welcomed by some prominent war powers scholars. Obama’s subsequent willingness to back down, to accommodate claims to legislative empowerment – derided by many as a weak or vacillating choice — seems in turn to have created time and space for a diplomatic process to unfold in the place of a military one. Recent developments in that process include not only a Russian-brokered plan to confiscate all chemical weapons from the Assad regime but also statements by the Ayatollah Khamenei signaling openness to diplomacy and by President Rouhani that Iran would not develop a nuclear weapon. And now Obama is moving this technique of vacillating red lines up to the level of global institutions. On the one hand he is pressing the UN to back up the U.S.-Russia agreement with sanctions, but at the same time says that he reserves the power to act outside the UN, and has argued that “without a credible military threat, the Security Council had demonstrated no inclination to act at all.” We have yet to see what kind of domestic or international push-back would await him if he tried to translate this rhetorical willingness to act outside the UN into concrete action. Obama’s constitutional “vacillations” may end up being productive in sundering the Assad regime from its chemical weapons. Only time will tell. For constitutional scholars, it is worth noting the positive role that uncertainty and textual ambiguity can create in generating good international outcomes.

#### Giving Congress the ability to say no will tank negotiations by emboldening hardliners – this triggers Israeli strikes

**Ross, Washington Institute for Near East Policy counselor, 9-9-13**

(Dennis, “Blocking action on Syria makes an attack on Iran more likely”, <http://www.washingtonpost.com/opinions/blocking-action-on-syria-makes-an-attack-on-iran-more-likely/2013/09/09/dd655466-1963-11e3-8685-5021e0c41964_story.html>)

Still, for the opponents of authorization, these arguments are portrayed as abstractions. Only threats that are immediate and directly affect us should produce U.S. military strikes. Leaving aside the argument that when the threats become immediate, we will be far more likely to have to use our military in a bigger way and under worse conditions, there is another argument to consider: should opponents block authorization and should the president then feel he cannot employ military strikes against Syria, this will almost certainly guarantee that there will be no diplomatic outcome to our conflict with Iran over its nuclear weapons. I say this for two reasons. First, Iran’s President Rouhani, who continues to send signals that he wants to make a deal on the nuclear program, will inevitably be weakened once it becomes clear that the U.S. cannot use force against Syria. At that point, paradoxically, the hard-liners in the Iranian Revolutionary Guard Corps and around the Supreme Leader will be able to claim that there is only an economic cost to pursuing nuclear weapons but no military danger. Their argument will be: Once Iran has nuclear weapons, it will build its leverage in the region; its deterrent will be enhanced; and, most importantly, the rest of the world will see that sanctions have failed, and that it is time to come to terms with Iran. Under those circumstances, the sanctions will wither. What will Rouhani argue? That the risk is too high? That the economic costs could threaten regime stability? Today, those arguments may have some effect on the Ayatollah Ali Khamenei precisely because there is also the threat that all U.S. options are on the table and the president has said he will not permit Iran to acquire nuclear weapons. Should he be blocked from using force against Syria, it will be clear that all options are not on the table and that regardless of what we say, we are prepared to live with an Iran that has nuclear arms. Israel, however, is not prepared to accept such an eventuality, and that is the second reason that not authorizing strikes against Syria will likely result in the use of force against Iran. Indeed, Israel will feel that it has no reason to wait, no reason to give diplomacy a chance and no reason to believe that the United States will take care of the problem. Prime Minister Benjamin Netanyahu sees Iran with nuclear weapons as an existential threat and, in his eyes, he must not allow there to be a second Holocaust against the Jewish people. As long as he believes that President Obama is determined to deal with the Iranian threat, he can justify deferring to us. That will soon end if opponents get their way on Syria. Ironically, if these opponent succeed, they may prevent a conflict that President Obama has been determined to keep limited and has the means to do so. After all, even after Israel acted militarily to enforce its red line and prevent Syria’s transfer of advanced weapons to Hezbollah in Lebanon, Assad, Iran and Hezbollah have been careful to avoid responding. They have little interest in provoking Israeli attacks that would weaken Syrian forces and make them vulnerable to the opposition. For all the tough talk about what would happen if the United States struck targets in Syria, the Syrian and Iranian interest in an escalation with the United States is also limited. Can the same be said if Israel feels that it has no choice but to attack the Iranian nuclear infrastructure? Maybe the Iranians will seek to keep that conflict limited; maybe they won’t. Maybe an Israeli strike against the Iranian nuclear program will not inevitably involve the United States, but maybe it will — and maybe it should.

### Congress Link

#### Plan sends a signal of presidential weakness

**Bolton, former UN ambassador, 2009**

(John, “The danger of Obama's dithering”, 10-18, <http://articles.latimes.com/2009/oct/18/opinion/oe-bolton18>, ldg)

Weakness in American foreign policy in one region often invites challenges elsewhere, because our adversaries carefully follow diminished American resolve. Similarly, presidential indecisiveness, whether because of uncertainty or internal political struggles, signals that the United States may not respond to international challenges in clear and coherent ways. Taken together, weakness and indecisiveness have proved historically to be a toxic combination for America's global interests. That is exactly the combination we now see under President Obama. If anything, his receiving the Nobel Peace Prize only underlines the problem. All of Obama's campaign and inaugural talk about "extending an open hand" and "engagement," especially the multilateral variety, isn't exactly unfolding according to plan. Entirely predictably, we see more clearly every day that diplomacy is not a policy but only a technique. Absent presidential leadership, which at a minimum means clear policy direction and persistence in the face of criticism and adversity, engagement simply embodies weakness and indecision.

### 2NC – Appeasement Iran Key

#### Appeasement kills Obama’s credibility – empirics

Morris 9 - former political adviser to Sen. Trent Lott and President Bill Clinton (Dick, “Obama's Weakness Issue”, June 24 of 2009, Real Clear Politics, <http://www.realclearpolitics.com/articles/2009/06/24/obamas_weakness_issue_97145.html>)

The transparent appeasement of Iran's government -- and its obvious lack of reciprocation -- make Obama look ridiculous. Long after the mullahs have suppressed what limited democracy they once allowed, Obama's image problems will persist.¶ While Americans generally applaud Obama's outreach to the Muslims of the world and think highly of his Cairo speech, they are very dissatisfied with his inadequate efforts to stop Iran from developing -- and North Korea from using -- nuclear weapons. Clearly, his policies toward these two nations are a weak spot in his reputation.¶ His failure to stand up to either aggressor is of a piece with his virtual surrender in the war on terror. Documented in our new book, "Catastrophe," we show how he has disarmed the United States and simply elected to stop battling against terrorists, freeing them from Guantanamo as he empowers them with every manner of constitutional protection.¶ Obviously, the Iranian democracy demonstrators will not fare any better than their Chinese brethren did in Tiananmen Square. But the damage their brutal suppression will do to the Iranian government is going to be huge. The ayatollahs of Tehran have always sold themselves to the world's Islamic faithful as the ultimate theocracy, marrying traditional Muslim values with the needs of modern governance. But now, in the wake of the bloodshed, they are revealed as nothing more than military dictators. All the romance is gone, just as it faded in the wake of the tanks in Budapest and Prague. All that remains is power.

### 2NC – South China Sea Conflict

#### South China Sea conflicts cause extinction

Wittner 11 (Lawrence S. Wittner, Emeritus Professor of History at the State University of New York/Albany, Wittner is the author of eight books, the editor or co-editor of another four, and the author of over 250 published articles and book reviews. From 1984 to 1987, he edited Peace & Change, a journal of peace research., 11/28/2011, "Is a Nuclear War With China Possible?", www.huntingtonnews.net/14446)

While nuclear weapons exist, there remains a danger that they will be used. After all, for centuries national conflicts have led to wars, with nations employing their deadliest weapons. The current deterioration of U.S. relations with China might end up providing us with yet another example of this phenomenon. The gathering tension between the United States and China is clear enough. Disturbed by China’s growing economic and military strength, the U.S. government recently challenged China’s claims in the South China Sea, increased the U.S. military presence in Australia, and deepened U.S. military ties with other nations in the Pacific region. According to Secretary of State Hillary Clinton, the United States was “asserting our own position as a Pacific power.” But need this lead to nuclear war? Not necessarily. And yet, there are signs that it could. After all, both the United States and China possess large numbers of nuclear weapons. The U.S. government threatened to attack China with nuclear weapons during the Korean War and, later, during the conflict over the future of China’s offshore islands, Quemoy and Matsu. In the midst of the latter confrontation, President Dwight Eisenhower declared publicly, and chillingly, that U.S. nuclear weapons would “be used just exactly as you would use a bullet or anything else.” Of course, China didn’t have nuclear weapons then. Now that it does, perhaps the behavior of national leaders will be more temperate. But the loose nuclear threats of U.S. and Soviet government officials during the Cold War, when both nations had vast nuclear arsenals, should convince us that, even as the military ante is raised, nuclear saber-rattling persists. Some pundits argue that nuclear weapons prevent wars between nuclear-armed nations; and, admittedly, there haven’t been very many—at least not yet. But the Kargil War of 1999, between nuclear-armed India and nuclear-armed Pakistan, should convince us that such wars can occur. Indeed, in that case, the conflict almost slipped into a nuclear war. Pakistan’s foreign secretary threatened that, if the war escalated, his country felt free to use “any weapon” in its arsenal. During the conflict, Pakistan did move nuclear weapons toward its border, while India, it is claimed, readied its own nuclear missiles for an attack on Pakistan. At the least, though, don’t nuclear weapons deter a nuclear attack? Do they? Obviously, NATO leaders didn’t feel deterred, for, throughout the Cold War, NATO’s strategy was to respond to a Soviet conventional military attack on Western Europe by launching a Western nuclear attack on the nuclear-armed Soviet Union. Furthermore, if U.S. government officials really believed that nuclear deterrence worked, they would not have resorted to championing “Star Wars” and its modern variant, national missile defense. Why are these vastly expensive—and probably unworkable—military defense systems needed if other nuclear powers are deterred from attacking by U.S. nuclear might? Of course, the bottom line for those Americans convinced that nuclear weapons safeguard them from a Chinese nuclear attack might be that the U.S. nuclear arsenal is far greater than its Chinese counterpart. Today, it is estimated that the U.S. government possesses over five thousand nuclear warheads, while the Chinese government has a total inventory of roughly three hundred. Moreover, only about forty of these Chinese nuclear weapons can reach the United States. Surely the United States would “win” any nuclear war with China. But what would that “victory” entail? A nuclear attack by China would immediately slaughter at least 10 million Americans in a great storm of blast and fire, while leaving many more dying horribly of sickness and radiation poisoning. The Chinese death toll in a nuclear war would be far higher. Both nations would be reduced to smoldering, radioactive wastelands. Also, radioactive debris sent aloft by the nuclear explosions would blot out the sun and bring on a “nuclear winter” around the globe—destroying agriculture, creating worldwide famine, and generating chaos and destruction.

### 2NC – Russian Expansionism

#### Russia expansionism causes nuclear war

Blank 9 (Dr. Stephen, Research Professor of National Security Affairs at the Strategic Studies Institute of the U.S. Army War College, March, “Russia And Arms Control: Are There Opportunities For The Obama Administration?,” http://www.strategicstudiesinstitute.army.mil/pdffiles/pub908.pdf)

Proliferators or nuclear states like China and Russia can then deter regional or intercontinental attacks either by denial or by threat of retaliation.168 Given a multipolar world structure with little ideological rivalry among major powers, it is unlikely that they will go to war with each other. Rather, like Russia, they will strive for exclusive hegemony in their own “sphere of influence” and use nuclear instruments towards that end. However, wars may well break out between major powers and weaker “peripheral” states or between peripheral and semiperipheral states given their lack of domestic legitimacy, the absence of the means of crisis prevention, the visible absence of crisis management mechanisms, and their strategic calculation that asymmetric wars might give them the victory or respite they need.169 Simultaneously,¶ The states of periphery and semiperiphery have far more opportunities for political maneuvering. Since war remains a political option, these states may find it convenient to exercise their military power as a means for achieving political objectives. Thus international crises may increase in number. This has two important implications for the use of WMD. First, they may be used deliberately to offer a decisive victory (or in Russia’s case, to achieve “intra-war escalation control”—author170) to the striker, or for defensive purposes when imbalances in military capabilities are significant; and second, crises increase the possibilities of inadvertent or accidental wars involving WMD.171¶ Obviously nuclear proliferators or states that are expanding their nuclear arsenals like Russia can exercise a great influence upon world politics if they chose to defy the prevailing consensus and use their weapons not as defensive weapons, as has been commonly thought, but as offensive weapons to threaten other states and deter nuclear powers. Their decision to go either for cooperative security and strengthened international military-political norms of action, or for individual national “egotism” will critically affect world politics. For, as Roberts observes,¶ But if they drift away from those efforts [to bring about more cooperative security], the consequences could be profound. At the very least, the effective functioning of inherited mechanisms of world order, such as the special responsibility of the “great powers” in the management of the interstate system, especially problems of armed aggression, under the aegis of collective security, could be significantly impaired. Armed with the ability to defeat an intervention, or impose substantial costs in blood or money on an intervening force or the populaces of the nations marshaling that force, the newly empowered tier could bring an end to collective security operations, undermine the credibility of alliance commitments by the great powers, [undermine guarantees of extended deterrence by them to threatened nations and states] extend alliances of their own, and perhaps make wars of aggression on their neighbors or their own people.172

### 2NC – Indo-Pak War

#### Indo-Pak war escalates quickly to extinction---no checks

Greg Chaffin 11, Research Assistant at Foreign Policy in Focus, July 8, 2011, “Reorienting U.S. Security Strategy in South Asia,” online: http://www.fpif.org/articles/reorienting\_us\_security\_strategy\_in\_south\_asia

The greatest threat to regional security (although curiously not at the top of most lists of U.S. regional concerns) is the possibility that increased India-Pakistan tension will erupt into all-out war that could quickly escalate into a nuclear exchange. Indeed, in just the past two decades, the two neighbors have come perilously close to war on several occasions. India and Pakistan remain the most likely belligerents in the world to engage in nuclear war. ¶ Due to an Indian preponderance of conventional forces, Pakistan would have a strong incentive to use its nuclear arsenal very early on before a routing of its military installations and weaker conventional forces. In the event of conflict, Pakistan’s only chance of survival would be the early use of its nuclear arsenal to inflict unacceptable damage to Indian military and (much more likely) civilian targets. By raising the stakes to unacceptable levels, Pakistan would hope that India would step away from the brink. However, it is equally likely that India would respond in kind, with escalation ensuing. Neither state possesses tactical nuclear weapons, but both possess scores of city-sized bombs like those used on Hiroshima and Nagasaki. ¶ Furthermore, as more damage was inflicted (or as the result of a decapitating strike), command and control elements would be disabled, leaving individual commanders to respond in an environment increasingly clouded by the fog of war and decreasing the likelihood that either government (what would be left of them) would be able to guarantee that their forces would follow a negotiated settlement or phased reduction in hostilities. As a result any such conflict would likely continue to escalate until one side incurred an unacceptable or wholly debilitating level of injury or exhausted its nuclear arsenal. ¶ A nuclear conflict in the subcontinent would have disastrous effects on the world as a whole. In a January 2010 paper published in Scientific American, climatology professors Alan Robock and Owen Brian Toon forecast the global repercussions of a regional nuclear war. Their results are strikingly similar to those of studies conducted in 1980 that conclude that a nuclear war between the United States and the Soviet Union would result in a catastrophic and prolonged nuclear winter, which could very well place the survival of the human race in jeopardy. In their study, Robock and Toon use computer models to simulate the effect of a nuclear exchange between India and Pakistan in which each were to use roughly half their existing arsenals (50 apiece). Since Indian and Pakistani nuclear devices are strategic rather than tactical, the likely targets would be major population centers. Owing to the population densities of urban centers in both nations, the number of direct casualties could climb as high as 20 million. ¶ The fallout of such an exchange would not merely be limited to the immediate area. First, the detonation of a large number of nuclear devices would propel as much as seven million metric tons of ash, soot, smoke, and debris as high as the lower stratosphere. Owing to their small size (less than a tenth of a micron) and a lack of precipitation at this altitude, ash particles would remain aloft for as long as a decade, during which time the world would remain perpetually overcast. Furthermore, these particles would soak up heat from the sun, generating intense heat in the upper atmosphere that would severely damage the earth’s ozone layer. The inability of sunlight to penetrate through the smoke and dust would lead to global cooling by as much as 2.3 degrees Fahrenheit. This shift in global temperature would lead to more drought, worldwide food shortages, and widespread political upheaval.¶ Although the likelihood of this doomsday scenario remains relatively low, the consequences are dire enough to warrant greater U.S. and international attention. Furthermore, due to the ongoing conflict over Kashmir and the deep animus held between India and Pakistan, it might not take much to set them off. Indeed, following the successful U.S. raid on bin Laden’s compound, several members of India’s security apparatus along with conservative politicians have argued that India should emulate the SEAL Team Six raid and launch their own cross-border incursions to nab or kill anti-Indian terrorists, either preemptively or after the fact. Such provocative action could very well lead to all-out war between the two that could quickly escalate.

### 2NC – Hegemony

#### The perception of lack of credibility results in a loss of military strength

Tunc 8 – Professor of Political Science at Carleton University (Hakan, “Reputation and U.S. Withdrawal from Iraq”, Science Direct, page 667-679)

Reputation can be defined as a judgment about an actor’s past behavior and character that is used to predict future behavior. In international politics, a major component of building or maintaining a country’s reputation involves resolve.5 Policy makers may believe that a lack of resolve in one military confrontation will be seen as an indication of general weakness.6 According to Shiping Tang, this concern frequently amounts to ‘‘a cult of reputation’’ among foreign policy makers, which he defines as ‘‘a belief system holding as its central premise a conviction (or fear) that backing down in a crisis will lead one’s adversaries or allies to underestimate one’s resolve in the next crisis.’’7 Of particular importance to the cult of reputation is concern about the consequences of withdrawal from a theater of war. The major dictate of the cult of reputation is that a country should stand firm and refuse to withdraw from a theater of war. The underlying belief is that a withdrawal would inflict a severe blow to a country’s reputation and thus ‘‘embolden’’ the adversaries by boosting commitment and recruitment to their cause.8 Since the end of World War II, a cult of reputation has evolved among certain American policy makers who maintain that being a global power means being able to convey the image of strength and resolve.9 According to this perspective, a reputation for firmness and resoluteness deters adversaries and reassures allies about U.S. commitments. Conversely, being perceived as weak and irresolute encourages adversaries to be more aggressive and results in allies being less supportive. This logic has had two general consequences for America’s use of force abroad: First, exhibiting resolve has been deemed necessary even in small and distant countries. This is because the mere perception of power generates tangible power, thereby reducing the need to use actual physical force against every adversary.10 In the 1950s and 1960s, this logic translated into military interventions in several places, notably in Korea and Vietnam, countries whose strategic value to the United States appeared questionable to some.

### \*\*\*Defense

### No lashout

#### US won’t cling to hegemony-declining great powers always retrench

**Parent et al., Miami political science professor, 2011**

(Joseph, “Graceful Decline? The Surprising Success of Great Power Retrenchment”, International Security, 35.4, project muse, ldg)

Based on our universe of cases, the predictions of retrenchment pessimists receive little support. In contrast to arguments that retrenchment is rare, we find that great powers facing acute relative decline adopted retrenchment in at least eleven and at most fifteen of the eighteen cases, a range of 61-83 percent. By any accounting, a majority of the countries in these cases retrenched shortly after their ordinal transition. Nor does the evidence support the view that domestic interests constrain retrenchment. Every one of the great powers in our [End Page 28] sample that chose to retrench did so within five years of the ordinal transition. This suggests timely responses to external constraints rather than domestic intransigence. Moreover, there does not appear to be a strong connection between regime type and retrenchment. Democracies account for about two-thirds of the great powers in our study, and are slightly more likely to face acute relative declines, accounting for thirteen of our eighteen cases, or 72 percent. Of the twelve democracies, seven retrenched, two did not, and three are debatable, yielding parameters from 58 to 83 percent. There are only three cases of autocracy, which makes comparison among groups difficult, but of these, two retrenched and one case is arguable, producing a range of 67-100 percent.59 In short, evidence at the coarse-grained level tentatively supports the neorealist approach outlined above: during acute relative decline, a significant majority of great powers of differing regime types elected to retrench. Wars, preventive or otherwise, do not appear to be a common fate for declining states, and recovery of lost rank was fairly frequent. Declining great powers found themselves embroiled in an interstate war in only four of the eighteen cases, and in only one of these cases—1935 United Kingdom—did the declining power go to war with the power that had just surpassed it in ordinal rank.60 In addition, in six of fifteen cases, declining great powers that adopted a policy of retrenchment managed to rebound, eventually recovering their ordinal rank from the state that surpassed them. These findings suggest that retrenching states rarely courted disaster and occasionally regained their prior position. Further, even if retrenchment was not successful, this does not prove that a preferable policy existed.61 In many cases of decline, there are few restorative solutions available; politics is often a game of unpalatable alternatives. Short of a miracle, it is hard to say what great powers such as Britain, France, or the Soviet Union could have done to stay aloft, even with the benefit of hindsight. There is more room for debate on how well a neorealist approach helps explain [End Page 29] the extent of retrenchment. Seven cases do not appear to fit our explanation: 1883 France; 1935 and 1956 United Kingdom; 1924 France; 1903 Russia; 1931 Germany; and 1992 Japan. Six additional cases are arguably borderline cases: 1873 and 1893 France; 1908, 1872, and 1930 United Kingdom; and 1967 West Germany (this last case, if it works, may do so for the wrong reasons). Depending on how one codes the half dozen controversial cases, the depth of decline correctly predicts the extent of retrenchment in somewhere from 28 to 61 percent of the cases. Although we believe the actual figure to be on the high end of this range, even the low end is a respectable performance for a single variable. The cases that failed to fit our predictions did so at the margins. There were a handful of cases of great powers facing moderate declines that retrenched more aggressively than we predicted and another handful of cases of great powers facing large declines that retrenched more cautiously than we anticipated. With the exception of the 1992 Japan case, however, none of the great powers facing large declines ignored systemic pressures and refused to retrench. Conversely, none of the great powers experiencing small declines erred by conceding too much, too quickly. Great powers may not perceive decline perfectly, but they appear to have the capacity to judge the magnitude of their decline within a general range, and to respond accordingly.

### Iran Prolif

#### Iran prolif won’t spread

**Oswald, Global Security Newswire, 2013**

(Rachel, “Saudi Arabia Unlikely to Pursue Nuke: Experts”, 2-21, <http://www.nti.org/gsn/article/saudi-arabia-unlikely-pursue-nuke-should-iran-first-acquire-capability-experts/>, ldg)

Saudi Arabia is not likely to respond to a nuclear-armed Iran by pursuing a corresponding deterrent, but would instead look to boost its conventional military capabilities and acquire an outside nuclear defense guarantee, according to a new report by the Center for a New American Security. The United States and partner nations have warned that Tehran's suspected aim to develop a nuclear-weapon capability could lead to an atomic "domino effect" in the Middle East. A rich Persian Gulf nation with a long-running rivalry with Iran, Saudi Arabia is often cited as the Arab state most likely to pursue a nuclear arsenal. “The Saudis fear that Iran’s acquisition of nuclear weapons would tip the balance of regional leadership decisively in Tehran’s favor,” states the report, whose lead author, CNAS senior fellow Colin Kahl, served as deputy assistant Defense secretary for the Middle East from 2009 to 2011. “Saudi leaders also worry that a nuclear deterrent would enable Iran’s coercive diplomacy, allowing Tehran to run higher risks and more effectively push Arab states to accommodate Iranian interests.” The other two countries most frequently cited as likely to pursue domestic nuclear deterrents to counter Iran -- Egypt and Turkey -- are even less likely to do so than Saudi Arabia, the report says. Egypt lacks the resources to initiate a weapons program and is much less focused on the Iranian nuclear threat than Riyadh, the analysts found. Turkey, meanwhile, is already covered by the NATO nuclear guarantee. Senior Saudi officials have for years dropped hints that their kingdom might pursue a nuclear deterrent. Former Saudi intelligence chief and royal family member Turki al-Faisal early last year warned Riyadh would have to “study carefully all the options, including the option of acquiring weapons of mass destruction” in order to maintain balance with a nuclear-armed Iran. Tehran says its nuclear program has no military aspect. The 49-page report does not discount entirely the possibility that Riyadh might open a nuclear weapons production program or alternatively purchase a ready-made capability from Pakistan. It concludes, though, that the famously deliberative House of Saud would ultimately be steered away from these two scenarios for a number of reasons including not wanting to face punitive international sanctions and the possibility of coming under a neutralizing pre-emptive attack by Israel, which in past years has carried out airstrikes on known or suspected nuclear reactors in Iraq and Syria. There is also the fear of causing critical harm to Riyadh’s decades-long security relationship with Washington. “If Riyadh were to seek nuclear weapons, Saudi leaders would have to expect that U.S. security assistance would be dramatically curtailed. …Because the kingdom relies heavily on U.S. contracts for maintenance and spare parts, this would severely undermine the Saudi military’s ability to function and protect the kingdom from internal and external threats. The effect on core Saudi security interests would be immediate and severe,” concludes the report. Saudi Arabia at present does not have much in the way of nuclear capabilities though it is aggressively pursuing an atomic energy program with support from a number of foreign nations. The oil-rich state is in early talks with the Obama administration on a civilian atomic collaboration agreement that would allow Riyadh to gain access to U.S. nuclear materials and technology “for use in medicine, industry and power generation.” Kahl, and report co-authors Melissa Dalton and Matthew Irvine, indicated they do not think much of Saudi Arabia’s chances of acquiring an indigenous nuclear weapons capability in anything less than a decade, if at all. “Even if the kingdom’s technical prowess grows over time, any Saudi attempt to develop nuclear weapons would be complicated by significant bureaucratic and managerial challenges. Put bluntly, the Saudi bureaucracy lacks the human capital, managerial expertise, safety culture and regulatory, technical and legal structures necessary to nurture and sustain a robust domestic nuclear program,” the report reads. Purchasing an outside capability from Pakistan is also unlikely, according to the report. After coming under widespread international condemnation for the nuclear proliferation ring managed for years by lead Pakistani nuclear weapons scientist A.Q. Khan, Islamabad has had to fight hard to regain lost global trust it is obeying nonproliferation rules. Rather than risk coming under renewed international scorn and isolation for selling nuclear weapons technology to Saudi Arabia, Islamabad is more likely to agree to publicly extend a strategic security guarantee over the nation, the experts said.

#### No regional prolif-US action and disincentive check.

**Alcaro, European Foreign and Security Policy Studies research fellow, 2012**

(Riccardo, “Avoiding the Unnecessary War. Myths and Reality of the West-Iran Nuclear Standoff”, March, online pdf, ldg)

There are at least three countries that might feel compelled to catch up with Iran: Turkey, Egypt, and Saudi Arabia. However, no automatism should be presumed. Turkey is part of a nuclear-armed military alliance, NATO, hosts US nuclear weapons in its bases, and has recently agreed to install parts of a US-built and NATO-run ballistic missile defence system on its soil. These are all good reasons for Turkey to remain a non-nuclear-weapon state.34 Saudi Arabia has developed over time a deep relationship with the United States ranging from counter-terrorism cooperation to Saudi massive presence in American financial markets - which would work as a US-imposed brake to Saudi potential nuclear ambitions. Furthermore, the nuclear dispute with Iran has prompted the United States to undertake a military build-up in the Persian Gulf, coupled with pledges of US military aid packages not only to Saudi Arabia but also to the smaller Gulf states. On one occasion, US Secretary of State Hillary Rodham Clinton even went as far as to predict the extension of the US “nuclear umbrella” over its allies in the Gulf if Iran indeed went nuclear.35 Similarly to Turkey, Saudi Arabia has at least as many good reasons to forgo the nuclear military path than do otherwise. Egypt is a more complicated case. The Egyptians have historically struggled to resist the temptation of the atomic bomb. A key factor behind their restraint has been massive US assistance (worth over one billion dollars a year, most of which in military aid), which is to continue to have a moderating effect even on a post-Arab Spring Egypt. In fact, whatever government emerges from the unwieldy political process ongoing in Egypt would be ill-advised if it added yet another complication to the mountain of political and economic problems it is set to cope with. Egypt’s dire need for foreign assistance, both political and financial, would not be well served if the new government in Cairo were to flirt with dreams of an indigenous nuclear arsenal. In addition, all three aforementioned countries are compliant parties to the NonProliferation Treaty. US security guarantees, financial assistance, and “moral” persuasion are to be factored in when assessing the motivations that Turkey, Saudi Arabia or Egypt might have to remain committed to the treaty. But they are part of a broader strategic calculus extending beyond the bargain with the United States. The NPT has been an effective, if imperfect, means to avoid uncontrolled proliferation of nuclear weapon states for over forty years. While Iran’s withdrawal would deal a severe blow to this fundamental pillar of international security, a nuclear arms race in the Gulf would all but vanquish its residual authority. Together with US pledges of aid and security guarantees, the unwillingness of Turkey, Egypt and Saudi Arabia to take responsibility for the near collapse of the international non-proliferation regime make a nuclear arms race an unlikely prospect.

### No Domino

#### No domino theory—nonproliferation has zero utility

**Potter, James Martin Center professor, 2008**

(William, “Divining Nuclear Intentions: A Review Essay”, International Security, 33.1, project muse, ldg)

Hymans is keenly aware of the deficiency of past proliferation projections, which he attributes in large part to the “tendency to use the growth of nuclear capabilities, stances toward the non-proliferation regime, and a general ‘roguishness’ of the state as proxies for nuclear weapons intentions” (p. 217). Such intentions, he believes, cannot be discerned without reference to leadership national identity conceptions, a focus that appears to have been absent to date in intelligence analyses devoted to forecasting proliferation.49 Hymans is equally critical of the popular notion that “the ‘domino theory’ of the twenty-first century may well be nuclear.”50 As he points out, the new domino theory, like its discredited Cold War predecessor, assumes an oversimplified view about why and how decisions to acquire nuclear weapons are taken.51 Leaders’ nuclear preferences, he maintains, “are not highly contingent on what other states decide,” and, therefore, “proliferation tomorrow will probably remain as rare as proliferation today, with no single instance of proliferation causing a cascade of nuclear weapons states” (p. 225). In addition, he argues, the domino thesis embraces “an exceedingly dark picture of world trends by lumping the truly dangerous leaders together with the merely self assertive ones,” and equating interest in nuclear technology with weapons intent (pp. 208209). Dire proliferation forecasts, both past and present, Hymans believes, flow from four myths regarding nuclear decisonmaking: (1) states want the bomb as a deterrent; (2) states seek the bomb as a “ticket to international status”; (3) states go for the bomb because of the interests of domestic groups; and (4) the international regime protects the world from a flood of new nuclear weapons states (pp. 208216). Each of these assumptions is faulty, Hymans contends, because of its fundamental neglect of the decisive role played by individual leaders in nuclear matters. As discussed earlier, Hymans argues that the need for a nuclear deterrent is entirely in the eye of the beholder—a leader with an oppositional nationalist NIC. By the same token, just because some leaders seek to achieve interna tional prestige through acquisition of the bomb, it does not mean that other leaders “necessarily view the bomb as the right ticket to punch”: witness the case of several decades of Argentine leaders, as well as the Indian Nehruvians (pp. 211212). The case of Egypt under Anwar al-Sadat, though not discussed by Hymans, also seems to at this category. Hymans’s focus on the individual level of analysis leads him to discount bu reaucratic political explanations for nuclear postures, as well. Central to his argument is the assumption that decisions to acquire nuclear weapons are taken “without the considerable vetting that political scientists typically assume precedes most important states choices” (p. 13). As such, although he is prepared to credit nuclear energy bureaucracies as playing a supporting role in the ef forts by Australia, France, and India to go nuclear, he does not observe their influence to be a determining factor in root nuclear decisions by national lead ers. Moreover, contrary to a central premise of Solingen’s model of domestic political survival, Hymans ands little evidence in his case studies of leaders pursuing nuclear weapons to advance their political interests (p. 213). For ex ample, he argues, the 1998 nuclear tests in India were as risky domestically for Vajpayee as they were internationally (p. 214). Most provocatively, Hymans invokes an individual-centric mode of analysis to challenge the necessity and utility of a strong international nonproliferation regime. As discussed in a preceding section, he finds no evidence that the NPT regime prevented any of the leaders who desired nuclear weapons from pursuing them.

#### Evidence is all alarmism

**Krepon, Stimson Center co-founder, 2009**

(Michael, “The mushroom cloud that wasn't: why inflating threats won't reduce them”, Foreign Affairs, 88.3 ebsco, ldg)

Today, as was the case during the Cold War, there is no shortage of nonproliferation specialists predicting impending nuclear disasters. Eighty-five experts polled by Senator Lugar in 2005 estimated that the risk of a WMD attack occurring before 2010 was 50 percent and before 2015, 70 percent. The Bulletin of the Atomic Scientists has set its iconic Doomsday Clock at five minutes to midnight--two minutes closer to Armageddon than it was during the Cuban missile crisis. A bipartisan congressional commission concluded in 2008 that "America's margin of safety is shrinking, not growing" and that "unless the world community acts decisively and with great urgency, it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013." Graham Allison, one of the commission's members, had warned in 2004 that "the detonation of a nuclear device in an American city is inevitable if the U.S. continues on its present course." And soon after leaving office, former Vice President Dick Cheney warned that there is a "high probability" that terrorists will attempt a catastrophic nuclear or biological attack on the United States in the coming years. These sorts of scary predictions have a basis in reality. After all, Iran has mastered the ability to enrich uranium, is laying the foundation for a nuclear weapons program, and has close ties to terrorist groups; Pakistan is ramping up its capacity to produce plutonium as the central government's influence is waning; and North Korea has a bomb-making capacity, weapons-grade material, and a need for hard currency. Al Qaeda's leaders have sought to acquire and use these weapons, and other extremist groups have an interest in doing so, too. Experts cite such worrisome developments and then use threat inflation to seize the public's attention and to secure sufficient appropriations for their preferred remedies. They, along with government officials, members of Congress, and the intelligence community are all safer warning of great danger than downplaying threats--except when their inflated anxieties facilitate a preventive war based on false premises. The Iraq war notwithstanding, when worst cases do not materialize, those who issued dire warnings can take credit. And if attacks do occur, the alarmists can always say, "I told you so." As real as these threats are, hyping them carries its own risks. Crying wolf too often can lead to complacency when action is needed most. Repeated warnings can also prompt taxpayers and lawmakers to question what was gained from prior investments in reducing threats and so limit appropriations for new ones. This is a major problem, since remedial efforts over short periods of time are insufficient; reducing the nuclear threat requires success over the long haul.

### \*\*\*SOP

### Circumvention

#### Obama will resist the plan-fights over war powers create intractable national diversions and impairs military decision making

**Lobel, Pittsburgh law professor, 2008**

(Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, Ohio State Law Journal, vol 69, lexis, ldg)

The critical difficulty with a contextual approach is its inherent ambiguity and lack of clarity, which tends to sharply shift the balance of power in favor of a strong President acting in disregard of congressional will. For example, the application of the Feldman and Issacharoff test asking whether the congressional restriction makes realistic sense in the modern world would yield no coherent separation of powers answer if applied to the current Administration’s confrontation with Congress. It would undoubtedly embolden the President to ignore Congress’s strictures. The President’s advisors would argue that the McCain Amendment’s ban on cruel and inhumane treatment, or FISA’s requirement of a warrant, does not make realistic sense in the context of the contemporary realities of the war on terror in which we face a shadowy, ruthless nonstate enemy that has no respect for laws or civilized conduct, a conclusion hotly disputed by those opposed to the President’s policies. Focusing the debate over whether Congress has the power to control the treatment of detainees on the President’s claim that the modern realities of warfare require a particular approach will merge the separation of powers inquiry of who has the power with the political determination of what the policy ought to be. Such an approach is likely to encourage the President to ignore and violate legislative wartime enactments whenever he or she believes that a statute does not make realistic sense—that is, when it conflicts with a policy the President embraces. 53 The contextual approach has a “zone of twilight” quality that Justice Jackson suggested in Youngstown. 54 Often constitutional norms matter less than political realities—wartime reality often favors a strong President who will overwhelm both Congress and the courts. While it is certainly correct— as Jackson noted—that neither the Court nor the Constitution will preserve separation of powers where Congress is too politically weak to assert its authority, a fluid contextual approach is an invitation to Presidents to push beyond the constitutional boundaries of their powers and ignore legislative enactments that seek to restrict their wartime authority. Moreover, another substantial problem with a contextual approach in the war powers context is that the judiciary is unlikely to resolve the dispute. 55 The persistent refusal of the judiciary to adjudicate the constitutionality of the War Powers Resolution strongly suggests that courts will often refuse to intervene to resolve disputes between the President and Congress over the constitutionality of a statute that a President claims impermissibly interferes with her conduct of an ongoing war. 56 This result leaves the political branches to engage in an intractable dispute over the statute’s constitutionality that saps the nation’s energy, diverts focus from the political issues in dispute, and endangers the rule of law. Additionally, in wartime it is often important for issues relating to the exercise of war powers to be resolved quickly. Prompt action is not usually the forte of the judiciary. If, however, a constitutional consensus exists or could be consolidated that Congress has the authority to check the President’s conduct of warfare, that consensus might help embolden future Congresses to assert their power. Such a consensus might also help prevent the crisis, chaos, and stalemate that may result when the two branches assert competing constitutional positions and, as a practical matter, judicial review is unavailable to resolve the dispute. Moreover, the adoption of a contextual, realist approach will undermine rather than aid the cooperation and compromise between the political branches that is so essential to success in wartime. In theory, an unclear, ambiguous division of power between the branches that leaves each branch uncertain of its legal authority could further compromise and cooperation. However, modern social science research suggests that the opposite occurs. 57 Each side in the dispute is likely to grasp onto aspects or factors within the ambiguous or complex reality to support its own self-serving position. This self-serving bias hardens each side’s position and allows the dispute to drag on, as has happened with the ongoing, unresolved dispute over the constitutionality of the War Powers Resolution. Pg. 407-409

#### Crisis pressure and information asymmetry means Congress will defer to the executive

**Posner et al., Chicago law professor, 2011**

(Eric, The Executive Unbound, pg 7-10, ldg)

Having defined our terms as far as possible, our main critical thesis is that liberal legalism has proven unable to generate meaningful constraints on the executive. Two problems bedevil liberal legalism: delegation and emergencies. The first arises when legislatures enact statutes that grant the executive authority to regulate or otherwise determine policy, the second when external shocks require new policies to be adopted and executed with great speed. Both situations undermine the simplest version of liberal legalism, in which legislatures themselves create rules that the executive enforces, subject to review by the courts. Delegation suggests that the legislature has ceded lawmaking authority to the executive, de facto if not de jure,14 while in emergencies, only the executive can supply new policies and real-world action with sufficient speed to manage events. The two problems are related in practice. When emergencies occur, legislatures acting under real constraints of time, expertise, and institutional energy typically face the choice between doing nothing at all or delegating new powers to the executive to manage the crisis. As we will see, legislatures often manage to do both things; they stand aside passively while the executive handles the first wave of the crisis, and then come on the scene only later, to expand the executive's de jure powers, sometimes matching or even expanding the de facto powers the executive has already assumed. A great deal of liberal legal theory is devoted to squaring delegation and emergencies with liberal commitments to legislative governance. Well before World War I, the Madisonian framework of separated powers began to creak under the strain of the growing administrative state, typically thought to have been inaugurated by the creation of the Interstate Commerce Commission in 1887. For Madisonian theorists, delegation threatened the separation of powers by effectively combining lawmaking and law-execution in the same hands, and emergencies threatened legislative primacy by requiring the executive to take necessary measures without clear legal authorization, and in some cases in defiance of existing law. (We refer to the Madisonian tradition as it has developed over time and as it exists today, not to Madison himself, whose views before the founding were less legalistic than they would become during the Washington and Adams administrations.) As to both delegation and emergencies, Madisonian liberals have repeatedly attempted to compromise with the administrative state, retreating from one position to another and attempting at every step to limit the damage. In one prominent strand of liberal legal theory and doctrine, which has nominally governed since the early twentieth century, delegation is acceptable as long as the legislature supplies an "intelligible principle"15 to guide executive policymaking ex ante; this is the so-called "nondelegation doctrine." This verbal formulation, however, proved too spongy to contain the administrative state. During and after the New Deal, under strong pressure to allow executive policymaking in an increasingly complex economy, courts read the intelligible principle test so capaciously as to allow statutes delegating to the president and agencies the power to act in the "public interest," nowhere defined.'6 Before 1935, the U.S. Supreme Court mentioned nondelegation in dictum but never actually applied it to invalidate any statutes; in 1935, the Court invalidated two parts of the National Industrial Recovery Act on nondelegation grounds;" since then, the Court has upheld every challenged delegation. Subsequently, liberal legal theorists turned to the hope that legislatures could create administrative procedures and mechanisms of legislative and judicial oversight that would enforce legal constraints on the executive ex post, as a second-best substitute for the Madisonian ideal. In American administrative law, a standard account of the Administrative Procedure Act (APA), the framework statute for the administrative state, sees it as an attempt to translate liberal legalism into a world of large-scale delegation to the executive, substituting procedural controls and judicial review for legislative specification of policies. The APA applies to administrative action in a broad range of substantive areas, but does not apply to presidential action, so Congress has also enacted a group of framework statutes that attempt to constrain executive action in particular areas. Examples are the War Powers Resolution, which regulates the presidential commitment of armed forces abroad, the National Intelligence Act, which structures the intelligence agencies and attempts to require executive disclosure of certain intelligence matters to key congressional committees, and the Inspector General Act, which installs powerful inspectors general throughout the executive branch. As to emergencies, starting at least with John Locke's discussion of executive "prerogative," liberal political and constitutional theorists have struggled to reconcile executive primacy in crises with the separation of powers or the rule of law or both. Such questions have become all the more pressing in the twentieth and twenty-first centuries, when a series of wars, economic emergencies, and other crises have multiplied examples in which the executive proceeded with dubious legal authority or simply ignored the laws. Here too, the response has been a series of legal constraints, such as the APA's restrictions on emergency administrative action, and framework statutes such as the National Emergencies Act, which regulates the president's ability to invoke grants of emergency powers granted under other laws. One of our main claims is that these approaches are palliatives that have proven largely ineffective, and that fail to cure the underlying ills of liberal legalism. The same institutional and economic forces that produce the problems of delegation and emergencies also work to undermine legalistic constraints on the executive. The complexity of policy problems, especially in economic domains, the need for secrecy in many matters of security and foreign affairs, and the sheer speed of policy response necessary in crises combine to make meaningful legislative and judicial oversight of delegated authority difficult in the best of circumstances. In emergencies, the difficulties become insuperable—even under the most favorable constellation of political forces, in which the independently elected executive is from a different party than the majority of the Congress. Liberal legalism, in short, has proven unable to reconcile the administrative state with the Madisonian origins of American government. The constitutional framework and the separation-of-powers system generate only weak and defeasible constraints on executive action. Madisonian oversight has largely failed, and it has failed for institutional reasons. Both Congress and the judiciary labor under an informational deficit that oversight cannot remedy, especially in matters of national security and foreign policy, and both institutions experience problems of collective action and internal coordination that the relatively more hierarchical executive can better avoid. Moreover, political parties, uniting officeholders within different institutions, often hobble the institutional competition on which Madisonian theorizing relies.'8 Congressional oversight does sometimes serve purely political functions—legislators, particularly legislators from opposing parties, can thwart presidential initiatives that are unpopular—but as a legal mechanism for ensuring that the executive remains within the bounds of law, oversight is largely a failure. The same holds for statutory constraints on the executive—unsurprisingly, as these constraints are the product of the very Madisonian system whose failure is apparent at the constitutional level. In the terms of the legal theorist David Dyzenhaus, the APA creates a series of legal "black holes" and "grey holes" that either de jure or de facto exempt presidential and administrative action from ordinary legal requirements, and hence from (one conception of) the rule of law.19 The scope of these exemptions waxes and wanes with circumstances, expanding during emergencies and contracting during normal times, but it is never trivial, and the administrative state has never been brought wholly under the rule of law; periodically the shackles slip off altogether.

### Hegemony

#### No transition wars-disengagement doesn’t correlate with aggression

**Parent et al., Miami political science professor, 2011**

(Joseph, “The Wisdom of Retrenchment”, Foreign Affairs, November/December, ebsco, ldg)

A somewhat more compelling concern raised by opponents of retrenchment is that the policy might undermine deterrence. Reducing the defense budget or repositioning forces would make the United States look weak and embolden upstarts, they argue. "The very signaling of such an aloof intention may encourage regional bullies," Kaplan worries. This anxiety is rooted in the assumption that the best barrier to adventurism by adversaries is forward defenses--the deployment of military assets in large bases near enemy borders, which serve as tripwires or, to some eyes, a Great Wall of America. There are many problems with this position. For starters, the policies that have gotten the United States in trouble in recent years have been activist, not passive or defensive. The U.S.-led invasion of Iraq alienated important U.S. allies, such as Germany and Turkey, and increased Iran's regional power. NATO's expansion eastward has strained the alliance and intensified Russia's ambitions in Georgia and Ukraine. More generally, U.S. forward deployments are no longer the main barrier to great-power land grabs. Taking and holding territory is more expensive than it once was, and great powers have little incentive or interest in expanding further. The United States' chief allies have developed the wherewithal to defend their territorial boundaries and deter restive neighbors. Of course, retrenchment might tempt reckless rivals to pursue unexpected or incautious policies, as states sometimes do. Should that occur, however, U.S. superiority in conventional arms and its power-projection capabilities would assure the option of quick U.S. intervention. Outcomes of that sort would be costly, but the risks of retrenchment must be compared to the risks of the status quo. In difficult financial circumstances, the United States must prioritize. The biggest menace to a superpower is not the possibility of belated entry into a regional crisis; it is the temptation of imperial overstretch. That is exactly the trap into which opponents of the United States, such as al Qaeda, want it to fall. Nor is there good evidence that reducing Washington's overseas commitments would lead friends and rivals to question its credibility. Despite some glum prophecies, the withdrawal of U.S. armed forces from western Europe after the Cold War neither doomed NATO nor discredited the United States. Similar reductions in U.S. military forces and the forces' repositioning in South Korea have improved the sometimes tense relationship between Washington and Seoul. Calls for Japan to assume a greater defense burden have likewise resulted in deeper integration of U.S. and Japanese forces. Faith in forward defenses is a holdover from the Cold War, rooted in visions of implacable adversaries and falling dominoes. It is ill suited to contemporary world politics, where balancing coalitions are notably absent and ideological disputes remarkably mild.

#### No transition war-countries buy into the syste

**Ikenberry, Princeton international affairs professor, 2010**

(John, “The Liberal International Order and its Discontents”, Millennium - Journal of International Studies, May, Sage, ldg)

Secondly, this order is also distinctive in its integrative and expansive character. In essence, it is ‘easy to join and hard to overturn’. This follows most fundamentally from the fact that it is a liberal international order – in effect, it is an order that is relatively open and loosely rulebased. The order generates participants and stakeholders. Beyond this, there are three reasons why the architectural features of this post-war liberal order reinforce downward and outward integration. One is that the multilateral character of the rules and institutions create opportunities for access and participation. Countries that want to join in can do so; Japan found itself integrating through participation in the trade system and alliance partnership. More recently, China has taken steps to join, at least through the world trading system. Joining is not costless. Membership in institutional bodies such as the WTO must be voted upon by existing members and states must meet specific requirements. But these bodies are not exclusive or imperial. Secondly, the liberal order is organised around shared leadership and not just the United States. The G-7/8 is an example of a governance organisation that is based on a collective leadership, and the new G-20 grouping has emerged to provide expanded leadership. Finally, the order also provides opportunities for a wide array of states to gain access to the ‘spoils of modernity’. Again, this is not an imperial system in which the riches accrue disproportionately to the centre. States across the system have found ways to integrate into this order and experience economic gains and rapid growth along the way. Thirdly, rising states do not constitute a bloc that seeks to overturn or reorganise the existing international order. China, India, Russia, Brazil, South Africa and others all are seeking new roles and more influence within the global system. But they do not constitute a new coalition of states seeking global transformation. All of these states are capitalist and as such are deeply embedded in the world economy. Most of them are democratic and embrace the political principles of the older Western liberal democracies. At the same time, they all have different geopolitical interests. They are as diverse in their orientations as the rest of the world in regard to energy, religion and ideologies of development. They are not united by a common principled belief in a post-liberal world order. They are all very much inside the existing order and integrated in various ways into existing governance institutions.

### SOP

#### SOP isn’t a substantive argument it’s a turn of phrase.

Posner 2012

Eric, Law Prof @ UChicago, Balance-of-Powers Arguments and the Structural Constitution, November 2012 INSTITUTE FOR LAW AND ECONOMICS WORKING PAPER NO. 622

Scholars make similar balance-of-power arguments about the other types of clashes between Congress and the executive, including the disputes over the legislative veto,35 delegation of power to the executive branch,36 the establishment of special tribunals,37 the line-item veto,38 executive dominance of foreign relations,39 sentencing guidelines,40 judicial deference to agency interpretations,41 and the impact of the party system on the structure of government.42 A number of recent articles and books claim that the Bush administration expanded executive power at the expense of Congress.43 Many other examples can be invoked.44 All of these arguments are variations on the theme that the executive (or in some cases Congress) has overreached, upsetting the balance of power, and the other branches should assert themselves more aggressively, so as to rebalance the distribution of power. But in none of these case are authors able to show that the balance of power was “upset;” only that one branch gained at the expense of another branch (and even these claims are disputed), not that the gain was excessive. Moreover, there is rarely attention to how an advantage in one area (for example, the invalidation of the legislative veto, which favored the executive) might be counterbalanced by a disadvantage in another area (for example, approval of restrictions on removal, which favored Congress),45 or for that matter how changes in purely formal powers are affected by general political considerations like the temporary popularity of the president after a successful war or unpopularity after a random gaffe or scandal. Only a few scholars have questioned the logic of the balance of powers.46 A number of papers have addressed the empirical accuracy of its premises.47 Sai Prakash criticized the balance-of-powers idea in part on the basis of its indeterminacy.48 And Elizabeth Magill subsequently advanced several cogent criticisms of the balance of powers in an article devoted to dismembering the concept.49 Magill argued that balance of powers arguments are fatally flawed because (1) it is impossible to determine the extent to which any statute or action affects the balance of power; (2) we lack a normative benchmark for evaluating claims about the balance of power; and (3) the branches are composed of individuals who represent diverse constituencies, so that a balance among different groups of the public can exist even if a branch dominates governance.50

## 1NR

### Overview

#### Trade solves prolif

Brooks and Wohlforth 2008

Stephen G. Brooks, associate professor of government at Dartmouth and William C. Wohlforth, professor of government at Dartmouth, World Out of Balance, 138-139)

Economic globalization can also influence the decisions made by states that seek to develop WMD. The most prominent example in this regard is Libya: Mu'ammar Gadhafi decided to give up his WMD programs in large part to end US and UN sanctions that reduced Libya's access to needed oil extraction technology from Western, and especially American, firms." This does not mean that the desire to participate in economic globalization is so powerful that other WMD-seeking states, most notably North Korea and Iran, will follow in Libya's footsteps. Economic globalization is clearly only one factor among the many that influence the security policies of all countries. That being said, the lure of increased access to the global economy is one of the few sources of leverage the United States and its allies have in negotiations over the Iranian and North Korean WMD programs. The more general point is that to the extent that economic globalization influences the preferences of Iran and North Korea at all, it will be to reduce, not increase, their motivation to challenge the United States. It shod also not be forgotten that economic globalization now enhances the ability of the United States to counter the WMD threat. This basic point is often overlooked by analysts and policymakers alike: only the WMD downsides associated with economic globalization are highlighted, not the up sides. Yet many of the tools for dealing with the WMD threat are partly the products of globalization. Regarding WMD proliferation, the reality is that economic globalization is a double-edged sword for the United States.92

#### A. The TPP is key – fast track enables that

Gordon-Professor Political Science University of New Hampshire-8/12

Trading Up in Asia: Why the United States Needs the Trans-Pacific Partnership

<http://www.foreignaffairs.com/articles/137727/bernard-k-gordon/trading-up-in-asia>

A NEW KIND OF DEAL If the TPP negotiations bear fruit, the United States will become far stronger, economically and politically, over the next generation. A deal that included Japan would essentially result in a free- trade agreement between Washington and Tokyo, representing the long-sought "third opening" of Japan and the affirmation of U.S. power in the Pacific region.XXXMARK More broadly, the United States hopes that the TPP will cement a system of open, interconnected trade based on mutually-agreed-on rules.

#### B. Trade turns heg

Fitzgerald, Heritage Foundation, ‘3 (Sara, March 12, “America is Strengthened by Trade” Washington Times, lexis)

The result? As the president's national security strategy notes, free trade "provides new avenues for growth and fosters the diffusion of technologies and ideas that increase productivity and opportunity." That's why America promotes it. Good thing, too, because free trade, far from weakening a country, actually strengthens it. The relationship between America and its trading partners is stronger because of trade. That's because trade encourages countries to iron out differences through diplomatic - not military - avenues. So there's no need to fear a trade deficit. The United States imports products from many countries, but our military wouldn't grind to a halt if these imported components were no longer available. Yes, we can get by without trade. But there's no question we're stronger –financially and militarily - because of it.

### Uniqueness

TPA will pass-State of the Union reset Bipartisanship—old issues won’t derail agenda

The Economist 2/1/14

HEADLINE: Deal or no deal?;

Barack Obama's state-of-the-union speech

American politics may be becoming a bit less dysfunctional IN HIS big annual speech to Congress, Barack Obama made several promises. He pledged to raise the minimum wage for those contracted to the federal government, to create a new tax-free savings bond to encourage Americans to save, to work for the closure of the Guantánamo Bay prison, to push immigration reforms and to veto any sanctions that Congress might pass designed to derail his deal with Iran over its nuclear programme. But for anybody listening from abroad, his most startling promise to America's legislature was to bypass it. "Wherever and whenever I can take steps without legislation to expand opportunity for more American families, that's what I'm going to do," he vowed. This year, he said, will be "a year of action". That in America this pledge was not regarded as the most remarkable element of the speech shows how inured the country has become to dysfunctional government. After years of gridlock, Americans have got used to the idea that the gerrymandering of the electoral system and the polarisation of their two political parties have set the branches of government against each other, and that the checks and balances originally intended to keep the country's polity healthy have condemned it to sclerosis. Government shutdowns, fiscal cliffs and presidents who promise to do their best to ignore the legislature are no longer much of a surprise. Yet Americans may have become too gloomy: Mr Obama's speech could be the latest in a series of small signs that things are getting better. Last year's shutdown was such a public-relations disaster for politicians in general and the Republicans in particular that it is unlikely to happen again. The Tea Party's kamikaze tactics have been discredited; that is why, without much fuss, Congress recently managed to pass a budget. Mr Obama knows that he can do nothing of interest without co-operation: when parsed, the promises of unilateral action in his speech amounted to not much more than a few low-level government workers getting paid a sliver more. No one expects 2014 to be a year of bipartisan chumminess, but several deals are possible. Take inequality, Mr Obama's new theme. Higher minimum wages are a less effective way to help poorer Americans than expanding the earned income tax credit (a negative income tax for workers on low pay). Several Republicans are open to this idea. Senator Marco Rubio, a rising star, recently said so; a fact Mr Obama alluded to in a speech that was uncharacteristically—and encouragingly—short of partisan sniping. On immigration, too, a deal is doable. House Republicans are about to release a list of principles for reforming a system everyone agrees is broken. Mr Obama said he wants to sign a bill this year; if he handles Congress delicately, he may get his wish. The same goes for his request for lawmakers to give him "fast track" authority to negotiate trade deals. This is an essential tool for promoting free trade: if Asians and Europeans think Congress will rewrite trade pacts after the haggling is over, they will not take Mr Obama seriously as a dealmaker. It is still sad that this is the best that can be said of the world's most powerful democracy. It is hard to imagine the citizens of emerging economies looking at these compromises and finding them inspiring. But they are a start—and the political winds may be changing. If Mr Obama is to be remembered for anything at home but the botched roll-out of his health reform, he needs to get some measures through Congress. The Republicans need to be seen as something other than obstructionist if they want to win the White House. For once, they both have something in common: they need government to work.

### Link

#### Second is **Use of Force legislation will trigger a big fight**

Cook-Vice-President American Society of International Law-12 45 Case W. Res. J. Int'l L. 157

Presidential Powers and Foreign Affairs: The War Powers Resolution at 40: Still Controversial: The War Powers Resolution--A Dim and Fading Legacy

So as Lenin famously asked, "what is to be done?" I don't know the answer. Today's political climate is harshly partisan. The political branches cannot come to reasonable accommodations on matters of far more immediate importance than revising the War Powers Resolution. 69 Even in less partisan times, it is difficult to envision mechanisms for effective congressional-executive interaction in use-of-force decisions that are both constitutionally appropriate and likely to stand up in the face of actual events. Past proposals for revision and reform have not made it past the starting line. 70

#### Plan’s unpopular with Congress—they don’t want to be politically accountable

Noah, 08

(Timothy, writer for Slate, "Congress Doesn't Want War Powers", July 9, [www.slate.com/articles/news\_and\_politics/chatterbox/2008/07/congress\_doesnt\_want\_war\_powers.html](http://www.slate.com/articles/news_and_politics/chatterbox/2008/07/congress_doesnt_want_war_powers.html) NL)

James Baker and Warren Christopher, two former secretaries of state, have [set forth](http://millercenter.org/dev/ci/system/application/views/_newwebsite/mediaguide/pressreleases/NWPC_News_Release_070808.pdf) a new [plan](http://millercenter.org/policy/commissions/warpowers/) to streamline the role of Congress in declaring war. There's only one problem. Congress doesn't want to streamline its role in declaring war, because, for all its bluster (not to mention its [constitutional responsibility](http://www.law.cornell.edu/constitution/constitution.articlei.html)), Congress doesn't want to be held politically accountable for the results. I first became aware of this phenomenon 21 summers ago while covering a House debate on the use of Navy convoys to escort 11 Kuwaiti oil tankers through the Persian Gulf. Iraq and Iran were at war, and although the United States didn't officially take sides, this military action reflected our government's quiet tilt toward Saddam Hussein's Iraq. (For more about this furtive and little-remembered near-alliance, which compelled President Reagan to soft-pedal Saddam's use of chemical weapons, click [here](http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB82/).) Anyway, on that August afternoon in 1987 the House was debating whether to invoke the [War Powers Resolution](http://www4.law.cornell.edu/uscode/50/usc_sup_01_50_10_33.html), a 1973 law meant to require congressional approval of any executive action that introduced the armed forces into hostilities, or into a situation in which hostilities seemed pretty goddamned likely, as appeared to be the case here. (Happily, the Navy escort occurred without incident.) What amazed and shocked me, and moved me to write up the debate for the *New Republic*, was the unembarrassed manner in which members of Congress declared as their paramount interest the absence of any legislative fingerprints on whatever might result from allowing (or not allowing) the Navy convoys to enter an area of violent conflict. In fact, it was pretty much taken as a given that the War Powers Resolution would not be invoked, not because the president was not complying with it (no president ever has) but because doing so would require Congress to either approve or revoke Reagan's decision. XXXMARK [Here](http://www.slate.com/id/2059333/) is how I described the House debate 14 years later in this column (I can't seem to locate the original *New Republic* piece); I should point out that the first two speakers were members of *Reagan's own party*: "This resolution puts congressional fingerprints on our course of action," complained Rep. Toby Roth. "Does this put the fingerprints and the handprints of the Congress on that policy?" asked Rep. Donald Lukens. No, assured Rep. Pat Schroeder: It was "a teeny-weeny first step" that "doesn't commit the Congress in any way." Only then could the resolution pass. The most controversial aspect of the War Powers Resolution is that it "sunsets" military action that fails to win congressional approval. If Congress wants to declare war, it must do so within 30 days after troops are introduced into conflict. If Congress does nothing, the troops must be withdrawn within the following two months. The Baker-Christopher proposal would maintain the 30-day clock but would eliminate the sunset provision. After 30 days, Congress would vote on a resolution supporting the military action. If Congress voted yes, the military action would continue. If Congress voted no ... the military action would continue. But if a senator or representative wanted to introduce a resolution *disapproving* the military action, and if this resolution actually came to a vote, and if it passed the House and Senate, and if the president, after vetoing the resolution, saw his veto overridden (or, less probably, decided that Congress was probably right to end the thing after all) … *then* the armed conflict would end. The obvious question to ask is why, given that Congress currently has no difficulty ignoring the sunset provision in the War Powers Resolution, it should feel compelled, under the new law, to go on record endorsing or opposing military action. Sometimes, sure, Congress may want to express an opinion. More often, it won't want to, or it will want to only in hedged language at odds with the Baker-Christopher proposal's intent. (The 2002 joint [resolution](http://www.whitehouse.gov/news/releases/2002/10/20021002-2.html) authorizing the Iraq war is [arguably](http://www.cnn.com/2004/ALLPOLITICS/08/09/kerry.iraq/index.html) one such document.) It's almost impossible to imagine circumstances in which Congress would proceed with a resolution of disapproval that would have the effect of ending a war abruptly. And anyway, even if you choose to pretend the War Powers Resolution was never passed, Congress already has the ability to end military actions through the power of the purse. No appropriations, no war.

### Climate Change

The President is focused on quick passage of the TPA-it’s a priority

Carney-White House Press Secretary-2/5/14

CQ Transcriptions

QUESTION: OK. And on the issue of trade, you eloquently spoke about the need for the Trade Promotion Authority and this agreement with Asia. How important is it for the White House for this to happen soon? Can you afford to wait until after the midterm elections, as are some suggesting on that. CARNEY: Well look, I don't have the privilege of scheduling votes. All I know is that the president has... QUESTION: These elections are months and months and months away. I'm just asking your schedule. I'm saying, how important is it for this to get done in, you know, in -- in a short time frame? Are you willing to wait until the end of the year? CARNEY: Again, I -- I don't think I get to decide or that the White House gets to decide. I think that what the president is committed to is making the case about why these trade agreements are good for the economy, good for American workers. Why these trade agreements will protect American workers and the environment. Why, especially when it comes to the TPP in Asia, this is about, you know, this has implications for our economic competitiveness in the 21st century, and you know, we're going to steadily make that case. I can't predict the legislative calendar. What I can say with great clarity is what the president's position is. Understanding that there are -- is a diversity of opinion on this matter in both parties, and that's why it's important to, you know, focus on the facts, look specifically at the agreements, talk to members about, you know, the -- the upside of moving forward, and -- and -- and then continuing that effort. QUESTION: But is the president making the case that this needs to be done soon, or is he saying "Hey, whenever you get around to it. If it's the end of the year, that's fine." I mean, what -- is he making the case that this is an urgent priority, something that needs to be done on a quick timeline, or the timeline doesn't matter? CARNEY: Well, I'd say two things. I've never known Congress to act quickly on almost anything, A. B, so I would hesitate to suggest that we could get Congress to act urgently on almost anything. We have an urgent need for unemployment insurance to be extended. We have an emergency need for -- you know, more than a million families out there. And that has yet to happen. What I can tell you is that what the president can control is the foundation of the arguments for what, you know, he believes is the right thing to do here and he's going to continue to make that case. QUESTION: But it sounds to me like you're saying the White House has no objection for this waiting until after the elections. CARNEY: You can try to put as many words into my mouth as you like. That's not what I'm saying. I'm saying that we're going to work with Congress to make the case, and obviously, the legislative calendar is set by Congress. We're going to press for what we believe is the right priority.

#### TPA will be THE ISSUE for the next few months-Obama is gearing up for the end game on trade

Raum 1-25

Tom, AP, President Obama's push to 'fast track' new international trade agreements making political foes of Democrats in Congress http://www.masslive.com/politics/index.ssf/2014/01/president\_obamas\_push\_to\_fast.html

WASHINGTON (AP) — Debates on lowering trade barriers can turn Congress upside down for Democratic presidents promoting such legislation. Business-minded Republicans suddenly turn into allies and Democrats aligned with organized labor can become outspoken foes. It's a reversal of the usual order of things, where a Democratic president can generally count on plenty of support from fellow Democrats in Congress along with varying levels of resistance from Republicans. Now it is President Barack Obama's turn to experience such a role reversal. Already, he is encountering pockets of Democratic resistance, especially from those representing manufacturing states, to his efforts to win congressional approval for renewal of "fast track" negotiating authority. Such expedited powers help speed the process for major trade agreements by restricting Congress to up-and-down votes on what's already been negotiated — with no amendments allowed. Two such free-trade deals are in the works. One is a Pacific Rim trade pact — the Trans-Pacific Partnership — between the United States and 11 Asian and Latin American nations. A final round of negotiations begins next month and may be wrapped up by year's end. "We are now in the endgame," said Acting Deputy U.S. Trade Representative Wendy Cutler. The other negotiation, not as far along, is a trans-Atlantic trade alliance, mainly between the United States and European Union countries. So far it hasn't generated as much controversy as the nearly done trans-Pacific deal — largely because Europe is a generally high-cost, generally high-wage manufacturing area. Obtaining fast-track authority from a deeply divided Congress will be a hard sell for Obama, one likely to get even harder as November's midterm congressional elections draw nearer. Democrats now control the Senate, Republicans the House. And while Obama will likely mention his high-profile trade initiatives in Tuesday's State of the Union address, dwelling on them to any extent could awkwardly bring him more applause from the Republican side of the aisle than from the Democratic side. Getting a renewal of fast-tack negotiating authority — also called trade promotion authority — "is a priority, not in theory but in fact, for the administration because it is a key part of our overall economic strategy and our foreign policy, particularly in Asia, and because it's time for Congress to update and to assert its own role in trade negotiations," said White House spokesman Jay Carney.

### A2: Reid

Reid’s opposition to Fast Track is our internal link-Political capital is key to pressuring a vote

Chicago Tribune 2/1/14

HEADLINE: Majority Leader 'No';

Harry Reid resists Obama's bid to expand trade

Reid doesn't have to like free trade. He can bluster against it all he wants. But by virtue of his power as majority leader, nothing comes for a vote in the Senate unless he allows it. So it falls on the White House and other Democratic leaders to pressure him to allow a vote. Free-trade agreements eliminate tariffs, red tape and other barriers to doing business across borders. They make the common marketplace bigger and more efficient, which means more moneymaking opportunities. Over time, sales go up, prices go down and the pace of economic activity increases. Free trade is particularly good for Illinois, home to an international headquarters city -- Chicago -- and farmers who grow products for export. The Pacific Rim and EU trade agreements would make a huge positive impact. The White House has said it hopes to finish talks within a few months on the proposed Trans-Pacific Partnership with Japan and 10 other Asia-Pacific nations. Talks with Europe on the planned Transatlantic Trade and Investment Partnership could wrap up as soon as early 2015. But none of that will happen unless the president makes it happen.

### Obama Pushing

TPA will pass but political capital is key

Financial Times 1/20/14

http://www.ft.com/intl/cms/s/0/60506de0-7f9c-11e3-b6a7-00144feabdc0.html#axzz2qtDiKryq

US trade debate prompts fears of delay in talks

A heated debate over trade in the US Congress risks stalling two trade negotiations that cover 70 per cent of the global economy, senior international officials have warned. For President Barack Obama the key to sealing both the Trans-Pacific Partnership and a deal with the EU is securing so-called fast-track authority. It gives the White House power to negotiate trade deals and limits Congress’s ability to intervene in nitty-gritty details once talks are concluded. If Mr Obama fails, it would scupper his ambitious second-term trade agenda. He has already hit stumbling blocks as he missed his self-imposed aim to reach a preliminary agreement with TPP members by the end of 2013. It would also threaten US-led efforts in Geneva to update the rules for the $4tn annual trade in services around the world. After months of haggling, Congressional leaders this month introduced a bipartisan bill to grant Mr Obama what is formally known as Trade Promotion Authority (TPA). But it is already facing opposition from many Democrats and criticism from Republicans who want Mr Obama to do more to bring his own party into line. In an interview with the Financial Times, Ildefonso Guajardo Villarreal, Mexico’s economy minister, said governments in the TPP talks, in which it is a member, were unlikely to offer any significant concessions until they were sure Mr Obama had fast-track authority and any agreement could get through the US Congress. “We have to wait until we really get a better sense of how things evolve. From a negotiating point of view . . . things will go along slowly until that happens,” Mr Guajardo Villarreal said, adding he believed the Obama administration would eventually secure fast-track authority. “If they are able to send a strong signal of support from Congress that will make it easier for us to finish the deal.” The TPP negotiations are further along than the EU talks so the immediate impact is likely to be greater on those talks. But a senior European official said officials in Brussels were bracing for a TPA debate that could last through this year and would inevitably affect negotiations. “Without TPA we will always feel very reticent to show our real red lines,” the official said. Administration officials remain confident that they can get the bill through Congress and Michael Froman, the US trade representative, said there was no reason for the fast-track debate in Washington to affect the progress of any trade negotiations. “Every TPP partner has domestic politics, from elections to legislative battles over various policies that could impact the agreement,” he said. “We trust our partners to manage their own domestic processes, and we will be working with our Congress to pass broadly supported trade promotion authority here. In the meantime, there is no reason talks should slow.” The bill is raising concern among negotiating partners. It would require the administration to include mechanisms to address currency manipulation in agreements, a sore point for TPP partner Japan. It also would require any deal the US enters to have strict, environmental, labour and intellectual property rules. EU officials are concerned about a section of the bill which would give some members of Congress the right to attend negotiations. The concern in Brussels is that it could cause the European parliament to request the same access and thus add a political element to the complex negotiations. Deborah Elms, an American TPP expert at Singapore’s S. Rajaratnam School of International Studies, said the concerns of other TPP countries over the conditions in the bill, particularly on currency, should not be underestimated. But, above all, she said, President Obama needed to send a signal in this month’s State of the Union address that he was prepared to push for fast-track authority. “You have two big negotiations that are a bit stuck waiting for Congress to move,” she said. “This is the time [to spend political capital]. Your whole trade agenda is stuck unless you get [fast-track authority] very soon.”

#### Fast track will be a tough fight---Obama is marshaling his political capital now to secure quick passage

The Washington Times 12/23/13

HEADLINE: Congress puts Obama on tough road for fast-track trade deals

Without "fast-track" authority, many trade analysts say, Mr. Obama's hopes to enact trade deals before he leaves office may be doomed. They say longtime opposition to freer trade among congressional Democrats and wariness among some Republicans about giving Mr. Obama such sweeping authority endanger legislation in what could be a cliffhanger vote early next year. The chairmen of the House and Senate tax-writing committees are negotiating a bipartisan bill to revive fast-track authority, which expired in the seventh year of George W. Bush's presidency. Fast-track authority restricts Congress to an up-or-down vote on any presidentially negotiated trade agreements with no opportunity to change them. Trade analysts say no other major country would be willing to negotiate concessions if they knew Congress could amend what is considered to be their final deal. Mr. Obama must navigate difficult political waters to regain fast-track power. Ralph Nader's Public Citizen group, a leading member of the powerful progressive coalition of labor unions and environmentalists opposed to the legislation, has declared it dead on arrival, based on evidence that at least 25 House Republicans and 151 Democrats will vote against it in the 435-member House, where 218 votes are needed to pass. As in years past, the president will have to rely heavily on Republicans and a smattering of centrist Democrats to win fast-track authority. But that coalition has been frayed by distrust of Mr. Obama among tea party and other conservative groups - one among many signs that the traditional Republican enthusiasm for free trade is waning among the party's more populist elements. The fast-track fight is becoming even more urgent as Mr. Obama has entered into two of the most ambitious free trade accords in years: the Trans-Pacific Partnership with 11 other Pacific Rim countries (and possibly two more) and the Transatlantic Trade and Investment Partnership with 28 members of the European Union. "President Obama must seek to win substantial Republican support" if he hopes to get fast-track authority and win approval of a trans-Pacific trade agreement next year, and he will have to act quickly early in the year, said Scott Miller, an analyst with the Center for Strategic and International Studies. XXXMARKPolls show declining public support for free trade agreements, which can be difficult even for legislators who believe in opening markets. To avoid the pitfalls of election politics, "the president needs to make this issue his own and exert leadership to get the bill enacted before summer 2014, when the election season kicks into high gear," Mr. Miller said. Asian deal in doubt The lack of fast-track authority has undermined the administration's effort to secure the Asian trade deal before the end of this year - a goal once espoused by proponents, Mr. Miller said. Other parties to the treaty among nations around the thriving Pacific region - including Vietnam, Canada and Japan - have been wary about making concessions and sensitive trade-offs when Congress could reject, reopen or pick apart the deal under ordinary legislative procedures, Mr. Miller said. "Given the skepticism of the other parties about the U.S. ability to deliver on its commitments, a final agreement is unlikely" unless Congress first passes Trade Promotion Authority, as the fast-track bill is formally called in Congress, he said. A defeat of fast-track legislation could deal a debilitating blow to the trans-Pacific deal, which is "at the heart of the administration's rebalancing strategy" toward Asia, and would seriously damage Mr. Obama's second-term trade and diplomatic agenda, Mr. Miller said. "Beyond the lost economic opportunities, lack of a TPP agreement would feed perceptions in Asia that the rebalance is mainly about military positioning," he said. "It would also raise questions about the U.S. ability to champion the rules of the road in economic affairs." After giving only tepid support to free trade in his first term, Mr. Obama has embraced fast-track legislation. He hopes to expand trade to support his "pivot to Asia" and to achieve his goals of strengthening the U.S. manufacturing sector and doubling exports. Although exports have been stellar during the economic recovery, growing by 35 percent since the recession and recently exceeding pre-recession levels, they have far from doubled.