# r5 neg v. wake forest mq

## 1nc

### 1nc kritik

#### The 1AC’s attempt to reign in the executive by placing faith in the law only serves to legalize the violent nature of the law itself

**Smith 2** – prof of phil @ U of South Florida

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

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

#### The impact outweighs -- ethics and extinction

Lawrence 9 (Grant, “Military Industrial "War" Consciousness Responsible for Economic and Social Collapse,” OEN—OpEdNews, March 27)

As a presidential candidate, [Barack Obama](http://obama.senate.gov/) called [Afghanistan](http://en.wikipedia.org/wiki/War_in_Afghanistan_%282001%E2%80%93present%29) ''the war we must win.'' He was absolutely right. Now it is time to win it... Senators [John McCain](http://www.imdb.com/name/nm0564587/) and Joseph Lieberman [calling](http://www.miamiherald.com/opinion/inbox/story/960269.html) for an expanded war in Afghanistan "How true it is that war can destroy everything of value." Pope Benedict XVI [decrying](http://www.google.com/hostednews/afp/article/ALeqM5iuue8kE-e0lYZVFpt4RlbX4M_IEw) the suffering of Africa Where troops have been quartered, brambles and thorns spring up. In the track of great armies there must follow lean years. Lao Tzu on [War](http://www.sacred-texts.com/tao/salt/salt09.htm) As Americans we are raised on the utility of war to conquer every problem. We have a drug problem so we wage war on it. We have a cancer problem so we wage war on it. We have a crime problem so we wage war on it. Poverty cannot be dealt with but it has to be warred against. Terror is another problem that must be warred against. In the [United States](http://maps.google.com/maps?ll=38.8833333333,-77.0166666667&spn=10.0,10.0&q=38.8833333333,-77.0166666667%20%28United%20States%29&t=h), solutions can only be found in terms of wars. In a society that functions to support a massive military industrial war machine and empire, it is important that the terms promoted support the conditioning of its citizens. We are conditioned to see war as the solution to major social ills and major political disagreements. That way when we see so much of our resources devoted to war then we don't question the utility of it. The term "war" excites mind and body and creates a fear mentality that looks at life in terms of attack. In war, there has to be an attack and a must win attitude to carry us to victory. But is this war mentality working for us? In an age when nearly half of our tax money goes to support the war machine and a good deal of the rest is going to support the elite that control the war machine, we can see that our present war mentality is not working. Our values have been so perverted by our war mentality that we see sex as sinful but killing as entertainment. Our society is dripping violence. The violence is fed by poverty, social injustice, the break down of family and community that also arises from economic injustice, and by the managed media. The cycle of violence that exists in our society exists because it is useful to those that control society. It is easier to sell the war machine when your population is conditioned to violence. Our military industrial consciousness may not be working for nearly all of the life of the planet but it does work for the very few that are the master manipulators of our values and our consciousness. Rupert Murdoch, the media monopoly man that runs the "Fair and Balanced" [Fox Network](http://www.fox.com/), Sky Television, and [News Corp](http://www.newscorp.com/) just to name a few, [had](http://en.wikipedia.org/wiki/Rupert_Murdoch) all of his 175 newspapers editorialize in favor of the [Iraq war](http://en.wikipedia.org/wiki/Iraq_War). Murdoch snickers when [he says](http://www.newscorpse.com/ncWP/?p=341) "we tried" to manipulate public opinion." The Iraq war was a good war to Murdoch [because,](http://www.americanprogress.org/issues/2004/07/b122948.html) "The death toll, certainly of Americans there, by the terms of any previous war are quite minute." But, to the media manipulators, the phony politicos, the military industrial elite, a million dead Iraqis are not to be considered. War is big business and it is supported by a war consciousness that allows it to prosper. That is why more war in Afghanistan, the war on Palestinians, and the other wars around the planet in which the [military industrial complex](http://en.wikipedia.org/wiki/Military-industrial_complex) builds massive wealth and power will continue. The military industrial war mentality is not only killing, maiming, and destroying but it is also contributing to the present social and economic collapse. As mentioned previously, the massive wealth transfer that occurs when the American people give half of their money to support death and destruction is money that could have gone to support a just society. It is no accident that after years of war and preparing for war, our society is crumbling. Science and technological resources along with economic and natural resources have been squandered in the never-ending pursuit of enemies. All of that energy could have been utilized for the good of humanity, ¶ instead of maintaining the power positions of the very few super wealthy. So the suffering that we give is ultimately the suffering we get. Humans want to believe that they can escape the consciousness that they live in. But that consciousness determines what we experience and how we live. As long as we choose to live in "War" in our minds then we will continue to get "War" in our lives. When humanity chooses to wage peace on the world then there will be a flowering of life. But until then we will be forced to live the life our present war consciousness is creating.

#### The alternative is a pedagogical commitment to non-violence – refuse the forced choice of the 1ac

**Evans 13**—Lecturer in the School of Politics and International Studies at the University of Leeds and Programme Director for International Relations [the word “a” has been added for correct sentence structure and is denoted by brackets]

(Brad, “INAUGURAL STATEMENT”, On Violence 1:1, 2-6, dml)

Violence is a complex phenomenon that defies neat description. It cannot be reduced to simple explanations, for as many of its victims tell, **there is no totalizing truth about violence**. Nor can the experience of violence be universalized or merely thought of **in terms of** **some** institutional breakdown **or** failure of State. Not only do the most abhorrent acts of violence seemingly happen **when the state system works all too well**; to speak of violence in such terms denies the personal account or at least renders **insignificant** what we may term **the subjective stakes** to the horrifying encounter. The “subject of violence” is always about violent and violated subjects. Violence then is not some objective condition or natural state of affairs. **It is a process that all too often appears to be reasoned and brutally calculated**. To begin theorizing and critiquing violence as such is to accept that the very form of the enquiry we have chosen to engage enters us **into the most dangerous and politically fraught terrain**. Violence is never is **[a] problem to be studied in some** objective **or** neutral **fashion**. It brings to the fore most clearly the realization that education **and** critical pedagogy **are by definition** forms of political intervention. In light of this, we can argue that any critique of violence is not a challenge that should be avoided; on the contrary, **it is the** ethical problem **that compels us to challenge all its multiple forms.**

The concept of violence is not taken lightly here. Violence **remains** poorly understood if it is accounted for simply in terms of **how and what it violates**, **the scale of its destructiveness**, or **any other element** of its annihilative power. **Intellectual violence is no exception** as its qualities point to a deadly and destructive conceptual terrain. Like all violence there are two sides to this relation. There is the annihilative power of nihilistic thought that seeks, through strategies of domination and practices of terminal exclusion, **to** close down the political **as a site for differences**. Such violence often appeals to the authority of a peaceful settlement, though it does so in a way that imposes a distinct moral image of thought **which already maps out what is reasonable to** think**,** speak**, and** act. Since the means and ends are already set out in advance, **the discursive frame is** never brought into critical question. And there is an affirmative counter that directly challenges authoritarian violence. Such affirmation **refuses to accept the parameters of the rehearsed orthodoxy**. **It** brings into question **that which is** not ordinarily questioned **in any given state of political affairs**. Foregrounding the life of the subject as key to understanding political deliberation, **it eschews intellectual dogmatism with a commitment to the open possibilities in thought.**

Hannah Arendt then was only partly correct when she famously contrasted violence with power. We may quite rightly accept her claim that people often resort to violence when power fails them. This is just as true for leaders of tyrannical States which are frequently shown to be powerless and impotent all the while they violently crush popular protest, as it is for those on the margins of existence who feel that all forms of empowerment have been denied and willfully suppressed. And yet as Michel Foucault would have argued, power without conflict is a misnomer for **without the capacity to resist there is no potential to create the world anew**. Not only are conflict and violence strategically different as it is possible to have the former in a way that challenges the latter. What is violence if it is not the attempt to **destroy something that** refuses to conform **to the oppressive model/standard?**

So rather than countering violence with a “purer violence” (discursive or otherwise) **there is a need, especially in the contemporary moment,** **to maintain** the language of critical pedagogy. That is a language that is necessarily conflictual and yet collaborative by definition. By criticality we may then insist here upon forms of thought **which do not have** war **or** violence **as its object.** If there is destruction, this is only apparent when the affirmative is denied. And by criticality we may also insist here upon forms of thought that **do not offer their intellectual soul to** the seductions of militarized power **and** the poverty of its political visions. Too often we find that while the critical gestures towards profane illumination; it is really the beginning of a violence that **amounts to a** death sentence **for critical thought.**

Perhaps **the most difficult task faced today** **is to avoid the false promises of violence** **and** demand a politics **that is** dignified **and** open **to the possibility of non-violent ways of living.** This demands new ways of thinking about and interrogating violence such that the value of critical thought becomes central to any mediation on global citizenry. As we all increasingly find ourselves in a position where the radical and the fundamental have been merged to denial of anything that may challenge the violent effects of contemporary regimes of control, the inevitable assault upon the university and all intellectual spheres **continues with** unrelenting force. **This is** not incidental **to the violence of our times.** It is one of its more pernicious manifestations. Our response, as the authors in this inaugural edition make clear, must be to counter this violence **with a commitment to the value of** criticality **and** public education. Hopefully “On Violence” will provide a modest counter to those who insist that violence may be reasoned for the greater good. Without this hope that **the world may be** transformed non-violently for the better**, the fight for dignity is** already lost**.**

### 1nc topiality

#### Restriction must be based in statute – the AFF doesn’t impose a specific restriction

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

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

#### Authority refers to permission granted – means restrictions must be on the statute

**Taylor, 96** – professor of law at Georgia State (Ellen, “New and Unjustified Restrictions on Delaware Directors' Authority” 21 Del. J. Corp. L. 870 (1996), Hein Online)

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

Congress to exert control over what the President can do in the future and prevents the “gloss” that comes from congressional acquiescence.85

### 1nc Counterplan

#### The United States Federal Government, including relevant FAA rulemakers, should provide necessary financial and legal support for civilian drone development.

### 1nc Iran

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

**Benen, 1/17/14** – American political writer and blogger, an MSNBC contributor, and a producer for The Rachel Maddow Show (Steve, “Support for new Iran sanctions wanes”

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

A week ago, it was practically a foregone conclusion that such a bill would pass the House and Senate; the question is whether President Obama’s veto could be overridden. Just of the last few days, however, the odds of such a bill even reaching the president’s desk have dropped unexpectedly.

The Hill, for example, reported yesterday that House Republicans “are moving away from a proposal to adopt new Iran sanctions.” House Democrats who were otherwise sympathetic to the idea became “irked” by GOP political tactics “and the idea appears to have been at least temporarily shelved.”

In the Senate, meanwhile, BuzzFeed reports that Sen. Bob Corker (R-Tenn.), a co-sponsor of the legislation, has “proposed the idea of scheduling a vote on Iran sanctions six months from now, after the interim nuclear agreement has run its course, instead of voting on sanctions right now.”

In other words, lawmakers could at least wait to see if the talks bear fruit before sabotaging them in advance. Corker’s idea isn’t ideal – it would reportedly lock in the Senate for a vote on July 21, exactly six months after the current deal is implemented, regardless of the status of the diplomacy – but in the larger context it suggests even sanctions supporters are starting to see value in waiting.

Indeed, an unnamed senator who supports the sanctions bill told Greg Sargent this week that opponents have the momentum. The senator added, “At the moment, there’s no rush to put the bill on the floor. I’m not aware of any deadline in anyone’s head.”

Keep in mind, the sanctions legislation was introduced in the Senate on Dec. 19 with a bipartisan group of 26 sponsors. Over the course of just three weeks, that total more than doubled to 59 sponsors. But the last addition was eight days ago – and no other senators have signed on since.

What changed the direction of the debate? To be sure, White House pressure has made a difference, reinforced by President Obama’s direct lobbying to Democratic senators this week. I also talked to a Senate staffer yesterday who said public pressure has also increased, with more voters contacting the Hill with phone calls and emails, voicing opposition to the bill.

#### It’s a war powers fight that Obama wins – but failure greenlights Israel strikes

**Merry, 1/1/14** - Robert W. Merry, political editor of the National Interest, is the author of books on American history and foreign policy (Robert, “Obama may buck the Israel lobby on Iran” Washington Times, factiva)

Presidential press secretary Jay Carney uttered 10 words the other day that represent a major presidential challenge to the American Israel lobby and its friends on Capitol Hill. Referring to Senate legislation designed to force President Obama to expand economic sanctions on Iran under conditions the president opposes, Mr. Carney said: “If it were to pass, the president would veto it.”

For years, there has been an assumption in Washington that you can’t buck the powerful Israel lobby, particularly the American Israel Public Affairs Committee, or AIPAC, whose positions are nearly identical with the stated aims of Israeli Prime Minister Benjamin Netanyahu. Mr. Netanyahu doesn’t like Mr. Obama’s recent overture to Iran, and neither does AIPAC. The result is the Senate legislation, which is similar to a measure already passed by the House.

With the veto threat, Mr. Obama has announced that he is prepared to buck the Israel lobby — and may even welcome the opportunity. It isn’t fair to suggest that everyone who thinks Mr. Obama’s overtures to Iran are ill-conceived or counterproductive is simply following the Israeli lobby’s talking points, but Israel’s supporters in this country are a major reason for the viability of the sanctions legislation the president is threatening to veto.

It is nearly impossible to avoid the conclusion that the Senate legislation is designed to sabotage Mr. Obama’s delicate negotiations with Iran (with the involvement also of the five permanent members of the U.N. Security Council and Germany) over Iran’s nuclear program. The aim is to get Iran to forswear any acquisition of nuclear weapons in exchange for the reduction or elimination of current sanctions. Iran insists it has a right to enrich uranium at very small amounts, for peaceful purposes, and Mr. Obama seems willing to accept that Iranian position in the interest of a comprehensive agreement.

However, the Senate measure, sponsored by Sens. Robert Menendez, New Jersey Democrat; Charles E. Schumer, New York Democrat; and Mark Kirk, Illinois Republican, would impose potent new sanctions if the final agreement accords Iran the right of peaceful enrichment. That probably would destroy Mr. Obama’s ability to reach an agreement. Iranian President Hasan Rouhani already is under pressure from his country’s hard-liners to abandon his own willingness to seek a deal. The Menendez-Schumer-Kirk measure would undercut him and put the hard-liners back in control.

Further, the legislation contains language that would commit the United States to military action on behalf of Israel if Israel initiates action against Iran. This language is cleverly worded, suggesting U.S. action should be triggered only if Israel acted in its “legitimate self-defense” and acknowledging “the law of the United States and the constitutional responsibility of Congress to authorize the use of military force,” but the language is stunning in its brazenness and represents, in the view of Andrew Sullivan, the prominent blogger, “an appalling new low in the Israeli government’s grip on the U.S. Congress.”

While noting the language would seem to be nonbinding, Mr. Sullivan adds that “it’s basically endorsing the principle of handing over American foreign policy on a matter as grave as war and peace to a foreign government, acting against international law, thousands of miles away.”

That brings us back to Mr. Obama’s veto threat. The American people have made clear through polls and abundant expression (especially during Mr. Obama’s flirtation earlier this year with military action against Bashar Assad’s Syrian regime) that they are sick and weary of American military adventures in the Middle East. They don’t think the Iraq and Afghanistan wars have been worth the price, and they don’t want their country to engage in any other such wars.

That’s what the brewing confrontation between Mr. Obama and the Israel lobby comes down to — war and peace. Mr. Obama’s delicate negotiations with Iran, whatever their outcome, are designed to avert another U.S. war in the Middle East. The Menendez-Schumer-Kirk initiative is designed to kill that effort and cedes to Israel America’s war-making decision in matters involving Iran, which further increases the prospects for war. It’s not even an argument about whether the United States should come to Israel’s aid if our ally is under attack, but whether the decision to do so and when that might be necessary should be made in Jerusalem or Washington.

2014 will mark the 100th anniversary of beginning of World War I, a conflict triggered by entangling alliances that essentially gave the rulers of the Hapsburg Empire power that forced nation after nation into a war they didn’t want and cost the world as many as 20 million lives. Historians have warned since of the danger of nations delegating the power to take their people into war to other nations with very different interests.

AIPAC’s political power is substantial, but this is Washington power, the product of substantial campaign contributions and threats posed to re-election prospects. According to the Center for Responsive Politics’ Open Secrets website, Sens. Kirk, Menendez and Schumer each receives hundreds of thousands of dollars a year in pro-Israel PAC money and each of their states includes concentrations of pro-Israel voters who help elect and re-elect them.

Elsewhere in the country, AIPAC’s Washington power will collide with the country’s clear and powerful political sentiment against further U.S. adventurism in the Middle East, particularly one as fraught with as much danger and unintended consequence as a war with Iran. If the issue gets joined, as it appears that it will, Mr. Obama will see that it gets joined as a matter of war and peace. If the Menendez-Schumer-Kirk legislation clears Congress and faces a presidential veto, the war-and-peace issue could galvanize the American people as seldom before.

If that happens, the strongly held opinions of a democratic public are liable to overwhelm the mechanisms of Washington power, and the vaunted influence of the Israel lobby may be seen as being not quite what it has been cracked up to be.

#### **Plan destroys Obama**

Loomis 7 Dr. Andrew J. Loomis is a Visiting Fellow at the Center for a New American Security, and Department of Government at Georgetown University, “Leveraging legitimacy in the crafting of U.S. foreign policy”, March 2, 2007, pg 36-37, http://citation.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/7/9/4/8/pages179487/p179487-36.php

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

#### That means veto override

**Kampeas, 1/24/14** – Washington, D.C. bureau chief of the Jewish Telegraphic Agency (Ron, Heritage Florida Jewish News, “Iran sanctions have majority backing in Senate, but not enough to override veto”

<http://www.heritagefl.com/story/2014/01/24/news/iran-sanctions-have-majority-backing-in-senate-but-not-enough-to-override-veto/2115.html>

WASHINGTON (JTA)—More than half the United States Senate has signed on to a bill that would intensify sanctions against Iran. But in a sign of the so-far successful effort by the White House to keep the bill from reaching a veto-busting 67 supporters, only 16 Democrats are on board.

The number of senators cosponsoring the bill, introduced by Sens. Mark Kirk (R-Ill.) and Robert Menendez (D-N.J.), reached 58 this week, up from just 33 before the Christmas holiday break.

Notably only one of the 25 who signed up in recent days—Sen. Michael Bennet (D-Colo.)—is a Democrat, a sign of intense White House lobbying among Democrats to oppose the bill.

Backers of the bill say it would strengthen the U.S. hand at the negotiations. But President Obama has said he would veto the bill because it could upend talks now underway between the major powers and Iran aimed at keeping the Islamic Republic from obtaining a nuclear bomb. A similar bill passed this summer by the U.S. House of Representatives had a veto-proof majority.

On Thursday, the White House said backers of the bill should be upfront about the fact that it puts the United States on the path to war.

“If certain members of Congress want the United States to take military action, they should be up front with the American public and say so,” Bernadette Meehan, the National Security Council spokeswoman, said in a statement posted by The Huffington Post. “Otherwise, it’s not clear why any member of Congress would support a bill that possibly closes the door on diplomacy and makes it more likely that the United States will have to choose between military options or allowing Iran’s nuclear program to proceed.”

A number of pro-Israel groups, led by the American Israel Public Affairs Committee, are leading a full-court press for the bill’s passage, with prominent Jewish leaders in a number of states making calls and writing letters to holdouts. Dovish Jewish groups such as J Street and Americans for Peace Now oppose the bill.

#### Tanks Geneva and causes Israel strikes

**Leubsdorf, 1/22/14 –** former Washington Bureau chief of The Dallas Morning News (Carl, Dallas Morning News, “Hard-liners’ mischief-making threatens Iran nuke talks” <http://www.dallasnews.com/opinion/columnists/carl-p-leubsdorf/20140122-carl-leubsdorf-hard-liners-mischief-making-threatens-iran-nuke-talks.ece>)

The measure’s most dangerous provision, according to various published reports, reads as follows:

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

While not requiring U.S. action, critics note the language suggests **the mere existence** of an Iranian “nuclear weapon program” would be sufficient to compel Israel to attack “in legitimate self-defense.” And it says the U.S. “should” provide such an Israeli attack with “military, diplomatic and economic support” according to U.S. laws and congressional constitutional responsibility.

In effect, that could **enable the hard-liners** who control the Israeli government to kill the talks or try to drag the United States into a war against Iran if they decide that Iranian compliance with the current agreement is insufficient to protect Israel.

The measure would also enable Congress to **kill any agreement** the West reaches with Iran by overriding Obama’s decision to waive existing sanctions.

#### Global war

**Reuveny, 10** – professor in the School of Public and Environmental Affairs at Indiana University (Rafael, “Unilateral strike could trigger World War III, global depression” Gazette Xtra, 8/7, - See more at: <http://gazettextra.com/news/2010/aug/07/con-unilateral-strike-could-trigger-world-war-iii-/#sthash.ec4zqu8o.dpuf>)

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash.

For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force.

Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground.

All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians but also the Chinese and, likely, the Russians as well.

By now, Iran has also built redundant command and control systems and nuclear facilities, developed early warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces.

Because Iran is well-prepared, a single, conventional Israeli strike—or even numerous strikes—could not destroy all of its capabilities, giving Iran time to respond.

Unlike Iraq, whose nuclear program Israel destroyed in 1981, Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt and the Palestinian Authority to join the assault, turning a bad situation into a regional war.

During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. After years of futilely fighting Palestinian irregular armies, Israel has lost some of its perceived superiority—bolstering its enemies’ resolve.

Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat.

In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973.

An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean.

Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe.

From there, things could deteriorate as they did in the 1930s. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops.

Russia, China, Venezuela, and maybe Brazil and Turkey—all of which essentially support Iran—could be tempted to form an alliance and openly challenge the U.S. hegemony.

Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario.

Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted.

If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons but would probably not risk using force.

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

### 1nc counterplan

#### The United States Federal Government, including relevant FAA rulemakers, should provide necessary financial and legal support for civilian drone development.

#### The executive branch should issue a binding executive order prohibiting the use of remote aerial vehicles for targeted killing operations on United States soil. Executive pre-commitment to DOJ advice solves the aff

**Pillard 2005** – JD from Harvard, Faculty Director of Supreme Court Institute at Georgetown University Law Center, former Deputy Assistant Attorney General in the DOJ (February, Cornelia T., Michigan Law Review, 103.4, “The Unfulfilled Promise of the Constitution in Executive Hands”, 103 Mich. L. Rev. 676-758, http://scholarship.law.georgetown.edu/facpub/189/)

V. ENABLING EXECUTIVE CONSTITUTIONALISM

The courts indisputably do not and cannot fully assure our enjoyment of our constitutional rights, and it is equally clear that the federal executive has an independent constitutional duty to fulfill the Constitution's promise. Executive constitutionalism seems ripe with promise. Yet, it is striking how limited and court-centered the executive's normative and institutional approaches to constitutional questions remain.

One conceivable way to avoid the pitfalls of court-centric executive lawyering on one hand and constitutional decisions warped by political expedience on the other would be to make the Solicitor General and Office of Legal Counsel - or perhaps the entire Department of Justice - as structurally independent as an independent counsel or independent agency.207 Making the SG and OLC independent in order to insulate them from politics presumably would alleviate the "majoritarian difficulty" resulting from their service to elected clients. Promoting fuller independence in that sense does not, however, appear to be clearly normatively attractive, constitutionally permissible, nor particularly feasible. In all the criticism of our current constitutionalism, there is little call for an SG or OLC that would act, in effect, as a fully insulated and jurisprudentially autonomous constitutional court within the executive branch, operating with even less transparency and accountability than the Supreme Court. Moreover, as a practical matter it would be complex and problematic to increase the independence of the SG and OLC. The federal government faces Article II obstacles to formally insulating executive lawyers from politics and institutional pressures, and the president and his administration likely would be less amenable to guidance from such unaccountable lawyers.208

The challenge, rather, is to draw forth from the executive a constitutional consciousness and practice that helps the government actively to seek to fulfill the commitments of the Constitution and its Bill of Rights, interpreted by the executive as guiding principles for government. Adjustments to executive branch constitutional process and culture should be favored if they encourage the executive to use its experience and capacities to fulfill its distinctive role in effectuating constitutional guarantees. There is transformative potential in measures that break ingrained executive branch habits of looking to the Constitution only as it is mediated through the courts, and of reflexively seeking, where there is no clear doctrinal answer, to minimize constitutional constraint. It is difficult fully to imagine what kinds of changes would best prompt executive lawyers and officials to pick up constitutional analysis where the courts leave off, and to rely on the Constitution as an affirmative, guiding mandate for government action; what follows are not worked-out proposals, but are meant to be merely suggestive.

A. Correcting the Bias Against Constitutional Constraint

As we have seen, the SG's and OLC's default interpretive approach to individual rights and other forms of constitutional constraints on government is to follow what clear judicial precedents there are and, where precedents are not squarely to the contrary, to favor interpretations that minimize constitutional rights or other constitutional obligations on federal actors. Those court-centered and narrowly self-serving executive traditions produce a systematic skew against individual rights.

1. Encourage Express Presidential Articulation of Commitment to Constitutional Rights

To the extent that a president articulates his own rights-protective constitutional vision with any specificity, he ameliorates the tension his constitutional lawyers otherwise face between advancing individual rights and serving their boss's presumed interest in maximum governing flexibility. Case or controversy requirements and restrictions against courts issuing advisory opinions do not, of course, apply to the executive's internal constitutional decisionmaking, and presidents can better serve individual rights to the extent that they expressly stake out their constitutional commitments in general and in advance of any concrete controversy."° When the president takes a stand for advancing abortion rights, property rights, disability rights, "charitable choice," a right to bear arms, or full remediation of race and sex discrimination, he signals to his lawyers that they should, in those areas, set aside their default bias in favor of preserving executive prerogative, even if it requires extra executive effort or restraint to do so.

If presented in a concrete setting with a choice between interpreting and applying the Constitution in fully rights-protective ways or sparing themselves the effort where Supreme Court precedent can be read not to require it, government officials typically default to the latter course without considering whether they might thereby be giving short shrift to a constitutional duty. A president's stated commitment to protection of particular rights, however, flips the default position with respect to those rights, acting as a spur to executive-branch lawyers and other personnel to work to give effect to constitutional rights even where, for a range of institutional reasons, the courts would not. A president is thus uniquely situated to facilitate full executive-branch constitutional compliance by precommitting himself to a rights-protective constitutional vision, and thereby making clear that respect for constitutional rights is part of the executive's interest, not counter to it.

#### It has the effect of the aff but doesn’t jeopardize crisis flex

**Morrison 2011** – Professor of Law, Columbia University (Trevor W., Harvard Law Review, ““Hostilities,” the Office of Legal Counsel, and the Process of Executive Branch Legal Interpretation”, 124 HARV. L. REV.F. 62, http://web.law.columbia.edu/sites/default/files/microsites/constitutional-governance/files/Libya-Hostilities-Office-of-Legal-Counsel.pdf)

Once OLC arrived at its conclusion, it should have been clearly conveyed to the relevant parties, ideally in writing. Reducing an opinion to writing is not always possible when time is short, but where it is feasible it helps clarify the precise terms and bounds of OLC’s position. The recipients of OLC’s opinion (whether written or oral) should have regarded it as the presumptively final word on the “hostilities” question. The President certainly retains the authority to overrule OLC, but the traditions of executive branch legal interpretation do not contemplate routine relitigation before the President. Still, on matters of grave consequence where affected agencies strongly disagree with OLC’s analysis, there is nothing categorically inappropriate in their seeking presidential review. Importantly, any such presidential review should proceed on the understanding that OLC’s analysis should be adhered to in all but the most extreme circumstances. Presidential overruling should be rare because it can carry serious costs. To start, it can undermine OLC’s ability to produce legal opinions consistent with its best view of the law. Agency general counsels and the White House Counsel’s Office may approach legal questions not with the goal of seeking the best view of the law, but with the aim of finding the best, professionally responsible legal defense of their client’s preferred policy position. There is nothing wrong with that. But if the President routinely favors legal views of that sort over OLC’s conclusions, the traditional rationale for having an OLC at all will be undermined. OLC’s work product is significant today in large part because of the time-honored understanding that its conclusions are presumptively binding within the executive branch. Routine presidential overruling would weaken the presumption, which in turn would diminish the significance of OLC’s work and reduce its clients’ incentive to seek its views. To remain relevant, OLC would likely start intentionally tilting its analysis in favor of its clients’ (here, the President’s) preferred policies. Put another way, the strong presumption in favor of the authoritativeness of OLC’s analysis provides OLC with the institutional space and cover to provide answers based on its best view of the law. If the former is weakened, the latter is jeopardized.

### 1nc canada

#### US seizing Arctic leadership steals it from Canada – drilling in disputed areas crushes relations from simmering disagreements and prevents either from solving regional issues – turns case

SIPRI 12 (Stockholm International Peace Research Institute, Kristopher Berg - researcher with the SIPRI Armed Conflict and Conflict Management Programme, “The Arctic Policies of Canada and the United States: Domestic Motives and International Context”, pg. 19, SIPRI Insights on Peace and Security, July 2012, http://www.scribd.com/doc/99895997/The-Arctic-policies-of-Canada-and-the-United-States-domestic-motives-and-international-context)

While the USA has not particularly distinguished itself in the inter- national cooperation over the Arctic—although it seems that this is now changing—Canada has repeatedly made clear that it is seeking a leadership role. The lingering disagreements between the two countries may, however undermine their ability to pursue their interests in the region. The future of the Arctic will require close cooperation between Canada and the USA, not least if human activity in the area increases as it becomes more accessible. Increased traffic in the Northwest Passage will present a challenge to both Canadian and US capacity to operate in the region, not least if responsibilities in the area are unclear. The two countries’ inability to agree on key issues such as the legal status of the Northwest Passage and the maritime boundary in the Beaufort Sea is affecting not only their domestic abilities but also their abilities to exercise international leadership in the region. In terms of boundary issues, for example, Norway and Russia, rather than Canada and the USA, have set a positive example and created a model for future delimitations.

#### US-Canada relations key to cyber threat management

Carafano et al 2010 – James Jay Carafano, Ph.D., is Deputy Director of the Kathryn and Shelby Cullom Davis Institute for International Studies and Director of the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Davis Institute, at The Heritage Foundation. Jena Baker McNeill is Policy Analyst for Homeland Security and Ray Walser, Ph.D., is Senior Policy Analyst for Latin America in the Allison Center at The Heritage Foundation. Richard Weitz, Ph.D., is Senior Fellow and Director of the Center for Political–Military Analysis at Hudson Institute (“Expand NORAD to Improve Security in North America,” http://www.heritage.org/research/reports/2010/07/expand-norad-to-improve-security-in-north-america)

Addressing the wide range of threats confronting America’s security interests in North America will require NORAD’s involvement. Umar Farouk Abdulmutallab’s failed attempt to blow up a U.S.-bound jetliner was al-Qaeda’s most recent effort to cause mass casualties in America.[[22]](http://www.heritage.org/research/reports/2010/07/expand-norad-to-improve-security-in-north-america" \l "_ftn22) In addition, threats to energy, communication, and computer networks persist. Malicious third parties can attack the United States through vulnerable intermediaries, such as Canada, which offers a huge backdoor into the U.S. computer networks. Much of the infrastructure of the two nations—from railroads to aviation to pipelines and electrical systems—is inextricably intertwined. Canada is also America’s largest trading partner, accounting for many links in U.S. supply chains. NORAD and NORTHCOM have partnered with a number of agencies—including the U.S. Defense Security Cooperation Agency, U.S. Department of Homeland Security, and U.S. Strategic Command— to protect U.S. networks. This cooperation will help NORAD to secure U.S. systems against potential attack, but NORAD does not currently have a lead cyber-security role.[23] The United States needs to deepen cooperation with its North American partners on cyber security. Both the Canadian and U.S. economies depend on a secure and functioning cyberspace. Computer systems and infrastructure in both countries are linked and a substantial amount of bilateral trade is conducted through the Internet. Since cyber terrorists and criminals can operate from anywhere, integration of cyber-security efforts is essential to protect computer infrastructure. Integration is especially necessary for Canada because its 200 law enforcement and 2,500 military personnel dedicated to cyber security are insufficient to prevent cyber attacks effectively. Through NORAD, Canada and the United States could coordinate cyber security with the various military commands and civilian agencies.[24] Cooperation with Mexico as its economy and cyber infrastructure develop is also vital, as the U.S. and Mexican governments acknowledged by creating the Working Group on Cyber-Security in 2004.[25]

#### Nuke war

**Tilford 12** Robert, Graduate US Army Airborne School, Ft. Benning, Georgia, "Cyber attackers could shut down the electric grid for the entire east coast" 2012, http://www.examiner.com/article/cyber-attackers-could-easily-shut-down-the-electric-grid-for-the-entire-east-coa

To make matters worse a cyber attack that can take out a civilian power grid, for example could also cripple the U.S. military.¶ The senator notes that is that the same power grids that supply cities and towns, stores and gas stations, cell towers and heart monitors also power "every military base in our country."¶ "Although bases would be prepared to weather a short power outage with backup diesel generators, within hours, not days, fuel supplies would run out", he said.¶ Which means military command and control centers could go dark.¶ Radar systems that detect air threats to our country would shut Down completely.¶ "Communication between commanders and their troops would also go silent. And many weapons systems would be left without either fuel or electric power", said Senator Grassley.¶ "So in a few short hours or days, the mightiest military in the world would be left scrambling to maintain base functions", he said.¶ We contacted the Pentagon and officials confirmed the threat of a cyber attack is something very real.¶ Top national security officials—including the Chairman of the Joint Chiefs, the Director of the National Security Agency, the Secretary of Defense, and the CIA Director— have said, "preventing a cyber attack and improving the nation~’s electric grids is among the most urgent priorities of our country" (source: Congressional Record).¶ So how serious is the Pentagon taking all this?¶ Enough to start, or end a war over it, for sure (see video: Pentagon declares war on cyber attacks http://www.youtube.com/watch?v=\_kVQrp\_D0kY%26feature=relmfu ).¶ A cyber attack today against the US could very well be seen as an "Act of War" and could be met with a "full scale" US military response.¶ That could include the use of "nuclear weapons", if authorized by the President.

### Case

#### No risk of backlash or litigation

Chesney 12

(Robert Chesney, professor at the University of Texas School of Law, nonresident senior fellow of the Brookings Institution, distinguished scholar at the Robert S. Strauss Center for International Security and Law, and Cofounder of the Lawfare Blog, “Beyond the Battlefield, Beyond Al Qaeda: The Destabilizing Legal Architecture of Counterterrorism,” August 29, 2012, U Texas School of Law, Public Law and Legal Theory Research Paper No. 227)

This multi-year pattern of cross-branch and cross-party consensus gives the impression that the legal architecture of detention has stabilized at last. But the settlement phenomenon is not limited to detention policy. The same thing has happened, albeit to a lesser extent, in other areas. The military commission prosecution system provides a good example. When the Obama administration came into office, it seemed quite possible, indeed likely, that it would shut down the commissions system. Indeed, the new president promptly ordered all commission proceedings suspended pending a policy review.48 In the end, however, the administration worked with the then Democratic-controlled Congress to pursue a **mend-it-don’t-end-it** approach culminating in passage of the Military Commissions Act of 2009, which addressed a number of key objections to the statutory framework Congress and the Bush administration had crafted in 2006. In his National Archives address in spring 2009, moreover, President Obama also made clear that he would make use of this system in appropriate cases.49 He has duly done so, notwithstanding his administration’s doomed attempt to prosecute the so-called “9/11 defendants” (especially Khalid Sheikh Mohamed) in civilian courts. Difficult questions continue to surround the commissions system as to particular issues—such as the propriety of charging “material support” offenses for pre-2006 conduct50—but the system as a whole is far more stable today than at any point in the past decade.51 There have been strong elements of cross-party continuity between the Bush and Obama administration on an array of other counterterrorism policy questions, including the propriety of using rendition in at least some circumstances and, perhaps most notably, the legality of using lethal force not just in contexts of overt combat deployments but also in areas physically remote from the “hot battlefield.” Indeed, the Obama administration quickly outstripped the Bush administration in terms of the quantity and location of its airstrikes outside of Afghanistan,52 and it also greatly surpassed the Bush administration in its efforts to marshal public defenses of the legality of these actions.53 What’s more, the Obama administration also succeeded in fending off a lawsuit challenging the legality of the drone strike program (in the specific context of Anwar al-Awlaki, an American citizen and member of AQAP known to be on a list of approved targets for the use of deadly force in Yemen who was in fact killed in a drone strike some months later).54 The point of all this is not to claim that legal disputes surrounding these counterterrorism policies have effectively ended. Far from it; a steady drumbeat of criticism persists, especially in relation to the use of lethal force via drones. But by the end of the first post-9/11 decade, this criticism no longer seemed likely to spill over in the form of disruptive judicial rulings, newly restrictive legislation, or significant spikes in diplomatic or domestic political pressure, as had repeatedly occurred in earlier years. Years of law-conscious policy refinement—and quite possibly some degree of public fatigue or inurement when it comes to legal criticisms—had made possible an extended period of cross-branch and cross-party consensus, and this in turn left the impression that the underlying legal architecture had reached a stage of stability that was good enough for the time being.

#### No internal link about armed drones to Arctic – says overflights good,

#### Obama will circumvent the plan --- empirics prove

Levine 12 - Law Clerk; J.D., May 2012, University of Michigan Law School (David Levine, 2013 SURVEY OF BOOKS RELATED TO THE LAW: BOOK NOTICE: A TIME FOR PRESIDENTIAL POWER? WAR TIME AND THE CONSTRAINED EXECUTIVE, 111 Mich. L. Rev. 1195)

Both the Declare War Clause n49 and the War Powers Resolution n50 give Congress some control over exactly when "wartime" exists. While the U.S. military was deployed to Libya during the spring and summer of 2011, the Obama Administration advanced the argument that, under the circumstances, it was bound by neither clause. n51 If Dudziak is worried about "war's presence as an ongoing feature of American democracy" (p. 136), Libya is a potent case study with implications for the use of force over the coming decades. Article I, Section 8 of the U.S. Constitution grants to Congress the power to "declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water." n52 Although there is substantial debate on the precise scope of these powers, n53 this clause at least provides some measure of congressional control over significant commitments of U.S. forces to battle. However, it has long been accepted that presidents, acting pursuant to the commander-in-chief power, may "introduce[] armed forces into situations in which they encounter[], or risk[] encountering, hostilities, but which [are] not "wars' in either the common meaning or the [\*1207] constitutional sense." n54 Successive administrations have adopted some variant of that view and have invariably deployed U.S. forces abroad in a limited manner based on this inherent authority. n55 The Obama Administration has adopted this position - that a president has inherent constitutional authority to deploy forces outside of war - and even sought to clarify it. In the Office of Legal Counsel's ("OLC") memo to President Obama on the authority to use military force in Libya, n56 the Administration acknowledged that the Declare War Clause is a "possible constitutionally-based limit on ... presidential authority to employ military force." n57 The memo reasoned that the Constitution speaks only to Congress's ability to shape engagements that are "wars," and that presidents have deployed forces in limited contexts from the earliest days of the Union. n58 Acknowledging those facts, the memo concluded that the constitutional limit on congressional power must be the conceptual line between war and not war. In locating this boundary, the memo looked to the "anticipated nature, scope, and duration" of the conflict to which President Obama was introducing forces. n59 OLC found that the "war" standard "will be satisfied only by prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period." n60 The Obama Administration's position was not out of sync with previous presidential practice - the Declare War Clause did not require congressional approval prior to executive deployment of troops. In analyzing the "nature, scope, and duration" questions, the memo looked first to the type of missions that U.S. forces would be engaged in. The air missions envisioned for the Libya operation did not pose the threat of withdrawal difficulty or escalation risk that might indicate "a greater need for approval [from Congress] at the outset." n61 The nature of the mission, then, was not similar to full "war." Similarly, the scope of the intended operation was primarily limited, at the time the memo was written, to enforcing a no-fly zone. n62 Consequently, [\*1208] the operation's expected duration was not long. Thus, concluded OLC, "the use of force by the United States in Libya [did not rise] to the level of a "war' in the constitutional sense." n63 While this conclusion may have been uncontroversial, it highlights Dudziak's concerns over the manipulation of the idea of "wartime," concerns that were heightened by the Obama Administration's War Powers Resolution analysis. Congress passed the War Powers Resolution in 1973 in an attempt to rein in executive power in the wake of the Vietnam War. n64 The resolution provides that the president shall "in every possible instance ... consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." n65 Additionally, when the president sends U.S. forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated," the resolution requires him to submit a report to Congress describing the circumstances of the deployment and the expected involvement of U.S. troops in the "hostilities." n66 Within sixty days of receiving that report, Congress must either declare war or in some other way extend the deployment; in the absence of some ratifying action, the resolution requires that the president withdraw U.S. forces. n67 Though eschewing the plainly confrontational route of directly challenging Congress's power under the War Powers Resolution, the Obama Administration implicitly challenged Congress's ability to affect future operations. In declining to withdraw forces, despite Congress's lack of approving legislation, President Obama claimed that the conflict in Libya could not be deemed "hostilities" as that term is used in the resolution. This argument was made both in a letter to Congress during the summer of 2011 n68 and in congressional testimony given by Harold Koh, the State Department Legal Advisor under the Obama Administration. n69 [\*1209] Koh's testimony provides the most complete recitation of the Obama Administration's analysis and focuses on four factors that distinguish the fighting in Libya (or at least the United States' participation) from "hostilities": the scope of the mission, the exposure of U.S. forces, the risk of escalation, and the nature of the tactics to be used. First, "the mission is limited." n70 That is, the objectives of the overall campaign led by the North American Treaty Organization ("NATO") were confined to a "civilian protection operation ... implementing a U.N. Security Council resolution." n71 Second, the "exposure" of the U.S. forces involved was narrow - the conflict did not "involve active exchanges of fire with hostile forces" in ways that would endanger U.S. service members' safety. n72 Third, the fact that the "risk of escalation [was] limited" weighed in favor of not categorizing the conflict as "hostilities." n73 Finally, the "military means" the United States used in Libya were limited in nature. n74 The majority of missions were focused on "providing intelligence capabilities and refueling assets." n75 Those American flights that were air-to-ground missions were a mix of suppression-of-enemy-air-defenses operations to enforce a no-fly zone and strikes by armed Predator drones. n76 As a point of comparison, Koh noted that "the total number of U.S. munitions dropped has been a tiny fraction of the number dropped in Kosovo." n77 With the exception of this final factor, these considerations are quite similar to the factors that define whether a conflict is a "war" for constitutional purposes. n78 The result of this reasoning is a substantially relaxed restraint on presidential authority to use force abroad going forward. As armed drones begin [\*1210] to make up a larger portion of the United States' arsenal, n79 and as other protective technologies, such as standoff munitions n80 and electronic warfare techniques, gain traction, it is far more likely that the "exposure" of U.S. forces will decrease substantially. The force used in Yemen and the Horn of Africa is illustrative of this new paradigm where U.S. service members are not "involved [in] active exchanges of fire with hostile forces," n81 but rather machines use force by acting as human proxies. To the same point, if the "military means" used in Libya are markers of something short of "hostilities," the United States is only likely to see the use of those means increase in the coming decades. Pressing the logic of Koh's testimony, leeway for unilateral executive action will increase as the makeup of our arsenal continues to modernize. n82Dudziak worries about the invocation of "wartime" as an argument for the perpetual exercise of extraordinary powers. The Libya scenario, of course, is somewhat different - the president has argued that the absence of "war" leaves him a residuum of power such that he may use force abroad without congressional input. The two positions are of a piece, though. Dudziak argues that legacy conceptions of "wartime" and "peacetime" have left us vulnerable to the former's use, in and of itself, as a reason for increased executive power. Such literal thinking - that "war" is something specific or that the word "hostilities" has certain limits - also opens the door to the Obama Administration's defense of its position on Libya. And looking at the substance of that position leaves much to be desired. Both Koh's testimony and the OLC memo pay lip service to the idea that the policy considerations underlying their position are consistent with the policy considerations of the Framers with respect to the Declare War Clause and Congress with respect to the War Powers Resolution. But the primary, if not the only, consideration mentioned is the loss of U.S. forces. That concern is front and center when analyzing the "exposure" of service [\*1211] members, n83 and it is also on display with respect to discussions about the nature and scope of an operation. n84 This is not the only policy consideration that one might intuit from those two provisions, however. Using lethal force abroad is a very serious matter, and the U.S. polity might rationally want input from the more representative branch in deciding when, where, and how that force is used in its name. In that same vein, permitting one individual to embroil the nation in foreign conflicts - limited or otherwise - without the input of another coequal branch of government is potentially dangerous. n85 As Dudziak's framework highlights the limits of the Obama Administration's argument for expansive power, so does the Administration's novel dissection of "hostilities" illustrate the limits of Dudziak's analysis. Dudziak presents a narrative arc bending toward the expansion of wartime and, as a result, increased presidential power. That is not the case with Libya: the president finds power in "not war" rather than in "wartime." If the American public is guilty, as Dudziak asserts, of using the outmoded and misleadingly concrete terminology of "wartime" to describe an increasingly complex phenomenon, Dudziak herself is guilty of operating within a paradigm where wartime necessarily equals more executive power (than does "not war"), a paradigm that has been supplanted by a more nuanced reality. Although [\*1212] Dudziak identifies the dangers of manipulating the boundaries of wartime, her catalog of manipulations remains incomplete because of the inherent limits of her framework. This realization does not detract from Dudziak's warnings about the perils of endless wartime, however. Indeed, the powers that President Obama has claimed seem, perhaps, more palatable after a decade in which war has been invoked as an argument for many executive powers that would, in other eras, seem extraordinary. Though he has not explicitly invoked war during the Libya crisis, President Obama has certainly shown a willingness to manipulate its definition in the service of expanded executive power in ways that seem sure to increase "war's presence as an ongoing feature of American democracy" (p. 136). Conclusion Dudziak presents a compelling argument and supports it well. War Time is potent as a rhetorical device and as a way to frame decisionmaking. This is especially so for the executive branch of the U.S. government, for which wartime has generally meant increased, and ever more expansive, power. As the United States continues to transit an era in which the lines between "war" and "peace" become increasingly blurred and violent adversaries are a constant, the temptation to claim wartime powers - to render the extraordinary ordinary - is significant. This Notice has argued that, contrary to Dudziak's concerns, the temptation is not absolute. Indeed, in some instances - notably, detention operations in Iraq and Afghanistan - we are still able to differentiate between "war" and "peace" in ways that have hard legal meaning for the actors involved. And, importantly, the executive still feels compelled to abide by these distinctions and act in accordance with the law rather than claim wartime exceptionalism. That the temptation is not absolute, however, does not mean that it is not real or that Dudziak's concerns have not manifested themselves. This detachment of expansive power from temporally bound periods has opened the door for, and in some ways incentivized, limiting wartime rather than expanding it. While President Obama has recognized the legal constraints that "war" imposes, he has also followed in the footsteps of executives who have attempted to manipulate the definition of "war" itself (and now the definition of "hostilities") in order to evade those constraints as much as possible. To the extent he has succeeded in that evasion, he has confirmed what seems to be Dudziak's greatest fear: that "military engagement no longer seems to require the support of the American people, but instead their inattention" (p. 132).

#### International development solves

#### This impact is all hype

**Axe 11** (David, Military Correnspondent @ WIRED, Washington Times, " How the U.S. Wins the Coming Arctic War," Jan 11th, http://www.wired.com/dangerroom/2011/01/how-the-u-s-wins-the-coming-arctic-war/)

The strategic implications of steadily melting Arctic ice. It’s [is] one of those perennial stories of the U.S. defense trade, alongside “the end of U.S. air supremacy,” “cyber Pearl Harbor” and “China conquers the world.” The story always starts and ends the same way. Up top, how global climate change will, by 2015 or so, result in ice-free Arctic summers — allowing shipping and oil and natural-gas extraction. At the bottom, how the U.S. isn’t doing enough to secure its slice of the Arctic pie. I should know: in weaker moments, I’ve written this tale, too. But these tales, my versions included, usually omit two vital points: that Arctic conflict is unlikely to occur at all; and even if it does, the U.S. will have an overwhelming advantage over any rival. The Washington Post was the latest to repeat the Arctic-war theme, in a story published yesterday. “The Arctic is believed to hold nearly a quarter of the world’s untapped natural resources and a new passage could shave as much as 40 percent of the time it takes for commercial shippers to travel from the Atlantic to the Pacific,” Jacquelyn Ryan wrote. But, she added, “government and military officials are concerned the United States is not moving quickly enough to protect American interests in this vulnerable and fast-changing region.” Specifically, the U.S. does not have enough icebreakers or permanent bases on the Alaskan north slope. Canada and Russia, by contrast, are buying ice-hardened Arctic ships and building new facilities to enforce their Arctic claims, Ryan pointed out. The thing is, it’s not icebreakers and patches of wind-blasted tarmac that would really matter in some future North Pole showdown. In the Arctic, as in any sea battle, American nuclear attack submarines — quiet, versatile and lethal — would make all the difference. U.S. subs have been sneaking around under the Arctic ice, and occasionally surfacing, for decades. Today, they even carry geologists and other scientists in order to help map Arctic mineral deposits. “In addition to being more heavily armed than most foreign boats, U.S. submarines generally have superior quieting and combat systems, better-trained crewmen, and much more rigorous maintenance standards,” Bob Work wrote in 2008, before becoming Navy undersecretary. “As a result, the U.S. submarine force has generally been confident that it could defeat any potential undersea opponent, even if significantly outnumbered.” But in the Arctic, facing only the Canadians, Russians, Danes and Norwegians — none of whom have large or healthy sub fleets — the U.S. Navy’s 50 Los Angeles-, Seawolf- and Virginia-class subs would be more numerous as well as more powerful. And besides, an Arctic war is highly unlikely, at best. “Militarized conflict over the Arctic is unlikely, and regional disputes are unlikely to cause an overall deterioration in relations between or among polar nations,” the Carnegie Endowment for International Peace concluded in a 2009 conference. “Security issues should not be sensationalized in order to attract attention towards the Arctic.” But it’s rare anyone writes stories about how we’ve got enough weapons — and don’t really need them, besides. After all, it’s the sensational stories about shortages and looming disaster that sell newspapers.

#### Rigorous studies disprove

**Pinker 11**—Harvard College Professor, Johnstone Family Professor in the Department of Psychology at Harvard University (Steven, © 2011, The Better Angels of our Nature: Why Violence has Declined, RBatra)

Once again it seems to me that the appropriate response is “maybe, but maybe not.” Though climate change can cause plenty of misery and deserves to be mitigated for that reason alone, **it will not necessarily lead to armed conflict**. The political scientists who track war and peace, such as Halvard Buhaug, Idean Salehyan, Ole Theisen, and Nils Gleditsch, are skeptical of the popular idea that people fight wars over scarce resources.290 Hunger and resource shortages are tragically common in sub-Saharan countries such as Malawi, Zambia, and Tanzania, but wars involving them are not. Hurricanes, floods, droughts, and tsunamis (such as the disastrous one in the Indian Ocean in 2004) do not generally lead to armed conflict. The American dust bowl in the 1930s, to take another example, caused plenty of deprivation but no civil war. And while temperatures have been rising steadily in Africa during the past fifteen years, civil wars and war deaths have been falling. Pressures on access to land and water can certainly cause **local skirmishes, but a genuine war requires that hostile forces be organized and armed**, and that depends more on the influence of bad governments, closed economies, and militant ideologies than on the sheer availability of land and water. Certainly any connection to terrorism is in the imagination of the terror warriors: terrorists tend to be underemployed lower-middle-class men, not subsistence farmers.291 As for genocide, the Sudanese government finds it convenient to blame violence in Darfur on desertification, distracting the world from its own role in tolerating or encouraging the ethnic cleansing.

In a regression analysis on armed conflicts from 1980 to 1992, Theisen found that conflict was more likely if a country was poor, populous, politically unstable, and abundant in oil, but not if it had suffered from droughts, water shortages, or mild land degradation. (Severe land degradation did have a small effect.) Reviewing analyses that examined a large number (N) of countries **rather than cherry-picking one or two**, he concluded, “**Those who foresee doom, because of the relationship between resource scarcity and violent internal conflict, have very little support in the large-N literature**.” Salehyan adds that relatively inexpensive advances in water use and agricultural practices in the developing world can yield massive increases in productivity with a constant or even shrinking amount of land, and that better governance can mitigate the human costs of environmental damage, as it does in developed democracies. Since the state of the environment is at most one ingredient in a mixture that depends far more on political and social organization, resource wars are far from inevitable, even in a climate-changed world.

In a regression analysis on armed conflicts from 1980 to 1992, Theisen found that conflict was more likely if a country was poor, populous, politically unstable, and abundant in oil, but not if it had suffered from droughts, water shortages, or mild land degradation. (Severe land degradation did have a small effect.) Reviewing analyses that examined a large number (N) of countries rather than cherry-picking one or two, he concluded, “Those who foresee doom, because of the relationship between resource scarcity and violent internal conflict, have very little support in the large-N literature.” Salehyan adds that relatively inexpensive advances in water use and agricultural practices in the developing world can yield massive increases in productivity with a constant or even shrinking amount of land, and that better governance can mitigate the human costs of environmental damage, as it does in developed democracies. Since the state of the environment is at most one ingredient in a mixture that depends far more on political and social organization, resource wars are far from inevitable, even in a climate-changed world.

#### Escalation empirically denied

**Hartzell 2000** (Caroline A., 4/1/2000, Middle Atlantic Council of Latin American Studies Latin American Essays, “Latin America's civil wars: conflict resolution and institutional change.” http://www.accessmylibrary.com/coms2/summary\_0286-28765765\_ITM)

Latin America has been the site of **fourteen** civil **wars** during the post-World War II era, thirteen of which now have ended. Although not as civil war-prone as some other areas of the world, Latin America has endured some extremely violent and destabilizing intrastate conflicts. (2) The region's experiences with civil wars and their resolution thus may prove instructive for other parts of the world in which such conflicts continue to rage. By examining Latin America's civil wars in some depth not only might we better understand the circumstances under which such conflicts are ended but also the institutional outcomes to which they give rise. More specifically, this paper focuses on the following central questions regarding Latin America's civil wars: Has the resolution of these conflicts produced significant institutional change in the countries in which they were fought? What is the nature of the institutional change that has taken place in the wake of these civil wars? What are the factors that are responsible for shaping post-war institutional change?

#### Instability inevitable—demographics and economics

Blanco 9 (Long Live Democracy: The Determinants of Political Instability in Latin America, <https://docs.google.com/viewer?url=http://www.ou.edu/cas/econ/wppdf/instabilityinla%2520rg.pdf&embedded=true&chrome=true>)

Ranked as the third most unstable region in the world in the post-war era, political instability has been a pervasive problem in Latin America. 1 In our sample of 18 Latin American countries from 1971-2000, there were 20 coups d’etat, 451 political assassinations, 217 riots, and 113 crises that threatened to bring down the sitting government. 2 Only three Latin American countries were consistently democratic over the thirty year period: Costa Rica, Colombia, and Venezuela. 3 All of the rest of the countries switched from a democracy to an autocracy (or vice versa) at least once. In sum, political instability is a persistent and pernicious problem in the region. 4 Given the many studies that document the negative relationship between instability and capital accumulation (Alesina & Perotti (1996); Alesina et.al. (1996)), it is likely that this instability has hampered economic development in the region. In this paper, we seek to uncover the factors behind this instability. In a In this paper we analyze the determinants of political instability in a panel of 18 Latin American countries from 1971 to 2000. Not only is Latin America an interesting region to study because of it’s unusually persistent problems with instability, but focusing on a small sample helps us to avoid potential problems with pooling data from a large set of very different countries. 5 We find three main interesting results: First, regime type is a significant determinant of instability in the area. Countries with higher democracy scores also have lower average political instability, which indicates that recent moves to increased democracy in the region may bring about less instability in the future. This result is tempered though by our finding that long lived democracies have a greater chance of experiencing instability than equally long lived autocracies. Second, we find that income inequality and ethnic fractionalization are both important factors behind instability. Countries with low (or high) levels of inequality have less average instability than countries with average levels of inequality, and ethnic fractionalization has a non linear effect on political instability. Increases in ethnic fractionalization lower instability until a certain level of diversity, at which point any increases in diversity are associated with higher political instability. Third, we find that many of the macroeconomic variables included in our estimation (including the level and standard deviation of inflation and government budget deficit) are only weakly significant at best. Only lagged values of trade openness and investment are helpful in explaining current political instability.

#### No environmental collapse

**Boucher 98** (Doug, "Not with a Bang but a Whimper," Science and Society, Fall, http://www.driftline.org/cgi-bin/archive/archive\_msg.cgi?file=spoon-archives/marxism-international.archive/marxism-international\_1998/marxism-international.9802&msgnum=379&start=32091&end=32412)

The political danger of catastrophism is matched by the weakness of its scientific foundation. Given the prevalence of the idea that the entire biosphere will soon collapse, it is remarkable how few good examples ecology can provide of this happening m **even on the scale of an ecosystem**, let alone a continent or the whole planet. Hundreds of ecological transformations, due to introductions of alien species, pollution, overexploitation, climate change and even collisions with asteroids, have been documented. They often change the functioning of ecosystems, and the abundance and diversity of their animals and plants, in dramatic ways. The effects on human society can be far-reaching, and often extremely negative for the majority of the population. But one feature has been a constant, nearly everywhere on earth: life goes on. Humans have been able to drive thousands of species to extinction, severely impoverish the soil, alter weather patterns, dramatically lower the biodiversity of natural communities, and incidentally cause great suffering for their posterity. They have not generally been able to prevent nature from growing back. As ecosystems are transformed, species are eliminated -- but opportunities are created for new ones. The natural world is changed, but never totally destroyed. Levins and Lewontin put it well: "The warning not to destroy the environment is empty: environment, like matter, cannot be created or destroyed. What we can do is replace environments we value by those we do not like" (Levins and Lewontin, 1994). Indeed, from a human point of view the most impressive feature of recorded history is that human societies have continued to grow and develop, despite all the terrible things they have done to the earth. Examples of the **collapse of civilizations** due to their over- exploitation of nature are few and far between. Most tend to be well in the past and poorly documented, and further investigation often shows that the reasons for collapse were fundamentally political.

#### Russia perceives the Arctic as a core strategic interest – US challenges make relations breakdown and conflict more likely

Owen Matthews, 5-19-2009; written for the Times and Sunday Times, Daily and Sunday Telegraph, the Spectator, the Guardian, the Observer, Daily Mail and Mail on Sunday, and the Independent. In 1995 he moved to Moscow and became a correspondent for Newsweek Magazine, covering conflicts in Lebanon, Afghanistan and Chechnya, Owen is currently a contributing editor for Newsweek magazine, based in Istanbul and Moscow; “The coldest war: Russia and U.S. face off over Arctic resources” http://www.dailymail.co.uk/news/article-1184291/The-coldest-war-Russia-U-S-face-Arctic-resources.html

For now, such a scenario is pure fiction. But it may not be for long. Only recently, respected British think-tank Jane's Review warned that a polar war could be a reality within 12 years. And the Russians are already taking the race for the North Pole's oil wealth deadly seriously. Indeed, the Kremlin will spend tens of millions upgrading Russia's Northern Fleet over the next eight years. And its Atomic Energy Agency has already begun building a fleet of floating nuclear power stations to power undersea drilling for the Arctic's vast oil and gas reserves. A prototype is under construction at the SevMash shipyard in Severodvinsk. The prospect of an undersea Klondike near the North Pole, powered by floating nuclear plants, has environmentalists deeply worried - not least because Russia has such a dismal record on nuclear safety and the disposal of radioactive waste. International Boundaries Research Unit, Durham University The new generation power stations will be engineered to the highest safety standards, says Russia, with two 35-megawatt reactors on a giant ship-like platform which will store its own nuclear waste. But even if there is no spillage of radiation, the plants are likely to speed up the warming of Arctic waters and contribute to the disappearance of the polar ice cap. And there are other, even more chilling dangers in the race for the North Pole's resources - the prospect of war on the top of the world. A battle for the North Pole would be the coldest war of all. Fought in a frozen wasteland, where nuclear submarines already prowl beneath the polar cap - and occasionally break through it - a conflict in the Arctic would involve an arsenal of Cold War-era hardware. Since late 2007, Russian Bear and Blackjack tactical bombers have been flying perilously close to Canadian territory. Tensions reached a new level in 2008, when Canada declared a go-slow on issuing visas to Russian nationals in protest at the airspace violations. Soviet and U.S Cold Warriors spent decades fantasising about how to militarise the Arctic. Joseph Stalin sent millions of gulag prisoners to their deaths building an insane railway between the Arctic towns of Salekhard and Igarka. Leonid Brezhnev built fleets of monster, nuclear-powered icebreakers in an attempt to keep a passage around northern Siberia open year-round. Today, Russia, Canada and the U.S. keep isolated military posts dotted across the Arctic Circle, supplied by helicopters and, in Russia's case, manned by shifts of shivering conscripts in tall felt boots and sheepskin coats. But above all, any confrontation over the Arctic would be a naval one, with Russia's Northern Fleet, based at Murmansk, confronting the U.S. Second Fleet. Fully two-thirds of Russia's naval power is allocated to its Northern Fleet. The fleet also boasts Russia's newly-revamped nuclear missile submarines. The fleet is also armed with new, sea-launched Bulava intercontinental ballistic nuclear missiles, which are designed to evade U.S. missile defence shields and destroy entire cities. Clearly, Moscow sees the north as its most vulnerable, and easily expanded, frontier and seems willing to stake its claim with devastating force. The Rossiya nuclear icebreaker navigates back from the North Pole after providing support to a mini submarines' mission to the floor of the Arctic Ocean two years ago An operator of a Russian mini-submarine plants a titanium capsule with the Russian flag during a record dive in the Arctic Ocean under the ice at the North Pole War over the North Pole was, until Russia's invasion of Georgia in August, an unlikely scenario. Now, though, as Russia becomes ever more aggressive (President Medvedev has just signed off on the latest round of a massive upgrade of the country's armed forces), it has come a step closer to the realms of the possible. The Kremlin has made it clear that it has set its sights on domination of the last great wilderness on Earth. At stake is the massive mineral wealth hidden deep under the Arctic seabed - much of it made more accessible as the ice cap retreats. Vladimir Putin, Russia's Prime Minister, long vowed to build an 'energy empire' and dreamed of reversing the collapse of Russian power after the fall of the Soviet Union, an event he once called 'the greatest geopolitical catastrophe of the 20th century'. And now Putin's hand-picked successor, President Dmitry Medvedev, has set his sights on the Arctic, a chunk of territory with massive mineral wealth. In a startling attempt to re-draw the map of the world, Moscow has signalled its intentions to annex a huge swathe of the continental shelf, which runs from Northern Siberia, to include the entire North Pole.

#### Willful disregard for core Russian interests turns Russia into a hostile challenger

Allison and Blackwill, 11 – \* director of the Belfer Center for Science and International Affairs at Harvard’s Kennedy School AND \*\* Henry A. Kissinger senior fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert, “Russia and U.S. National Interests Why Should Americans Care?”, Task Force on Russia and U.S. National Interests Report, October, http://belfercenter.ksg.harvard.edu/files/Russia-and-US-NI\_final-web.pdf)

Americans often tend to focus on either Russia’s strengths or its weaknesses without seeking an integrated understanding of the real Russia. This is problematic, because it leads to dangerous assumptions about Russia’s motives and conduct. For example, those who focus on Moscow’s strengths frequently see an assertive and dangerous rival without recognizing Russia’s profound insecurity. Conversely, those who concentrate on Russia’s shortcomings see a defeated power ill-prepared to resist American pressure or preferences. While these descriptions are clearly caricatures, views like those described above can produce damaging misjudgments. Russia is grappling with the contradictions between imperial nostalgia, on the one hand, and the dramatic decline in its power after the Soviet collapse, on the other. The Russian government’s failure to present a credible plan to reverse Russia’s decline or to develop a successful foreign policy strategy that strengthens the country’s international role makes this only more difficult and contributes to a sense of insecurity. Nevertheless, the United States has the opportunity to manage its relations with an evolving Russia in a manner that advances America’s vital national interests. The stakes are high. Russia is more than sufficiently powerful to create a host of costly—and even devastating—problems for the United States if Russian leaders believe that Washington has a hostile, or casual, disregard for Russian national interests and priorities. This is true even though most in Russia’s elite recognize that today’s Russia is not sufficiently strong to challenge American global leadership without the support of other major powers.

#### This causes war and will escalate globally

Weitz, 11 - senior fellow at the Hudson Institute and a World Politics Review senior editor (Richard, “Can We Manage a Declining Russia?” November, http://www.aei.org/files/2011/12/08/-can-we-manage-a-declining-russia\_152701899417.pdf)

Conversely, a Russia relatively weaker to the United States would have less capability to challenge the United States but can provide less assistance for realizing common U.S.-Russian goals. A weaker Russia may also find it harder to control its WMD assets and become vulnerable to external predators not friendly to the United States (e. g.. China and Iran). But in all probability Russia will still have sufficiently strong nuclear forces to ward off external threats. Most worrisome, a Russian leadership that perceived Russia on a slope toward protracted decline might feel compelled to take drastic measures, internally and externally, to reverse its descent. The German Empire, Imperial Japan, and other great powers in the 20th century attempted to reverse their feared decline in ways that helped precipitate disastrous global wars.

#### Mediation solves

**Mars 95** (Perry, Journal of Peace Research, V32 No4, pp.437-451, "Foreign Influence, Political Conflicts and Conflict Resolution in the Caribbean" November 1995, JSTOR, WEA)

At the national level conflict resolution institutions should similarly replicate the establishment of complementary 'good offices' desks to facilitate mediations and negotiations of domestic political conflicts, particularly in governmental ministries such as Labour, Home Affairs, and Foreign Affairs, which deal specifically with consti- tuencies that are more prone to various types of political and related conflicts. At the international level a variety of relevant mediatory institutions exists, such as the Carter Center in Atlanta, and the Common- wealth Secretariat in London, which have already **successfully intervened to help pre- vent the escalation** of structural political conflicts in the region, as in the case of the 1992 national elections in Guyana.

#### Instability’s inevitable—drug trafficking

**Grudgings 2009** (Stuart, Rueters, Latin America ex-leaders urge reform of US drug war, http://www.reuters.com/article/latestCrisis/idUSN11358345)

RIO DE JANEIRO, Feb 11 (Reuters) - The war against drugs is failing and the U.S. government should break with "prohibition" policies that have achieved little more than cram its prisons and stoke violence, three former Latin American presidents said on Wednesday. The respected former presidents urged the United States and Latin American governments to move away from jailing drug users to debate the legalization of marijuana and place more emphasis on the treatment of addicts. Former Colombian President Cesar Gaviria said there was no meaningful debate over drugs policy in the United States, despite a broad consensus that current policies had failed. "The problem today in the U.S. is that narco-trafficking is a crime and so any politician is fearful of talking about narco-trafficking or talking about policies because they will be called soft," he said. Gaviria has joined with former Brazilian President Fernando Henrique Cardoso and former Mexican President Ernesto Zedillo to try to change the debate on drugs in Latin America, where trafficking gangs have killed tens of thousands of people and weakened democracies through corruption. From Mexico's gang wars to the drug-funded FARC guerrilla group in Colombia and daily shoot-outs between gangs and police in Rio de Janeiro's shantytowns, much of the region is scarred by drug violence and many believe U.S. policies have failed. A United Nations meeting in Vienna next month will frame international drugs policy for the next 10 years, and the three former presidents, whose group is called the Latin American Commission on Drugs and Democracy, said it is time for change. They pointed to falling street prices for cocaine and still high levels of consumption in the United States despite decades of policies focused on punishing users and cutting supplies from Latin American countries such as Colombia. 'PREJUDICES, FEARS' The presidents' commission released a report calling on governments to refocus policies toward treating users, move toward decriminalizing marijuana, and invest more in education campaigns. It said current policies were rooted in "prejudices, fears and ideological visions" that inhibited debate. Even as the group met in Rio on Wednesday, police arrested 51 people in a major operation in the city and other states against a suspected drug smuggling ring that sent cocaine to Europe and brought back synthetic drugs like Ecstasy. Organized crime has flourished around drugs and is now threatening the stability of Mexico, where a spiraling war between rival gangs killed more than 5,700 people last year. Cardoso, one of Latin America's most respected figures, said U.S. leadership was essential to break the cycle of drug-related crime and violence. "It will be almost impossible to solve Mexico's problems and other countries' problems without a more ample, comprehensive set of policies from the U.S. government," he said. Despite winning power on broad promises of change, drugs policy featured little in U.S. President Barack Obama's election campaign and there are few indications that he will embark on a major overhaul. Gaviria said Washington appeared increasingly isolated in its repressive approach as Latin America and Europe move toward treating drug abuse as a health problem rather than a crime. (Editing by Raymond Colitt and Kieran Murray)

## 2nc

### t

#### Restriction

The Law Dictionary 13 “What is Statutory Restriction?, The Law Dictionary: **Featuring Black’s Law Dictionary Free Online Legal Dictionary 2nd Edition**, Accessed 7-22-2013, http://thelawdictionary.org/statutory-restriction/

What is STATUTORY RESTRICTION?

Limits or controls that have been place on activities by its ruling legislation.

#### ‘Resolved’ means enactment

Words and Phrases 64 (Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Increase requires a net increase

**Words and Phrases 8** (20B W&P – 265-265)

Cal.App.2 Dist. 1991. Term “increase,” as used in statute giving the Energy Commission modification jurisdiction over any alteration, replacement, or improvement of equipment that results in “increase” of 50 megawatts or more in electric generating capacity of existing thermal power plant, refers to “net increase” in power plant’s total generating capacity; in deciding whether there has been the requisite 50-megawatt increase as a result of new units being incorporated into a plant, Energy Commission cannot ignore decreases in capacity caused by retirement or deactivation of other units at plant. West’s Ann.Cal.Pub.Res.Code § 25123.

#### Increase means a net increase

**Rogers, 05** (Judge, STATE OF NEW YORK, ET AL., PETITIONERS v. U.S. ENVIRONMENTAL PROTECTION AGENCY, RESPONDENT, NSR MANUFACTURERS ROUNDTABLE, ET AL., INTERVENORS, 2005 U.S. App. LEXIS 12378, \*\*; 60 ERC (BNA) 1791, 6/24, lexis)

 [\*\*48]  Statutory Interpretation. HN16While the CAA defines a "modification" as any physical or operational change that "increases" emissions, it is silent on how to calculate such "increases" in emissions. 42 U.S.C. § 7411(a)(4). According to government petitioners, the lack of a statutory definition does not render the term "increases" ambiguous, but merely compels the court to give the term its "ordinary meaning." See Engine Mfrs.Ass'nv.S.Coast AirQualityMgmt.Dist., 541 U.S. 246, 124 S. Ct. 1756, 1761, 158 L. Ed. 2d 529(2004); Bluewater Network, 370 F.3d at 13; Am. Fed'n of Gov't Employees v. Glickman, 342 U.S. App. D.C. 7, 215 F.3d 7, 10 [\*23]  (D.C. Cir. 2000). Relying on two "real world" analogies, government petitioners contend that the ordinary meaning of "increases" requires the baseline to be calculated from a period immediately preceding the change. They maintain, for example, that in determining whether a high-pressure weather system "increases" the local temperature, the relevant baseline is the temperature immediately preceding the arrival of the weather system, not the temperature five or ten years ago. Similarly,  [\*\*49]  in determining whether a new engine "increases" the value of a car, the relevant baseline is the value of the car immediately preceding the replacement of the engine, not the value of the car five or ten years ago when the engine was in perfect condition.

#### Judicial requires statutory limits as baseline

**Barron and Lederman, 8 -** \* Professor of Law, Harvard Law School AND \* Visiting Professor of Law, Georgetown University Law Center (David and Martin, “THE COMMANDER IN CHIEF AT THE LOWEST EBB - FRAMING THE PROBLEM, DOCTRINE, AND ORIGINAL UNDERSTANDING” 121 Harv. L. Rev. 689, January, lexis)

In contrast to the conventional scholarly approach, the Supreme Court has frequently grounded its war powers decisions - both in cases decided before the war on terrorism and in those resolved during it - in statutory interpretation. In some cases, the Court has held that Congress expressly or impliedly authorized the President's conduct, n30 [\*703] while in several landmark cases, including Youngstown itself, the Court has held that the Executive's actions were invalid because they violated express or implied statutory limitations. n31 Far from assuming that Congress has been a silent witness to executive action in wartime, then, the Court has regularly acted as though the legislature has been deeply involved in establishing the basis for, and the bounds of, warmaking. And, as evidenced by recent cases relating to the war on terrorism, the Court continues to assume that statutory enactments both authorize and limit the ways in which President Bush may conduct the campaign against al Qaeda. n32

### iran overview

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

**Richman, 12/29/13** (Sheldon, Counterpunch, “AIPAC's Stranglehold Congress Must Not Cede Its War Power to Israel”, <http://www.counterpunch.org/2013/12/27/congress-must-not-cede-its-war-power-to-israel/>)

The American people should know that pending right now in Congress is a bipartisan bill that would virtually commit the United States to go to war against Iran if Israel attacks the Islamic Republic. “The bill outsources any decision about resort to military action to the government of Israel,” Columbia University Iran expert Gary Sick wrote to Sen. Chuck Schumer (D-NY) in protest, one of the bill’s principal sponsors.

The mind boggles at the thought that Congress would let a foreign government decide when America goes to war, so here is the language (PDF):

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

This section is legally nonbinding, but given the clout of the bill’s chief supporter outside of Congress — the American-Israel Public Affairs Committee (AIPAC [PDF]), leader of the pro-Israel lobby — that is a mere formality.

Since AIPAC wants this bill passed, it follows that so does the government of Israeli Prime Minister Benjamin Netanyahu, who opposes American negotiations with Iran and has repeatedly threatened to attack the Islamic Republic. Against all evidence, Netanyahu insists the purpose of Iran’s nuclear program is to build a weapon with which to attack Israel. Iran says its facilities, which are routinely inspected, are for peaceful civilian purposes: the generation of electricity and the production of medical isotopes.

The bill, whose other principal sponsors are Sen. Robert Menendez (D-NJ) and Sen. Mark Kirk (R-IL), has a total of 26 Senate cosponsors. If it passes when the Senate reconvenes in January, it could provoke a historic conflict between Congress and President Obama, whose administration is engaged in negotiations with Iran at this time. Aside from declaring that the U.S. government should assist Israel if it attacks Iran, the bill would also impose new economic sanctions on the Iranian people. Obama has asked the Senate not to impose additional sanctions while his administration and five other governments are negotiating with Iran on a permanent settlement of the nuclear issue.

A six-month interim agreement is now in force, one provision of which prohibits new sanctions on Iran. “The [Menendez-Schumer-Kirk] bill allows Obama to waive the new sanctions during the current talks by certifying every 30 days that Iran is complying with the Geneva deal and negotiating in good faith on a final agreement,” Ali Gharib writes at Foreign Policy magazine. That would effectively give Congress the power to undermine negotiations. As Iran’s foreign minister, Javad Zarif, told Time magazine, if Congress imposes new sanctions, even if they are delayed for six months, “The entire deal is dead. We do not like to negotiate under duress.”

Clearly, the bill is designed to destroy the talks with Iran, which is bending over backward to demonstrate that its nuclear program has no military aims.

#### Deal failure itself causes global war

**PressTV, 11/13/13** (“Global nuclear conflict between US, Russia, China likely if Iran talks fail,” <http://www.presstv.ir/detail/2013/11/13/334544/global-nuclear-war-likely-if-iran-talks-fail/>)

A global conflict between the US, Russia, and China is likely in the coming months should the world powers fail to reach a nuclear deal with Iran, an American analyst says.

“If the talks fail, if the agreements being pursued are not successfully carried forward and implemented, then there would be enormous international pressure to drive towards a conflict with Iran before [US President Barack] Obama leaves office and that’s a very great danger that no one can underestimate the importance of,” senior editor at the Executive Intelligence Review Jeff Steinberg told Press TV on Wednesday.

“The United States could find itself on one side and Russia and China on the other and those are the kinds of conditions that can lead to miscalculation and general roar,” Steinberg said.

“So the danger in this situation is that if these talks don’t go forward, we could be facing a global conflict in the coming months and years and that’s got to be avoided at all costs when you’ve got countries like the United States, Russia, and China with” their arsenals of “nuclear weapons,” he warned.

The warning came one day after the White House told Congress not to impose new sanctions against Tehran because failure in talks with Iran could lead to war.

### uniqueness

#### Current lobbying means no vote – but it’s reversible – and opponents will seize upon signs of weakness like the plan

**Sargent, 1/22/14** – editor of The Plum Line blog for the Washington Post (Greg, “Another blow to the Iran sanctions bill” <http://www.washingtonpost.com/blogs/plum-line/wp/2014/01/22/another-blow-to-the-iran-sanctions-bill/?tid=pm_pop>

If current conditions remain, a vote is starting to look less and less likely. Right now, the bill has 58 co-sponsors. On the other side, 10 Dem Senate committee chairs have signed a letter opposing a vote. Around half a dozen Dem Senators subsequently came out against it. With Murray and Warren, the number of Dems against a vote has comfortably surpassed the number who want one.

Meanwhile, announcements like the one earlier this month indicating that the deal with Iran is moving forward make a vote still less likely. With Murray now opposed, that means virtually the whole Dem leadership is a No. On the other hand, those who adamantly want a vote — insisting it would only help the White House and make success more likely, despite what the White House itself wants – will be looking for any hook they can find to reactivate pressure.

And it’s worth stressing that if this ever did come to a vote, it’s quite possible that many of the Dems still remaining silent could still vote Yes. Those Democrats would be putting themselves in a ridiculous, untenable position if they did that, but since many appear convinced that the alternative is politically worse, it remains a very real possibility.

#### Won’t pass – momentum is stalled because of Obama’s personal lobbying, but it continues to be a fight

**McManus, 1/26/14** (Doyle, Los Angeles Times, “Harry Reid earns an assist on Iran” <http://www.latimes.com/opinion/commentary/la-oe-mcmanus-column-reid-iran-20140126,0,7603336.column#axzz2rRspWkKI>)

Initially, the bill had impressive momentum, with 16 Democrats joining 43 Republicans in support. Its backers predicted that they would soon have more than 60 votes, the number needed to move a bill forward in the Senate.

But then Reid planted his feet. He controls the Senate calendar, and he let senators know that he saw no need to act on the sanctions bill soon. "At this stage, I think we're where we should be," Reid blandly told reporters.

That strategic inaction gave Obama and White House aides more time for some furious personal lobbying against the bill. And it gave a coalition of liberal groups time to organize a grass-roots lobbying effort aimed at countering AIPAC's appeals to Democratic senators who hadn't yet decided.

By last week, it was clear that Reid had prevailed; the Senate isn't likely to vote on new sanctions any time soon.

The number of cosponsors has stalled at 59 senators, and a few of the Democrats who had signed on were beginning to edge away: Sen. Richard Blumenthal (D-Conn.), one of the cosponsors, said he didn't think the Senate needed to move "as long as there's progress" in the negotiations.

Another, Sen. Michael Bennet (D-Colo.), feels much the same way, a spokesman told me. As a result, pressure is waning on Reid to allow a vote on the bill.

But this was just one round in the ongoing Washington battle over how to deal with Iran, and the closer the nuclear negotiations bring us to a final agreement, the more intense the debate will become. That makes it worth examining this early dust-up for clues to how later battles will shape up.

One thing worth noting is that the strongest support for Israel's hard line these days comes from Republicans, not Democrats. Nearly three-quarters of the sanction bill's sponsors were Republicans, and, as the Jewish Daily Forward noted puckishly last week, most of the Senate's 10 Jewish members, all of whom are Democrats, didn't back it.

Support for Israel in Congress has been bipartisan for decades, of course. But the hawkish policies of Israeli Prime Minister Benjamin Netanyahu have put off many Democrats, and they are stopping far short of what Israel's most ardent supporters are asking.

Democrats also have more incentive to back the president on a core issue of foreign policy, of course, since he's from their party.

More fundamentally, though, Democrats tend to agree with Obama on the merits of the issue: that the negotiations are the last, best chance to persuade Iran to limit its nuclear program, and that disrupting the talks could make a military conflict inevitable.

"In my view, it is a march toward war," Sen. Dianne Feinstein (D-Calif.) said of the sanctions bill.

That doesn't mean there hasn't been fallout for traditionally pro-Israel Democrats. Senate aides say their bosses have been barraged by appeals from voters and donors, many apparently mobilized by AIPAC, asking them to support the sanctions bill. But there has also been a wave of messages from another traditional Democratic constituency: antiwar voters and donors mobilized by organizations including MoveOn.org and J Street, a liberal pro-Israel group that casts itself as a dovish alternative to AIPAC.

That battle for hearts and minds is certain to continue, especially if a deal is reached that would require Congress to unwind years of sanctions legislation.

#### Won’t pass because of Obama’s PC

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

More Democratic senators are quietly signaling their opposition to a bill that spells out new sanctions against Iran if negotiations to limit the country’s nuclear program do not yield a final accord.

The bill retains bipartisan support in both houses of Congress, but passage is seen as increasingly unlikely in the Democratic-led Senate amid an intense lobbying effort by the Obama administration to hold off on sanctions while international negotiations proceed.

Senators Patty Murray and Elizabeth Warren are the latest Democrats to announce their opposition to the Iran sanctions bill currently before Congress.

In a letter to constituents in Washington state, Murray said “the administration should be given time to negotiate a strong verifiable comprehensive agreement” on Iran’s nuclear program. At the same time, she pledged to work “to swiftly enact sanctions” if the talks ultimately fail.

Similarly, a spokeswoman for Warren says the Massachusetts senator “does not support imposing additional sanctions through new legislation while diplomatic efforts to achieve a long-term agreement are ongoing.”

The sanctions bill has 16 Democratic co-sponsors, near-unanimous support among Republicans, and the backing of politically potent pro-Israeli U.S. lobbying groups. But 11 Senate committee chairs, including Murray, currently oppose the bill.

Among Democrats who signed on to the measure late last year, some have grown less vocal in their defense and promotion of the measure in recent weeks. Senate Majority Leader Harry Reid has neither explicitly promised a vote on the bill, nor ruled it out.

Congressional expert William Galston of the Brookings Institution says pressure from President Barack Obama appears to be swaying a growing number of Democratic lawmakers.

#### Obama has stopped defections but AIPAC is still fighting

**Kampeas, 1/23/14 –** Jewish Telegraph Agency(Ron “AIPAC tries to stare Obama down on Iran sanctions” http://www.ijn.com/ijn-news/national/4462-aipac-obama-iran-sanctions)

The Obama administration has taken a firm line against the sanctions bill backed by AIPAC, warning that the legislation would harm prospects for a achieving a diplomatic solution on the Iranian nuclear issue. Meanwhile, the confrontation has landed AIPAC squarely in the media spotlight and drawn pointed criticism from leading liberal commentators.

AIPAC has been stymied by a critical core of Senate Democrats who have sided with the Obama administration in the fight. While AIPAC’s bid to build a veto-busting majority has reached 59 -- eight short of the needed 67 -- it has stalled there in part because Democrats have more or less stopped signing on.

Sens. Mark Kirk (R-Ill.) and Robert Menendez (D-N.J.), the bill’s sponsors, rounded up 15 Democrats when the bill was introduced on December 19, just before Congress went on its Christmas recess. Since Congress returned this month, however, they have added just one Democrat, Michael Bennet of Colorado.

AIPAC, however, says its bid to pass sanctions is on track.

“Our top priority is stopping Iran's nuclear program, and consequently we are very engaged in building support for the Menendez-Kirk bill which now has the bi-partisan co-sponsorship of 59 senators,” AIPAC’s spokesman, Marshall Wittman, wrote in an email to JTA. “This measure would provide our negotiators with critical leverage in their efforts to achieve a peaceful end to Iran's nuclear weapons program.”

But in a recent interview with The New Yorker, President Obama appeared confident that backers of the bill would not reach a veto-proof majority.

### at: waivers

#### New bill limits Obama’s ability to do it

Gardner 1-9 (Timothy, “Senate majority support Iran sanctions bill opposed by Obama,” Reuters, 2014, <http://www.reuters.com/article/2014/01/09/us-usa-senate-iran-idUSBREA0811X20140109>)

The bill seeks to cut Iran's oil exports to zero two years after implementation. It also puts limits on the Obama administration's ability to waive sanctions.

A group of 72 conservative foreign policy experts, including Elliot Abrams, an aide to former President George W. Bush, and former Senator Joe Lieberman, wrote a letter to congressional leaders on Thursday urging them to act to halt Iran's nuclear program.

Earlier in the week, a group of nine bipartisan foreign affairs experts including Ryan Crocker, a former ambassador to Iraq and Afghanistan, urged Menendez and Kirk not to pass the new sanctions, saying they could potentially move the United States closer to war.

#### Waiving new ones still collapses diplomacy, causes war – it poisons the well – their ev describes relief from existing sanctions, which isn’t the Menendez bill

**Costello, 12/19/13** - Ryan Costello joined the National Iranian American Council in April 2013 as a Policy Fellow (“To Boost Leverage with Iran, Give Obama a Sanctions Kill Switch” National Interest, http://nationalinterest.org/commentary/boost-leverage-iran-give-obama-sanctions-kill-switch-9591)

This stance puts Menendez and others in open opposition to the president and our nation’s negotiators. As the White House has made clear, if Congress passes new sanctions—even if they include waivers to delay implementation—both Iran and the international community would see the United States as violating the terms and faith of the agreement. After the deal collapses, Iran would once again have an unconstrained nuclear program, we would lose our unprecedented inspections regime, and the U.S. and Iran would be back on a pathway to war.

The chief leverage that the U.S. and other members of the P5+1 have in negotiations is not unending sanctions, but sanctions relief. Since 1979, the United States, European Union and UN Security Council, for a variety of purposes, have levied more than thirty separate sanctions on Iran. However, the United States has led the charge. Most of America’s unilateral sanctions on Iran are codified via both Executive Order and Congressional legislation. That includes nine separate Congressional sanctions, including measures targeting Iran’s oil and financial sectors that are the most valuable relief we can offer. As a result, it is extraordinarily difficult to unwind the sanctions on a permanent basis because the president cannot do so unilaterally—he would need Congressional support.

### at: thumpers

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

**Dionne, 1/20/14 –** senior fellow at Brookings (EJ, “Year Six of Hope and Change” <http://www.realclearpolitics.com/articles/2014/01/20/year_six_of_hope_and_change_121282.html>)

It's true that the last several weeks have allowed Obama to stage something of a comeback from the low point he reached after the collapse of the website that was supposed to ease the way to health insurance coverage for millions of Americans.

Obamacare is now working more smoothly than those who wrongly predicted its inevitable demise thought possible. Some Republicans are even proposing fixing the law rather than killing it.

In the absence of health care horror stories, the president has been able to put some of his own concerns back on the public agenda with his moving event last Thursday on those college access plans and his unveiling of modest initiatives on behalf of manufacturing. Republicans seem to have pulled away from strategies that produced chaos in the budgeting process, and Congress even passed a normal spending bill. On Friday, the president announced reforms of how the National Security Agency collects and uses telephone records.

And the nation's political conversation has been shifting toward issues Obama has always wanted to highlight. Even conservatives are now acknowledging declining social mobility, rising inequality and the persistence of poverty. And, yes, immigration reform is still a possibility.

#### Obama retains political capital on foreign policy

**Ziaberi, 1/24/14** ­ - interview with Kaveh Afrasiabi, the author of several books on Iran’s foreign policy and a former advisor of Center for Strategic Research (Kourosh, “Congress New Sanctions Bill Scuttles the Geneva Deal” Iran Review, <http://www.iranreview.org/content/Documents/Congress-New-Sanctions-Bill-Scuttles-the-Geneva-Deal.htm>)

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

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

#### Obama won’t spend PC on it

**Levy, 1/17/14** (Pema, “Obama Brings Snoopers to Heel but Approves Spying on Americans” Newsweek, <http://www.newsweek.com/obama-brings-snoopers-heel-approves-spying-americans-226591>)

While it’s hard to imagine a commander in chief dismantling his or her own intelligence-gathering programs, Obama was presented with the opportunity to take more drastic action. In December, a district court judge found the metadata program likely unconstitutional. Shortly thereafter, a review panel Obama himself appointed came out with surprisingly strong criticisms of the surveillance programs and called for serious reforms. Instead, Obama chose a middle path that is in some ways typical of his approach to national security concerns. “Obama finds himself with a national security situation that he’s not wild about, but does not have the political capital to do a complete about-face, nor is there a clear route out. And so he does some rearranging and really tries to demonstrate that what’s going on is done as consistently as possible with what he views as national values,” Friedman said. “But that statement could have been used about Guantanamo, about torture, about Afghanistan, about many, many things that the United States has done since 2000.”

#### It’s all talk now – the fight for reforms won’t be until late summer

**Dinan, 1/19/14** (Stephen, “Congress split over NSA’s domestic spying program, could just let laws expire” Washington Times, <http://www.washingtontimes.com/news/2014/jan/19/fate-of-nsa-snooping-program-in-hands-of-congress/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+FOREIGN-TheWashingtonTimesAmericasNewspaper+(World+-+The+Washington+Times))>

President Obama says the NSA’s snooping programs need changes — but he tossed the biggest decisions to Congress, where the tide appears to be running against letting the government continue to scoop and hold Americans’ phone data.

However, the intelligence community does have some important defenders, both on the key oversight committees and within the leadership ranks of Senate Democrats and House Republicans. Their support of continued snooping — and the lack of an easy alternative to the government holding on to Americans’ data — could leave the program intact.

We have carefully reviewed this program and have found it to be legal and effective,” Sen. Dianne Feinstein, California Democrat, and Rep. Mike Rogers, Michigan Republican, said in a joint statement after Mr. Obama’s speech. They chair the intelligence committees in their respective chambers.

Mr. Obama on Friday announced a few immediate changes to the National Security Agency’s program that grabs the phone numbers, times and durations of every phone call made in the U.S. and stores that data for five years.

Under the changes, analysts must submit to court reviews before they are permitted to go through the data, and they will be more limited in how far they can snoop beyond the initial phone number they suspect belongs to someone involved in terrorism.

But the president said more changes are needed to re-establish Americans’ faith in the system.

All sides in the debate are now on the clock.

Mr. Obama gave the Justice Department two months to come back with a proposal for how to shift the phone records so they are no longer held by the government.

Congress, facing November elections, will have to act by late summer or leave the issue for the Congress convening in 2015. But that puts them against another deadline: The section of the Patriot Act that the NSA uses to grab the phone data expires next year.

Opponents of the NSA program said that’s their trump.

“Next year, these authorities expire. And I believe without real reform — not a veneer of reform, but the reform that the president’s panel proposed and that in many ways, the president proposed on Friday — these laws will expire,” Sen. Mark Udall, Colorado Democrat, said Sunday on CBS‘ “Face the Nation.”

#### Congress has the lead on NSA reform and Obama’s speech placated most Democrats – just not the extreme left, who are all probably hippies that already love Iran anyway

**NPR, 1/19/14** (“Details Sketchy On NSA Changes, But Congress Reacts Quickly” <http://wuwm.com/post/details-sketchy-nsa-changes-congress-reacts-quickly>)

RACHEL MARTIN, HOST:

Back in the U.S., while there were complaints that some of the recommendations were vague, reactions have been nonetheless swift, especially in Congress. Joining us to talk about the political fallout at home is NPR's political correspondent Mara Liasson. Good morning, Mara.

MARA LIASSON, BYLINE: Good morning, Rachel.

MARTIN: So, the president's NSA proposals, how are they going over on Capitol Hill?

LIASSON: Well, the reaction was mixed, as you would expect because this is such a divisive issue and not just left and right. The civil libertarian left and the libertarian right is united on this. So, you heard Democrats, like Tom Udall of New Mexico and Ron Wyden of Oregon call this a major milestone, but they want to go much further and put more restraints on the programs. Then you heard other Democrats, like the Senate Intelligence Committee Chairman Dianne Feinstein and the House Intelligence Committee Chairman Mike Rogers, a Republican, saying they're concerned about the president's proposals to put more restrictions on the scrutinizing of people's metadata and calls. And they are worried about that. So, you can see it's a very mixed reaction because this is a divisive issue.

MARTIN: But Congress is the body that has to green light these reforms ultimately, right?

LIASSON: They do. And if they don't, by June of 2015, the Patriot Act expires, and of course that's what some of the opponents of this collection want to happen, that the whole law goes away. But that is the deadline hanging over Congress and they have a lot to do before then. They have to decide exactly what some of these reforms will look like. The president left the work to them. For instance, exactly where this data will be stored, if not by the government. So, they have a lot of details to figure out.

MARTIN: Let's get to the political realities. As you say, the criticism came from the left and the right. But did the president do enough to ease concerns from Democrats, from those in his own party?

LIASSON: Well, he's never going to ease the concerns of the ACLU and some parts of his base. But, yes, I think he did go far enough to quiet the concerns of people who thought these programs were going forward unrestrained and unreformed.

### at: no vote

#### Reid is able to fend off a vote because Obama is pressuring Democrats – if those dynamics change, Reid would be forced to cave

**Kaper, 1/17/14** – Stacy, National Journal, “U.S. Senate's Iran Hawks Flounder Against Reid-Obama Coalition” <http://www.nti.org/gsn/article/us-senates-iran-hawks-flounder-against-reid-obama-coalition/>)

The U.S. Senate's Iran hawks have lots of votes to back their sanctions legislation. What they lack is a plan to get the bill to the floor. Fifty-nine senators -- including 16 Democrats -- have signed onto sanctions legislation from Democratic Senator Robert Menendez (N.J.) and Republican Senator Mark Kirk (Ill.). The measure would punish Iran with sanctions if it reneges on an interim nuclear agreement, or if that agreement does not ultimately abolish any nuclear-weapons capabilities for Iran. The count has climbed rapidly since the bipartisan pair introduced their legislation in late December. But now it's unclear whether that support will be enough to clear the bill's next major hurdle: Senate Majority Leader Harry Reid. The Nevada Democrat is siding with the White House, which has put intense pressure on lawmakers not to act on sanctions, arguing it could result in both a nuclear-armed and hostile Iranian state. And without Reid's backing, supporters of the Menendez-Kirk bill are unsure how to move the measure to the floor. "I assume that **if the Democrat senators put enough pressure on Senator Reid he might bring it to the floor**," said Missouri Republican Senator Roy Blunt. "But, you know, we are at a moment in the Senate where nothing happens that Senator Reid doesn't want to happen; and this is something at this moment that Senator Reid doesn't want to happen." And for now, sanctions supporters are still mulling their strategy. "We are talking amongst ourselves. There is a very active debate and discussion ongoing about how best to move forward," said Democratic Senator Richard Blumenthal of Connecticut, a cosponsor of the bill. "There are a number of alternative strategies, but we're deliberating them." While Reid has, at least for now, foiled their policy plans, sanctions supporters are still scoring the desired political points on the issue. They can report their efforts to their constituents while blaming Reid for the inaction. But whatever pressure Reid is getting from his colleagues, he's also getting support from the commander in chief. In a White House meeting Wednesday night, President Obama made a hard sell to Democrats on the issue, pleading with them to back off sanctions while his team worked on a nuclear pact. "The president did speak passionately about how [we] must seize this opportunity, that we need to seize this six months … and that if Iran isn't willing to in the end make the decisions necessary to make it work, he'll be ready to sign a bill to tighten those sanctions -- but we gotta give this six months," said Senator Jeff Merkley of Oregon, after returning from the White House. In the meantime, many bill supporters reason that Reid will eventually feel the heat. "We'll just have to ratchet up the pressure, that's all," said Republican Senator John McCain (Ariz.). "The president is pushing back, obviously, and he's appealing to the loyalty of Democrats, but there are a lot of other forces out there that are pushing in the other direction, so we'll see how they react." Earlier this week Senator Lindsey Graham (R-S.C.) said he was hoping to find more Democratic cosponsors over the recess and was talking to House Majority Leader Eric Cantor (Va.) about whether the Republican-controlled House might take up the Senate sanctions bill as a way to spur the Senate to act. But neither of Graham's approaches represents a broad, coordinated campaign. Democrats, who have more power to drive the train in the Senate, seem to be in little hurry. "I don't think there is any time schedule related to it at this point," said Democratic cosponsor Ben Cardin of Maryland. "We are all trying to figure out how we can be most helpful and make sure Iran does not become a nuclear-weapon state." Menendez, who chairs the Senate Foreign Relations Committee and is the lead Democratic sponsor, said he is focused on hearing more from the administration about the reported unofficial secret "side deal" with Tehran. About the plans to proceed, Menendez said noncommittally, "We'll see." Kirk, the Republican who is the other lead sponsor, said he was counting on elections pressure to spark action. "My hope is that, as we get towards midterm elections, members are going to want to be on record being against giving up billions of dollars to Iran," Kirk said. Other members are hoping lobbying groups can carry the weight on this one. McCain said he hoped pro-Israel groups could convince Democrats to spring into action or that supporters could make it uncomfortable for Reid to continue blocking the bill.

### politics links

#### Obama fights the plan – strongly supports war powers

Rana 11 (Aziz – Assistant Professor of Law, Cornell Law School, “TEN QUESTIONS: RESPONSES TO THE TEN QUESTIONS”, 2011, 37 Wm. Mitchell L. Rev. 5099, lexis)

Thus, for many legal critics of executive power, the election of Barack Obama as President appeared to herald a new approach to security concerns and even the possibility of a fundamental break from Bush-era policies. These hopes were immediately stoked by Obama's decision before taking office to close the Guantanamo Bay prison. n4 Over two years later, however, not only does Guantanamo remain open, but through a recent executive order Obama has formalized a system of indefinite detention for those held there and also has stated that new military commission trials will begin for Guantanamo detainees. n5 More important, in ways small and large, the new administration remains committed to core elements of the previous constitutional vision of national security. Just as their predecessors, Obama officials continue to defend expansive executive detention and war powers and to promote the centrality of state secrecy to national security.

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

O’Neil 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

#### Obama will spend capital with Dems to fight the plan

**Mitchell, 9** - Assistant Professor of Law, George Mason University School of Law (Jonathan, “LEGISLATING CLEAR-STATEMENT REGIMES IN NATIONAL-SECURITY LAW” 43 Ga. L. Rev. 1059, lexis)

Finally, the President's influence in the legislative process may account for the dearth of effective enforcement mechanisms in Congress's national-security legislation. The President can shape legislation not only with his veto power but also with his ability to influence legislators, especially those who belong to his political party. Any proposal to add meaningful enforcement mechanisms to the clear- statement requirements in Congress's national-security legislation would provoke resistance from the President and his allies in Congress. The President would be far less likely to oppose congressional efforts to establish point-of-order devices in the budgetary framework legislation. n205

## 1nr

### no shielding

#### Obama is Velcro – all agency action sticks to him

Peter Nicholas and Janet Hook, 7-30-2010, “Obama the Velcro president”, LA Times, http://articles.latimes.com/2010/jul/30/nation/la-na-velcro-presidency-20100730

If Ronald Reagan was the classic Teflon president, Barack **Obama is made of Velcro**. Through two terms, Reagan eluded much of the responsibility for recession and foreign policy scandal. In less than two years, Obama has become **ensnared in blame**. Hoping to better insulate Obama, White House aides have sought to give other Cabinet officials a higher profile and additional public exposure. They are also crafting new ways to explain the president's policies to a skeptical public. But Obama remains **the colossus of his administration** — to a point where trouble anywhere in the world is often his to solve. The president is on the hook to repair the Gulf Coast oil spill disaster, stabilize Afghanistan, help fix Greece's ailing economy and do right by Shirley Sherrod, the Agriculture Department official fired as a result of a misleading fragment of videotape. **What's not sticking to Obama is a legislative track record that his recent predecessors might envy. Political dividends from passage of a healthcare overhaul or a financial regulatory bill have been fleeting.** Instead, voters are measuring his presidency by a more immediate yardstick: Is he creating enough jobs? So far the verdict is no, and that has taken a toll on Obama's approval ratings. Only 46% approve of Obama's job performance, compared with 47% who disapprove, according to Gallup's daily tracking poll. "I think the accomplishments are very significant, but I think most people would look at this and say, 'What was the plan for jobs?' " said Sen. Byron L. Dorgan (D-N.D.). "The agenda he's pushed here has been a very important agenda, but it hasn't translated into dinner table conversations." Reagan was able to glide past controversies with his popularity largely intact. He maintained his affable persona as a small-government advocate while seeming above the fray in his own administration. Reagan was untarnished by such calamities as the 1983 terrorist bombing of the Marines stationed in Beirut and scandals involving members of his administration. In the 1986 Iran-Contra affair, most of the blame fell on lieutenants. Obama lately has tried to rip off the Velcro veneer. In a revealing moment during the oil spill crisis, he reminded Americans that his powers aren't "limitless." He told residents in Grand Isle, La., that he is a flesh-and-blood president, not a comic-book superhero able to dive to the bottom of the sea and plug the hole. "I can't suck it up with a straw," he said. But as a candidate in 2008, he set sky-high expectations about what he could achieve and what government could accomplish. Clinching the Democratic nomination two years ago, Obama described the moment as an epic breakthrough when "we began to provide care for the sick and good jobs to the jobless" and "when the rise of the oceans began to slow and our planet began to heal." Those towering goals remain a long way off. And most people would have preferred to see Obama focus more narrowly on the "good jobs" part of the promise. A recent Gallup poll showed that 53% of the population rated unemployment and the economy as the nation's most important problem. By contrast, only 7% cited healthcare — a single-minded focus of the White House for a full year. At every turn, Obama makes the argument that he has improved lives in concrete ways. Without the steps he took, he says, the economy would be in worse shape and more people would be out of work. There's evidence to support that. Two economists, Mark Zandi and Alan Blinder, reported recently that without the stimulus and other measures, gross domestic product would be about 6.5% lower. Yet, Americans aren't apt to cheer when something bad doesn't materialize. Unemployment has been rising — from 7.7% when Obama took office, to 9.5%. Last month, more than 2 million homes in the U.S. were in various stages of foreclosure — up from 1.7 million when Obama was sworn in. "Folks just aren't in a mood to hand out gold stars when unemployment is hovering around 10%," said Paul Begala, a Democratic pundit. Insulating the president from bad news has proved impossible. Other White Houses have tried doing so with more success. Reagan's Cabinet officials often took the blame, shielding the boss. But the Obama administration is about one man. Obama is the White House's chief spokesman, policy pitchman, fundraiser and negotiator. No Cabinet secretary has emerged as an adequate surrogate. Treasury Secretary Timothy F. Geithner is seen as a tepid public speaker; Energy Secretary Steven Chu is prone to long, wonky digressions and has rarely gone before the cameras during an oil spill crisis that he is working to end. So, more falls to Obama, reinforcing the Velcro effect: Everything sticks to him. He has opined on virtually everything in the hundreds of public statements he has made: nuclear arms treaties, basketball star LeBron James' career plans; Chelsea Clinton's wedding. Few audiences are off-limits. On Wednesday, he taped a spot on ABC's "The View," drawing a rebuke from Democratic Pennsylvania Gov. Edward G. Rendell, who deemed the appearance unworthy of the presidency during tough times. "Stylistically he creates some of those problems," Eddie Mahe, a Republican political strategist, said in an interview. "His favorite pronoun is 'I.' When you position yourself as being all things to all people, the ultimate controller and decision maker with the capacity to fix anything, you set yourself up to be blamed when it doesn't get fixed or things happen." A new White House strategy is to forgo talk of big policy changes that are easy to ridicule. Instead, aides want to market policies as more digestible pieces. So, rather than tout the healthcare package as a whole, advisors will talk about smaller parts that may be more appealing and understandable — such as barring insurers from denying coverage based on preexisting conditions. But at this stage, it may be late in the game to downsize either the president or his agenda. Sen. Richard J. Durbin (D-Ill.) said: "The man came in promising change. He has a higher profile than some presidents because of his youth, his race and the way he came to the White House with the message he brought in. It's naive to believe he can step back and have some Cabinet secretary be the face of the oil spill. The buck stops with his office."

#### They still have to spend capital

**Taylor 96** Director Natural Resource studies, Cato Institute [Jerry, Congressional Testimony, p. http://www.cato.org/testimony/ct-jt091296.html]

Another problem with the theory of agency expertise is the assumption that agencies are sufficiently insulated from politics to make their decisions scientifically, rather than politically. But, agencies are, of course, not really insulated from politics at all, but rather are subject to all kinds of subtle and not so subtle pressures from members of Congress and the White House staff. Agencies are vulnerable to such pressure because they and their staffs have interests of their own, such as getting wider powers, a larger budget, and access to higher appointed positions. Perhaps agency lawmaking is somewhat more removed from legislative politics than is congressional lawmaking, but, in acting behind closed doors to pressure agencies, members of Congress are largely free from electoral accountability.

### oceans

#### Oceans resilient

**Kennedy 2** (Victor, Coastal and Marine Ecosystems and Global Climate Change, http://www.pewclimate.org/projects/marine.cfm)

There is evidence that marine organisms and ecosystems are resilient to environmental change. Steele (1991) hypothesized that the biological components of marine systems are tightly coupled to physical factors, allowing them to respond quickly to rapid environmental change and thus rendering them ecologically adaptable. Some species also have wide genetic variability throughout their range, which may allow for adaptation to climate change.

#### No impact to oil spills

**Craig 5** (Robert, Associate Professor of Law and Dean's Fellow – Indiana University School of Law, Spring, 20 J. Land Use & Envtl. Law 333, Lexis)

Despite the obviousness of oil spills, however, they are a relatively small ocean pollution problem. While the world's oceans receive about 3.25 million tons of oil each year, the majority of that oil comes from street runoff instead of tanker spills. 82 Accidental spills and shipping are responsible for only about 12 percent of all marine pollution, while offshore oil and gas drilling and mining are responsible for another 1 percent. 83 Instead, 77 percent of all marine pollution comes from land-based sources - 44 percent from land-based water pollutant and 33 percent from land-based air pollution. 84 As Nancy Knowlton at the Center for Marine Biodiversity at the Scripps Institution of Oceanography has summarized: The most obvious problems stem from our propensity to view dilution as the solution to pollution. Human numbers continue to grow, as do per capita amounts of waste, and much of this waste ultimately finds its way into the ocean. Some waste is toxic, some carries human pathogens, and some alters marine food chains in ways detrimental to human well-being. 85 Land-based air pollution can arise from both natural events, such as desert sand storms and dust storms, and human-caused events, such as forest fires and industrial air pollution. This pollution can acidify ocean waters, increase the concentration of heavy metals and other toxic pollutants in the oceans, and increase sedimentation of the oceans, blocking sunlight, interfering with photosynthesis, and smothering coastal ecosystems such as coral reef. 86 Land-based water pollution can also carry toxics and sediment into the seas, causing similar problems. 87 In addition, toxic pollutants, in combination with rising sea temperature, "are lowering the natural resistance of marine organisms to infections." 88 Thus, for example, organochloride pollution has been linked to "the mass mortality of Mediterranean monk seals off the coast of Mauritania, which died after becoming infected with a distemper virus of dolphins." 89

### econ

#### No war scenario

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder.

The **aggregate data** suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40

None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, **the proper comparison** is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

#### Econ’s resilient—global governance works

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

Prior to 2008, numerous foreign policy analysts had predicted a looming crisis in global economic governance. Analysts only reinforced this perception since the financial crisis, declaring that we live in a “G-Zero” world. This paper takes a closer look at the global response to the financial crisis. It reveals a more optimistic picture**. Despite initial shocks** that were actually **more severe** than the 1929 financial crisis, global economic governance structures responded quickly and robustly. Whether one measures results by economic outcomes, policy outputs, or institutional flexibility, global economic governance has displayed **surprising resiliency** since 2008. Multilateral economic institutions performed well in crisis situations to reinforce open economic policies, especially in contrast to the 1930s. While there are areas where governance has either faltered or failed, on the whole, the system has worked. Misperceptions about global economic governance persist because the Great Recession has disproportionately affected the core economies – and because the efficiency of past periods of global economic governance has been badly overestimated. Why the system has worked better than expected remains an open question. The rest of this paper explores the possible role that the distribution of power, the robustness of international regimes, and the resilience of economic ideas might have played.

### red tape

#### External regulations take out the case, or sufficient to cause uncertainty which takes out the case – public education is a problem and legislation in states is targeted to external concerns the plan doesn’t reolsve

Lowdy ‘13 (Joan Lowy, “Drone industry worries about privacy backlash”, <http://bigstory.ap.org/article/drone-industry-worries-about-privacy-backlash>, March 29, 2013)

It’s a good bet that in the not-so-distant future aerial drones will be part of Americans’ everyday lives, performing countless useful functions. A far cry from the killing machines whose missiles incinerate terrorists, these generally small unmanned aircraft will help farmers more precisely apply water and pesticides to crops, saving money and reducing environmental impacts. They’ll help police departments to find missing people, reconstruct traffic accidents and act as lookouts for SWAT teams. They’ll alert authorities to people stranded on rooftops by hurricanes, and monitor evacuation flows. Real estate agents will use them to film videos of properties and surrounding neighborhoods. States will use them to inspect bridges, roads and dams. Oil companies will use them to monitor pipelines, while power companies use them to monitor transmission lines. With military budgets shrinking, drone makers have been counting on the civilian market to spur the industry's growth. But there's an ironic threat to that hope: Success on the battlefield may contain the seeds of trouble for the more benign uses of drones at home. The civilian unmanned aircraft industry worries that it will be grounded before it can really take off because of fear among the public that the technology will be misused. Also problematic is a delay in the issuance of government safety regulations that are needed before drones can gain broad access to U.S. skies. Some companies that make drones or supply support equipment and services say the uncertainty has caused them to put U.S. expansion plans on hold, and they are looking overseas for new markets. "Our lack of success in educating the public about unmanned aircraft is coming back to bite us," said Robert Fitzgerald, CEO of The BOSH Group of Newport News, Va., which provides support services to drone users. "The U.S. has been at the lead of this technology a long time," he said. "If our government holds back this technology, there's the freedom to move elsewhere ... and all of a sudden these things will be flying everywhere else and competing with us." Since January, drone-related legislation has been introduced in more than 30 states, largely in response to privacy concerns. Many of the bills are focused on preventing police from using drones for broad public surveillance, as well as targeting individuals for surveillance without sufficient grounds to believe they were involved in crimes. Law enforcement is expected to be one of the bigger initial markets for civilian drones. Last month, the FBI used drones to maintain continuous surveillance of a bunker in Alabama where a 5-year-old boy was being held hostage. In Virginia, the state General Assembly passed a bill that would place a two-year moratorium on the use of drones by state and local law enforcement. The bill must still be signed by Gov. Bob McDonnell, a Republican. The measure is supported by groups as varied as the American Civil Liberties Union on the left and the Virginia Tea Party Patriots Federation on the right. "Any legislation that restricts the use of this kind of capability to serve the public is putting the public at risk," said Steve Gitlin, vice president of AeroVironment, a leading maker of smaller drones, including some no bigger than a hummingbird Seattle abandoned its drone program after community protests in February. The city's police department had purchased two drones through a federal grant without consulting the city council. Drones "clearly have so much potential for saving lives, and it's a darn shame we're having to go through this right now," said Stephen Ingley, executive director of the Airborne Law Enforcement Association. "It's frustrating."

#### Those concerns are exdternal to the plan

Zelinsky, 1/17/14 [Nathaniel Zelinsky Graduate student in history, Clare College, http://www.huffingtonpost.com/nathaniel-zelinsky/why-the-military-needs-to-drones\_b\_4615477.html ]

Recently, the Department of Defense announced that unmanned systems, what we commonly call "drones," will play an increased role in the U.S. military over the next 25 years. If this projection is accurate (and it likely is), the Pentagon needs to rebrand drones -- quickly -- or it risks losing the support of the American public. Despite being popular with the military, drones draw inordinate domestic and international criticism, not just because of what they are -- a new tool of war -- but what they evoke: the cultural anxiety of the machine as master. Consider Senator Rand Paul (R-KY), who last year filibustered CIA Director John Brennan's nomination for over 12 hours. Paul's central objection was that the Obama administration had refused to rule out assassinating American citizens, via drones, on U.S. soil -- a hypothetical that bordered on a conspiracy theory, but nonetheless received enormous public attention. Today, legal conferences focus on drones and international law, researchers meticulously track every death caused by drones, and, for many, the humpbacked Predator has become the universal symbol for American imperialism. What is the source of all of this fuss? I believe that these machines tap into deep psychological fears of modern culture: the fear of the sentient computer. As a result, for many, drones are irrationally scary. Drones embody the science-fiction trope of the cyborg, the half human/half computer being. The image of the cyborg emerged in Western culture as our society grappled with the computer technologies (from early warning systems to the PC) that emerged in the nuclear age. Typically, we fear cyborgs and their stereotypical lack of emotion -- and they often only become "good" characters when they transcend their machine-self and become more human. And today's drones do seem like they came from a bad movie script. The names of the two best-known Unmanned Arial Vehicles (UAV), the "Reaper" and the "Predator," would be at home in Terminator. With such overheated lingo, it takes little more to link drones to the fear of the runaway robot that brings about humanity's doom. Indeed, the drone mystique has incorporated itself into today's popular culture. Consider Tom Cruise's latest flick, Oblivion. The movie's villain is a giant robot with an army of drones, each a futuristic version of the Predator. Now think: Recently, how many movies have you watched where the drones are the good guys? The Pentagon needs to combat mistrust of drone technology, not simply to win approbation for its new tactics and technology, but because the DoD projects that domestic consumers (from law enforcement to Amazon) will purchase the lion's share of drones over the next 25 years. By creating economies of scale for manufacturers, these other organizations will help lower the cost of unmanned systems for the military**.** How can the government convince Americans to embrace the drone? First, break the link between drones and the cyborg trope from science fiction. At a basic level, we need softer nomenclature for unmanned systems. Here, the military is starting to catch on. The newest generation of the Predator has a less threatening name: the "Grey Eagle." But more should be done to rebrand the drone. For one, the word "drone" needs a replacement, much in the way that car companies are talking about inventing "driverless cars," not "drone cars." And the Pentagon needs to stop using terms like "swarm" to refer to large flocks of futuristic, self-guided missiles. More importantly, the military needs to emphasize that human beings operate drones safely and carefully (though, not without human error). We need to make the Predator pilots into the cool characters of Top Gun, so people think beyond the technology to the people who control the technology. Unfortunately, when the Pentagon announced that it would create a unique medal honoring the accomplishments of drone operators and other cyber warriors, fierce criticism caused a roll back of that initiative. There has been limited media coverage of UAV operators, but, so far, no drone-ace has emerged to become the 21st century Maverick. Drones are here to stay. How Americans feel about them and about a new drone-based military remains a matter of debate, and that's a good thing in a democracy. But unmanned systems need rebranding so that the debate is more than an irrational channeling of Terminator.

### at: public backlash

#### The scale of backlash is laughable

Stephen Holmes 13, the Walter E. Meyer Professor of Law, New York University School of Law, July 2013, “What’s in it for Obama?,” The London Review of Books, http://www.lrb.co.uk/v35/n14/stephen-holmes/whats-in-it-for-obama

This is the crux of the problem. We stand at the beginning of the Drone Age and the genie is not going to climb back into the bottle. The chances that this way of war will, over time, reduce the amount of random violence in the world are essentially nil. Obama’s drone policy has set an ominous precedent, and not only for future residents of the White House. It promises, over the long term, to engender more violence than it prevents because it excites no public backlash. That, for the permanent national security apparatus that has deftly moulded the worldview of a novice president, is its irresistible allure. It doesn’t provoke significant protest even on the part of people who condemn hit-jobs done with sticky bombs, radioactive isotopes or a bullet between the eyes – in the style of Mossad or Putin’s FSB. That America appears to be laidback about drones has made it possible for the CIA to resume the assassination programme it was compelled to shut down in the 1970s without, this time, awakening any **politically significant** outrage. It has also allowed the Pentagon to wage a war against which antiwar forces are apparently unable to rally even modest public support.

#### Internal consensus makes it irrelevant

Benjamin Wittes, editor in chief of Lawfare and a Senior Fellow in Governance Studies at the Brookings Institution. He is the author of several books and a member of the Hoover Institution's Task Force on National Security and Law, 2/27/13, In Defense of the Administration on Targeted Killing of Americans, www.lawfareblog.com/2013/02/in-defense-of-the-administration-on-targeted-killing-of-americans/

This view has currency among European allies, among advocacy groups, and in the legal academy. Unfortunately for its proponents, it **has no currency among the three branches** of government of the United States. The courts and the executive branch have both taken the opposite view, and the Congress passed a broad authorization for the use of force and despite many opportunities, has never revisited that document to impose limitations by geography or to preclude force on the basis of co-belligerency—much less to clarify that the AUMF does not, any longer, authorize the use of military force at all. Congress has been repeatedly briefed on U.S. targeting decisions, including those involving U.S. persons.[5] It was therefore surely empowered to either use the power of the purse to prohibit such action or to modify the AUMF in a way that undermined the President’s legal reasoning. Not only has it taken neither of these steps, but Congress has also funded the relevant programs. Moreover, as I noted above, Congress’s recent reaffirmation of the AUMF in the 2012 NDAA with respect to detention, once again contains no geographical limitation. There is, in other words, a consensus among the branches of government on the point that the United States is engaged in an armed conflict that involves co-belligerent forces and follows the enemy to the new territorial ground it stakes out. It is a consensus that rejects the particular view of the law advanced by numerous critics. And it is a consensus on which the executive branch is entitled to rely in formulating its legal views.

### circumvention

#### Obama will circumvent the plan --- empirics prove

Levine 12 - Law Clerk; J.D., May 2012, University of Michigan Law School (David Levine, 2013 SURVEY OF BOOKS RELATED TO THE LAW: BOOK NOTICE: A TIME FOR PRESIDENTIAL POWER? WAR TIME AND THE CONSTRAINED EXECUTIVE, 111 Mich. L. Rev. 1195)

Both the Declare War Clause n49 and the War Powers Resolution n50 give Congress some control over exactly when "wartime" exists. While the U.S. military was deployed to Libya during the spring and summer of 2011, the Obama Administration advanced the argument that, under the circumstances, it was bound by neither clause. n51 If Dudziak is worried about "war's presence as an ongoing feature of American democracy" (p. 136), Libya is a potent case study with implications for the use of force over the coming decades. Article I, Section 8 of the U.S. Constitution grants to Congress the power to "declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water." n52 Although there is substantial debate on the precise scope of these powers, n53 this clause at least provides some measure of congressional control over significant commitments of U.S. forces to battle. However, it has long been accepted that presidents, acting pursuant to the commander-in-chief power, may "introduce[] armed forces into situations in which they encounter[], or risk[] encountering, hostilities, but which [are] not "wars' in either the common meaning or the [\*1207] constitutional sense." n54 Successive administrations have adopted some variant of that view and have invariably deployed U.S. forces abroad in a limited manner based on this inherent authority. n55 The Obama Administration has adopted this position - that a president has inherent constitutional authority to deploy forces outside of war - and even sought to clarify it. In the Office of Legal Counsel's ("OLC") memo to President Obama on the authority to use military force in Libya, n56 the Administration acknowledged that the Declare War Clause is a "possible constitutionally-based limit on ... presidential authority to employ military force." n57 The memo reasoned that the Constitution speaks only to Congress's ability to shape engagements that are "wars," and that presidents have deployed forces in limited contexts from the earliest days of the Union. n58 Acknowledging those facts, the memo concluded that the constitutional limit on congressional power must be the conceptual line between war and not war. In locating this boundary, the memo looked to the "anticipated nature, scope, and duration" of the conflict to which President Obama was introducing forces. n59 OLC found that the "war" standard "will be satisfied only by prolonged and substantial military engagements, typically involving exposure of U.S. military personnel to significant risk over a substantial period." n60 The Obama Administration's position was not out of sync with previous presidential practice - the Declare War Clause did not require congressional approval prior to executive deployment of troops. In analyzing the "nature, scope, and duration" questions, the memo looked first to the type of missions that U.S. forces would be engaged in. The air missions envisioned for the Libya operation did not pose the threat of withdrawal difficulty or escalation risk that might indicate "a greater need for approval [from Congress] at the outset." n61 The nature of the mission, then, was not similar to full "war." Similarly, the scope of the intended operation was primarily limited, at the time the memo was written, to enforcing a no-fly zone. n62 Consequently, [\*1208] the operation's expected duration was not long. Thus, concluded OLC, "the use of force by the United States in Libya [did not rise] to the level of a "war' in the constitutional sense." n63 While this conclusion may have been uncontroversial, it highlights Dudziak's concerns over the manipulation of the idea of "wartime," concerns that were heightened by the Obama Administration's War Powers Resolution analysis. Congress passed the War Powers Resolution in 1973 in an attempt to rein in executive power in the wake of the Vietnam War. n64 The resolution provides that the president shall "in every possible instance ... consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." n65 Additionally, when the president sends U.S. forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated," the resolution requires him to submit a report to Congress describing the circumstances of the deployment and the expected involvement of U.S. troops in the "hostilities." n66 Within sixty days of receiving that report, Congress must either declare war or in some other way extend the deployment; in the absence of some ratifying action, the resolution requires that the president withdraw U.S. forces. n67 Though eschewing the plainly confrontational route of directly challenging Congress's power under the War Powers Resolution, the Obama Administration implicitly challenged Congress's ability to affect future operations. In declining to withdraw forces, despite Congress's lack of approving legislation, President Obama claimed that the conflict in Libya could not be deemed "hostilities" as that term is used in the resolution. This argument was made both in a letter to Congress during the summer of 2011 n68 and in congressional testimony given by Harold Koh, the State Department Legal Advisor under the Obama Administration. n69 [\*1209] Koh's testimony provides the most complete recitation of the Obama Administration's analysis and focuses on four factors that distinguish the fighting in Libya (or at least the United States' participation) from "hostilities": the scope of the mission, the exposure of U.S. forces, the risk of escalation, and the nature of the tactics to be used. First, "the mission is limited." n70 That is, the objectives of the overall campaign led by the North American Treaty Organization ("NATO") were confined to a "civilian protection operation ... implementing a U.N. Security Council resolution." n71 Second, the "exposure" of the U.S. forces involved was narrow - the conflict did not "involve active exchanges of fire with hostile forces" in ways that would endanger U.S. service members' safety. n72 Third, the fact that the "risk of escalation [was] limited" weighed in favor of not categorizing the conflict as "hostilities." n73 Finally, the "military means" the United States used in Libya were limited in nature. n74 The majority of missions were focused on "providing intelligence capabilities and refueling assets." n75 Those American flights that were air-to-ground missions were a mix of suppression-of-enemy-air-defenses operations to enforce a no-fly zone and strikes by armed Predator drones. n76 As a point of comparison, Koh noted that "the total number of U.S. munitions dropped has been a tiny fraction of the number dropped in Kosovo." n77 With the exception of this final factor, these considerations are quite similar to the factors that define whether a conflict is a "war" for constitutional purposes. n78 The result of this reasoning is a substantially relaxed restraint on presidential authority to use force abroad going forward. As armed drones begin [\*1210] to make up a larger portion of the United States' arsenal, n79 and as other protective technologies, such as standoff munitions n80 and electronic warfare techniques, gain traction, it is far more likely that the "exposure" of U.S. forces will decrease substantially. The force used in Yemen and the Horn of Africa is illustrative of this new paradigm where U.S. service members are not "involved [in] active exchanges of fire with hostile forces," n81 but rather machines use force by acting as human proxies. To the same point, if the "military means" used in Libya are markers of something short of "hostilities," the United States is only likely to see the use of those means increase in the coming decades. Pressing the logic of Koh's testimony, leeway for unilateral executive action will increase as the makeup of our arsenal continues to modernize. n82Dudziak worries about the invocation of "wartime" as an argument for the perpetual exercise of extraordinary powers. The Libya scenario, of course, is somewhat different - the president has argued that the absence of "war" leaves him a residuum of power such that he may use force abroad without congressional input. The two positions are of a piece, though. Dudziak argues that legacy conceptions of "wartime" and "peacetime" have left us vulnerable to the former's use, in and of itself, as a reason for increased executive power. Such literal thinking - that "war" is something specific or that the word "hostilities" has certain limits - also opens the door to the Obama Administration's defense of its position on Libya. And looking at the substance of that position leaves much to be desired. Both Koh's testimony and the OLC memo pay lip service to the idea that the policy considerations underlying their position are consistent with the policy considerations of the Framers with respect to the Declare War Clause and Congress with respect to the War Powers Resolution. But the primary, if not the only, consideration mentioned is the loss of U.S. forces. That concern is front and center when analyzing the "exposure" of service [\*1211] members, n83 and it is also on display with respect to discussions about the nature and scope of an operation. n84 This is not the only policy consideration that one might intuit from those two provisions, however. Using lethal force abroad is a very serious matter, and the U.S. polity might rationally want input from the more representative branch in deciding when, where, and how that force is used in its name. In that same vein, permitting one individual to embroil the nation in foreign conflicts - limited or otherwise - without the input of another coequal branch of government is potentially dangerous. n85 As Dudziak's framework highlights the limits of the Obama Administration's argument for expansive power, so does the Administration's novel dissection of "hostilities" illustrate the limits of Dudziak's analysis. Dudziak presents a narrative arc bending toward the expansion of wartime and, as a result, increased presidential power. That is not the case with Libya: the president finds power in "not war" rather than in "wartime." If the American public is guilty, as Dudziak asserts, of using the outmoded and misleadingly concrete terminology of "wartime" to describe an increasingly complex phenomenon, Dudziak herself is guilty of operating within a paradigm where wartime necessarily equals more executive power (than does "not war"), a paradigm that has been supplanted by a more nuanced reality. Although [\*1212] Dudziak identifies the dangers of manipulating the boundaries of wartime, her catalog of manipulations remains incomplete because of the inherent limits of her framework. This realization does not detract from Dudziak's warnings about the perils of endless wartime, however. Indeed, the powers that President Obama has claimed seem, perhaps, more palatable after a decade in which war has been invoked as an argument for many executive powers that would, in other eras, seem extraordinary. Though he has not explicitly invoked war during the Libya crisis, President Obama has certainly shown a willingness to manipulate its definition in the service of expanded executive power in ways that seem sure to increase "war's presence as an ongoing feature of American democracy" (p. 136). Conclusion Dudziak presents a compelling argument and supports it well. War Time is potent as a rhetorical device and as a way to frame decisionmaking. This is especially so for the executive branch of the U.S. government, for which wartime has generally meant increased, and ever more expansive, power. As the United States continues to transit an era in which the lines between "war" and "peace" become increasingly blurred and violent adversaries are a constant, the temptation to claim wartime powers - to render the extraordinary ordinary - is significant. This Notice has argued that, contrary to Dudziak's concerns, the temptation is not absolute. Indeed, in some instances - notably, detention operations in Iraq and Afghanistan - we are still able to differentiate between "war" and "peace" in ways that have hard legal meaning for the actors involved. And, importantly, the executive still feels compelled to abide by these distinctions and act in accordance with the law rather than claim wartime exceptionalism. That the temptation is not absolute, however, does not mean that it is not real or that Dudziak's concerns have not manifested themselves. This detachment of expansive power from temporally bound periods has opened the door for, and in some ways incentivized, limiting wartime rather than expanding it. While President Obama has recognized the legal constraints that "war" imposes, he has also followed in the footsteps of executives who have attempted to manipulate the definition of "war" itself (and now the definition of "hostilities") in order to evade those constraints as much as possible. To the extent he has succeeded in that evasion, he has confirmed what seems to be Dudziak's greatest fear: that "military engagement no longer seems to require the support of the American people, but instead their inattention" (p. 132).

### arctic resources

#### This impact is all hype

**Axe 11** (David, Military Correnspondent @ WIRED, Washington Times, " How the U.S. Wins the Coming Arctic War," Jan 11th, http://www.wired.com/dangerroom/2011/01/how-the-u-s-wins-the-coming-arctic-war/)

The strategic implications of steadily melting Arctic ice. It’s [is] one of those perennial stories of the U.S. defense trade, alongside “the end of U.S. air supremacy,” “cyber Pearl Harbor” and “China conquers the world.” The story always starts and ends the same way. Up top, how global climate change will, by 2015 or so, result in ice-free Arctic summers — allowing shipping and oil and natural-gas extraction. At the bottom, how the U.S. isn’t doing enough to secure its slice of the Arctic pie. I should know: in weaker moments, I’ve written this tale, too. But these tales, my versions included, usually omit two vital points: that Arctic conflict is unlikely to occur at all; and even if it does, the U.S. will have an overwhelming advantage over any rival. The Washington Post was the latest to repeat the Arctic-war theme, in a story published yesterday. “The Arctic is believed to hold nearly a quarter of the world’s untapped natural resources and a new passage could shave as much as 40 percent of the time it takes for commercial shippers to travel from the Atlantic to the Pacific,” Jacquelyn Ryan wrote. But, she added, “government and military officials are concerned the United States is not moving quickly enough to protect American interests in this vulnerable and fast-changing region.” Specifically, the U.S. does not have enough icebreakers or permanent bases on the Alaskan north slope. Canada and Russia, by contrast, are buying ice-hardened Arctic ships and building new facilities to enforce their Arctic claims, Ryan pointed out. The thing is, it’s not icebreakers and patches of wind-blasted tarmac that would really matter in some future North Pole showdown. In the Arctic, as in any sea battle, American nuclear attack submarines — quiet, versatile and lethal — would make all the difference. U.S. subs have been sneaking around under the Arctic ice, and occasionally surfacing, for decades. Today, they even carry geologists and other scientists in order to help map Arctic mineral deposits. “In addition to being more heavily armed than most foreign boats, U.S. submarines generally have superior quieting and combat systems, better-trained crewmen, and much more rigorous maintenance standards,” Bob Work wrote in 2008, before becoming Navy undersecretary. “As a result, the U.S. submarine force has generally been confident that it could defeat any potential undersea opponent, even if significantly outnumbered.” But in the Arctic, facing only the Canadians, Russians, Danes and Norwegians — none of whom have large or healthy sub fleets — the U.S. Navy’s 50 Los Angeles-, Seawolf- and Virginia-class subs would be more numerous as well as more powerful. And besides, an Arctic war is highly unlikely, at best. “Militarized conflict over the Arctic is unlikely, and regional disputes are unlikely to cause an overall deterioration in relations between or among polar nations,” the Carnegie Endowment for International Peace concluded in a 2009 conference. “Security issues should not be sensationalized in order to attract attention towards the Arctic.” But it’s rare anyone writes stories about how we’ve got enough weapons — and don’t really need them, besides. After all, it’s the sensational stories about shortages and looming disaster that sell newspapers.

#### Rigorous studies disprove

**Pinker 11**—Harvard College Professor, Johnstone Family Professor in the Department of Psychology at Harvard University (Steven, © 2011, The Better Angels of our Nature: Why Violence has Declined, RBatra)

Once again it seems to me that the appropriate response is “maybe, but maybe not.” Though climate change can cause plenty of misery and deserves to be mitigated for that reason alone, **it will not necessarily lead to armed conflict**. The political scientists who track war and peace, such as Halvard Buhaug, Idean Salehyan, Ole Theisen, and Nils Gleditsch, are skeptical of the popular idea that people fight wars over scarce resources.290 Hunger and resource shortages are tragically common in sub-Saharan countries such as Malawi, Zambia, and Tanzania, but wars involving them are not. Hurricanes, floods, droughts, and tsunamis (such as the disastrous one in the Indian Ocean in 2004) do not generally lead to armed conflict. The American dust bowl in the 1930s, to take another example, caused plenty of deprivation but no civil war. And while temperatures have been rising steadily in Africa during the past fifteen years, civil wars and war deaths have been falling. Pressures on access to land and water can certainly cause **local skirmishes, but a genuine war requires that hostile forces be organized and armed**, and that depends more on the influence of bad governments, closed economies, and militant ideologies than on the sheer availability of land and water. Certainly any connection to terrorism is in the imagination of the terror warriors: terrorists tend to be underemployed lower-middle-class men, not subsistence farmers.291 As for genocide, the Sudanese government finds it convenient to blame violence in Darfur on desertification, distracting the world from its own role in tolerating or encouraging the ethnic cleansing.

In a regression analysis on armed conflicts from 1980 to 1992, Theisen found that conflict was more likely if a country was poor, populous, politically unstable, and abundant in oil, but not if it had suffered from droughts, water shortages, or mild land degradation. (Severe land degradation did have a small effect.) Reviewing analyses that examined a large number (N) of countries **rather than cherry-picking one or two**, he concluded, “**Those who foresee doom, because of the relationship between resource scarcity and violent internal conflict, have very little support in the large-N literature**.” Salehyan adds that relatively inexpensive advances in water use and agricultural practices in the developing world can yield massive increases in productivity with a constant or even shrinking amount of land, and that better governance can mitigate the human costs of environmental damage, as it does in developed democracies. Since the state of the environment is at most one ingredient in a mixture that depends far more on political and social organization, resource wars are far from inevitable, even in a climate-changed world.

In a regression analysis on armed conflicts from 1980 to 1992, Theisen found that conflict was more likely if a country was poor, populous, politically unstable, and abundant in oil, but not if it had suffered from droughts, water shortages, or mild land degradation. (Severe land degradation did have a small effect.) Reviewing analyses that examined a large number (N) of countries rather than cherry-picking one or two, he concluded, “Those who foresee doom, because of the relationship between resource scarcity and violent internal conflict, have very little support in the large-N literature.” Salehyan adds that relatively inexpensive advances in water use and agricultural practices in the developing world can yield massive increases in productivity with a constant or even shrinking amount of land, and that better governance can mitigate the human costs of environmental damage, as it does in developed democracies. Since the state of the environment is at most one ingredient in a mixture that depends far more on political and social organization, resource wars are far from inevitable, even in a climate-changed world.

### latin america

#### Escalation empirically denied

**Hartzell 2000** (Caroline A., 4/1/2000, Middle Atlantic Council of Latin American Studies Latin American Essays, “Latin America's civil wars: conflict resolution and institutional change.” http://www.accessmylibrary.com/coms2/summary\_0286-28765765\_ITM)

Latin America has been the site of **fourteen** civil **wars** during the post-World War II era, thirteen of which now have ended. Although not as civil war-prone as some other areas of the world, Latin America has endured some extremely violent and destabilizing intrastate conflicts. (2) The region's experiences with civil wars and their resolution thus may prove instructive for other parts of the world in which such conflicts continue to rage. By examining Latin America's civil wars in some depth not only might we better understand the circumstances under which such conflicts are ended but also the institutional outcomes to which they give rise. More specifically, this paper focuses on the following central questions regarding Latin America's civil wars: Has the resolution of these conflicts produced significant institutional change in the countries in which they were fought? What is the nature of the institutional change that has taken place in the wake of these civil wars? What are the factors that are responsible for shaping post-war institutional change?

#### Instability inevitable—demographics and economics

Blanco 9 (Long Live Democracy: The Determinants of Political Instability in Latin America, <https://docs.google.com/viewer?url=http://www.ou.edu/cas/econ/wppdf/instabilityinla%2520rg.pdf&embedded=true&chrome=true>)

Ranked as the third most unstable region in the world in the post-war era, political instability has been a pervasive problem in Latin America. 1 In our sample of 18 Latin American countries from 1971-2000, there were 20 coups d’etat, 451 political assassinations, 217 riots, and 113 crises that threatened to bring down the sitting government. 2 Only three Latin American countries were consistently democratic over the thirty year period: Costa Rica, Colombia, and Venezuela. 3 All of the rest of the countries switched from a democracy to an autocracy (or vice versa) at least once. In sum, political instability is a persistent and pernicious problem in the region. 4 Given the many studies that document the negative relationship between instability and capital accumulation (Alesina & Perotti (1996); Alesina et.al. (1996)), it is likely that this instability has hampered economic development in the region. In this paper, we seek to uncover the factors behind this instability. In a In this paper we analyze the determinants of political instability in a panel of 18 Latin American countries from 1971 to 2000. Not only is Latin America an interesting region to study because of it’s unusually persistent problems with instability, but focusing on a small sample helps us to avoid potential problems with pooling data from a large set of very different countries. 5 We find three main interesting results: First, regime type is a significant determinant of instability in the area. Countries with higher democracy scores also have lower average political instability, which indicates that recent moves to increased democracy in the region may bring about less instability in the future. This result is tempered though by our finding that long lived democracies have a greater chance of experiencing instability than equally long lived autocracies. Second, we find that income inequality and ethnic fractionalization are both important factors behind instability. Countries with low (or high) levels of inequality have less average instability than countries with average levels of inequality, and ethnic fractionalization has a non linear effect on political instability. Increases in ethnic fractionalization lower instability until a certain level of diversity, at which point any increases in diversity are associated with higher political instability. Third, we find that many of the macroeconomic variables included in our estimation (including the level and standard deviation of inflation and government budget deficit) are only weakly significant at best. Only lagged values of trade openness and investment are helpful in explaining current political instability.

### environment

#### No environmental collapse

**Boucher 98** (Doug, "Not with a Bang but a Whimper," Science and Society, Fall, http://www.driftline.org/cgi-bin/archive/archive\_msg.cgi?file=spoon-archives/marxism-international.archive/marxism-international\_1998/marxism-international.9802&msgnum=379&start=32091&end=32412)

The political danger of catastrophism is matched by the weakness of its scientific foundation. Given the prevalence of the idea that the entire biosphere will soon collapse, it is remarkable how few good examples ecology can provide of this happening m **even on the scale of an ecosystem**, let alone a continent or the whole planet. Hundreds of ecological transformations, due to introductions of alien species, pollution, overexploitation, climate change and even collisions with asteroids, have been documented. They often change the functioning of ecosystems, and the abundance and diversity of their animals and plants, in dramatic ways. The effects on human society can be far-reaching, and often extremely negative for the majority of the population. But one feature has been a constant, nearly everywhere on earth: life goes on. Humans have been able to drive thousands of species to extinction, severely impoverish the soil, alter weather patterns, dramatically lower the biodiversity of natural communities, and incidentally cause great suffering for their posterity. They have not generally been able to prevent nature from growing back. As ecosystems are transformed, species are eliminated -- but opportunities are created for new ones. The natural world is changed, but never totally destroyed. Levins and Lewontin put it well: "The warning not to destroy the environment is empty: environment, like matter, cannot be created or destroyed. What we can do is replace environments we value by those we do not like" (Levins and Lewontin, 1994). Indeed, from a human point of view the most impressive feature of recorded history is that human societies have continued to grow and develop, despite all the terrible things they have done to the earth. Examples of the **collapse of civilizations** due to their over- exploitation of nature are few and far between. Most tend to be well in the past and poorly documented, and further investigation often shows that the reasons for collapse were fundamentally political.

## 2nr

### yes israel strikes

#### Both the US and Israel will strike if talks collapse

**Kearn, 1/19/14** - Assistant Professor, St. John’s University (David, Huffington Post, “The Folly of New Iran Sanctions,” <http://www.huffingtonpost.com/david-w-kearn/the-folly-of-new-iran-san_b_4619522.html>)

Nonetheless, this debate has effectively been made moot by official U.S. and Israeli policies. The clear commitment of the Obama administration to thwart Tehran from acquiring a nuclear weapon has been in place for some time. Containment is not an option, and military force will ostensibly be used to prevent an Iranian nuclear weapon from becoming operational. Despite this commitment, the Israeli government has consistently expressed its willingness to act alone to stop an Iranian bomb even without U.S. support. While hardliners in Tel Aviv and Washington may not agree, these are both credible threats that the regime in Tehran must take seriously. Thus, the situation confronting Iran and the world is either the peaceful negotiated solution to the nuclear question, or the high likelihood of another destructive, costly war in a region already torn apart by conflict.

The current sanctions bill in the Senate is not about providing President Obama and Secretary Kerry with greater leverage in the negotiations. The Iranian delegation has made clear that it views any such sanctions as an indication of bad faith that will wreck the process and undo any progress made to this point. With the interim agreement set to go into effect next week, this is clearly not the time for the Senate to usurp the authority of the commander-in-chief and his chief diplomat. Taking their respective rationales at face value, the Democratic members of the Senate supporting the sanctions legislation may have good intentions to provide a stronger "bad cop" to Secretary Kerry's "good cop" in Geneva. This is short-sighted. New sanctions will not only play into the narrative of hard-liners in Iran who don't want agreement, it will also isolate the United States from its negotiating partners and likely cripple the cohesive united front that has seemingly emerged throughout the talks. In doing so, it is most likely to fulfill the wishes of hardliners in Israel and the United States that simply don't want an agreement and refuse to take any "yes" for an answer. However, with a failure of negotiations, military conflict is much more likely.

### politics links

#### The President has institutional incentives to resist encroachments on authority even if he agrees with the policy

**Posner and Vermeule, 8 -** \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, “Constitutional Showdowns” 156 U. Pa. L. Rev. 991, lexis)

In many historical cases, Congress and the President agree about the policy outcome but disagree about lines of authority. For example, suppose that the executive branch has made a controversial decision, and a suspicious Congress wants the relevant executive officials to testify about their role in that decision. The President believes that Congress has no right to compel the officials to testify, whereas Congress believes that it has such a right. However, the President, in fact, does not mind if the officials testify because he believes that their testimony will reveal that the decision was made in good faith and for good reasons. [\*1016] The President's problem is that, if he allows the officials to testify, Congress and the public might interpret his acquiescence as recognition that Congress has the power to force executive officials to testify. If he refuses to allow the officials to testify, then he preserves his claim of executive privilege but loses the opportunity to show that the decision was made in good faith. In addition, he risks provoking a constitutional impasse in which Congress could eventually prevail - if, as we have discussed, public constitutional sentiment turns out to reject executive privilege in these circumstances. Congress faces similar dilemmas, for example, when it approves of officials nominated by the President for an agency or commission but wants to assert the power in general to impose restrictions on appointments. Political agents have long relied on a middle way to avoid the two extremes of acquiescence, on the one hand, and impasse, on the other. They acquiesce in the decision made by the other agent while claiming that their acquiescence does not establish a precedent. Or, equivalently, they argue that their acquiescence was a matter of comity rather than submission to authority. Are such claims credible? Can one avoid the precedential effect of an action by declaring that it does not establish a precedent - in effect, engaging in "ambiguous acquiescence"? The answer to this question is affirmative as long as the alternative explanation for the action is in fact credible. If, for example, observers agree that the President benefits from the testimony of executive officials, then his acquiescence to a congressional subpoena has two equally plausible explanations: that he independently benefits from the testimony, or that he believes that public constitutional sentiment rejects executive privilege. The response is thus ambiguous, and Congress may be no wiser about what will happen in the future when the President does not wish to permit officials to testify because their testimony would harm him or executive branch processes. If so, the ambiguous nature of the action does not establish a focal point that avoids an impasse in the future. On the other hand, if the President's claim that he benefits from the testimony is obviously false, then his authority will be accordingly diminished. This is why ambiguous acquiescence is not a credible strategy when the President and Congress disagree about the policy outcome. If the President thinks the war should continue, Congress thinks the war should end, and the President acquiesces to a statute that terminates the war, then he can hardly argue that he is acting out of comity. He could only be acting because he lacks power. But an agent can lack authority in more complicated settings where no serious [\*1017] policy conflict exists. If the President makes officials available for testimony every time Congress asks for such testimony, and if the testimony usually or always damages the President, then his claim to be acting out of comity rather than lack of authority eventually loses its credibility. Repeated ambiguous acquiescence to repeated claims over time will eventually be taken as unambiguous acquiescence and hence a loss of authority. For this reason, a President who cares about maintaining his constitutional powers will need to refuse to allow people to testify even when testimony would be in his short-term interest.