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## 1nc

### 1nc kritik

#### The plan’s papers over the flaws in the legal system and locks in global biopolitical war—the ballot should side with the global countermovement against such violence

Gulli 13. Bruno Gulli, professor of history, philosophy, and political science at Kingsborough College in New York, “For the critique of sovereignty and violence,” <http://academia.edu/2527260/For_the_Critique_of_Sovereignty_and_Violence>, pg. 1

We live in an unprecedented time of crisis. The violence that characterized the twentieth century, and virtually all known human history before that, seems to have entered the twenty-first century with exceptional force and singularity. True, this century opened with the terrible events of September 11. However, September 11 is not the beginning of history. Nor are the histories of more forgotten places and people, the events that shape those histories, less terrible and violent – though they may often be less spectacular. The singularity of this violence, this paradigm of terror, does not even simply lie in its globality, for that is something that our century shares with the whole history of capitalism and empire, of which it is a part. Rather, it must be seen in the fact that terror as a global phenomenon has now become self-conscious. Today, the struggle is for global dominance in a singularly new way, and war –regardless of where it happens—is also always global. Moreover, in its self-awareness, terror has become, more than it has ever been, an instrument of racism. Indeed, what is new in the singularity of this violent struggle, this racist and terrifying war, is that in the usual attempt to neutralize the enemy, there is a cleansing of immense proportion going on. To use a word which has become popular since Michel Foucault, it is a biopolitical cleansing. This is not the traditional ethnic cleansing, where one ethnic group is targeted by a state power – though that is also part of the general paradigm of racism and violence. It is rather a global cleansing, where the sovereign elites, the global sovereigns in the political and financial arenas (capital and the political institutions), in all kinds of ways target those who do not belong with them on account of their race, class, gender, and so on, but above all, on account of their way of life and way of thinking. These are the multitudes of people who, for one reason or the other, are liable for scrutiny and surveillance, extortion (typically, in the form of over- taxation and fines) and arrest, brutality, torture, and violent death. The sovereigns target anyone who, as Giorgio Agamben (1998) shows with the figure of homo sacer, can be killed without being sacrificed – anyone who can be reduced to the paradoxical and ultimately impossible condition of bare life, whose only horizon is death itself. In this sense, the biopolitical cleansing is also immediately a thanatopolitical instrument.

The biopolitical struggle for dominance is a fight to the death. Those who wage the struggle to begin with, those who want to dominate, will not rest until they have prevailed. Their fanatical and self-serving drive is also very much the source of the crisis investing all others. The point of this essay is to show that the present crisis, which is systemic and permanent and thus something more than a mere crisis, cannot be solved unless the struggle for dominance is eliminated. The elimination of such struggle implies the demise of the global sovereigns, the global elites – and this will not happen without a global revolution, a “restructuring of the world” (Fanon 1967: 82). This must be a revolution against the paradigm of violence and terror typical of the global sovereigns. It is not a movement that uses violence and terror, but rather one that counters the primordial terror and violence of the sovereign elites by living up to the vision of a new world already worked out and cherished by multitudes of people. This is the nature of counter-violence: not to use violence in one’s own turn, but to deactivate and destroy its mechanism. At the beginning of the modern era, Niccolò Machiavelli saw the main distinction is society in terms of dominance, the will to dominate, or the lack thereof. Freedom, Machiavelli says, is obviously on the side of those who reject the paradigm of domination:

[A]nd doubtless, if we consider the objects of the nobles and of the people, we must see that the first have a great desire to dominate, whilst the latter have only the wish not to be dominated, and consequently a greater desire to live in the enjoyment of liberty (Discourses, I, V).

Who can resist applying this amazing insight to the many situations of resistance and revolt that have been happening in the world for the last two years? From Tahrir Square to Bahrain, from Syntagma Square and Plaza Mayor to the streets of New York and Oakland, ‘the people’ speak with one voice against ‘the nobles;’ the 99% all face the same enemy: the same 1%; courage and freedom face the same police and military machine of cowardice and deceit, brutality and repression. Those who do not want to be dominated, and do not need to be governed, are ontologically on the terrain of freedom, always-already turned toward a poetic desire for the common good, the ethics of a just world. The point here is not to distinguish between good and evil, but rather to understand the twofold nature of power – as domination or as care.

The biopolitical (and thanatopolitical) struggle for dominance is unilateral, for there is only one side that wants to dominate. The other side –ontologically, if not circumstantially, free and certainly wiser—does not want to dominate; rather, it wants not to be dominated. This means that it rejects domination as such. The rejection of domination also implies the rejection of violence, and I have already spoken above of the meaning of counter-violence in this sense. To put it another way, with Melville’s (2012) Bartleby, this other side “would prefer not to” be dominated, and it “would prefer not to” be forced into the paradigm of violence. Yet, for this preference, this desire, to pass from potentiality into actuality, action must be taken – an action which is a return and a going under, an uprising and a hurricane. Revolution is to turn oneself away from the terror and violence of the sovereign elites toward the horizon of freedom and care, which is the pre- existing ontological ground of the difference mentioned by Machiavelli between the nobles and the people, the 1% (to use a terminology different from Machiavelli’s) and the 99%. What is important is that the sovereign elite and its war machine, its police apparatuses, its false sense of the law, be done with. It is important that the sovereigns be shown, as Agamben says, in “their original proximity to the criminal” (2000: 107) and that they be dealt with accordingly. For this to happen, a true sense of the law must be recuperated, one whereby the law is also immediately ethics. The sovereigns will be brought to justice. The process is long, but it is in many ways already underway. The recent news that a human rights lawyer will lead a UN investigation into the question of drone strikes and other forms of targeted killing (The New York Times, January 24, 2013) is an indication of the fact that the movement of those who do not want to be dominated is not without effect. An initiative such as this is perhaps necessarily timid at the outset and it may be sidetracked in many ways by powerful interests in its course. Yet, even positing, at that institutional level, the possibility that drone strikes be a form of unlawful killing and war crime is a clear indication of what common reason (one is tempted to say, the General Intellect) already understands and knows. The hope of those who “would prefer not to” be involved in a violent practice such as this, is that those responsible for it be held accountable and that the horizon of terror be canceled and overcome. Indeed, the earth needs care. And when instead of caring for it, resources are dangerously wasted and abused, it is imperative that those who know and understand revolt –and what they must revolt against is the squandering and irresponsible elites, the sovereign discourse, whose authority, beyond all nice rhetoric, ultimately rests on the threat of military violence and police brutality

#### That militaristic framing guarantees endless violence that ensures planetary destruction and structural violence

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.

#### Refuse attempts to reform militarism through legal system and doom it to its own nihilistic destruction

Prozorov 10. Sergei Prozorov, professor of political and economic studies at the University of Helsinki, “Why Giorgio Agamben is an optimist,” Philosophy Social Criticism 2010 36: pg. 1065

In a later work, Agamben generalizes this logic and transforms it into a basic ethical imperative of his work: ‘[There] is often nothing reprehensible about the individual behavior in itself, and it can, indeed, express a liberatory intent. What is disgraceful – both politically and morally – are the apparatuses which have diverted it from their possible use. We must always wrest from the apparatuses – from all apparatuses – the possibility of use that they have captured.’32 As we shall discuss in the following section, this is to be achieved by a subtraction of ourselves from these apparatuses, which leaves them in a jammed, inoperative state. What is crucial at this point is that the apparatuses of nihilism themselves prepare their demise by emptying out all positive content of the forms-of-life they govern and increasingly running on ‘empty’, capable only of (inflict- ing) Death or (doing) Nothing.

On the other hand, this degradation of the apparatuses illuminates the ‘inoperosity’ (worklessness) of the human condition, whose originary status Agamben has affirmed from his earliest works onwards.33 By rendering void all historical forms-of-life, nihi- lism brings to light the absence of work that characterizes human existence, which, as irreducibly potential, logically presupposes the lack of any destiny, vocation, or task that it must be subjected to: ‘Politics is that which corresponds to the essential inoperability of humankind, to the radical being-without-work of human communities. There is pol- itics because human beings are argos-beings that cannot be defined by any proper oper- ation, that is, beings of pure potentiality that no identity or vocation can possibly exhaust.’34

Having been concealed for centuries by religion or ideology, this originary inoperos- ity is fully unveiled in the contemporary crisis, in which it is manifest in the inoperative character of the biopolitical apparatuses themselves, which succeed only in capturing the sheer existence of their subjects without being capable of transforming it into a positive form-of-life:

[T]oday, it is clear for anyone who is not in absolutely bad faith that there are no longer historical tasks that can be taken on by, or even simply assigned to, men. It was evident start- ing with the end of the First World War that the European nation-states were no longer capa- ble of taking on historical tasks and that peoples themselves were bound to disappear.35

Agamben’s metaphor for this condition is bankruptcy: ‘One of the few things that can be

declared with certainty is that all the peoples of Europe (and, perhaps, all the peoples of the Earth) have gone bankrupt’.36 Thus, the destructive nihilistic drive of the biopolitical machine and the capitalist spectacle has itself done all the work of emptying out positive forms-of-life, identities and vocations, leaving humanity in the state of destitution that Agamben famously terms ‘bare life’. Yet, this bare life, whose essence is entirely con- tained in its existence, is precisely what conditions the emergence of the subject of the coming politics: ‘this biopolitical body that is bare life must itself be transformed into the site for the constitution and installation of a form-of-life that is wholly exhausted in bare life and a bios that is only its own zoe.’37

The ‘happy’ form-of-life, a ‘life that cannot be segregated from its form’, is nothing but bare life that has reappropriated itself as its own form and for this reason is no longer separated between the (degraded) bios of the apparatuses and the (endangered) zoe that functions as their foundation.38 Thus, what the nihilistic self-destruction of the appara- tuses of biopolitics leaves as its residue turns out to be the entire content of a new form-of-life. Bare life, which is, as we recall, ‘nothing reprehensible’ aside from its con- finement within the apparatuses, is reappropriated as a ‘whatever singularity’, a being that is only its manner of being, its own ‘thus’.39 It is the dwelling of humanity in this irreducibly potential ‘whatever being’ that makes possible the emergence of a generic non-exclusive community without presuppositions, in which Agamben finds the possi- bility of a happy life.

[If] instead of continuing to search for a proper identity in the already improper and sense- less form of individuality, humans were to succeed in belonging to this impropriety as such, in making of the proper being-thus not an identity and individual property but a singularity without identity, a common and absolutely exposed singularity, then they would for the first time enter into a community without presuppositions and without subjects.40

Thus, rather than seek to reform the apparatuses, we should simply leave them to their self-destruction and only try to reclaim the bare life that they feed on. This is to be achieved by the practice of subtraction that we address in the following section.

### 1nc humans not weapons

#### Introducing “armed forces” only refers to human troops, not weapons systems

**Lorber, 13** - J.D. Candidate, University of Pennsylvania Law School, Ph.D Candidate, Duke University Department of Political Science (Eric, “Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?” 15 U. Pa. J. Const. L. 961, January, lexis)

As is evident from a textual analysis, n177 an examination of the legislative history, n178 and the broad policy purposes behind the creation of the Act, n179 [\*990] "armed forces" refers to U.S. soldiers and members of the armed forces, not weapon systems or capabilities such as offensive cyber weapons. Section 1547 does not specifically define "armed forces," but it states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government." n180 While this definition pertains to the broader phrase "introduction of armed forces," the clear implication is that only members of the armed forces count for the purposes of the definition under the WPR. Though not dispositive, the term "member" connotes a human individual who is part of an organization. n181 Thus, it appears that the term "armed forces" means human members of the United States armed forces. However, there exist two potential complications with this reading. First, the language of the statute states that "the term "introduction of United States Armed Forces' includes the assignment of members of such armed forces." n182 By using inclusionary - as opposed to exclusionary - language, one might argue that the term "armed forces" could include more than members. This argument is unconvincing however, given that a core principle of statutory interpretation, expressio unius, suggests that expression of one thing (i.e., members) implies the exclusion of others (such as non-members constituting armed forces). n183 Second, the term "member" does not explicitly reference "humans," and so could arguably refer to individual units and beings that are part of a larger whole (e.g., wolves can be members of a pack). As a result, though a textual analysis suggests that "armed forces" refers to human members of the armed forces, such a conclusion is not determinative.

An examination of the legislative history also suggests that Congress clearly conceptualized "armed forces" as human members of the armed forces. For example, disputes over the term "armed forces" revolved around who could be considered members of the armed forces, not what constituted a member. Senator Thomas Eagleton, one of the Resolution's architects, proposed an amendment during the process providing that the Resolution cover military officers on loan to a civilian agency (such as the Central [\*991] Intelligence Agency). n184 This amendment was dropped after encountering pushback, n185 but the debate revolved around whether those military individuals on loan to the civilian agency were still members of the armed forces for the purposes of the WPR, suggesting that Congress considered the term to apply only to soldiers in the armed forces. Further, during the congressional hearings, the question of deployment of "armed forces" centered primarily on past U.S. deployment of troops to combat zones, n186 suggesting that Congress conceptualized "armed forces" to mean U.S. combat troops.

The broad purpose of the Resolution aimed to prevent the large-scale but unauthorized deployments of U.S. troops into hostilities. n187 While examining the broad purpose of a legislative act is increasingly relied upon only after examining the text and legislative history, here it provides further support for those two alternate interpretive sources. n188 As one scholar has noted, "the War Powers Resolution, for example, is concerned with sending U.S. troops into harm's way." n189 The historical context of the War Powers Resolution is also important in determining its broad purpose; as the resolutions submitted during the Vietnam War and in the lead-up to the passage of the WPR suggest, Congress was concerned about its ability to effectively regulate the President's deployments of large numbers of U.S. troops to Southeast Asia, n190 as well as prevent the President from authorizing troop incursions into countries in that region. n191 The WPR was a reaction to the President's continued deployments of these troops into combat zones, and as such suggests that Congress's broad purpose was to prevent the unconstrained deployment of U.S. personnel, not weapons, into hostilities.

This analysis suggests that, when defining the term "armed forces," Congress meant members of the armed forces who would be placed in [\*992] harm's way (i.e., into hostilities or imminent hostilities). Applied to offensive cyber operations, such a definition leads to the conclusion that the War Powers Resolution likely does not cover such activities. Worms, viruses, and kill switches are clearly not U.S. troops. Therefore, the key question regarding whether the WPR can govern cyber operations is not whether the operation is conducted independently or as part of a kinetic military operation. Rather, the key question is the delivery mechanism. For example, if military forces were deployed to launch the cyberattack, such an activity, if it were related to imminent hostilities with a foreign country, could trigger the WPR. This seems unlikely, however, for two reasons. First, it is unclear whether small-scale deployments where the soldiers are not participating or under threat of harm constitute the introduction of armed forces into hostilities under the War Powers Resolution. n192 Thus, individual operators deployed to plant viruses in particular enemy systems may not constitute armed forces introduced into hostilities or imminent hostilities. Second, such a tactical approach seems unlikely. If the target system is remote access, the military can attack it without placing personnel in harm's way. n193 If it is close access, there exist many other effective ways to target such systems. n194 As a result, unless U.S. troops are introduced into hostilities or imminent hostilities while deploying offensive cyber capabilities - which is highly unlikely - such operations will not trigger the War Powers Resolution.

### 1nc ptx

#### Iran is top priority—Obama is spending capital to persuade Dems to hold a veto

**Lobe, 12/27**/13 - reporter for Inter Press Service(Jim, “Iran sanctions bill: Big test of Israel lobby power”

<http://www.arabamericannews.com/news/index.php?mod=article&cat=World&article=8046>)

WASHINGTON - This week’s introduction by a bipartisan group of 26 senators of a new sanctions bill against Iran could result in the biggest test of the political clout of the Israel lobby here in decades.

The White House, which says the bill could well derail ongoing negotiations between Iran and the U.S. and five other powers over Tehran’s nuclear program and destroy the international coalition behind the existing sanctions regime, has already warned that it will veto the bill if it passes Congress in its present form.

The new bill, co-sponsored by two of Congress’s biggest beneficiaries of campaign contributions by political action committees closely linked to the powerful American Israel Public Affairs Committee (AIPAC), would impose sweeping new sanctions against Tehran if it fails either to comply with the interim deal it struck last month in Geneva with the P5+1 (U.S., Britain, France, Russia, China plus Germany) or reach a comprehensive accord with the great powers within one year.

To be acceptable, however, such an accord, according to the bill, would require Iran to effectively dismantle virtually its entire nuclear program, including any enrichment of uranium on its own soil, as demanded by Israeli Prime Minister Benjamin Netanyahu.

The government of President Hassan Rouhani has warned repeatedly that such a demand is a deal-breaker, and even Secretary of State John Kerry has said that a zero-enrichment position is a non-starter.

The bill, the Nuclear Weapon Free Iran Act, also calls for Washington to provide military and other support to Israel if its government “is compelled to take military action in legitimate self-defense against Iran’s nuclear weapon program.”

The introduction of the bill last week by Republican Sen. Mark Kirk and Democratic Sen. Robert Menendez followed unsuccessful efforts by both men to get some sanctions legislation passed since the Geneva accord was signed Nov. 24.

Kirk at first tried to move legislation that would have imposed new sanctions immediately in direct contradiction to a pledge by the P5+1 in the Geneva accord to forgo any new sanctions for the six-month life of the agreement in exchange for, among other things, enhanced international inspections of Iran’s nuclear facilities and a freeze on most of its nuclear program.

Unable to make headway, Kirk then worked with Menendez to draw up the new bill which, because of its prospective application, would not, according to them, violate the agreement. They had initially planned to attach it to a defense bill before the holiday recess. But the Democratic leadership, which controls the calendar, refused to go along.

Their hope now is to pass it – either as a free-standing measure or as an amendment to another must-pass bill after Congress reconvenes Jan. 6.

To highlight its bipartisan support, the two sponsors gathered a dozen other senators from each party to co-sponsor it.

Republicans, many of whom reflexively oppose President Barack Obama’s positions on any issue and whose core constituencies include Christian Zionists, are almost certain to support the bill by an overwhelming margin. If the bill gets to the floor, the main battle will thus take place within the Democratic majority.

The latter find themselves torn between, on the one hand, their loyalty to Obama and their fear that new sanctions will indeed derail negotiations and thus make war more likely, and, on the other, their general antipathy for Iran and the influence exerted by AIPAC and associated groups as a result of the questionable perception that Israel’s security is uppermost in the minds of Jewish voters and campaign contributors (who, by some estimates, provide as much as 40 percent of political donations to Democrats in national campaigns).

The administration clearly hopes the Democratic leadership will prevent the bill from coming to a vote, but, if it does, persuading most of the Democrats who have already endorsed the bill to change their minds will be an uphill fight. If the bill passes, the administration will have to muster 34 senators of the 100 senators to sustain a veto – a difficult but not impossible task, according to Congressional sources.

That battle has already been joined. Against the 13 Democratic senators who signed onto the Kirk-Menendez bill, 10 Democratic Senate committee chairs urged Majority Leader Harry Reid, who controls the upper chamber’s calendar, to forestall any new sanctions legislation.

#### It’s a war powers fight that Obama wins – but failure signals support for Israeli 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 makes the bill veto-proof

**Armbruster, 1/6/14** (Ben, Think Progress, “Security Experts Ask Senators To Pull Back Iran Sanctions Bill”

<http://thinkprogress.org/security/2014/01/06/3122551/crocker-experts-senate-iran-sanctions-bill/>

After various avenues to put forth Iran sanctions measures recently failed, Sens. Robert Menendez (D-NJ) and Mark Kirk (R-IL) introduced the stand-alone bill late last month. Nearly 50 senators — mostly Republicans — have signed on as co-sponsors, but the chairs of 10 Senate committees recently wrote to Senate Majority Harry Reid (D-NV) slamming the bill and asking him not to move forward with it. The White House has said it will veto the bill if it passes.

In the letter sent to Menendez and Kirk on Monday, the group of experts — which includes former U.S. Ambassador to Iraq and Afghanistan Ryan Crocker, former U.S. Ambassador to Israel and Egypt Daniel Kurtzer, William H. Luers, the former Ambassador to Venezuela and Czechoslovakia, and Jessica Tuchman Mathews, the President of the Carnegie Endowment for International Peace — say their bill “will threaten the prospects for success in the current negotiations and thus present us and our friends with a stark choice — military action or living with a nuclear Iran.” Crocker et al note that attacking Iran would not prevent it from developing nuclear weapons and would most likely give the Iranians the justification to decide to seek them — “the very thing the U.S. hopes to prevent,” they write.

The interim agreement reached between the Iran, the U.S. and its international partners in Geneva last November significantly reined in Iran’s nuclear program in exchange for modest sanctions relief (most polls show that Americans support this first step deal). But Obama administration officials and Iran experts believe that passing new sanctions on Iran now — even those with a delayed trigger as the Menendez-Kirk bill mandates — would violate the terms of Geneva’s Joint Plan of Action, thus jeopardizing any final deal with Iran.

The letter’s signatories share that concern and address the argument that lawmakers often make when pushing more sanctions now: the threat of harsh penalties will strengthen the U.S.’s negotiating position. “To the contrary,” the letter says, “Iranian leaders are more likely to see such Congressional action as a violation of the spirit and perhaps the letter of the Joint Plan of Action of November 24, 2013, and to harden rather than soften their negotiating position.” They note that Iranian parliamentarians have already introduced a measure to enrich nearly weapons-grade uranium in response to the Menendez-Kirk bill. “This kind of tit-for-tat spiral threatens to undermine any possibility of curtailing Iran’s nuclear program,” they write.

“Should the U.S. Congress decide it must unilaterally seek to add even more burdens now on this complicated and critical process, it is unlikely that the goals of our negotiations can be achieved,” they write, warning that “our other negotiating partners (UK, France, Germany, Russia, and China) would be displeased and would conclude that the US is no longer proceeding in good faith in accord with the Joint Plan of Action. This bill could lead to an unraveling of the sanctions regime that the U.S. and its partners have so patiently built.”

CQ Roll Call reported last week that Reid “still has not publicly signaled his intentions on a floor vote” on the Kirk-Menendez bill.

“The bill had 47 co-sponsors signed up before Christmas and we expect at least a dozen more to sign up in the first couple of days back in session,” a Senate aide said via e-mail to CQ. “Once there are 60 co-sponsors, meaning the bill can clear a cloture motion, it will be difficult for Harry Reid to delay a vote on the bill; if it gets to a veto-proof majority of co-sponsors, it will be nearly impossible.”

The White House has been lobbying Congress against passing new sanctions. Secretary of State John Kerry told a House Panel last month that it would be “gratuitous in the context of this situation.”

#### Causes Israel strikes

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

As 2013 draws to close, the negotiations over the Iranian nuclear program have entered a delicate stage. But in 2014, the tensions will escalate dramatically as a bipartisan group of Senators brings a new Iran sanctions bill to the floor for a vote. As many others have warned, that promise of new measures against Tehran will almost certainly blow up the interim deal reached by the Obama administration and its UN/EU partners in Geneva. But Congress' highly unusual intervention into the President's domain of foreign policy doesn't just make the prospect of an American conflict with Iran more likely. As it turns out, the Nuclear Weapon Free Iran Act essentially empowers Israel to decide whether the United States will go to war against Tehran.

On their own, the tough new sanctions imposed automatically if a final deal isn't completed in six months pose a daunting enough challenge for President Obama and Secretary of State Kerry. But it is the legislation's commitment to support an Israeli preventive strike against Iranian nuclear facilities that almost ensures the U.S. and Iran will come to blows. As Section 2b, part 5 of the draft mandates:

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

Now, the legislation being pushed by Senators Mark Kirk (R-IL), Chuck Schumer (D-NY) and Robert Menendez (D-NJ) does not automatically give the President an authorization to use force should Israel attack the Iranians. (The draft language above explicitly states that the U.S. government must act "in accordance with the law of the United States and the constitutional responsibility of Congress to authorize the use of military force.") But there should be little doubt that an AUMF would be forthcoming from Congressmen on both sides of the aisle. As Lindsey Graham, who with Menendez co-sponsored a similar, non-binding "stand with Israel" resolution in March told a Christians United for Israel (CUFI) conference in July:

"If nothing changes in Iran, come September, October, I will present a resolution that will authorize the use of military force to prevent Iran from developing a nuclear bomb."

Graham would have plenty of company from the hardest of hard liners in his party. In August 2012, Romney national security adviser and pardoned Iran-Contra architect Elliott Abrams called for a war authorization in the pages of the Weekly Standard. And just two weeks ago, Norman Podhoretz used his Wall Street Journal op-ed to urge the Obama administration to "strike Iran now" to avoid "the nuclear war sure to come."

But at the end of the day, the lack of an explicit AUMF in the Nuclear Weapon Free Iran Act doesn't mean its supporters aren't giving Prime Minister Benjamin Netanyahu de facto carte blanche to hit Iranian nuclear facilities. The ensuing Iranian retaliation against to Israeli and American interests would almost certainly trigger the commitment of U.S. forces anyway.

Even if the Israelis alone launched a strike against Iran's atomic sites, Tehran will almost certainly hit back against U.S. targets in the Straits of Hormuz, in the region, possibly in Europe and even potentially in the American homeland. Israel would face certain retaliation from Hezbollah rockets launched from Lebanon and Hamas missiles raining down from Gaza.

That's why former Bush Defense Secretary Bob Gates and CIA head Michael Hayden raising the alarms about the "disastrous" impact of the supposedly surgical strikes against the Ayatollah's nuclear infrastructure. As the New York Times reported in March 2012, "A classified war simulation held this month to assess the repercussions of an Israeli attack on Iran forecasts that the strike would lead to a wider regional war, which could draw in the United States and leave hundreds of Americans dead, according to American officials." And that September, a bipartisan group of U.S. foreign policy leaders including Brent Scowcroft, retired Admiral William Fallon, former Republican Senator (now Obama Pentagon chief) Chuck Hagel, retired General Anthony Zinni and former Ambassador Thomas Pickering concluded that American attacks with the objective of "ensuring that Iran never acquires a nuclear bomb" would "need to conduct a significantly expanded air and sea war over a prolonged period of time, likely several years." (Accomplishing regime change, the authors noted, would mean an occupation of Iran requiring a "commitment of resources and personnel greater than what the U.S. has expended over the past 10 years in the Iraq and Afghanistan wars combined.") The anticipated blowback?

Serious costs to U.S. interests would also be felt over the longer term, we believe, with problematic consequences for global and regional stability, including economic stability. A dynamic of escalation, action, and counteraction could produce serious unintended consequences that would significantly increase all of these costs and lead, potentially, to all-out regional war.

#### 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 qdr

#### The National Defense Panel should include a recommendation in the Quadrennial Defense Review that requires Congressional authorization through a policy trial modeled on impeachment proceedings prior to the introduction of United States Armed Forces into combat.

#### The Executive Branch should appoint a high-level envoy to Azerbaijan as a mediator

#### The counterplan competes – it’s not topical and only fiats the executive branch.

#### The panel shapes DoD policy and leads to Congressional action

Brimley 13 - Vice President and Director of Studies at the Center for a New American Security, served as Special Advisor to the Under Secretary of Defense for Policy at the Pentagon from 2009 to 2011

(Shawn, “The Next QDR Is the Last Chance for Sanity,” <http://www.defenseone.com/ideas/2013/07/next-qdr-last-chance-sanity/66629/>)

Enter the congressionally appointed National Defense Panel, charged with providing an outside assessment of the QDR. The panel, co-chaired by former Defense Secretary William Perry and former U.S. Central Command chief General John Abizaid, is tasked with not only reviewing the final product, but offering assessments along the way. Staffed and resourced appropriately, the panel stands a decent chance of having a major influence—acting as the Simpson-Bowles Commission for DOD, speaking hard truths to both Congress and the Pentagon, and providing useful top cover for leaders to make tough decisions. ¶ Many defense analysts and reporters dismiss QDRs as irrelevant exercises that rarely prove decisive in changing the course of U.S. defense strategy. They are partially correct -- no defense review is automatically influential. But if the right factors come into alignment at the right time, change can happen. With wars ending, budgets declining, technology proliferating, and other powers rising, a real window of opportunity to reshape U.S. defense strategy has opened for the first time since the end of the Cold War. It will close within a year. Time to get moving.

#### QDR solves – shapes future military policy

---prefer our evidence because it is about the 2014 QDR

Kwast 13 - Major General, the director of the United States Air Force’s Quadrennial Defense Review Office

(Steven, “The QDR — an Opportunity for Reinvention,” <http://www.nationalreview.com/article/347790/qdr-%E2%80%94-opportunity-reinvention>)

A prediction of failure might play out, but it is not a foregone conclusion. I am convinced that the present confluence of events — an evolving national-security strategy that rebalances toward the Pacific; a 2014 redeployment from Afghanistan; a forecast that includes continuing acts of terrorism, unstable states, and nuclear posturing; and a prolonged international economic downturn — combine to make this period a strategic inflection point. The dynamics are so pronounced that I see this QDR and these next few years as an opportunity for reinvention on a scale that only comes around once or twice in a century. This is a great time to answer the call.¶ I must respectfully disagree with the notion that each QDR office is said to be “charged with protecting as much of that service’s equities and budget as possible.” Most organizations in many sectors do behave this way, so it’s an easy and common charge to make, but it isn’t always so. As the Air Force’s QDR representative, one of my mandates is to explain the value that our service offers to America and our national leadership. I expect my peers and all the service chiefs to vigorously articulate the value that their services offer as well. I further expect that there will be issues on which we can’t agree. But I also believe that we can collaborate with one another and with our Office of the Secretary of Defense (OSD) leadership to make some decisions to start the turn to where we think we need to be in a couple of decades. And we should be held accountable for the results.¶ There are plenty of ways to review the broad array of DOD capabilities, and I can’t imagine going through 2013 without doing so — end strength, capabilities, modernization programs, mission overlaps . . . readers are familiar with the list. Those conversations best serve the taxpayer and our leadership when they use accurate figures to describe capability, cost, and purchase size and relevance. In my experience, one cannot enter a serious conversation on these issues without analysis to support his or her position, but that only gets the conversation started. We are committed to providing accurate, complete analysis to identify the capabilities best suited for the strategy the nation is pursuing.¶ Finally, I agree that the QDR work is a job for a dozen or so strategic thinkers, rather than for the hundreds of people who are prepared to help with analysis and staffing. Perhaps that’s what will unfold. After all, significant efforts such as the Defense Strategic Guidance of 2012 used just such a tightly controlled process. Whatever the size of the effort, we owe it to the American citizens to provide a useful and relevant document.¶ I am grateful to Mr. Lacey for starting this conversation. I hope others will join. When two people observe the same thing, it’s common for them to agree on what they saw while disagreeing on what it means. That’s how I feel about Mr. Lacey’s article: I’ve seen first-hand the process he has chronicled, from a variety of viewpoints. But I draw different conclusions. Even in a sometimes perplexing environment, there are still smart, motivated, and well-intentioned people trying to do the right thing for their service and more broadly, for the nation. I’ve met them in each service, on the Joint Staff, and in OSD. If this team comes together with a dose of strong leadership and the courage to make some tough choices, then real change — maybe even a step toward reinvention — is possible. I’m not ready to give up on this opportunity for OSD, the Joint Staff, and the Services to think deeply about the strategy, capabilities, and force structure best suited to meeting our national leadership’s needs. If there’s going to be a new way to meet the nation’s needs with all the changes in strategy and requirements of the security environment in 20 years, then why not leverage the QDR team to start the turn in that direction? Let’s give it a shot.

#### Sequencing avoids politics – starting with the brass shapes Congressional and Presidential policy

---2010 QDR was the foundation of the Asia Pivot

Eaglen 12 - M.A., School of Foreign Service, Georgetown University

(Mackenzie, “America needs a permanent independent panel to stress test the Pentagon's QDR strategy,” <http://www.aei.org/article/foreign-and-defense-policy/defense/america-needs-a-permanent-independent-panel-to-stress-test-the-pentagons-qdr-strategy/>)

But Congress has not forgotten its original intent, even if the Pentagon has, and it’s make-or-break time for the Quadrennial Defense Review process. QDR 2014 will be the Pentagon’s last chance to get it right, with buy-in from Capitol Hill, before Congress throws out the process altogether.¶ For Pentagon planners, it’s time for an intellectually honest approach. It is no longer enough to assert that the forces and budgets will shrink while restoring the world-class edge and long-standing military capabilities that made our military a global power.¶ QDR Independent Panel¶ In 1996, Congress directed the Secretary of Defense to undertake the first QDR. The Act called for the QDR to include “a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and establish a revised defense program through the year 2005.” The legislation specified that the report should discuss a number of areas, including:¶ •Defense strategy and the optimum force structure to implement it;¶ • National security threats and scenarios;¶ • The effects of preparations for and participation in peace operations and non-war military operations on force structure;¶ • Technological development impact on force structure;¶ • Manpower and sustainment policies under the defense strategy to support engagement in conflicts lasting more than 120 days;¶ • Airlift and sealift capabilities required;¶ • Forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts; and¶ • The extent to which resources must be shifted among two or more theaters under the defense strategy.¶ The 1996 legislation also created an outside National Defense Panel (NDP) to perform an independent review and critique of the Pentagon’s findings, and it called for an additional assessment by the Chairman of the Joint Chiefs of Staff.¶ And in 2010, the Congress stood up the QDR Independent Panel. Its remit was to review the Secretary of Defense’s terms of reference; conduct an assessment of the assumptions, strategy, findings and risks in the QDR; provide an analysis of a variety of possible force structures for the U.S. Armed Forces; and compare the cost of alternative forces with the cost of the defense program recommended by the QDR. The independent panel was told to include “analyses of the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries, focusing on the strategic approaches of possible opposing forces.”¶ The bipartisan report was successful in meeting its charge. The group of experts essentially called for a genuine “pivot” to Asia before it became the en vogue answer to budget cuts. The 2010 Quadrennial Defense Review Independent Panel, led by William J. Perry, Bill Clinton’s secretary of defense, and Stephen Hadley, George W. Bush’s national security adviser, found:¶ The force structure in the Asia-Pacific area needs to be increased. In order to preserve U.S. interests, the United States will need to retain the ability to transit freely the areas of the Western Pacific for security and economic reasons. The United States must be fully present in the Asia-Pacific region to protect American lives and territory, ensure the free flow of commerce, maintain stability, and defend our allies in the region.¶ However, the credible projection of effective and sustainable power requires more than rhetoric. It also requires investments in capabilities and capacity to protect America’s interests in the region. The panel stated unequivocally that “the force structure in the Asia-Pacific area needs to be increased,” including a larger Navy and more robust, technologically-advanced Air Force than today’s.¶ Since the Panel Report was released, the government has moved in the opposite direction, cutting defense budgets by more than 500 billion dollars and passing the “sequester,” which will mandate almost another 500 billion dollars in spending reductions. The Panel recommended that the size of the Navy be increased. Instead, the rate of naval shipbuilding has been reduced, and the number of ships in the Navy continues to go down. The Panel recommended reforming the acquisition system by establishing clear lines of accountability for new programs. No progress has been made in that area.¶ Some pointers for the team about to undertake the next strategy review follow:¶ Provide a 20-Year Defense Road Map. Congress intended the QDR to be a comprehensive, farsighted, and strategy-based assessment of future military requirements. Current law outlines the 15 primary tasks the QDR is supposed to achieve. Chief among these guidelines is for Pentagon leaders to examine the “effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.” By proposing to only study various future challenges and focusing largely on present operations, the last QDR fell short of its mandate.¶ Stop Increasing Demand While Shrinking Supply, and Stop Altering Strategy to Fit Budgets. While the 2010 QDR retained the crucial two-war construct on paper, it subsequently threw in the “kitchen sink” of every other conceivable mission without proposing a larger force. It also proposed retaining and institutionalizing critical counterinsurgency capabilities. Two years later, the Pentagon issued guidance that formally abandoned the two-war construct and deemphasized stability operations, counterinsurgency campaigns and forces. Wild swings in strategy and dishonesty about the impact of budgets on force structure weaken the services’ ability to build stable long-term plans. As the QDR Independent Panel noted: “The absence of a clear force-planning construct in the 2010 QDR represents a missed opportunity.”¶ No More Sugar Coating the Ever-Growing Assumptions of Risk. The last QDR tried to bridge the strategy-resource mismatch by assuming that U.S. military forces could manage additional risk. But current law describes the primary task of the QDR as recommending a force structure best suited to implement the national defense strategy at a “low-to-moderate level of risk.” The last QDR did not specify:¶ ¶ QDR Independent Panel Recommendation¶ HASC-Proposed National Defense Panel Recommendation¶ QDR IP Enabling Legislation¶ PURPOSE¶ • Few nonseniors receive government benefits.¶ • Review strategic environment of next twenty years.¶ • Conduct an assessment of "assumptions, strategy, findings, and risks of the report on the QDR." ¶ • Conduct an independent assessment of force structure, and compare the resource requirements of both theirs and the QDRs.¶ • Conduct an assessment of the review, including recommendations, stated and implied assumptions, and vulnerabilities of the strategy and force structure underlying the review. ¶ • Conduct an analysis of "the trends, asymmetries, and concepts of operations that characterize the military balance with potential adversaries."¶ • Conduct an independent assessment of a variety of possible force structures for the Armed Forces, including the force structure identified in the report of the Secretary of Defense on the 2009 QDR.¶ WHEN¶ • Every four years.¶ • Six months after new President enters office.¶ • After that, whenever President wants.¶ • Within 3 months of a QDR submission¶ • Six months in advance of QDR submission.¶ • Final report due within three months of QDR submission.¶ MEMBERS¶ • Up to 18 members.¶ • 'Senior and experienced expert' panel.¶ • Ten members appointed by President, including co-chairs from different parties. ¶ • Two selected by house majority.¶ • Two by house minority.¶ • Two by senate majority.¶ • Two by senate minority.¶ • 10 members from "private civilian life" who are "recognized experts" on national security.¶ • Two selected by HASC chairman.¶ • Two by SASC chairman. ¶ • Two by HASC ranking member.¶ • Two by SASC ranking member.¶ • Two as co-chairs selected by Secretary of Defense.¶ • 8 members.¶ • Two selected by HASC chairman.¶ • Two selected by SASC chairman.¶ • Two selected by HASC ranking member.¶ • Two selected by SASC ranking member¶ OTHER¶ • 10 staff members and $1 million budget.¶ ¶ • The Panel shall terminate 45 days after the date on which the Panel submits its final report¶ ¶ The time has come to again “stress test” the Pentagon’s strategy and provide a fresh look at DoD plans, assumptions, threats and policies. In keeping with the original intention of the National Defense Panel, no one individual or group should be able to direct major future defense planning decisions absent a separate mechanism to test their analytical assumptions. As in the past, this panel should consist of an array of defense analysts with a broad range of views. It should be convened during the QDR process and scheduled to be released after the Quadrennial Defense Review so that it may address the major findings of the strategy.¶ Reality¶ Above all else, it’s time for defense planners to be forthright about what our military can and cannot do, and about the increased risk that the Department, and America, is running as a result of our declining power. America is operating with a force structure that is substantially smaller than that established by the first QDR at the beginning of the Clinton Administration; before the global war on terror, before the rise of Chinese power, and before the resurgence of Russian ambitions. Twenty years ago the “platforms” of the military -- its ships, aircraft, tanks, and vehicles -- were relatively new and by and large contained the most modern technology. Today that equipment is aging, difficult to maintain, and increasingly unreliable. As an example, half of the Navy’s deployed aircraft is not ready for combat. The force is stressed, tired, and demoralized. The acquisition system is broken, and it cannot be fixed without a stable funding plan that is impossible if budgets swing wildly every time Washington has a fiscal crisis.¶ All of this is reality. In an unstable world, it is a reality that will have negative consequences sooner rather than later. The Department cannot fix its problems on its own; that will require determined guidance from the highest levels of civilian leadership. What military leaders can do is tell the President and Congress what they need to hear rather than what they want to hear. The next QDR would be a good place to start. Otherwise, it may be the last.

### 1nc congressional leadership

#### Indirect influence solves now

**Lindsay, 11/19/13** ­- senior vice president, director of studies and Maurice R. Greenberg Chair at the Council on Foreign Relations (James, “Backseat Driving: The Role of Congress in American Diplomacy”

<http://www.worldpoliticsreview.com/articles/13379/backseat-driving-the-role-of-congress-in-american-diplomacy>)

The broader lesson here is that while Congress has no direct role in the conduct of diplomacy, it has ample indirect means to shape what presidents say to foreign governments or if they say anything at all. The Senate can refuse to consent to treaties. Congress can use its power of the purse and its power to legislate to constrain the president’s freedom of maneuver or even impose a new approach entirely. Lawmakers can influence public opinion and thereby dissuade presidents from pursuing their favored policies. And at times lawmakers may even invade the field of negotiations, Sutherland’s injunction notwithstanding. In short, **while Congress takes a back seat** to the president when it comes to diplomacy, it nonetheless can still have a say over the diplomatic road the United States travels.

How effective Congress is at injecting its preferences into the diplomatic process varies with time and circumstance. Much of day-to-day diplomacy interests few lawmakers, and when it does they may support White House policy. When issues do become contentious, presidents possess considerable inherent advantages over Congress. Still, these advantages can fade in the face of a unified Congress or when the success of a diplomatic initiative hinges on complementary congressional action. Whether congressional efforts to shape American diplomacy serve U.S. interests lies in the eye of the beholder. Where some people see short-sighted congressional efforts to hamstring a president, others see courageous attempts to prevent the White House from making moral or geopolitical blunders.

#### Active leadership wrecks foreign policy coherence

**Lindsay, 11/19/13** ­- senior vice president, director of studies and Maurice R. Greenberg Chair at the Council on Foreign Relations (James, “Backseat Driving: The Role of Congress in American Diplomacy”

<http://www.worldpoliticsreview.com/articles/13379/backseat-driving-the-role-of-congress-in-american-diplomacy>)

Although diplomacy is a well-established executive function, individual members of Congress may become involved, whether properly or improperly, in diplomatic negotiations. Members may occasionally pursue their own Lone Ranger diplomacy to circumvent the president’s. Months before Lodge released his letter, he privately urged Allied leaders to oppose Wilson’s proposal to incorporate a league of nations into any peace treaty. Lodge’s successor as chair of the Foreign Relations Committee, Sen. William E. Borah, opened his own talks on oil exploration with the president of Mexico in direct contradiction of U.S. policy. A half-century later, House Speaker Jim Wright sought to torpedo Reagan’s Nicaragua policy by meeting secretly over three days with the Nicaraguan president and opposition leaders.

Despite its long lineage, Lone Ranger diplomacy seldom pays off. The prohibition against private diplomacy is deeply ingrained in American politics. So when such efforts become public, they attract considerable criticism. Wright’s Nicaragua foray, for instance, prompted calls for his prosecution under the Logan Act, a 1799 law that bars American citizens from negotiating with foreign officials without the permission of the U.S. government. Suddenly the discussion shifted from the merits of the speaker’s ends to the propriety of his means.

Lone Ranger diplomacy involves lawmakers acting independently of the White House. But members often observe or even participate in negotiations at the president’s invitation, a practice that dates back to the War of 1812. Members of Congress may also act as unofficial emissaries for the White House. Then-Sen. John Kerry performed that task repeatedly during Obama’s first term. In 2009, for instance, Kerry visited Kabul in a bid to persuade Afghan President Hamid Karzai to hold a run-off election. In 2011, he visited Pakistan to help smooth relations after the killing of Osama bin Laden. In these and similar trips, Kerry closely coordinated his travels and talking points with the White House and State Department, and he typically sent them lengthy memos summarizing what he learned. And presidents may solicit diplomatic advice from trusted voices on Capitol Hill.

How much influence invited participation gives lawmakers over U.S. diplomacy is debatable. William McKinley’s decision to invite senators to serve on the team negotiating the end to the Spanish-American War is frequently credited with securing Senate consent to the resulting Treaty of Paris, the first significant treaty to pass the Senate in four decades. Conversely, Wilson’s refusal to ask any senator to join him in Paris may have contributed to the Senate’s rejection of the Treaty of Versailles. But the White House likely invites lawmakers to participate in negotiations or to offer advice less because it wants to adopt contrarian views and more because it hopes to co-opt opponents. Lawmakers may be less likely to criticize agreements in which they have had a hand, however small it may be. Likewise, when the White House encourages a member to act as an unofficial envoy, it is typically using the lawmaker’s connections and credibility to make its case to foreign leaders rather than to outsource diplomatic decision-making.

Even if the White House doesn’t ask lawmakers to act as envoys, many of them have direct contact with foreign leaders and diplomats. Until the 1970s, such communications were uncommon; the executive branch dominated foreign policy and foreign governments saw few benefits in appealing directly to Congress. But that changed as Congress reasserted its foreign policy prerogatives in reaction to Vietnam. Today, foreign leaders routinely schedule meetings with members of Congress when they visit Washington; foreign embassy personnel cultivate contacts on Capitol Hill, especially when legislation affecting their country is being considered; and members with foreign policy interests regularly travel abroad to conduct fact-finding missions.

Direct communications with foreign officials can be critical when a significant portion of Capitol Hill believes that the White House is treating a close ally unfairly. In the 1950s and 1960s, for example, the so-called China Lobby in Congress often advised Nationalist Chinese leader Chiang Kai-shek on how to navigate his disputes with the White House. More recently, Israeli Prime Minister Benjamin Netanyahu’s many meetings with pro-Israel lawmakers on Capitol Hill likely reinforced his calculation that he could contest Obama’s policies on Israeli settlements and other issues. Conversely, in situations in which Congress favors White House policy, direct communications between lawmakers and foreign diplomats are likely to strengthen the president’s diplomatic hand.

In the Eye of the Beholder

Congress takes a back seat to the president on diplomatic matters. It cannot match the president’s constitutional authority as the nation’s sole representative abroad, and much of the time its members have no desire to contest what the administration is doing overseas. When lawmakers are interested in charting a different course, however, Congress’s constitutional authorities, combined with practical politics, give lawmakers tools to put their mark on American diplomacy. They typically do so by blocking presidential initiatives, either by withholding the legislative cooperation needed to make an initiative work or by making the policy the White House favors too politically costly to pursue.

Congressional efforts to shape what the United States says and does abroad clearly complicate presidential diplomacy. Foreign governments seeing a Washington divided may doubt that the White House can deliver on its promises—or its threats. Assessments of whether that is good or bad for U.S. interests in any particular instance invariably turn on judgments about the wisdom of the president’s preferred policy. White House supporters prefer a compliant Congress, while White House critics favor an assertive one. Given the lack of consensus in the United States on America’s role in the world and the deep polarization of politics in Washington, the two sides will have plenty to argue about in the years to come.

#### The executive will arbitrarily define words, they don’t care

Pollack, 13 -- MSU Guggenheim Fellow and professor of history emeritus [Norman, "Drones, Israel, and the Eclipse of Democracy," Counterpunch, 2-5-13, www.counterpunch.org/2013/02/05/drones-israel-and-the-eclipse-of-democracy/, accessed 9-1-13, mss]

Bisharat first addresses the transmogrification of international law by Israel’s military lawyers. We might call this damage control, were it not more serious. When the Palestinians first sought to join the I.C.C., and then, to receive the UN’s conferral of nonmember status on them, Israel raised fierce opposition. Why? He writes: “Israel’s frantic opposition to the elevation of Palestine’s status at the United Nations was motivated precisely by the fear that it would soon lead to I.C.C. jurisdiction over Palestinian claims of war crimes. Israeli leaders are unnerved for good reason. The I.C.C. could prosecute major international crimes committed on Palestinian soil anytime after the court’s founding on July 1, 2002.” In response to the threat, we see the deliberate reshaping of the law: Since 2000, “the Israel Defense Forces, guided by its military lawyers, have attempted to **remake the laws** of war by consciously violating them and then **creating new legal concepts to provide juridical cover** for their misdeeds.” (Italics, mine) In other words, habituate the law to the existence of atrocities; in the US‘s case, targeted assassination, repeated often enough, seems permissible, indeed clever and wise, as pressure is steadily applied to the laws of war. Even then, “collateral damage” is seen as unintentional, regrettable, but hardly prosecutable, and in the current atmosphere of complicity and desensitization, never a war crime. (**Obama is hardly a novice at** this game of **stretching the law to suit the convenience of**, shall we say, the **national interest**? In order to ensure the distortion in counting civilian casualties, which would bring the number down, as Brennan with a straight face claimed, was “zero,” the Big Lie if ever there was one, placing him in distinguished European company, Obama **redefined the meaning** of “combatant” status to be any male of military age throughout the area (which we) declared a combat zone, which noticeably led to a higher incidence of sadism, because it allowed for “second strikes” on funerals—the assumption that anyone attending must be a terrorist—and first responders, those who went to the aid of the wounded and dying, themselves also certainly terrorists because of their rescue attempts.) These guys play hardball, perhaps no more than in using—by report—the proverbial baseball cards to designate who would be next on the kill list. But funerals and first responders—verified by accredited witnesses–seems overly much, and not a murmur from an adoring public.

#### Legal restrictions are temporary and unenforceable

**Posner and Vermeule, 10** - \*professor of law at the University of Chicago AND \*\*professor of law at Harvard (Eric and Adrian, The Executive Unbound, p. 41-45)

Liberal legalists, following Madison, describe Congress as the deliberative institution par excellence. On this view, Congress is a summation of local majorities, bringing local information and diverse perspectives to national issues. The bicameral structure of Congress aids deliberation; the House shifts rapidly in response to changing conditions and national moods, while the Senate provides a long-term perspective, and cools off overheated or panicky legislation. The Madisonian emphasis on the cooling-off function of the Senate functions as a check on executive claims that an emergency is at hand. The application of the Madisonian view to crises or emergencies is the default position among legal academics. On this view, even in crisis situations the executive may act only on the basis of clear congressional authorization that follows public deliberation, and the executive’s actions must presumptively be subject to judicial review. A proviso to the Madisonian view is that if immediate action is literally necessary, the executive may act, but only until Congress can convene to deliberate; if the executive’s interim actions were illegal, it must seek ratification from Congress and the public after the fact.53 In the Schmittian view, by contrast, the Madisonian vision of Congress seems hopelessly optimistic. Even in normal times, Schmitt believed, the deliberative aspirations of classical parliamentary democracy have become a transparent sham under modern conditions of party discipline, interest-group conflict, and a rapidly changing economic and technical environment. Rather than deliberate, legislators bargain, largely along partisan lines. Discussion on the legislative floor, if it even occurs, is carefully orchestrated posturing for public consumption, while the real work goes on behind closed doors, in party caucuses. How does this picture relate to Schmitt’s point that legislatures invariably “come too late” to a crisis? Crises expose legislative debility to view, but do not create it. Indeed, legislative failure during crises is in part a consequence of legislative failure during the normal times that precede crises. The basic dilemma for legislators, is that before a crisis, they lack the motivation and information to provide for it in advance, while after the crisis has begun, they lack the capacity to manage it themselves. We will describe each horn of the dilemma in detail. BEFORE THE CRISIS In the precrisis state, legislatures mired in partisan conflict about ordinary politics lack the motivation to address long-term problems. Legislators at this point act from behind a veil of uncertainty about the future, and may thus prove relatively impartial; at least high uncertainty obscures the distributive effects of legislation for the future, and thus reduces partisan opposition. However, by virtue of these very facts, there is no strong partisan support for legislation, and no bloc of legislators has powerful incentives to push legislation onto the crowded agenda. The very impartiality that makes ex ante legislation relatively attractive, from a Madisonian perspective, also reduces the motivation to enact it. This point is related to, but distinct from, Schmitt’s more famous claim about the “norm” and the “exception.” In a modern rendition, that claim holds that ex ante legal rules cannot regulate crises in advance, because unanticipated events will invariably arise. Legislatures therefore either decline to regulate in advance or enact emergency statutes with vague standards that defy judicial enforcement ex post. Here, however, a different point is at issue: even if ex ante legal rules could perfectly anticipate all future events, legislatures will often lack the incentive to adopt them in advance. Occasionally, when a high-water mark of public outrage against the executive is reached, legislatures do adopt framework statutes that attempt to regulate executive behavior ex ante; several statutes of this kind were adopted after Watergate. The problem is that new presidents arrive, the political coalitions that produced the framework statute come apart as new issues emerge, and public outrage against executive abuses cools. Congress soon relapses into passivity and cannot sustain the will to enforce, ex post, the rules set out in the framework statutes. As we will discuss more fully in chapter 3, the post-Watergate framework statutes have thus, for the most part, proven to impose little constraint on executive action in crisis, in large part because Congress lacks the motivation to enforce them. DURING THE CRISIS The other horn of the dilemma arises after the crisis has begun to unfold. Because of their numerous memberships, elaborate procedures, and internal structures, such as bicameralism and the committee system, and internal problems of collective action, legislatures can rarely act swiftly and decisively as events unfold. The very complexity and diversity that make legislatures the best deliberators, from a Madisonian perspective, also raise the opportunity costs of deliberation during crises and disable legislatures from decisively managing rapidly changing conditions. After 9/11, everyone realized that another attack might be imminent; only an immediate, massive response could forestall it. In September 2008, the financial markets needed immediate reassurance: only credible announcements from government agencies that they would provide massive liquidity could supply such reassurance. Indeed, though commentators unanimously urged Congress to take its time, within weeks the Bush administration was being criticized for not acting quickly enough. In such circumstances, legislatures are constrained to a reactive role, at most modifying the executive’s response at the margins, but not themselves making basic policy choices. Liberal legalists sometimes urge that the executive, too, is large and unwieldy; we pointed out in the introduction that the scale of executive institutions dwarfs that of legislative and judicial institutions. On this view, the executive has no systematic advantages in speed and decisiveness. Yet this is fatally noncomparative. The executive is internally complex, but it is structured in a far more hierarchical fashion than is Congress, especially the Senate, where standard procedure requires the unanimous consent of a hundred barons, each of whom must be cosseted and appeased. In all the main cases we consider here, the executive proved capable of acting with dispatch and power, while Congress fretted, fumed, and delayed. The main implication of this contrast is that crises in the administrative state tend to follow a similar pattern. In the first stage, there is an unanticipated event requiring immediate action. Executive and administrative officials will necessarily take responsibility for the front-line response; typically, when asked to cite their legal authority for doing so, they will either resort to vague claims of inherent power or will offer creative readings of old statutes. Because legislatures come too late to the scene, old statutes enacted in different circumstances, and for different reasons, are typically all that administrators have to work with in the initial stages of a crisis. “Over time, the size and complexity of the economy will outgrow the sophistication of static financial safety buffers”54—a comment that can also be made about static security safety buffers, which the advance of weapons technology renders obsolete. In this sense, administrators also “come too late”—they are forced to “base decisions about the complex, ever-changing dynamics of contemporary economic [and, we add, security] conditions on legal relics from an oftentimes distant past.”55 Thus Franklin Roosevelt regulated banks, in 1933, by offering a creative reading of the Trading with the Enemy Act of 1917, a statute that needless to say was enacted with different problems in mind. Likewise, when in 2008 it became apparent on short notice that the insurance giant AIG had to be bailed out, lest a systemwide meltdown occur, the Treasury and Federal Reserve had to proceed through a strained reading of a hoary 1932 statute. While the statute authorized “loans,” it did not authorize government to purchase private firms; administrators structured a transaction that in effect accomplished a purchase in the form of a loan. Ad hoc “regulation by deal,”56 especially in the first phase of the financial crisis, was accomplished under the vague authority of old statutes. The pattern holds for security matters as well as economic issues, and for issues at the intersection of the two domains. Thus after 9/11, the Bush administration’s attempts to choke off Al Qaeda’s funding initially proceeded in part under provisions of the International Emergency Economic Powers Act, a 1977 statute whose purpose, when enacted, was actually to restrict the president’s power to seize property in times of crisis.57

#### But still undermines speed and flex

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian, Terror in the Balance: Security, Liberty, and the Courts p. 170)

A requirement of ex post statutory authorization thus seems more plausible than the ex ante statutory framework approach, but it does not seem better than the judicial deference approach. As we discussed in chapter 1, the involvement of Congress produces costs as well as benefits. On the cost side, congressional deliberation is slow and unsuited for emergencies. Congress has trouble keeping secrets and is always vulnerable to obstruction at the behest of members of Congress who place the interests of their constituents ahead of those of the nation as a whole. It is implicitly for these reasons that Ackerman gives the president the freedom to act unilaterally at the start of the emergency. But there is no reason to think that the problem of congressional obstruction and inefficiency will decline over time.

What are the benefits of congressional involvement? One possible benefit is that Congress has technical information about the advantages and disadvantages of various security measures and, relying on this information, will be able to block poorly considered security measures. But it is doubtful that Congress’s information is better than the executive branch’s, and in any event Congress can share this information with the executive branch if necessary. The modern national security system deprives Congress of useful information about threats to national security, and Congress by necessity must play a passive role.

The main possible benefit from congressional involvement is that Congress can prevent the executive from using the emergency as an opportunity to engage in self-aggrandizement, to obtain new powers, and to entrench them so that the executive will be more powerful even after the emergency ends. As we argued in chapter 1, however, it is not at all clear that executive aggrandizement during emergencies is a problem, and even if it is, congressional involvement might make things worse, not better. The value of congressional authorization is ambiguous as a theoretical matter. It slows down executive action, which is costly during emergencies, but may (or may not) block efforts by the executive to aggrandize its power. We also argued in chapter 1 that the historical evidence suggests that Congress is too weak an institution, during emergencies, to provide the asserted benefits. Congress defers to the executive during emergencies because it agrees that the executive alone has the information and the means necessary to respond to imminent threats. The added risk of executive abuse is a cost that Congress and voters have been willing to bear.

#### Congress can't solve groupthink

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian, Terror in the Balance: Security, Liberty, and the Courts p. 46-47)

The idea that Congress will, on net, weed out bad policies rests on an institutional comparison. The president is elected by a national constituency on a winner-take-all basis (barring the remote chance that the Electoral College will matter), whereas Congress is a summation of local constituencies and thus affords more voice to political and racial minorities. At the level of political psychology, decisionmaking within the executive is prone to group polarization and other forms of groupthink or irrational panic,51 whereas the internal diversity of legislative deliberation checks these forces. At the level of political structure, Congress contains internal veto gates and chokepoints—consider the committee system and the fi libuster rule—that provide minorities an opportunity to block harmful policies, whereas executive decisionmaking is relatively centralized and unitary.

The contrast is drawn too sharply, because in practice the executive is a they, not an it. Presidential oversight is incapable of fully unifying executive branch policies, which means that disagreement flourishes within the executive as well, dampening panic and groupthink and providing minorities with political redoubts.52 Where a national majority is internally divided, the structure of presidential politics creates chokepoints that can give racial or ideological minorities disproportionate influence, just as the legislative process does. Consider the influence of Arab Americans in Michigan, often a swing state in presidential elections.

It is not obvious, then, that statutory authorization makes any difference at all. One possibility is that a large national majority dominates both Congress and the presidency and enacts panicky policies, oppresses minorities, or increases security in ways that have ratchet effects that are costly to reverse. If this is the case, a requirement of statutory authorization does not help. Another possibility is that there are internal institutional checks, within both the executive branch and Congress, on the adoption of panicky or oppressive policies and that democratic minorities have real infl uence in both arenas. If this is the case, then a requirement of authorization is not necessary and does no good. Authorization only makes a difference in the unlikely case where the executive is thoroughly panicky, or oppressively majoritarian, while Congress resists the stampede toward bad policies and safeguards the interests of oppressed minorities.

Even if that condition obtains, however, the argument for authorization goes wrong by failing to consider both sides of the normative ledger. As for majoritarian oppression, the multiplicity of veto gates within Congress may allow minorities to block harmful discrimination, but it also allows minorities to block policies and laws which, although targeted, are nonetheless good. As for panic and irrationality, if Congress is more deliberative, one result will be to prevent groupthink and slow down stampedes toward bad policies, but another result will be to delay necessary emergency measures and **slow down stampedes toward good policies**. Proponents of the authorization requirement sometimes assume that quick action, even panicky action, **always** produces bad policies. But there is no necessary connection between these two things; expedited action is sometimes good, and panicky crowds can stampede either in the wrong direction or in the right direction. Slowing down the adoption of new policies through congressional oversight retards the adoption not only of bad policies, but also of good policies that need to be adopted quickly if they are to be effective.

#### Squo solves and disproves their aff. Even though Obama claimed authority on Syria, the fact he asked for authorization sets a sufficient precedent

Peter M. Shane 9-2-2013; Author, 'Connecting Democracy' and 'Madison's Nightmare'; Law professor, “Rebalancing War Powers: President Obama's Momentous Decision”

<http://www.huffingtonpost.com/peter-m-shane/rebalancing-war-powers-pr_b_3853232.html>

But seeking authorization for a military strike against Syria marks the first time that a modern-day president has taken the initiative to elicit legislative approval for a military action that, by the President's own reckoning, will neither be a prolonged, nor a boots-on-the-ground operation. In announcing his decision, President Obama, like both Presidents Bush, declared that he possessed the constitutional authority to act unilaterally. He said he does not need Congress' approval in order to proceed. But historical precedents have consequences. Whatever their formal legal views, the Bushes' decisions helped cement a consistent pattern: With the exception of Korea, the United States has never engaged in a massive or prolonged military deployment without some form of explicit congressional sanction. A President acting unilaterally to start what is sometimes called "a real war" henceforth would probably be courting impeachment.

#### No escalation – all powers want stability

Rogers 13 (Samuel, Advisor for the GPRA Group, The GPRA Group provides micro political and trade risk services to multinationals, insurance companies and financial institutions operating in emerging markets., 3/4/2013, "Central Asia: What's Next?", www.gpra-group.com/2/post/2013/03/central-asia-whats-next.html)

In recent years, Russia and to a lesser extent China, have been making inroads into consolidating their power within the region. The former set up the Customs Union to incorporate Kazakhstan into a free trade area; mediated between Kyrgyz and Uzbek leaders during and following the 2010 ethnic clashes; and secured natural resource transit route rights from the region to Europe. For its part, China extended its Western borders by incorporating 1% of Tajikistan into Chinese territory; sees Central Asia as vital as a source of natural gas; views the area as a buffer zone to Russian and US expansionism; and has acted as an influential actor in offsetting Uyghur separatist intentions. Additionally, China has continued to increase investment in Afghanistan’s fledgling mineral sector and has agreed to train Afghan police, ahead of the planned US troop withdrawal in 2014.¶ Political and economic stability are of paramount importance to Russia and China. Putin may look to expand the Customs Union in order to be in a position to rival the influence of the EU (increased Kazakh-Kyrgyz economic cooperation has recently been discussed). China is concerned with extinguishing discontent in its Muslim-dominated Western regions and increasing economic cooperation. Premier Wen Jiabao visited Bishkek in December 2012 in an official state visit, which aimed to consolidate Sino-Kyrgyz relations against the backdrop of signing four official documents on economic cooperation, geology and financial investment for transport infrastructure, which reveal China’s desire for a more hands-on approach to diplomatic relations between the two states, which only began in 1992. The US, for the immediate future, will be primarily concerned with maintaining its ability to station military personnel in Central Asia and diversify supply routes to avoid over-reliance on Pakistan for operations in Afghanistan as the 2014 deadline will now likely be surpassed.¶ All three powers desire to preserve the political status quo and keep the current, long-standing incumbents in office. It is therefore likely that in the event of internal political struggles, ranging from ethnic, religious or labour-related in nature, a swift return to the status quo will ensue. In 2010, for example, following widespread civil unrest in Kyrgyzstan, and the ousting of President Bakiyev, the 2011 elections saw the not dissimilar incumbent Atambayev elected amid strong international support.¶ With newly-elected Chinese General Secretary Xi Jinping and the recent re-elections of Presidents Putin and Obama, 2013 will provide observers and investors a clearer picture of official policy towards the region. Central Asian states are likely to remain politically stable and will present development opportunities as diverse as mining, dam construction and telecommunications, all of which are enjoying FDI from Russia and China. The Russian Direct Investment Fund (RDIF) and the Chinese Investment Corporation (CIC), both official government-sponsored investment bodies, have jointly invested $2bn in Central Asian projects, a figure which is planned to rise to $4bn.¶ The Next Five Years¶ Whilst it is unlikely there will be a ‘hot’ war between any of these major powers, there is potential for conflict by proxy within the region. Areas of concern are the Afghan-Tajik border region, and internal deterioration in US-Pakistan relations, engineered by external forces. Civil unrest also has potential to re-emerge within states and also may have a ‘spill-over effect’, with the potential to permeate borders as seen in 2010 in Kyrgyzstan and Uzbekistan. Sudden price drops or price hikes in natural resources would also have the capacity to adversely affect trade and transit agreements between the countries.¶ With the US set to channel funding more directly into East Asia in order to ‘face’ China’s increased regional dominance over the coming years, US military spending in Central Asia will decline, leaving a potential vacuum into which China and Russia will seek to enter through soft power; a policy, which Russia has recently openly stated it intends to pursue, and China has a long-standing policy of.¶ Observers of the region will note the rise in bilateral agreements between China and the Central Asian states - actions which make a break from traditional Chinese policy; the growing economic strength of the Customs Union; and the potential for conflict in Iran. These factors amongst others will determine the geopolitical situation of the former Soviet states over the next five years, and beyond.¶ Further afield, India, Japan, South Korea and Turkey are all observing the situation in Central Asia. India, the dominant force in South Asia, will look to expand its horizons and consolidate a greater role in global affairs by becoming more proactive in Central Asia, though it is unlikely to surpass others’ presence due to its lack of strategy. Japan, from as early as the 1990s, has sought to engage the US in a joint policy towards the region in an effort to curb Chinese presence and diversify energy imports. South Korea, which is an increasing economic power, desires a stronger presence in Central Asia in order to forge closer ties with Russia, whilst consolidating its links with China, Japan and the US. Turkey, the first country to recognise the independence of the Central Asian Republics, has donated 25% of all foreign aid to the region since 1992 ($1bn) and combined Turkish business projects’ value in Central Asia has now reached $50bn. Furthermore, the strength of cultural ties continues to increase through institutions such as the Turkic Council and student exchange programmes. ¶ Each of the aforementioned states are likely to actively seek to deepen and compound their presence in the region. For China, Russia and the US however, the geopolitics of Central Asia is of greater importance. There is too much to lose for any of the powers to afford conflict, economic neglect or widespread social unrest in the region, detrimental to their key strategic aims.

#### Armenia-Azerbaijan war unlikely and ZERO chance of intervention

Papyan 13 (Ara, President of Armenia-based analytical center Modus Vivendi, 6/15/2013, "Azerbaijan unlikely to declare war on Armenia - expert", www.tert.am/en/news/2013/06/15/ara-papyan/)

The president of the Armenia-based analytical center Modus Vivendi said Saturday that he doesn't expect Azerbaijan’s wide anti-Armenian propaganda to lead to a war renewal with Armenia given that the Western powers would not be interested in such a scenario. “No war is likely to break out. First, it isn’t advantageous to the West as that would even the oil structures to the ground,” Ara Papyan told reporters. The expert said he doesn’t find Azerbaijan’s military advantages powerful enough to secure its victory in a possible war. “The weapons it purchases cannot in any way secure a win, considering the organization of the troops or the geographic location. Yes, we complain of our army a lot, but it isn’t comparable to what is going on in Azerbaijan,” said he, adding that Armenia has turned out lucky enough to have such an eastern neighbor. Noting that Azerbaijan’s only advantage is its money, Papyan said that resource is not really enough to secure a success everywhere. He said the country will hardly ever agree to make Karabakh part of its territory as it isn’t absolutely interested in that piece of land.

### 1nc power projection

#### Obama’s not Bush—no impact

Aziz 13 (Omer, graduate student at Cambridge University, is a researcher at the Center for International and Defense Policy at Queen’s University, “The Obama Doctrine's Second Term,” Project Syndicate, 2-5, <http://www.project-syndicate.org/blog/the-obama-doctrine-s-second-term--by-omer-aziz>)

The Obama Doctrine’s first term has been a remarkable success. After the $3 trillion boondoggle in Iraq, a failed nation-building mission in Afghanistan, and the incessant saber-rattling of the **previous Administration**, President Obama was able to reorient U.S. foreign policy in a more restrained and realistic direction.

He did this in a number of ways. First, an end to large ground wars. As Defense Secretary Robert Gates put it in February 2011, anyone who advised future presidents to conduct massive ground operations ought “to have [their] head examined.” Second, a reliance on Secret Operations and drones to go after both members of al Qaeda and other terrorist outfits in Pakistan as well as East Africa. Third, a rebalancing of U.S. foreign policy towards the Asia-Pacific — a region neglected during George W. Bush's terms but one that possesses a majority of the world’s nuclear powers, half the world’s GDP, and tomorrow’s potential threats. Finally, under Obama's leadership, the United States has finally begun to ask allies to pick up the tab on some of their security costs. With the U.S. fiscal situation necessitating retrenchment, coupled with a lack of appetite on the part of the American public for foreign policy adventurism, Obama has begun the arduous process of burden-sharing necessary to maintain American strength at home and abroad.

What this amounted to over the past four years was a vigorous and unilateral pursuit of narrow national interests and a multilateral pursuit of interests only indirectly affecting the United States.

Turkey, a Western ally, is now leading the campaign against Bashar al-Assad’s regime in Syria. Japan, Korea, India, the Philippines, Myanmar, and Australia all now act as de facto balancers of an increasingly assertive China. With the withdrawal of two troop brigades from the continent, Europe is being asked to start looking after its own security. In other words, the days of free security and therefore, free riding, are now over.

The results of a more restrained foreign policy are plentiful. Obama was able to assemble a diverse coalition of states to execute regime-change in Libya where there is now a moderate democratic government in place. Libya remains a democracy in transition, but the possibilities of self-government are ripe. What’s more, the United States was able to do it on the cheap. Iran’s enrichment program has been hampered by the clandestine cyber program codenamed Olympic Games. While Mullah Omar remains at large, al Qaeda’s leadership in Afghanistan and Pakistan has been virtually decimated. With China, the United States has maintained a policy of engagement and explicitly rejected a containment strategy, though there is now something resembling a cool war — not yet a cold war — as Noah Feldman of Harvard Law School puts it, between the two economic giants.

The phrase that best describes the Obama Doctrine is one that was used by an anonymous Administration official during the Libya campaign and then picked up by Republicans as a talking point: Leading From Behind. The origin of the term dates not to weak-kneed Democratic orthodoxy but to Nelson Mandela, who wrote in his autobiography that true leadership often required navigating and dictating aims ‘from behind.’ The term, when applied to U.S. foreign policy, has a degree of metaphorical verity to it: Obama has led from behind the scenes in pursuing terrorists and militants, is shifting some of the prodigious expenses of international security to others, and has begun the U.S. pivot to the Asia-Pacific region. The Iraq War may seem to be a distant memory to many in North America, but its after-effects in the Middle East and Asia tarnished the United States' image abroad and rendered claims to moral superiority risible. Leading From Behind is the final nail in the coffin of the neoconservatives' failed imperial policies.

#### No Kagan—military presence means we can still use credible force, which is the only thing he impacts.

#### 1ac Gallagher is a solvency takeout—says apathy is the issue—required involvement can't change the culture.

#### No impact — allies won’t ditch us and adversaries can’t exploit it

Stephen M. **Walt 11**, the Robert and Renée Belfer professor of international relations at Harvard University, December 5, 2011, “Does the U.S. still need to reassure its allies?,” online: <http://walt.foreignpolicy.com/posts/2011/12/05/us_credibility_is_not_our_problem>

A **perennial preoccupation** of U.S. diplomacy has been the **perceived** need to reassure allies of our reliability. Throughout the Cold War, U.S. leaders worried that **any loss of credibility** might cause dominoes to fall, lead key allies to "bandwagon" with the Soviet Union, or result in some form of "Finlandization." Such concerns justified fighting so-called "**credibility wars**" (including Vietnam), where the main concern was not the direct stakes of the contest but rather the need to retain a reputation for resolve and capability. Similar fears also led the United States to deploy thousands of nuclear weapons in Europe, as a supposed counter to Soviet missiles targeted against our NATO allies. The possibility that key allies would abandon us was almost **always exaggerated**, but U.S. leaders remain overly sensitive to the possibility. So Vice President Joe Biden has been out on the road this past week, telling various U.S. allies that "the United States isn't going anywhere." (He wasn't suggesting we're stuck in a rut, of course, but saying that the imminent withdrawal from Iraq doesn't mean a retreat to isolationism or anything like that.) There's nothing really wrong with offering up this sort of comforting rhetoric, but I've never really understood why U.S. leaders were so worried about the credibility of our commitments to others. For starters, given our **remarkably secure geopolitical position,** whether U.S. pledges are credible is first and foremost **a problem for those who are dependent on U.S. help**. We should therefore take our allies' occasional hints about realignment or neutrality with some **skepticism**; they have **every incentive** to **try to make us worry** about it, but in most cases **little incentive to** actually **do it**.

#### They don’t solve allies

**Scruton 9/7**/13 – BA Politics, Willamette University UK (Brett, 9/7/13, John Kerry Wants to Save America's Global Credibility When There is None,” http://www.policymic.com/articles/62051/john-kerry-wants-to-save-america-s-global-credibility-when-there-is-none)JCP

Amongst the debate over military intervention in Syria, numerous phrases, such as "human rights" and "humanity's red line" have been thrown around; none are as curious as "America's credibility," though. Secretary of State John Kerry claimed that this is at stake in the upcoming congressional vote. Kerry's not alone. What exactly is America's credibility that it factors as a legitimate reason for military action? If it's a case of backing up public statements like the "red line," and building up trust and credence, the Obama administration should drop it. In order to maintain credibility in foreign policy, the U.S. needs to have some credibility in foreign policy, and it largely doesn't. It's time to dismiss the criteria of "America's credibility."

By looking at credibility as a factor, you're practically looking at international relations through the lens of a neighborhood with street cred. Fine. Street cred can come in the form of being the Godfather of sorts, taking care of the general community. The key to all of this is having a record that gets you street cred in the first place. However, that's hard to do with a poor record.

Looking to the Obama administration alone, it's pretty difficult to expect complete trust, thanks to Edward Snowden. Wiretapping European allies, let alone gathering data from unsuspecting American citizens isn't a great, "Hey, you should trust U.S."

Even with open policies, there's a lack of success. There's the situation in Afghanistan, where Taliban influence is still prevalent after a decade of war. The Afghan president, Hamid Karzai has also publicly criticized Obama and acknowledged CIA bribes. There are numerous credibility problems there.

If there is an accepted level for America's credibility, it's probably pretty low. To the outside world, the overlap of Bush and Obama administration policies doesn't give the perception of a problem with one party, but rather with American politics in general. History doesn't help. Look to the declassification of CIA documents revealing the U.S. role in helping Saddam Hussein against Iran. Speaking of Saddam, the Iraq war might be the biggest deficit of American credibility in recent years.

Plus, there's a lot to debate about Syria that isn't American credibility. National security, and whether there's strategic value to intervention, is one debate that's far more important criteria. The moral obligation of enforcing human rights is another. Is the image of America more important than these debates?

There are those who say our allies and enemies are watching. Our allies are already speaking. Britain is out. France still supports Obama, and there hasn't been a congressional vote yet. Concerning our enemies, opinions are unlikely to change. North Korea's stance is unlikely to change due to Syria, and Al-Qaeda's definitely will not. Syria, while a growing problem, is not the cornerstone of the U.S. relationship with the rest of the world.

#### Alt cause – budget

**Rundio, 13** (Steve, “Speakers tell Kind that sequester hurts military readiness, morale” Jackson County Chronicle, 7/13, <http://lacrossetribune.com/jacksoncochronicle/news/local/speakers-tell-kind-that-sequester-hurts-military-readiness-morale/article_3ca16ab0-fa0f-11e2-b73c-001a4bcf887a.html>)

Automatic federal budget cuts have resulted in shrunken paychecks, plunging morale and compromised military operations, a group of 30 people told U.S. Rep. Ron Kind, D-La Crosse.

Kind discussed sequestration and its impact on the area during a town hall meeting Monday at the Sparta American Legion Hall.

“This whole thing is tragic, and we did nothing to cause it,” said Lori Ames of Sparta, a federal employee and president of American Federation of Government Employees Local 1882. “The people who caused it are getting bigger salaries and bigger bonuses than they did before the crash.”

Federal civilian employees at Fort McCoy, Volk Field and Camp Williams began taking furloughs one day a week starting July 1. The furloughs are part of a federal sequestration — automatic, across-the-board cuts to government agencies, totaling $1.2 trillion over 10 years. The cuts are split evenly between defense and domestic discretionary spending. The cuts don’t apply to active military personnel.

Kind didn’t promise any relief. Congress and President Barack Obama are far apart on a budget agreement necessary to repeal the sequester.

“There is a very real possibility this will carry over into the next fiscal year,” Kind said.

The cuts affect 1,500 Fort McCoy employees and 60 from Volk Field and Camp Williams.

Ames said her net paycheck shrunk by $220. Two other Fort McCoy employees told Kind they were in danger of losing their homes.

Chris Hanson, executive director of the Tomah Chamber of Commerce, Convention and Business Bureau, said the furloughs will impact the local economy.

“Places where people spend their discretionary income — the movie theaters, the restaurants — those are the things that are going to take the biggest hits first,” Hanson said.

Ames said the sequester already is taking a toll on training at Fort McCoy.

“Troops are getting trained but not at the level they would normally,” Ames said. “It’s something that might not show up right away, but it will show up eventually.”

### 1nc r2p adv

#### Food shortage doesn’t cause war – best studies

Allouche 11, research Fellow – water supply and sanitation @ Institute for Development Studies, frmr professor – MIT, ’11 (Jeremy, “The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade,” Food Policy, Vol. 36 Supplement 1, p. S3-S8, January)

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change and greater inputs of capital have dramatically increased labour productivity in agriculture. More generally, the neo-Malthusian view has suffered because during the last two centuries humankind has breached many resource barriers that seemed unchallengeable. Lessons from history: alarmist scenarios, resource wars and international relations In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an instrumental purpose; security and conflict are here used for raising water/food as key policy priorities at the international level. In the Middle East, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none of these declarations have been followed up by military action. The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems. None of the various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18). As shown in The Basins At Risk (BAR) water event database, more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 (FAO, 1978 and FAO, 1984). The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. There is however no direct correlation between water scarcity and transboundary conflict. Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example Allouche, 2005, Allouche, 2007 and [Rouyer, 2000] ). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians (Dinar and Dinar, 2005 and Brochmann and Gleditsch, 2006). In terms of international relations, the threat of water wars due to increasing scarcity does not make much sense in the light of the recent historical record. Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable. The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict (Brauch, 2002 and Pervis and Busby, 2004). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, the evidence base to substantiate the connections is thin ( [Barnett and Adger, 2007] and Kevane and Gray, 2008).

#### Utter nonsense—their uniqueness ev from 2011 says the prospect of interference on humanitarian grounds upsets countries like Russia—it’s their burden to read ev that Congress changes this perception and explain how Russia could ever be happy with us.

#### the application of R2P was an exception and won’t be repeated, no linear increase in intervention

Patrick ’11 (Stewart, Senior Fellow and the Director of the Program on International Institutions and Global Governance at the Council on Foreign Relations, “Libya and the Future of Humanitarian Intervention,” August 26, http://www.foreignaffairs.com/articles/68233/stewart-patrick/libya-and-the-future-of-humanitarian-intervention)

The fall of Libyan leader Muammar al-Qaddafi is a significant foreign policy triumph for U.S. President Barack Obama. By setting overall strategy while allowing others to shoulder the burden of implementing it, the Obama administration achieved its short-term objective of stopping Qaddafi's atrocities and its long-term one of removing him from power. This was all done at a modest financial cost, with no U.S. troops on the ground, and zero U.S. casualties. Meanwhile, as the first unambiguous military enforcement of the Responsibility to Protect norm, Qaddafi's utter defeat seemingly put new wind in the sails of humanitarian intervention.

One must be careful, however, not to overdraw lessons from the Libyan experience. It was a unique case and is unlikely to be repeated.

For one, Libya had Qaddafi, a villain straight from central casting, who had managed to alienate nearly all UN member states, including his erstwhile Arab and African allies.

**The timing was also perfect**. As the UN, NATO, and United States debated intervention, leaders in the Middle East were still reeling from the Arab Spring. Acutely aware of the vulnerability of their own regimes, the members of the Arab League, Organization of the Islamic Conference, and Gulf Cooperation Council all endorsed the UN's declaration of a no-fly zone over Libya, including the use of "all necessary means" to prevent mass atrocities.

In addition, China and Russia, the two permanent members of the Security Council (UNSC) most averse to authorizing military intervention under Chapter VII of the UN Charter, had no special relationship with, or interests in, Libya. So, they had no reason to veto a collective action.

Libya has demonstrated the viability of a well-implemented RtoP intervention, but one should not assume that the United States and its allies will now apply it universally.

Moreover, Libya is a small country, with a population of only 6.4 million, which is concentrated along a fairly narrow strip of land by the Mediterranean. Thus, the logistics of military intervention promised to be less daunting there than it would have in Sudan, for example, which is fifty percent larger, almost seven times as populous, and has hundreds of thousands soldiers under arms. And since Libya is situated on Europe's doorstep, NATO and the EU were more motivated to provide aerial power and political support for the mission, since regional instability and a wave of refugees would effect them if the revolution failed.

The country also possessed a credible, fairly cohesive, and **increasingly capable opposition movement**, which provided the ground force that casualty-averse Western governments would not. These rebels ultimately proved able to defeat Qaddafi's military machine.

Finally, Libya was an unambiguous case for applying the RtoP doctrine. To be sure, the atrocities Qaddafi orchestrated in Libya prior to the intervention pale in comparison to those committed during the course of other recent violent conflicts. In Sri Lanka, for example, the government killed thousands of civilians while finishing off the rebel Liberation Tigers of Tamil Eelam in 2009. And forces in the Democratic Republic of the Congo have raped tens -- or perhaps hundreds -- of thousands of women over the past decade to sow terror. Qaddafi's violent crackdown on this spring's protests and his explicit promise to "have no mercy and pity" on residents of Benghazi, the opposition stronghold, also left little ambiguity. As Secretary of State Hillary Clinton noted in March, "left unchecked, Qaddafi will commit unspeakable atrocities."

Qaddafi's ouster may vindicate the RtoP idea, but the application of the norm will inevitably remain selective and highly contingent on the political context. The humanitarian imperative is a strong and growing global impulse, but statecraft is still subject to constraints of geopolitics, resources, and political will.

What has been most striking in the Libyan case is the Obama administration's vocal leadership in seeking to consolidate RtoP as a vital global norm -- a stark contrast to the lukewarm attitude of the Bush administration. Washington's embrace of RtoP is critical, because the United States is the only country with the power and the credibility to actually enforce it.

Lest one imagine that the Libyan case is a one-off, on August 4 the Obama administration released the Presidential Study Directive on Mass Atrocities (PSD-10). The directive defines the prevention of mass atrocities as both "a core national security interest and a core moral responsibility of the United States." PSD-10 is a groundbreaking document and represents a huge victory for NSS Senior Director Samantha Power, a leading administration hawk on Libya.

#### R2P is dead

NYT – 7/23/13, MARK LANDLER, U.S. Urged to Adopt Policy Justifying Intervention, <http://www.nytimes.com/2013/07/24/us/politics/us-urged-to-adopt-policy-justifying-intervention.html?_r=0>

When Samantha Power, President Obama’s nominee to be ambassador to the United Nations, faced senators at her confirmation hearing last week, the first question from Senator Bob Corker of Tennessee, the ranking Republican, was how she defined an idealistic, if somewhat obscure, foreign policy principle known as “responsibility to protect.” It was a politically loaded question to a woman who made her name as an academic by arguing that nations have a moral obligation to act against genocide and other mass atrocities. Ms. Power answered gingerly, saying that when civilians were murdered by their governments, “it’s incumbent on us to look” for ways to halt the bloodshed. But, she was quick to add, the principle is “less important, I think, than U.S. practice and U.S. policy.” The exchange before the Senate Foreign Relations Committee captured the awkward place that “responsibility to protect” occupies in the Obama administration. A 2005 United Nations initiative that calls on countries to intervene to prevent genocide and other mass atrocities, R2P, as it is known, has been endorsed by the United States and many other countries. Some administration officials cited R2P to justify Mr. Obama’s backing of NATO-led airstrikes in Libya in 2011, which headed off a potential massacre of rebels by Col. Muammar el-Qaddafi. Yet the administration has said nothing about R2P during two and a half years of bloody civil war in Syria, in which Mr. Obama has resolutely refused to become entangled. In that case, the strategic complexities of the conflict have outweighed any moral imperative to intervene militarily on behalf of Syria’s embattled rebels. Now, a new report written by Madeleine K. Albright, the former secretary of state, and Richard S. Williamson, a former special envoy to Sudan and foreign-policy adviser to Mitt Romney, argues that the administration should wholeheartedly embrace “responsibility to protect” and explain its importance to the American public. “R2P sounds like some chemical formula,” Dr. Albright said in an interview. “It’s in many ways a misunderstood concept; it’s up to us to clarify what ‘responsibility to protect’ means.” Mr. Williamson is blunter. “R2P is still struggling,” he said, in part because of the administration’s unwillingness to do more about Syria, which he criticized as an adviser to Mr. Romney during the 2012 presidential campaign. But Mr. Williamson, who served under President George W. Bush, said there were deeper reasons for the American aversion to foreign entanglements, having to with fatigue after a decade of war. “It’s a funny time in American politics when you have Rand Paul allying with the left about not getting involved overseas,” he said. To some critics, particularly on the right, R2P smacks of a multilateral approach to foreign policy that encroaches on American sovereignty. An aide to Mr. Corker, for example, said he wanted to make sure that Ms. Power concurred that the United States should only decide

to act militarily based on its own national interests.

## 2nc

### overview

#### Obliterates case—delegates war authority to Israel

**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.

#### Turns cred and alliances while causing prolif, sanctions collapse, and war

Nader, The Hill, ‘13

(Alirez “ Pause on additional Iran sanctions crucial to negotiations” 11-5-13 <http://thehill.com/opinion/op-ed/189371-pause-on-additional-iran-sanctions-crucial-to-negotiations> accessed: 11-15-13 mlb)

Iran has demonstrated a different tone and approach to nuclear negotiations since the June 14 election of Hassan Rouhani as president. Nothing concrete has emerged yet, but the U.S. negotiating team, headed by Undersecretary of State Wendy Sherman, has described the last round of negotiations as positive and different from previous sessions with the Iranian team under former President Mahmoud Ahmadinejad. ADVERTISEMENT Rouhani’s election and, more importantly, Iran’s dire economic condition are the reasons for Tehran’s new approach. Some have taken this to mean that more sanctions are needed. However, just because Tehran is seeking to ease the pressure brought on by the sanctions that exist today does not mean that it will yield to new sanctions tomorrow. Rouhani has a limited mandate to solve the nuclear crisis and lift sanctions. However, more radical elements of the Iranian political system, marginalized for now, are waiting for him to fail. They believe that the American government is either duplicitous or will be unable to deliver a deal. New sanctions would confirm their view and further their goals of ending negotiations and sidelining Rouhani. New sanctions passed before a true test of Iran’s intentions could result in a bleak future: a risky and costly war with Iran with no guarantee of success, or the acceptance of an increasingly embittered, isolated, repressive and nuclear capable Islamic Republic. The Iranian people have borne the brunt of sanctions, but it would be hard to argue that the Iranian regime has not felt the pressure as well. And it is this crucial portfolio that could determine his fate. He has the support of Supreme Leader Ayatollah Ali Khamenei and the Revolutionary Guard, without which he would not be able to negotiate or even run his government. But Khamenei and the Guard are under no illusion that negotiations are sure to succeed; nor are they willing to continue negotiations under humiliating conditions. Sanctions are a danger to their rule, but weakness in the face of pressure might be no less a threat. They must give Rouhani a chance because the Iranian people and key political constituents support negotiations. The viability of Rouhani’s platform of moderation and engagement with the West hangs in balance. Khamenei and hard-line Guard are willing to “test” America as much as the Obama administration is willing to “test” Tehran. New sanctions under consideration by Congress could lead to a weakening of the overall U.S. position. First, Rouhani could lose his mandate to continue negotiations. Second, Iran could begin to undermine the international coalition that has created the harshest peacetime sanctions in history. Rouhani, weakened at home but still respected abroad, could persuade major Iranian oil buyers such as China, India, Japan and even European that Iran attempted to negotiate in good faith but was rebuffed by the United States. Third, Iran could successfully cause a split between the group. China and Russia might believe that Congress wants regime change in Iran instead of a diplomatic solution. Germany, which has close business ties with Iran, could become unhappy about its economic sacrifices. And even the U.K. and France could begin to doubt U.S. intentions. Congress deserves credit for pressuring the Iranian regime, but it should pause the march toward new sanctions to give the negotiations a chance. Current sanctions against Iran are effective, and new sanctions can always be imposed if Iran does not budge. A smart approach toward Iran does not only entail creating pressure but using it correctly, and for the right goals.

### uniqueness wall

#### Their ev

Jerusalem Post, 12-25-2014 <http://www.jpost.com/Opinion/Columnists/Washington-watch-Whats-really-behind-the-new-Iran-sanctions-bill-336147>

The White House has threatened to veto the bill but with the strong support of many Jewish organizations and many Democrats, that’s unlikely. The president would risk being accused of being soft on Iran and siding with the ayatollahs against the friends of Israel.¶ Which is a big reason the bill has the strong support of Republicans, who reflexively oppose anything this president wants anyway. What’s more, a veto override is not out of the question. So look for a face-saving compromise or for the Senate Democratic leadership to keep it off the floor.¶ The backers of the new sanctions bill have a very strong ally in Tehran. The government there has been boasting of the great success it has had already in breaking the sanctions and boosting their economy without giving up anything and recognition of their right to enrich uranium. That may play well at home but it poisons the atmosphere here.¶ The Iranians know Israel’s supporters are the real driving force behind the tough US approach. They have wall-to-wall support on Capitol Hill and pick up more votes every time Iranian leaders spew their hatred for the Jewish state and call for its demise. The worst comes from the very top, supreme leader Ayatollah Ali Khamenei.¶ Taken together, these only strengthen the hand of those who question Iranian intentions, and they probably wouldn’t mind being proven right in their suspicions that the won’t surrender their ambitions to build the bomb. For many of these skeptics a military strike is the only solution.¶ Obama himself gives the talks a 50-50 chance of success, but insists we “lose nothing” by negotiating because “there are verification provisions in place.” We already “had the first halt and, in some cases, some rollback of Iran’s nuclear capabilities,” and “it is very important for us to test whether” Iran wants an agreement.

#### The threshold is low – but undecided Dems matter

**Davnie and Gould, 1/5/14** - Davnie retired in 2007 after 26 years in the Foreign Service; Kate Gould is the legislative associate for Middle East policy at the Friends Committee on National Legislation in Washington, D.C (William and Kate, “Iran sanctions bill threatens progress; pressure is on Franken, Klobuchar” <http://www.startribune.com/opinion/commentaries/238660021.html>)

Without a significant public outcry, support for this sanctions bill could potentially reach a veto-proof majority of 67 senators and 290 representatives in the House.

Minnesota could play an important role in this showdown between supporters of using hard-nosed diplomacy to avoid military action and reduce nuclear risk, and those who would upend sensitive negotiations and make war likely. About half of the senators have staked out their positions, but neither Sen. Amy Klobuchar nor Sen. Al Franken have yet taken a public stance.

Minnesota is one of just 10 states where neither senator has taken a public position on whether or not to sign onto sanctions that would sink the deal — and risk another war in the Middle East.

While some new-sanctions proponents are banking on partisan politics to earn support from Republicans, it would still take seven of the remaining 23 undecided Democrats, along with all Republicans, to reach a veto-proof majority. All eyes will be on those 23 undecided Democrats — including Klobuchar and Franken.

#### That’s consistent with our link story as well

**Hughes, 13** (Brian, “Obama's base increasingly wary of drone program” Washington Examiner, <http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787>)

"You watch and see -- the left wing of the party will start targeting Obama over this," said Larry Sabato, a political scientist at the University of Virginia. "It's inevitable. The drumbeat will increase as time goes on, especially with each passing drone strike."

Obama late Wednesday decided to share with Congress' intelligence committees the government's legal reasoning for conducting drones strikes against suspected American terrorists abroad, the Associated Press reported. Lawmakers have long demanded to see the full document, accusing the Obama administration of stonewalling oversight efforts.

Earlier in the day, one Democrat even hinted at a possible filibuster of Brennan if given unsatisfactory answers about the drone program.

"I am going to pull out all the stops to get the actual legal analysis, because with out it, in effect, the administration is practicing secret law," said Sen. Ron Wyden, D-Ore., a member of the Senate Select Intelligence Committee. "This position is no different [than] that the Bush administration adhered to in this area, which is largely 'Trust us, we'll make the right judgments.' "

In a Justice Department memo released this week, the administration argued it could order the killing of a suspected American terrorist even with no imminent threat to the homeland.

White House press secretary Jay Carney insisted on Wednesday that the administration had provided an "unprecedented level of information to the public" about the drone operations. Yet, questions remain about who exactly orders the killings, or even how many operations have been conducted.

"There's been more noise from senators expressing increased discomfort [with the drone program]," said Joshua Foust, a fellow at the American Security Project. "For Brennan, there's going to be more opposition from Democrats than Republicans. It's not just drones but the issue of torture."

Facing concerns from liberals, Brennan had to withdraw his name from the running for the top CIA post in 2008 over his connections to waterboarding during the Bush administration.

Since becoming president, Obama has championed and expanded most of the Bush-era terror practices that he decried while running for the White House in 2008.

It's estimated that roughly 2,500 people have died in drone strikes conducted by the Obama administration.

However, most voters have embraced the president's expanded use of drone strikes. A recent Pew survey found 62 percent of Americans approved of the U.S. government's drone campaign against extremist leaders. And some analysts doubted whether Democratic lawmakers would challenged Obama and risk undermining his second-term agenda.

"Democrats, they're going to want the president to succeed on domestic priorities and don't want to do anything to erode his political capital," said Christopher Preble, vice president for defense and foreign policy studies at the Cato Institute. "It's just so partisan right now. An awful lot of [lawmakers] think the president should be able to do whatever he wants."

#### Err neg on overrides – override dynamics are tough, but as long as Obama doesn’t further harm his position, he’ll win

**Lindsay, 11/25/13 -** Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair at the Council on Foreign Relations(James, “Will Congress Overrule Obama’s Iran Nuclear Deal?” <http://blogs.cfr.org/lindsay/2013/11/25/will-congress-overrule-obamas-iran-nuclear-deal/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+jlindsay+%28James+M.+Lindsay%3A+The+Water%27s+Edge%29>)

Does this mean that Congress is going to take Iran policy out of Obama’s hands? Not quite. Any sanctions bill could be vetoed, something the president presumably would do to save his signature diplomatic initiative. The odds that sanctions proponents could override a veto aren’t good. Congress hasn’t overridden one in foreign policy since it imposed anti-apartheid sanctions on South Africa over Ronald Reagan’s objections back in 1986. In that respect, Obama is in a much stronger position than he was back in September when he sought to persuade Congress to authorize a military strike on Syria. Then the difficulties of passing legislation worked against him; now they work for him.

One reason Obama should be able to make a veto stick is party loyalty. Many congressional Democrats won’t see it in their interest to help Republicans rebuke him, and he only needs thirty-four senators to stand by him. Senator Reid has already begun to soften his commitment to holding a sanction vote. As Majority Leader he has considerable freedom to slow down bills and to keep them from being attached to must-pass legislation that would be politically hard for Obama to veto.

#### Menendez hasn’t won enough Dems because Obama’s outreach is working

**Tamari, 12/20/13** – Washington correspondent for the Philadelphia Inquirer (Jonathan, “Unsanctioned Fight”, <http://www.politico.com/magazine/story/2013/12/bob-menendezs-unsanctioned-fight-with-the-white-house-101396_Page3.html#.UsYRCfRDuYI>)

Menendez says the threat of sanctions will let the Iranians know that a hammer is poised to strike if they are simply stalling. “If this all falls apart, we don’t have months,” he told me.

Obama rejected that idea Friday. “It’s not going to be hard for us to turn the dials back or strengthen sanctions even further,” he said. “I'll work with members of Congress to put even more pressure on Iran, but there’s no reason to do it right now.”

Menendez’s plan faces a steep climb. Senate Majority Leader Harry Reid (D-Nev.) will determine if or when it gets a vote when Congress returns in January, and Menendez is facing pushback from fellow Democrats. Ten committee chairs wrote Reid this week urging him to keep the Senate from unilaterally advancing new sanctions and potentially scuttling negotiations.

#### The bill won’t pass but AIPAC is stepping up so it will be a major fight

**Lobe, 1/3/14** - im Lobe is best known for his coverage of U.S. foreign policy, particularly the neoconservative influence in the Bush administration. The Washington Bureau Chief of the international news agency Inter Press Service (IPS), Lobe has written for various outlets (Jim, “47 Senators Take AIPAC’s Word Over U.S. Intel Community” <http://www.lobelog.com/47-senators-take-aipacs-word-over-u-s-intel-community/>)

The American Israel Public Affairs Committee (AIPAC) has published the list of senators who so far have agreed to co-sponsor the Nuclear Weapon Free Iran Act of 2013, aka the Wag the Dog Act of 2014. You’ll recall that the initial list, which was introduced by its principal engineers, Sens. Mark Kirk and Robert Menendez, Dec 19, included 26 co-sponsors equally divided between Democrats and Republicans, to which newly elected New Jersey Sen. Cory Booker quickly added his name. Since then, 20 other senators — all Republicans, unsurprisingly — have added their names, for a grand total of 47 — still short of a majority, let alone one that could survive an Obama veto that the White House has already committed the president to cast if the bill is passed in its present form.

According to the AIPAC list, which is reproduced below, 53 senators, including 36 Democrats and the two independents who normally vote with the Democratic caucus, have not agreed to co-sponsor the bill, or, in the dreaded moniker used by AIPAC to score lawmakers’ voting records (presumably for the benefit of the “pro-Israel” PACs that decide how to dole out campaign cash), are labeled “DNC.” They will undoubtedly be the top targets for AIPAC’s legendary powers of persuasion when the Senate reconvenes early next week.

#### Obama is in control and won’t budge – but a loss stokes the opposition

**Muhammad, 12/31**/13 – cites David Bositis, Vice President and Senior Research Analyst at the Joint Center for Political and Economic Studies (Askia, The Final Call, “Obama's burden” <http://www.finalcall.com/artman/publish/National_News_2/article_101094.shtml>

In foreign affairs, the President’s burden is made even more awkward by dug-in opposition by leaders of both parties here in this country. Despite unprecedented breakthroughs on his watch with Syria concerning its stockpile of chemical weapons, and with Iran concerning its nuclear enrichment plans, the Israel-lobby would prefer more saber-rattling and possible military action than any peaceful resolution. Other challenges are complicated by some of Mr. Obama’s own decisions. “On the international level,” Dr. Horne explained, “it’s clear that the Obama administration wants to pivot toward Asia, which mean’s China. “But, you may recall, when he first came into office that was to be accompanied by a reset with Russia, because it’s apparent that the United States confronting Russia and China together is more than a notion. And yet, the Obama administration finds itself doing both. “Look at its misguided policy towards Ukraine, for example, where it’s confronting Russia head-on, and its confrontation with China off the coast of eastern China. So, I guess in the longer term, it’s probably evident that the most severe challenge for the Obama administration comes from (the) international situation because as we begin to mark the 100th anniversary of the onset of World War I in 2014, it’s evident that unfortunately the international situation today, in an eerie way, resembles some ways the international situation at the end of 1913. “In the end of 1913 there was a rising Germany, just like there is a rising China. There was a declining Britain, just like there is a declining United States of America, and we all know the rather morbid consequences of World War I, so it is for that reason that I say that I would say that Mr. Obama’s most severe challenge is in the international arena,” said Dr. Horne. “In terms of foreign policy, his wanting to negotiate with Iran about their stopping their nuclear program, almost immediately there were people in the Congress speaking out in public who were totally against everything he wanted to do,” said Dr. Bositis. “There are people who don’t want to put any pressure on Israel about coming to terms with the Palestinians. There are people who are unhappy with what he’s done in terms of Syria,” he said. These stumbling blocks also stand in the way of the President’s ability to deliver on his pre-election promise to close the Guantanamo prison camp where hundreds are being detained, although most have been cleared for release by all U.S. intelligence agencies because they pose no threat to this country. Yet the prisoners languish, some even resorting to hunger strikes because of the hopelessness of their plight, with the U.S. turning to painful force-feeding the inmates to keep them from starving themselves to death. “Change is always hard,” Ms. Jarrett said Mr. Obama told a group of youth leaders recently. “The Civil Rights Movement was hard. People sacrificed their freedom. They went to prison. They got beat up. Look through our history and then look around the world. It’s always hard. You can’t lose faith because it’s hard. It just means you have to try harder. That’s really what drives him every day,” said Ms. Jarrett. And at the end of the day, Mr. Obama remains in control and holding all the “trump cards.” “Remember something,” Dr. Bositis said. “These people can say or make all these claims about Obama, but the fact of the matter is that Obama is president, and he’s going to be president for three more years, and he’s going to have a lot more influence than all of these clowns,” who disparage his leadership. “He’s not going to blink. He learned that lesson. With these guys, they’re like rapists. If you give them an inch, they will own you,” Dr. Bositis concluded.

### yes pc

#### Obama PC is rebounding

**Obeidallah, 1/3/14** - Dean Obeidallah is a former lawyer turned political comedian and writer. He is a frequent commentator on various cable-news networks (Dean, “6 Reasons This Could Be Obama’s Best Year as President” The Daily Beast, <http://www.thedailybeast.com/articles/2014/01/03/6-reasons-this-could-be-obama-s-best-year-as-president.html>)

In either event, here are the six reasons that 2014 could be Obama’s finest.

1. The US economy is improving: A good economy generally equals higher approval ratings for president and in turn more political capital for him to push for his proposals. Even President Clinton had an approval rating of 73% in the midst of his impeachment. Why? One big reason was the US economy was strong with unemployment at 4.5% and falling. Currently, the US economy appears poised for growth. The unemployment rate is at its lowest point during the Obama administration at 7%. This is in sharp contrast to the 10% unemployment rate we saw at one time in Obama’s first term. In addition, the stock market just had its best year since 1997, the GDP for the third quarter of 2013 grew at a surprisingly strong 3.6% annual rate and the IMF recently raised its 2014 growth projection for the US economy.

2. Obamacare will get better: It has to-It can’t get worse. And Obamacare was the number 1 reason cited in a recent NBC News/WSJ poll for why people gave the president only a 43% approval rating. But here’s the thing: The Obamacare website issues are now behind us and over 2 million people and counting have signed up for the program. That means Obamacare will soon be judged on its actual merits—not on website issues nor on the constant Republican fear mongering about the law’s uncertainties. If we start hearing stories from Americans whose lives have been made better by this law, expect to see public support rise.

That means Obamacare will soon be judged on its actual merits—not on website issues nor on the constant Republican fear mongering.

3. Obama has key issues on his side: President Obama recently stated that 2014 will be his “Year of action.” So expect to see him push hard on issue like immigration reform and raising the minimum wage. Both of these have broad public support. Immigration reform -including a pathway to citizenship as Obama has championed-has the support of 73% of voters. On minimum wage, a November Gallup Poll found that 76% of Americans support a raise form the current level of $7.25 an hour to $9—including 76% of independent voters. Obama is in a win-win situation on these two issues. They pass and it helps him as well as Congressional Dems. The Republicans block them and it will hurt their standing.

4. Republican Party has no ideas: Frankly, the only issue the badly splintered Republican Party seems to agree upon is to repeal Obamacare. That’s a lot to stake your entire 2014 midterm election campaign on—especially given that there’s a real possibility that Obamacare becomes more popular during the year. If the Obamacare issues fades, so, too, do the GOP’s chances of success in 2014 election since the only other issue getting them press is the infighting between its Tea Party and establishment wings.

5. Political fortunes change fast: Anyone remember right after the government shutdown in October headlines declaring, “Major damage to GOP after shutdown?” Polls at that time found that the public favored Democrats 50% to 42% over Republicans in generic Congressional match ups. Flash forward just two months later and pollsters now find Republicans leading Democrats 49% to 44%. Who knows where we will stand by November 2014 but all you can say for sure is that the current polls numbers are about as meaningful as the storyline on Duck Dynasty.

#### PC will recover because of the economy, Obamacare and the Afghanistan withdrawal

**McManus, 1/6/14** (Doyle, Gulf News, “Obama may still hold his own”

<http://gulfnews.com/opinions/columnists/obama-may-still-hold-his-own-1.1274531>

So what are the chances Obama can defy the historical pattern and turn his sixth year into a success?

The obvious portents do not look good. The president begins 2014 with his popularity near an all-time low in every poll. The health care mess has shaken voters’ confidence in his competence and his credibility and those problems are not going away soon. “There are still a million pitfalls to manage,” a White House aide told me last week, listing health care implementation at the top of the administration’s to-do list. If the congressional election was held this month, Republicans might well gain the six seats they need to win a majority in the Senate and control both houses of Congress.

Still, there are reasons to believe Obama’s Year 6 will not be the disaster his critics predict.

First, the economy is finally recovering in earnest from the Great Recession. A spate of forecasts have predicted growth around a healthy 3 per cent this year, with unemployment slowly declining to 6.5 per cent.

Presidents get blamed for bad economic news — but they also get credit for good economic news, whether they deserve it or not. And if the recovery brings unemployment down, that will deprive Republicans of one of their main arguments for turning Democrats out of office.

Another potential plus for Obama is that he has finally settled on a central theme that appeals to independent voters as well as Democrats: Economic fairness. “Over the course of the next year ... that’s where you should expect my administration to focus all our efforts,” the president said last month. “The economy is stronger than it has been in a very long time; our next challenge is to make sure that everybody benefits from that, and not just a few.”

In that vein, Obama plans to wage a major battle to raise the federal minimum wage to $10.10 (Dh37.14) an hour. The minimum wage is a classic wedge issue, with Democrats and independents supporting Obama’s position, but GOP voters divided.

Obama’s other big domestic priority, immigration reform, works that way too. If he can steer bipartisan legislation through Congress, he will take credit. If Republicans block a path to citizenship for immigrants in the country illegally, he will make sure they get the blame — especially among Latino voters. The administration even has reason to hope that opinion on Obamacare, the Affordable Care Act, will shift as millions of once-uninsured people begin to use their new insurance (or their newly won Medicaid). If their experiences are positive, that could undercut a plan by Republican Paul D. Ryan (R-Wis.) and others to unveil GOP alternatives to Obamacare. As the president warned last month: “If it were to be repealed, you would be taking away all those benefits from folks who already are enjoying them.”

Foreign policy could also provide a boost — thanks to an event that has long been on Obama’s calendar: The withdrawal of most of the remaining 47,000 US troops in Afghanistan. Expect a long series of homecoming ceremonies with flags, marching bands, tearful family reunions — and speeches by Obama reminding voters that he has fulfilled his 2008 promise to end two wars.

#### Their claim is a media meme based on neocon ideology – it isn’t true in the context of Iran, where Obama has a good chance

**Parry, 12/31/13 -** Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s (Middle East Online, “Obama’s Not-So-Terrible Year”

<http://www.middle-east-online.com/english/?id=63316>

It has become conventional wisdom to say that President Barack Obama has suffered through a terrible year in 2013 – and if his slumping poll numbers are the only gauge, then these pundits may have a point. But much of this analysis simply marches in lockstep with the neocon view of Obama’s supposed foreign policy “failures,” which may not be failures at all.

Indeed, there’s a strong argument to be made that Obama’s fifth year in office will be viewed as a historic turning point in US relations with the Middle East, albeit one the neocons and much of Official Washington detest, thus explaining the hostility in their year-end critiques.

For instance, if the neocons and the many tough guys/gals inside the Beltway had their way in 2013, the US military would have pummeled Syria in retaliation for its alleged (though still unproven) role in the Aug. 21 Sarin gas incident outside Damascus. We now know that the neocons’ desired bombing campaign would have been coordinated with a ground offensive by the Saudi-Israeli-favored, Sunni-dominated jihadist rebels, possibly leading to “regime change” in Syria.

The US assault also would likely have destroyed hopes of a nuclear agreement with Iran, thus raising the likelihood that Obama would have been goaded into a military attack on Iran’s nuclear facilities. At each step of these escalations, the neocons would be egging Obama on, calling him “weak” and “indecisive” if he failed to ratchet up the pressure and violence.

Amid this mounting chaos, the neocons would have demonstrated that even when they are not sitting in the Oval Office, they could still direct US foreign policy through their continued dominance of the op-ed pages of major newspapers, like the Washington Post, and via their strategic positioning at leading Washington think tanks.

Across Official Washington, there was a palpable sense of disappointment and even anger last summer when Obama abruptly halted the rush toward war with Syria, first seeking congressional support for a military strike and then accepting the help of Russian President Vladimir Putin in negotiating a graceful exit from the crisis by getting the Syrian government to surrender all its chemical weapons (though still denying a role in the Aug. 21 attack).

That was followed by Obama completing a historic deal with Iran, trading some sanctions relief for additional safeguards to ensure that Iran’s nuclear program did not lead to a bomb. That tentative agreement disrupted what had been years of a carefully crafted neocon propaganda campaign to push the two sides into a military confrontation, as favored by Israeli Prime Minister Benjamin Netanyahu.

Obama’s diplomatic offensive also has included pressing for meaningful Syrian peace talks in Geneva and pushing Iran to adopt a more constructive role in the region. All of this has infuriated the Saudi-Israeli alliance which favored escalating confrontations with the Syrian and Iranian governments. Back in the US, the neocons have never given up their dream of engineering multiple “regime changes.”

The mainstream US news media has mostly chalked up Obama’s diplomacy with Syria and Iran as evidence of his “failures” – part of the meme about his disastrous year – but these moves could be seen as important achievements, indeed historic successes. Finally locating the keys to unlock the rigid hostility between Washington and Tehran is a diplomatic victory arguably on par with Richard Nixon’s opening to China four decades ago.

If the neocons and the tough guys/gals don’t disrupt this progress, history could look back on 2013 as a moment when a US president finally stood up to well-entrenched interests favoring evermore warfare in the Middle East and found a new route around those endless battlefields.

### new sanctions kill deal

#### New sanctions collapse negotiations

**Gharib, 12/18/13** (Ali, The Cable – a Foreign Policy blog, “Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill” <http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti>)

Critics of imposing new sanctions fear that the bill will violate either the spirit or the letter of the Joint Plan of Action signed in Geneva. The interim deal allows some flexibility, mandating that "the U.S. administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions." Administration officials have mounted a so-far successful effort to stall new sanctions in the Senate. (The House overwhelmingly passed new sanctions in the summer.) Previous rumors of a bill in the Senate were said to contain a six-month delay that would prevent the legislation from taking effect while talks continued, but this iteration of the legislation doesn't contain that kind of fail-safe. Asked this month by Time what would happen if a bill, even with a delay, passed Congress, Iran's Foreign Minister Javad Zarif said, "The entire deal is dead."

"The law as written comes close to violating the letter [of the Geneva agreement] since the sanctions go into effect immediately unless the administration immediately waives them," said Colin Kahl, who stepped down in 2011\* as the Pentagon's top Mideast policy official. "There is no question the legislation violates the spirit of the Geneva agreement and it would undoubtedly be seen by the Iranians that way, giving ammunition to hard-liners and other spoilers looking to derail further progress."

Though a fact-sheet circulating with the new bill says it "does not violate the Joint Plan of Action," critics allege it would mark a defeat for the administration and the broader push for a diplomatic solution to the Iran crisis.

"It would kill the talks, invalidate the interim deal to freeze Iran's nuclear program, and pledge U.S. military and economic support for an Israel-led war on Iran," said Jamal Abdi, the policy director for the Washington-based National Iranian American Council, a group that supports diplomatic efforts to head off the Iranian nuclear crisis. "There is no better way to cut Iranian moderates down, empower hardliners who want to kill the talks, and ensure that this standoff ends with war instead of a deal."

The bill would in effect set up a direct confrontation with the White House, which is negotiating a final deal with Tehran that would allow for continued Iranian enrichment capabilities. According to the agreement, the comprehensive deal would "involve a mutually defined enrichment program" with strict curbs. In a forum this month at the Brookings Institution, Obama dismissed the possibility that Tehran would agree to a deal that eliminated Iran's entire nuclear program or its domestic enrichment capabilities.

"If we could create an option in which Iran eliminated every single nut and bolt of their nuclear program, and foreswore the possibility of ever having a nuclear program, and, for that matter, got rid of all its military capabilities, I would take it," Obama said. "That particular option is not available." Asked again about not allowing any Iranian enrichment, Obama quipped, to laughter from the audience, "One can envision an ideal world in which Iran said, 'We'll destroy every element and facility and you name it, it's all gone.' I can envision a world in which Congress passed every one of my bills that I put forward. I mean, there are a lot of things that I can envision that would be wonderful."

Alireza Nader, an Iran analyst at the RAND Corporation, agreed dismantling Iran's entire nuclear program would be "pretty unrealistic." He added such an aim would be moving "backward": "The Geneva agreement basically states that if Iran is more transparent regarding its nuclear program and intentions, then it can be met with sanctions relief. That's the goal: transparency."

Nader said that diplomacy required flexibility from both sides, something the legislation doesn't seem to contain. "When you have these kinds of bills, it shows that there are those in the U.S. who don't want to be flexible," he said.

#### That accelerates Iranian prolif and causes Israeli strikes

**Stephens, 11/14/13** – columnist for the Financial Times (Phillip, Financial Times, “The four big truths that are shaping the Iran talks” <http://www.ft.com/intl/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html#axzz2kkvx15JT>

The first of these is that Tehran’s acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.

The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.

Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.

The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel’s prime minister, can offer the rest of the world a watertight insurance policy.

It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran’s future intentions.

By the same token, bombing Iran’s nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it.

You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.

The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage.

The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

Seen from this vantage point – and in spite of the inconclusive outcome – Geneva can be counted a modest success. Iran and the US broke the habit of more than 30 years and sat down to talk to each other. Know your enemy is a first rule of diplomacy – and of intelligence. John Kerry has his detractors but, unlike his predecessor Hillary Clinton, the US secretary of state understands that serious diplomacy demands a willingness to take risks.

The Geneva talks illuminated the shape of an interim agreement. Iran will not surrender the right it asserts to uranium enrichment, but will lower the level of enrichment from 20 per cent to 3 or 4 per cent. It will suspend work on its heavy water reactor in Arak – a potential source of plutonium – negotiate about the disposal of some of its existing stocks of enriched uranium, and accept intrusive international inspections. A debate between the six powers about the strength and credibility of such pledges is inevitable, as is an argument with Tehran about the speed and scope of a run down of sanctions.

### squo sanctions distinct

#### Waiving new sanctions still collapses diplomacy, causes war – it poisons the well – their evidence 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.

#### Their Clawson evidence doesn’t apply – it’s pre-Geneva and about Obama waiving existing sanctions as a carrot to make the Geneva deal palatable. Our disad is about new sanctions in the Menendez bill that includes mandatory enforcement language and automatic triggers – the executive can’t waive these

**Reuters, 12/12/13** (“US lawmakers to introduce bill on new Iran sanctions soon” <http://www.jpost.com/Iranian-Threat/News/US-lawmakers-to-introduce-bill-on-new-Iran-sanctions-soon-334747>)

Robert Menendez, the Democratic chairman of the Senate Foreign Relations Committee, and Republican Senator Mark Kirk are finishing legislation that would target Iran's remaining oil exports and foreign exchange and seek to limit President Barack Obama's ability to waive sanctions.

#### It’s about messaging – the Iran sanctions bill doesn’t actually apply sanctions until the deal collapse – but the message from passage is enough to collapse the deal

**Kahl, 12/31/13 -** Colin H. Kahl is an associate professor in Georgetown University’s Edmund A. Walsh School of Foreign Service and a senior fellow and director of the Middle East Security Program at the Center for a New American Security. From 2009 to 2011, he was the Deputy Assistant Secretary of Defense for the Middle East (“The Danger of New Iran Sanctions” The National Interest,<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>

The legislation defies a request by the Obama administration and ten Senate committee chairs to stand down on sanctions while negotiations continue. It also flies in the face of an unclassified intelligence assessment that new sanctions “would undermine the prospects for a successful comprehensive nuclear agreement with Iran.” Proponents of the bill note that the proposed sanctions would only come into force if Iran violates the Geneva agreement or fails to move toward a final deal, and would not kick in for months. But the White House warns that enshrining new economic threats in law now runs counter to the spirit of the Geneva pledge of no new sanctions during negotiations, and risks empowering Iranian forces hoping to scuttle nuclear talks. The legislation also defines congressionally acceptable parameters for a final deal that Iran experts almost universally believe are unachievable, namely the requirement that Iran completely dismantle its uranium enrichment program. For these reasons, the administration believes the bill represents a poison pill that could kill diplomacy, making a nuclear-armed Iran or war more likely.

Sanctions hawks disagree, arguing that the legislation will enable, not thwart, diplomatic progress. “Current sanctions brought Iran to the negotiating table,” Senator Robert Menendez, the bill’s leading champion, contends, “and a credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table.”

But this logic badly misreads the historical effect of sanctions on Iranian behavior and under-appreciates the role played by Iran’s fractious domestic politics. A careful look at Iranian actions over the past decade suggests that economic pressure has sometimes been effective, but only when it aligns with particular Iranian political dynamics and policy preferences. And once domestic Iranian politics are factored in, the lesson for today’s sanctions debate is clear: the threat of additional sanctions, at this critical juncture, could derail negotiations toward a peaceful solution.

### thumpers

#### Top of the agenda

**Egelko, 12/26/13** (Bob, San Francisco Chronicle, “Feinstein, Boxer side with Obama in Iran sanctions dispute” <http://blog.sfgate.com/nov05election/2013/12/26/feinstein-boxer-side-with-obama-in-iran-sanctions-dispute/>

A showdown is looming in the Senate next month over increased U.S. sanctions on Iran that could unravel a tentative international agreement over Iranian nuclear development, with President Obama on one side and Israel on the other. And California’s senators, Democrats Dianne Feinstein and Barbara Boxer, usually staunch allies of Israel, are both siding with Obama.

The Nov. 24 agreement requires Iran to freeze its nuclear program, halt work on a heavy-water reactor and stop enriching uranium beyond 5 percent of purity, far below the weapons-grade level. It also provides for daily inspections by international weapons monitors. In exchange, the international community agreed to suspend some of the sanctions, to the tune of $7 billion a year, that have frozen transactions with Iranian oil, banking and other industries. The six-month deal, intended as a prelude to a long-term agreement, was approved by Iran’s new president, Hassan Rouhani, and the U.S., Great Britain, Russia, China, France and Germany.

The agreement was immediately denounced by Israeli President

Benjamin Netanyahu as a sham that would allow Iran to develop nuclear weapons. Israel, which has the only nuclear arsenal in the Middle East, has threatened a pre-emptive military strike on Iran’s nuclear facilities. Meanwhile, Israel’s U.S.-based lobbyists, led by the American Israel Public Affairs Committee, are backing a sanctions bill in the Senate that has divided the Democratic Party.

The bill would impose additional economic sanctions if Iran either fails to comply with the terms of the six-month agreement or, more significantly, refuses to dismantle its entire uranium enrichment program within a year. Another provision would require the United States to provide economic and military support if Israel was “compelled to take military action in legitimate self-defense” against what the bill describes as Iran’s nuclear weapons program.

The bipartisan measure has 26 cosponsors, led by Senate Foreign Relations Committee Chairman Robert Menedez, D-N.J., and Sen. Mark Kirk, R-Ill. Another cosponsor is the Senate’s third-ranking Democrat, Chuck Schumer of New York.

“A credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table,” Menendez said in a statement.

But Rouhani said the legislation, if passed, would be a deal-breaker, and Obama has promised to veto it if it reaches his desk. Last week, 10 Senate Democratic committee chairs sent a letter to Majority Leader Harry Reid, D-Nev., urging him to keep the bill from coming to a vote.

The signers included Feinstein, chairwoman of the Intelligence Committee, Boxer, head of Environment and Public Works, and Sen. Tim Johnson of South Dakota, whose Banking Committee would normally hear the bill. The letter cited a recent U.S. intelligence assessment that concluded new sanctions “would undermine the prospects for a successful comprehensive nuclear agreement with Iran.”

Reid kept the bill off the pre-holiday calendar, but Menendez and Kirk plan to bring it up once Congress reconvenes Jan. 6. With Republicans solidly in support and congressional elections looming, the measure — in addition to its international consequences — could pose political problems for the Democrats.

#### The vote will be soon

**Kahl, 12/31/13 -** Colin H. Kahl is an associate professor in Georgetown University’s Edmund A. Walsh School of Foreign Service and a senior fellow and director of the Middle East Security Program at the Center for a New American Security. From 2009 to 2011, he was the Deputy Assistant Secretary of Defense for the Middle East (“The Danger of New Iran Sanctions” The National Interest,<http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651>

The Geneva “interim” agreement reached in November between Iran and the so-called P5+1 (the United States, Britain, China, France, Germany, and Russia) freezes Tehran’s nuclear program in exchange for modest sanctions relief, with the goal of enabling further talks to comprehensively resolve one of the world's thorniest challenges. Yet despite the landmark accord, more than two dozen Senators introduced legislation on December 19 to impose new oil and financial sanctions on Iran. The Senate could vote on the measure soon after it returns from recess in January. Powerful lobby organizations are mobilized in support of the bill, and it could certainly pass.

### war powers link

#### Obama fights the plan – but fiat means he loses

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.

#### They expend capital on a separate war powers issue – it’s immediate and forces a trade-off

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

#### Their leadership advantage is an independent link – they embolden Congress to tamper with Obama’s Iran policy

**Jackson, 1/5/14** (Herb, “Jackson: Menendez splits from Obama on threat to add Iran sanctions” http://www.northjersey.com/columnists/Jackson\_Menendez\_splits\_from\_Obama\_on\_threat\_to\_add\_Iran\_sanctions.html)

The dispute marks the first significant policy break that Menendez has had with the Obama administration since he became chairman of the Foreign Relations Committee nearly a year ago. It’s a high-stakes game that affects not only international security and domestic politics, but also questions about the constitutional role Congress has in foreign policy, and whether diplomacy can happen when one side takes an action that the other side sees as hostile. Time will tell whether Menendez, a Democrat from North Bergen, is viewed as a clear-eyed pragmatist or an ideologue blinded by decades-old distrust. Even if he’s wrong, he won’t face voters again until 2018. Menendez says his current effort is just a continuation of a record of trying to keep pressure on Iran that reaches back to the mid-1990s, when he served in the House, and has always played well with New Jersey voters. Menendez was also the Senate’s top recipient in the 2012 election of contributions from groups that place a priority on support for Israel, which sees Iranian nuclear weapons as an existential threat. Right now, he’s hoping that he can play a “bad cop” role that will help “good cop” John Kerry, the secretary of state and Menendez’s predecessor as foreign relations chairman, succeed at the bargaining table. A Nov. 24 “plan of action” set the framework for talks aimed at getting Iran to agree to never seek or develop nuclear weapons in exchange for the removal of existing sanctions and international recognition of the country’s right to pursue peaceful nuclear energy. The first steps in the plan call for Iran to dilute some of its enriched uranium, stop work at some sites, and submit to enhanced monitoring by the International Atomic Energy Agency. The State Department says new sanctions would weaken the international coalition, which includes China and Russia, working to reach an agreement. And a powerful group of Menendez’s colleagues want to give talks time to work. “New sanctions would play into the hands of those in Iran who are most eager to see the negotiations fail,” the Democratic leaders of 10 Senate committees, including Armed Services Chairman Carl Levin, D-Mich., and Intelligence Chairwoman Dianne Feinstein, D-Calif., said in a letter to Majority Leader Harry Reid, D-Nev. Menendez said he and Illinois Republican Sen. Mark Kirk introduced a new sanctions bill on Dec. 19 that gives Obama up to a year to conclude talks before tightening sanctions on Iranian oil and imposing new ones on construction, mining and engineering. When it was introduced, the bill had 24 co-sponsors, evenly split between the two parties, including Democrat Cory Booker of Newark. The Republican-dominated House passed a sanctions bill in July, but Menendez said he and Kirk deferred to the administration and waited. They’re not willing to wait now because he believes the arguments against the bill are the same ones he heard in December 2011 against a tough sanctions bill that’s widely seen as having driven Iran to negotiate. “I hear the echoes of what I’ve been told in the past,” Menendez said in an interview. “That they’re not necessary. That they’ll break the coalition. And yet, they’re the very sanctions that they now herald as what brought Iran to the table.” Menendez also noted he’s supported other administration efforts this year. When Obama surprised even some of his own aides by seeking congressional approval in September for a military strike in Syria, Menendez sponsored it and won bipartisan approval in his committee within a week. Israel’s supporters in the United States, including groups that are influential with both parties, applauded the new sanction bill. “I’m missing the logic as to why this would not be good. It’s not telling the president he can’t pursue diplomacy. It’s saying what would happen if it fails,” said Ben Chouake, an Englewood doctor and leader of NORPAC, a pro-Israel political action committee that has hosted fundraisers for both Republican and Democratic senators and House members. “If you want talks to work, you have to have a club.” But Hooshang Amirahmadi, a Rutgers University professor who briefly mounted a run for president of Iran as an expatriate last year, said new sanctions would violate the spirit of the November negotiation plan. “When you have not talked to someone for 30 years, you don’t put loaded guns on the table and say, ‘OK, let’s talk,’ ” he said. “Mr. Menendez is saying, ‘Don’t worry, we’re not going to shoot the gun, we’re just going to put the gun on the table.’ He’s basically saying, ‘If you don’t talk, we’re going to shoot.’ What kind of talk is that?” he said. Amirahmadi said tougher sanctions would give the Iranian regime an excuse for not living up to the conditions spelled out in the November plan. “The Iranian government is going to tell the Iranian people, ‘See, we are trying to reach an agreement, but Americans and the Congress don’t want this,’ ” he said. New sanctions may also be an improper use of the Senate’s power, said Daniel Kurtzer, a Princeton University professor and former ambassador to Egypt and Israel. “It’s a constitutional question: Does the president have the right to make foreign policy?” Kurtzer said. “What the Senate seems to be doing — at least Senator Menendez and his colleagues — is binding the hands of the president in foreign affairs.”

### new sanctions bad/yes war

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

**Klass, 12/31**/13 – retired USAF Colonel; Lt. General (USA Ret.) Robert Gard, the chairman of the Center for Arms Control and Non-Proliferation, contributed to this piece (Richard, Huffington Post, “The Road to Wars” <http://www.huffingtonpost.com/richard-klass/the-road-to-wars_b_4524280.html>)

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

#### New sanctions collapse negotiations

**Gharib, 12/18/13** (Ali, The Cable – a Foreign Policy blog, “Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill” <http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti>)

Critics of imposing new sanctions fear that the bill will violate either the spirit or the letter of the Joint Plan of Action signed in Geneva. The interim deal allows some flexibility, mandating that "the U.S. administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions." Administration officials have mounted a so-far successful effort to stall new sanctions in the Senate. (The House overwhelmingly passed new sanctions in the summer.) Previous rumors of a bill in the Senate were said to contain a six-month delay that would prevent the legislation from taking effect while talks continued, but this iteration of the legislation doesn't contain that kind of fail-safe. Asked this month by Time what would happen if a bill, even with a delay, passed Congress, Iran's Foreign Minister Javad Zarif said, "The entire deal is dead."

"The law as written comes close to violating the letter [of the Geneva agreement] since the sanctions go into effect immediately unless the administration immediately waives them," said Colin Kahl, who stepped down in 2011\* as the Pentagon's top Mideast policy official. "There is no question the legislation violates the spirit of the Geneva agreement and it would undoubtedly be seen by the Iranians that way, giving ammunition to hard-liners and other spoilers looking to derail further progress."

Though a fact-sheet circulating with the new bill says it "does not violate the Joint Plan of Action," critics allege it would mark a defeat for the administration and the broader push for a diplomatic solution to the Iran crisis.

"It would kill the talks, invalidate the interim deal to freeze Iran's nuclear program, and pledge U.S. military and economic support for an Israel-led war on Iran," said Jamal Abdi, the policy director for the Washington-based National Iranian American Council, a group that supports diplomatic efforts to head off the Iranian nuclear crisis. "There is no better way to cut Iranian moderates down, empower hardliners who want to kill the talks, and ensure that this standoff ends with war instead of a deal."

The bill would in effect set up a direct confrontation with the White House, which is negotiating a final deal with Tehran that would allow for continued Iranian enrichment capabilities. According to the agreement, the comprehensive deal would "involve a mutually defined enrichment program" with strict curbs. In a forum this month at the Brookings Institution, Obama dismissed the possibility that Tehran would agree to a deal that eliminated Iran's entire nuclear program or its domestic enrichment capabilities.

"If we could create an option in which Iran eliminated every single nut and bolt of their nuclear program, and foreswore the possibility of ever having a nuclear program, and, for that matter, got rid of all its military capabilities, I would take it," Obama said. "That particular option is not available." Asked again about not allowing any Iranian enrichment, Obama quipped, to laughter from the audience, "One can envision an ideal world in which Iran said, 'We'll destroy every element and facility and you name it, it's all gone.' I can envision a world in which Congress passed every one of my bills that I put forward. I mean, there are a lot of things that I can envision that would be wonderful."

Alireza Nader, an Iran analyst at the RAND Corporation, agreed dismantling Iran's entire nuclear program would be "pretty unrealistic." He added such an aim would be moving "backward": "The Geneva agreement basically states that if Iran is more transparent regarding its nuclear program and intentions, then it can be met with sanctions relief. That's the goal: transparency."

Nader said that diplomacy required flexibility from both sides, something the legislation doesn't seem to contain. "When you have these kinds of bills, it shows that there are those in the U.S. who don't want to be flexible," he said.

#### That accelerates Iranian prolif and causes Israeli strikes

**Stephens, 11/14/13** – columnist for the Financial Times (Phillip, Financial Times, “The four big truths that are shaping the Iran talks” <http://www.ft.com/intl/cms/s/0/af170df6-4d1c-11e3-bf32-00144feabdc0.html#axzz2kkvx15JT>

The first of these is that Tehran’s acquisition of a bomb would be more than dangerous for the Middle East and for wider international security. It would most likely set off a nuclear arms race that would see Saudi Arabia, Turkey and Egypt signing up to the nuclear club. The nuclear non-proliferation treaty would be shattered. A future regional conflict could draw Israel into launching a pre-emptive nuclear strike. This is not a region obviously susceptible to cold war disciplines of deterrence.

The second ineluctable reality is that Iran has mastered the nuclear cycle. How far it is from building a bomb remains a subject of debate. Different intelligence agencies give different answers. These depend in part on what the spooks actually know and in part on what their political masters want others to hear. The progress of an Iranian warhead programme is one of the known unknowns that have often wreaked havoc in this part of the world.

Israel points to an imminent threat. European agencies are more relaxed, suggesting Tehran is still two years or so away from a weapon. Western diplomats broadly agree that Ayatollah Ali Khamenei has not taken a definitive decision to step over the line. What Iran has been seeking is what diplomats call a breakout capability – the capacity to dash to a bomb before the international community could effectively mobilise against it.

The third fact – and this one is hard for many to swallow – is that neither a negotiated settlement nor the air strikes long favoured by Benjamin Netanyahu, Israel’s prime minister, can offer the rest of the world a watertight insurance policy.

It should be possible to construct a deal that acts as a plausible restraint – and extends the timeframe for any breakout – but no amount of restrictions or intrusive monitoring can offer a certain guarantee against Tehran’s future intentions.

By the same token, bombing Iran’s nuclear sites could certainly delay the programme, perhaps for a couple of years. But, assuming that even the hawkish Mr Netanyahu is not proposing permanent war against Iran, air strikes would not end it.

You cannot bomb knowledge and technical expertise. To try would be to empower those in Tehran who say the regime will be safe only when, like North Korea, it has a weapon. So when Barack Obama says the US will never allow Iran to get the bomb he is indulging in, albeit understandable, wishful thinking.

The best the international community can hope for is that, in return for a relaxation of sanctions, Iran will make a judgment that it is better off sticking with a threshold capability. To put this another way, if Tehran does step back from the nuclear brink it will be because of its own calculation of the balance of advantage.

The fourth element in this dynamic is that Iran now has a leadership that, faced with the severe and growing pain inflicted by sanctions, is prepared to talk. There is nothing to say that Hassan Rouhani, the president, is any less hard-headed than previous Iranian leaders, but he does seem ready to weigh the options.

Seen from this vantage point – and in spite of the inconclusive outcome – Geneva can be counted a modest success. Iran and the US broke the habit of more than 30 years and sat down to talk to each other. Know your enemy is a first rule of diplomacy – and of intelligence. John Kerry has his detractors but, unlike his predecessor Hillary Clinton, the US secretary of state understands that serious diplomacy demands a willingness to take risks.

The Geneva talks illuminated the shape of an interim agreement. Iran will not surrender the right it asserts to uranium enrichment, but will lower the level of enrichment from 20 per cent to 3 or 4 per cent. It will suspend work on its heavy water reactor in Arak – a potential source of plutonium – negotiate about the disposal of some of its existing stocks of enriched uranium, and accept intrusive international inspections. A debate between the six powers about the strength and credibility of such pledges is inevitable, as is an argument with Tehran about the speed and scope of a run down of sanctions.

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

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

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

## 1nr

### congressional leadersihp

#### No congressional foreign policy consensus means no consistent leadership

**Lindsay, 11/19/13** ­- senior vice president, director of studies and Maurice R. Greenberg Chair at the Council on Foreign Relations (James, “Backseat Driving: The Role of Congress in American Diplomacy”

<http://www.worldpoliticsreview.com/articles/13379/backseat-driving-the-role-of-congress-in-american-diplomacy>)

As with treaties, Congress’ willingness to use its lawmaking authority to impose its diplomatic preferences or block the president’s has waxed and waned over time. It has risen in recent years, driven by the persistence of divided government and an eroding foreign policy consensus. Appropriations bills, particularly those dealing with foreign assistance programs, come freighted with directions that greatly restrict the administration’s discretion in how funds might be used. Congress has similarly passed laws imposing sanctions on rogue states like Cuba and Iran and penalizing Russian officials involved in the death of whistleblower Sergei Magnitsky. Congress’ ability to shape diplomacy through lawmaking is greatest when presidents need its cooperation. If a diplomatic initiative requires appropriations, the passage of enabling legislation or the repeal of laws already on the books, presidents have reason to adjust their policies to accommodate congressional preferences. Congress may also get leverage by holding unrelated legislation hostage. In 2009, for example, Sen. Jim DeMint blocked the nomination of the U.S. ambassador to Brazil until the Obama administration altered its policy toward Honduras. Whether the battle is waged over the issue itself or something else, congressional opponents use to their advantage the fact that legislation must overcome many hurdles before becoming law. In short, if presidents want something from Congress, they may have to give something as well. Congress can also move proactively to impose its diplomatic preferences on the president. On a few hot-button topics, congressional preferences may prevail without any laws being passed. The reluctance of presidents to be too tough on Israel or too soft on Cuba owes in part to fears about how Capitol Hill would react if they did otherwise. When congressional unanimity is absent, however, Congress generally finds it harder to impose its will on presidents because the hurdles to enacting laws now work against it. Even if a bill makes it to the president’s desk, it can be vetoed. Congress last overrode a presidential foreign policy veto in 1985, when it imposed anti-apartheid sanctions on South Africa over Ronald Reagan’s objections.

#### Advance authorization requirements wreck US hegemony. Congress won’t authorize most limited applications of force – prevents the U.S. from using the military to support global strategic stability

**Spiro, 13 –** Charles Weiner Chair in international law at Temple University (Peter, “Syria Insta-Symposium: Obama’s Constitutional Surrender?” <http://opiniojuris.org/2013/08/31/syria-insta-symposium-obamas-constitutional-surrender/>)

In the past, presidents have been able unilaterally to initiate uses of force short of real war so long as Congress doesn’t formally disapprove. Institutional incentives have always pointed away from such disapproval. In fact there are only two partial examples of Congress limiting presidential uses of force in the modern era — Lebanon (Reagan) and Somalia (Clinton) — and that happened only after unilateral presidential actions had headed south. But of course those incentives also point against formally approving these sorts of lesser operations. Kosovo proved both sides of the coin, as measures both to approve and disapprove went down in defeat. Over at Lawfare, Jack Goldsmith congratulates Obama for the move. Future presidents will not be so thankful, and maybe the rest of us shouldn’t be, either. Assuming a limited operation with no American casualties, Obama could have sweated the political heat just like he did during Libya. Through Democrat and Republican administrations presidents have for the most part used the power to initiate lesser uses of force in ways that served the national interest. American power would have been embarrassed by the requirement of congressional approval, which in many cases wouldn’t have been forthcoming. The rest of the world can basically forget about the US going to military bat in these kinds of situations if congressional action is a precondition. This is a huge development with broad implications not just for separation of powers but for the global system generally.

#### Their offense assumes authorization for major engagements – which Presidents will inevitably seek and interbranch comity already exists for

**Spiro, 13 –** Charles Weiner Chair in international law at Temple University (Peter, “Syria Insta-Symposium: Obama’s Constitutional Surrender?” <http://opiniojuris.org/2013/08/31/syria-insta-symposium-obamas-constitutional-surrender/>)

While not unchanging, historical practice relating to war powers has proved remarkably consistent. This practice can be reduced to three basic principles. 1. For major engagements, the President must as a constitutional matter secure congressional authorization in advance. This explains why both George W. Bush and George H.W. Bush sought congressional authorization before initiating military action in Kuwait and Iraq. This was not simply a matter of politics; it was a matter of constitutional necessity. Where the use of U.S. armed forces is likely to implicate a major commitment of resources over an extended period of time with a risk of substantial casualties, our constitutional system demands the prior assent of the legislative branch. 2. For less significant engagements, on the other hand, the President is constitutionally empowered to deploy U.S. forces without congressional authorization. On numerous occasions throughout U.S. history, presidents have undertaken deployments involving the use or potential use of force without congressional approval. From recent decades, we have examples including Kosovo, Bosnia, Haiti, Panama, the so-called Tanker War of the mid-1980s, the 1986 bombing of Tripoli, Lebanon, and Grenada, among others. This practice is consistent and has been engaged in with the knowledge and acquiescence of the legislative branch. It establishes a clear constitutional standard with respect to the division of war power. This standard reflects the imperatives of the use of force against the landscape of foreign relations and the national interest: the need for dispatch and flexibility that conforms to the institutional capacities of the presidency. The practice supports the constitutionality of President Obama’s decision to participate in the Libya operation without advance congressional authorization. Because the operation is limited in nature, scope, and duration, it fits comfortably within the practice relating to the use of force short of “real war.” In my view, the opinion of the Office Legal Counsel of April 1, 2011, on this question is persuasive. This conclusion is confirmed by the lack of any persistent institutional opposition to the initial decision. The distinction between major and lesser engagements also explains why comparisons between the approaches of Presidents Bush and Obama to Iraq and Libya respectively are misplaced. The two episodes are constitutional apples and oranges. Iraq involved a massive commitment of resources, with grave risks to U.S. armed forces. Though hardly trivial, Libya lies towards the other end of the constitutional spectrum. The distinction is material for constitutional purposes. 3. Finally, Congress has the power to terminate or condition particular military engagements through engagement-specific, affirmative legislation. This power is exercised subject to the President’s exclusive authorities as Commander-in-Chief over military decision-making, reasonably conceived. Joint resolutions respecting U.S. deployments in Lebanon and Somalia supply recent historical examples in which Congress imposed temporal limitations on the use of U.S. armed forces. Congress could impose such limitations with respect to the Libya operation. Congress also has the power to issue institutional pronouncements through non-binding pronouncements. These institutional statements are of constitutional consequence. For instance, the formal condemnation by the House of Representatives of President Polk’s initiation of the conflict with Mexico in 1848 evidenced its rejection of the constitutionality of that engagement. As in any area of constitutional law, but especially in the absence of judicial decisions, these categories supply only an outline of the law. The boundaries of these categories are unstable and subject to revision and evolution, especially in the face of changing background conditions. However, there is a remarkable consistency to the practice. This consistency suggests workability. The consistency also suggests an acceptance of the practice as legitimate by all relevant constitutional actors, the Congress and President centered among them.

### no heg impact

#### No impact to withdrawal

Friedman 10—research fellow in defense and homeland security, Cato. PhD candidate in pol sci, MIT (Ben, Military Restraint and Defense Savings, 20 July 2010, http://www.cato.org/testimony/ct-bf-07202010.html, AMiles)

Another argument for high military spending is that U.S. military hegemony underlies global stability. Our forces and alliance commitments dampen conflict between potential rivals like China and Japan, we are told, preventing them from fighting wars that would disrupt trade and cost us more than the military spending that would have prevented war. The theoretical and empirical foundation for this claim is weak. It overestimates both the American military's contribution to international stability and the danger that instability abroad poses to Americans. In Western Europe, U.S. forces now contribute little to peace, at best making the tiny odds of war among states there slightly more so.7 Even in Asia, where there is more tension, the history of international relations suggests that without U.S. military deployments potential rivals, especially those separated by sea like Japan and China, will generally achieve a stable balance of power rather than fight. In other cases, as with our bases in Saudi Arabia between the Iraq wars, U.S. forces probably create more unrestthan they prevent. Our force deployments can also generate instability by prompting states to develop nuclear weapons. Even when wars occur, their economic impact is likely to be limited here.8 By linking markets, globalization provides supply alternatives for the goods we consume, including oil. If political upheaval disrupts supply in one location, suppliers elsewhere will take our orders. Prices may increase, but markets adjust. That makes American consumers less dependent on any particular supply source, undermining the claim that we need to use force to prevent unrest in supplier nations or secure trade routes.9 Part of the confusion about the value of hegemony comes from misunderstanding the Cold War. People tend to assume, falsely, that our activist foreign policy, with troops forward supporting allies, not only caused the Soviet Union's collapse but is obviously a good thing even without such a rival. Forgotten is the sensible notion that alliances are a necessary evil occasionally tolerated to balance a particularly threatening enemy. The main justification for creating our Cold War alliances was the fear that Communist nations could conquer or capture by insurrection the industrial centers in Western Europe and Japan and then harness enough of that wealth to threaten us — either directly or by forcing us to become a garrison state at ruinous cost. We kept troops in South Korea after 1953 for fear that the North would otherwise overrun it. But these alliances outlasted the conditions that caused them. During the Cold War, Japan, Western Europe and South Korea grew wealthy enough to defend themselves. We should let them. These alliances heighten our force requirements and threaten to drag us into wars, while providing no obvious benefit.

#### withdrawal will result in stable regional power balances—their evidence ignores free-riding

**Wilkinson 10**—frmr Cato fellow. MA in philosophy, Northern Illinois U. (Hands off the warfare state!, 4 October 2010, http://www.economist.com/blogs/democracyinamerica/2010/10/military\_spending, AMiles)

But not so fast! According to AEI's Arthur Brooks, Heritage's Ed Feulner, and the Weekly Standard's Bill Kristol, any attempt to shrink the big government of garrisons and guns will "make the world a more dangerous place, and ... impoverish our future." Whose side are you on, tea partiers? Messrs Brooks, Feulner, and Kristol assert that military spending "is neither the true source of our fiscal woes, nor an appropriate target for indiscriminate budget-slashing in a still-dangerous world". They aver that "anyone seeking to restore our fiscal health should look at entitlements first, not across-the-board cuts aimed at our men and women in uniform". This is bogus. Sure, Medicare and Social Security cost more, but spending on war and its infrastructure remains a titanic expense. The path from debt, whether for governments or families, is to cut back across the board. If you're in the red and you spend a ridiculous amount of your income on your porcelain egret collection, the fact that you spend even more on rent and student loan payments is obviously no excuse not to cut back on egret miniatures. And, in fact, America's martial profligacy is a "true source of our fiscal woes". According to Joseph Stiglitz and Linda Bilmes: There is no question that the Iraq war added substantially to the federal debt. This was the first time in American history that the government cut taxes as it went to war. The result: a war completely funded by borrowing. U.S. debt soared from $6.4 trillion in March 2003 to $10 trillion in 2008 (before the financial crisis); at least a quarter of that increase is directly attributable to the war. And that doesn't include future health care and disability payments for veterans, which will add another half-trillion dollars to the debt.As a result of two costly wars funded by debt, our fiscal house was in dismal shape even before the financial crisis—and those fiscal woes compounded the downturn. Perhaps because they see the wrong-headedness of their line of defence, Messrs Brooks, Feulner, and Kristol retreat to the claim that in order to make money, America has to spend money: Furthermore, military spending is not a net drain on our economy. It is unrealistic to imagine a return to long-term prosperity if we face instability around the globe because of a hollowed-out U.S. military lacking the size and strength to defend American interests around the world. Global prosperity requires commerce and trade, and this requires peace. But the peace does not keep itself. Again: completely shabby. The real question at issue here is how much military spending is necessary to keep the trade routes open, and how much of that the United States must kick in. By asserting, rather audaciously, that America's level of military spending is not a "net drain" on the economy, they imply the return on the marginal trillion is positive. I doubt it. The return on the three trillion blown on the war on Iraq, for example, is certainly much, much, much less than zero once the cost of removing financial and human capital from productive uses is taken into account. Also, if prosperity requires peace, it's utterly mysterious how starting expensive wars is supposed to help. When thinking about peace as a global public good, it can help to recall that the United States is not the only country that benefits from it. Suppose the United States were to cut its military budget in half to something like the size of the combined budgets of the next five or six countries. This might not suffice if you're itching to invade Yeman, Iran, and who knows what else Mr Kristol's got his eye on. But if the argument is that the purpose of military spending is to secure a calm climate conducive to global trade, it's hard to believe $350 billion per annum will not suffice. But let's say it doesn't, for the sake of argument. Will nations with an equally strong interest in keeping the peace simply faint on their divans whenever a commerce-threatening war breaks out? Of course not. Even the French are perfectly capable of keeping the sea lanes open. The reality is that much of the world is free-riding off the security provided by American military dominance. Were American taxpayers to refuse to bear so much of the burden of keeping the world safe for Danish container ships, **other countries** **would** surely **step up**. Furthermore, considerations of basic distributive fairness suggest they should.

### cred theory false

#### Internal link is based on cred – that’s wrong

**Fettweis, 10** – assistant professor of political science at Tulane University (Christopher, “The Remnants of Honor: Pathology, Credibility and U.S. Foreign Policy," August, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1657460)

If credibility kept a state safe in a dangerous world, then the occasional war to bolster it would be a small price to pay. There are good reasons to believe that this is not the case. In order for credibility to be a useful, rational motivation for action, two criteria must be met: There must be actors in society with the desire and capability to take advantage of perceived low credibility; and second, there must be good reason to believe that they can be deterred by a reputation for resolve. For the United States in the twenty-first century, neither of these is fulfilled. The current international system does not resemble the kind of dangerous, anarchic world where honor and credibility can deter aggression. A concern for credibility is irrational when there are no major enemies poised to take advantage of irresolution. Furthermore, decades of research cast doubt upon the deterrent ability of honor in the international system, suggesting that its benefits are illusory. Target states rarely learn the lessons we try to teach them. Credibility never kept a country safe; fortunately, in today’s world, the United States is safe with or without it.

### sequester

#### Outweighs their internal link and proves its empirically denied

**Freedberg, 13** (Sydney, “Army Generals Detail Huge Sequestration Impacts On Retention, Morale” Breaking Defense, 2/26, <http://breakingdefense.com/2013/02/army-generals-detail-huge-sequestration-impacts-on-retention-mo/>)

FORT LAUDERDALE: When war comes down to boots on the ground, the Army’s greatest asset is its people. But in fiscal terms people are also its greatest liability. And now some procedural peculiarities of the automatic spending cuts known as sequestration, set to start on Friday, will make personnel costs much harder to handle in ways that could erode readiness, retention, and morale.

Manpower costs dominate the Army budget, dwarfing all other expenses, from training to equipping to running bases, as the official graphic above makes clear. (Click on the image to see it full-size). Army spending on manpower soared 54 percent from 2000 to 2013 — but the number of soldiers is only 4 percent higher. Base pay has risen by over 50 percent, set-asides for retirement pay by over 65 percent, housing allowances are up over 300 percent.

“The soldiers deserve the pay,” said Maj. Gen. Thomas Spoehr, director of program analysis and evaluation on the resource planning section (G-8) of the Army’s Pentagon staff, during his briefing (from which the slide and data cited above is drawn) last week to the Association of the US Army’s annual winter conference in Florida. “But this is why it’d be very difficult to return to a similar-sized Army with the amount of money we had in 2000.”

Skeptics who charge that military leaders are crying wolf over sequestration point out the automatic cuts would only return Pentagon spending to the level it was at (adjusting for inflation) in 2007, a year before the Army’s budget peaked. But Spoehr said that dropping down to 2007 levels so precipitously — the Army would lose 53 percent of its “total obligation authority” overnight, he calculated — would be disruptive, inefficient, and unmanageable for even “the most nimble of organizations,” which the Army notoriously is not. What’s more, he argued, the Army’s cost structure has changed since 2007 in ways which sequestration’s perverse design would make particularly hard to manage.

As written in current law, the sequester is a one-two punch — or rather a one-to-10 punch, since if allowed to take full effect (which is politically unlikely), it would cut federal spending over 10 years using two different mechanisms.

In fiscal year 2013, the sequester is particularly paradoxical. Sequestration would lower 2013 spending by roughly $90 billion, half from defense programs and half from non-defense, by cutting every line item equally — with two huge exceptions. On the civilian side, Social Security and other entitlements would be untouched. On the defense side, military personnel accounts are exempt.

Yet pay and benefits are the military’s most rapidly rising expense, particularly in the Army, the largest and most labor-intensive service. The military personnel account alone eats up 42 percent of the 2013 Army budget request, more than any other category of spending. (That figure is really understated, since key personnel-related expenses, from healthcare to daycare, are actually covered under the “operations and maintenance” account, not “personnel”). The bottom line: In 2013, the federal government as a whole has to cover the sequestration bill without cutting its biggest expense, entitlements, and the Army in particular has to cover its share of that bill without cutting its biggest expense, personnel.

By contrast, for 2014 and every subsequent year of sequestration through 2022 — for which the Army’s already starting to plan — budgeteers can come up with the required savings however they want. Army Chief of Staff Ray Odierno has said bluntly that personnel accounts will pay the price. “For fiscal year ’14 and beyond,” Gen. Odierno told the Senate Armed Services Committee on Feb. 12th, “sequestration will result in the loss of at least an additional 100,000 personnel — soldiers — from the active Army, the Army National Guard and the US Army Reserve.”

The combined result of the two different kinds of cuts? Since the Army can’t touch personnel in fiscal 2013, which is already half over (the federal fiscal year starts October 1st), it must scramble to save money by cancelling maintenance and training. In 2014, however, the axe will fall heavily on manpower. It will fall suddenly, too, because sequestration takes the same bite out of every annual budget for a decade, with no leeway to phase cuts in over time.

The Army was already coming down from a wartime high of 570,000 troops to 490,000, but service leaders fought hard and successfully for a steady, carefully planned decline in personnel through 2017. There was also adequate operations funding in the plan for those troops to stay well-trained. Army leaders accepted a drawdown, but they were desperate not to repeat either the precipitous, demoralizing reductions in force of the 1990s — which cost the service many promising young officers — or the training and discipline shortfalls of the “hollow Army” in the 1970s — a formative trauma for today’s top generals.

“I began my career in a hollow Army; I am determined not to end my career in a hollow Army,” Odierno told the Senate.

But that would be far from easy even without sequestration. “As we look at history, it has been very difficult to avoid hollowing out the force” in the first few years of a drawdown, Spoehr said. As budgets shrink, the Army can cut back on training and maintenance almost immediately but takes longer to get rid of people. Fewer training and maintenance dollars for the same size force means less training time and less functioning gear per soldier: a hollow force. The current crisis just aggravates that mismatch by forcing the Army to stay the same size and take almost all the cuts from maintenance and training, with ugly implications for on both readiness and morale.

### authorization debates bad

#### Authorization debates make new crises inevitable, shatters deterrence and makes conflict likely

**Turner, 5** – professor of law at the University of Virginia (Robert, “The War Powers Resolution: An Unnecessary, Unconstitutional Source of "Friendly Fire" in the War Against International Terrorism?”

<http://www.fed-soc.org/publications/detail/the-war-powers-resolution-an-unnecessary-unconstitutional-source-of-friendly-fire-in-the-war-against-international-terrorism>)

Sadly, the idea that the War Powers Resolution might endanger American lives in the struggle against terrorism is more than just a hypothetical. Indeed, more Americans were murdered by terrorists as a direct result of the War Powers Resolution than were killed in all of our military operations since the end of the Vietnam War. The War Powers Resolution was a primary factor in the decision by Middle Eastern terrorists to blow up the Battalion Landing Team Headquarters at the Beirut International Airport on October 23, 1984, killing 241 sleeping marines, sailors, and soldiers.

When President Reagan sent the Marines to Lebanon as part of an international peacekeeping force alongside British, French, and Italian forces, the decision was not even arguably an infringement upon the power of Congress "to declare War." We were not going to "War," we were sending a contingent of U.S. forces at the request of all of the warring factions in Lebanon to stand between them so they could meet in confidence and try to negotiate a peaceful end to their conflict. Every country in the region originally endorsed the deployment, and no one in Congress spoke against it on the merits.

But several noted there were risks involved-risks the President openly acknowledged-and soon the demands started coming in for a report under Section 4(a)(1) of the War Powers Resolution, the provision governing the sending of U.S. Armed Forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

To begin with, to send such a report to Congress might well have undermined the mission in Beirut. There were numerous, highly paranoid factions engaged in the Lebanese quarrels who had consented to the American presence on the theory that it was going to be a peacekeeping mission. Had the President notified Congress that he was taking the nation to "War," militia leaders who had been assured the Americans were coming in peace might well have concluded that they were going to be the object of the American hostilities. Why else would President Reagan or his representatives have lied to them about the nature of the mission?

As it turned out, the congressional critics were wrong about "imminent involvement in hostilities," as nearly a year passed before any of the marines came under hostile fire. During that year, the situation in Beirut became more dangerous because the debate in Congress took a highly partisan turn. Democrats like Senator Alan Cranston of California and former Majority Leader Robert Byrd announced that they would not authorize the President to continue the deployment unless he first told Congress, as Cranston put it, "exactly how and when we propose to extricate them." [59]

One of the points on which there was no apparent discord at the Federal Convention in Philadelphia was that Congress had no role in the actual conduct of military operations. They were given only a "veto" over certain kinds of commitments, leaving to the President such decisions as where to deploy troops, when to attack or redeploy troops, and when to bring them home. As Locke explained, such decisions are heavily dependent upon the behavior of external actors, and it would have been foolish for the President to declare in advance that U.S. forces would be withdrawn on a given date irrespective of those realities. Imagine the reaction of Franklin D. Roosevelt had Congress demanded a withdrawal deadline before it would consider authorizing the President to defend the United States following Pearl Harbor? Once they knew the artificial date on which the United States would withdraw, opponents of a peace settlement in Beirut would be able to orchestrate their strategy for maximum advantage.

For much of the press and many Americans, the issue no longer became whether the United States should assist the parties in an important Middle Eastern country to resolve differences and achieve peace, but whether the President was "above the law." Legislation to authorize the President to continue the deployment led to more partisan debate, and the Washington Post noted that the active involvement of Senate Democratic Campaign Chairman Lloyd Bentsen in the debate suggested that "the Democrats are doing push-ups" for the 1984 elections [60]. Marine Corps Commandant P.X. Kelley became so concerned about the partisan debate that he testified before the Senate Foreign Relations Committee that the partisan debate could "encourage hostile forces or forces inimical to the best interest, the life and limb of the Marines." General Kelley warned that "hostile forces would use this as an opportunity to up the ante against our Marines." [61]

A few days later, when an unidentified White House staff member repeated General Kelley's concern, the Washington Post reported that Senate Democrats were outraged:

"To suggest . . . that congressional insistence that the law be lived up to is somehow giving aid and comfort to the enemy is totally unacceptable," said Sen. Thomas F. Eagleton (D-Mo.). . . . "The Administration has thrown out a red herring," Eagleton said, with "an attempt to intimidate the Congress and frighten the American people with this kind of ludicrous argument."

This partisan nature of the debate became even more apparent when the Foreign Relations Committee split completely upon party lines on the deployment, and the minority report was entitled "Minority Views of All Democratic Members of the Committee." In the end, with several references to avoiding future "Vietnams," the Senate voted 54-46 to allow the Marines to remain, with but two Senate Democrats supporting the President. But even then, the issue was not over, as Republicans and Democrats alike emphasized that Congress could reconsider the issue at any time if there were further casualties among the Marines.

All of this partisan bickering was not lost on radical states in the Middle East, and the Syrian Foreign Minister announced that the United States was "short of breath." [62] The message had also not escaped radical Muslim militia members in Beirut, and in October U.S. intelligence intercepted a message between two terrorist units saying: "If we kill 15 Marines, the rest will leave." Inadvertently, by its partisan debate and repeated pronouncements that further Marine casualties could provoke another debate and a withdrawal of funds for the deployment (such legislation had already been reported out of a key House subcommittee), in their partisan effort to invoke the War Powers Resolution, Congress had essentially placed a bounty on the lives of American forces.

The rest is history. Early on the morning of Sunday, October 23, 1983, a Mercedes truck loaded with highly-sophisticated explosives drove into the Marine Corps compound at the Beirut International Airport and exploded. America's terrorist enemies had capitalized on the congressional signals of weakness by murdering 241 sleeping marines, sailors, and soldiers-more Marines than had been lost on any single day since the height of the Vietnam War in 1968 and more American military personnel than had been killed in the Gulf War, Grenada, Haiti, Somalia, the Former Yugoslavia, and all other military operations since Vietnam until the September 11, 2001 attack on the Pentagon.

Just as Congress had passed the War Powers Resolution in 1973 to misdirect the American people into believing that it bore no responsibility for the tragic defeat in Indochina-when, in reality, by cutting off funds it had snatched defeat from the jaws of victory-after the Beirut bombing Congress demanded that Commandant Kelley bring them the head of a Marine they could blame the latest catastrophe upon. General Kelley, an officer of legendary ability, principle, and courage, who was widely expected to soon be named the first Marine to chair the Joint Chiefs of Staff, refused to sacrifice his subordinates to appease Congress or the press. In taking a principled stand, he understood that he would never become Chairman.

Congress deserves the appreciation of all Americans for its bipartisan unity immediately following the September 11 terrorist attacks. But the multiple references to the War Powers Resolution in the statutory authorization approved three days later suggests either that things really have not changed or that the tragedy of October 23, 1983 had been forgotten.

The thousands of people murdered in the World Trade Center and the Pentagon on September 11, 2001, would not have died had the terrorists been deterred. Deterrence is a function of perceptions of strength and will. Nothing in the past three decades has done more to undermine perceptions of U.S. will than the behavior of Congress, outlawing efforts to prevent international aggression in places like Angola and Central America and threatening to do so if there were casualties time and again in crisis spots around the globe. Both Democrats and Republicans have ignored the fundamental principle that partisan politics should stop at the water's edge. And nothing has facilitated this process than the War Powers Resolution.

The statute has already played a critical role in the killing of hundreds of American servicemen. It continues to tell terrorists and others who wish us ill that the American President has no constitutional authority to rescue American citizens on the high seas or in foreign lands. And these costs are not in the slightest way offset by any positive benefit of the statute. It was, from the start, a fraud designed to mislead American voters into believing that Congress had no responsibility for "Vietnam." Had it been on the statute books a decade earlier, it would not have in the slightest way prevented what happened in Vietnam. It is flagrantly unconstitutional on numerous grounds, and this has been acknowledged by senior leaders of both political parties. During times of crisis, it shifts the debate from the wisdom of military action on its merits to a dispute over procedure and unreasonable demands that the President announce artificial withdrawal dates and other constraints likely to undermine operational success.

### r2p

#### They have it backwards—UN hurdle means cooperation is already secured if we use it

Albright and Williamson 2013

Madeleine – Former Secretary of State, and Richard – Senior fellow for multilateral institutions at the Chicago Council on Global Affairs, The United States and R2P: From Words to Action, http://www.ushmm.org/genocide/pdf/The-United-States-and-R2P.pdf

At the 2005 UN World Summit, governments unanimously embraced R2P in its present form. In so doing, they endorsed the principle that every state has a responsibility to protect civilians against mass atrocities and pledged their preparedness, when necessary, to take collective action through the Security Council in accordance with the UN Charter. R2P does not envision a case in which states could legitimately intervene in another country without Security Council authorization. Th us, while reinforcing the premise that states—individually and collectively— have a duty to protect people from mass atrocities, the R2P declaration did not establish a new basis for international decision-making. Th is restraint was reassuring to those who worried that R2P might be used as an unwarranted license to intervene and frustrating to those concerned that a stalemate within the Security Council could block eff ective action.

## 2nr

### comprehensive u

#### The deal ensures sanctions relief but Menendez bill is distinct because it’s overly ambitious

**Gharib, 12/18/13** (Ali, The Cable – a Foreign Policy blog, “Exclusive: Top Senate Democrats Break with White House and Circulate New Iran Sanctions Bill” <http://thecable.foreignpolicy.com/posts/2013/12/18/exclusive_top_senate_democrats_break_with_white_house_and_circulate_new_iran_sancti>)

Alireza Nader, an Iran analyst at the RAND Corporation, agreed dismantling Iran's entire nuclear program would be "pretty unrealistic." He added such an aim would be moving "backward": "The Geneva agreement basically states that if Iran is more transparent regarding its nuclear program and intentions, then it can be met with sanctions relief. That's the goal: transparency."

Nader said that diplomacy required flexibility from both sides, something the legislation doesn't seem to contain. "When you have these kinds of bills, it shows that there are those in the U.S. who don't want to be flexible," he said.

### centrifuges

#### Iran installed centrifuges but didn’t make them operational because of Geneva – and Geneva hasn’t formally started yet

**Payvand News, 1/2/14** (“Iran has not brought new centrifuges into operation: Salehi” http://www.payvand.com/news/14/jan/1010.html)

Iran has installed a number of new centrifuges for enriching uranium but **has not brought them into operation** because of the Geneva nuclear deal, Iran's nuclear chief said on Saturday.

"We have installed 1000 new-generation centrifuge machines (IR-2m) but have not injected uranium hexafluoride (UF6) gas into them given the nuclear negotiations and the Geneva deal," Atomic Energy Organization of Iran Director Ali Akbar Salehi said in a televised interview, referring to an interim nuclear deal reached between Iran and world powers in Geneva in November.

The deal, which has not come into effect yet, calls for Tehran to limit its nuclear program in return for a limited easing of sanctions against the country.

"Under the Geneva agreement, we are supposed to not install any new centrifuges over a period of six months," Salehi added.

#### Implementation will address centrifuges and Iran has already ceased operation

**Meir, 12/22/13 -** Shemuel Meir is a former IDF analyst in the Strategic Planning Department and associate researcher at the Jaffee Center for Strategic Studies at Tel Aviv University (“An important year for Iran nuclear talks: What Israel got wrong” <http://972mag.com/the-nuclear-deal-with-iran-what-really-happened-in-geneva/84149/>

The Geneva Agreement completely removes the quick-and-dangerous route to 20-percent uranium enrichment in the underground fortified facility in Fordo (“the immunity area” in Ehud Barak’s preventive strike scenario) and enshrines the “zero enrichment” to 20 percent in the permanent agreement. This constitutes not only a “freezing” but also a rolling back of a central element with military potential. All the existing stock of 20-percent enriched uranium will undergo a process of conversion into nuclear fuel which does not enable further enrichment. Already in the first agreement, Iran has undertaken not to operate three-quarters of its 2,700 centrifuges in Fordo. At the Saban Forum earlier this month President Obama hinted that it was possible that Fordo would not be allowed to remain as a centrifuge site. This means that the U.S. is striving to physically remove the centrifuges and to transform the site to other permitted and monitored activities.

Regarding the main centrifuge site in Natanz (where uranium enrichments is up to 3.5 percent), it was agreed that at this stage Iran will be permitted to operate only half of the centrifuges at the site – (8,700 out of 18,000) and that there would be no deviation from the stock of uranium as it stands to date, i.e. 7,150 kilograms. From the paragraph in the agreement that speaks of “practical limits” regarding uranium enrichment in a future permanent agreement, we can conclude that the number of centrifuges will be decreased. The important point regarding Natanz – the 1,000 “second generation” fast centrifuges will not be connected and will not operate. These advanced fast centrifuges were a crucial element in the scenarios of “a quick breakout capability in 6 weeks” developed by think tanks and the Prime Minister’s Office.

### hibbs/verification

Mark hibbs 1/6/14 (Berlin-based senior associate at the Nuclear Policy Program of the Carnegie Endowment for International Peace, middle east voices, “INSIGHT: A Year of Too-great Expectations for Iran” http://middleeastvoices.voanews.com/2014/01/insight-a-year-of-too-great-expectations-for-iran-80581/)

The clock is ticking U.S. Secretary of State John Kerry knew what he was talking about when he announced in Geneva that the initial step of the Iran nuclear deal had been agreed to and warned that “now the really hard part begins.” The Joint Plan of Action says that Iran and the powers “aim to conclude” the final agreement in “no more than one year.” But the issues that remain to be resolved and the amount of work that needs to be done could delay agreement on the final step for many months. The main problem is not that Iran will refuse to implement what it agreed to in the initial deal. It will almost certainly stop producing and installing more uranium-enrichment centrifuges, limit that enrichment to no more than 5 percent U-235 (enriching to higher levels would bring Iran closer to weapons-grade material), and convert its enriched uranium gas inventory to less-threatening oxide. It is also likely to halt essential work on the Arak heavy-water reactor project, where Iran is developing the capability to produce plutonium, which can be used for making nuclear weapons. Tehran has every incentive to comply with these measures. Were it to cheat, Iran’s adversaries, convinced that Iran cannot be trusted, would be vindicated and would gain leverage to add sanctions or use force. Iran knows this. Instead, the potential showstoppers looming before the parties concern matters that the negotiation of the final step itself must resolve. Crucially, the Joint Plan of Action left open how Iran, the powers, and the IAEA would resolve two critical matters: unanswered questions about sensitive and potentially embarrassing past and possibly recent Iranian nuclear activities, and unfulfilled demands by the U.N. Security Council that Iran suspend its uranium-enrichment program. Since 2006, Tehran has refused to comply with the Security Council’s suspension orders, and since 2008, it has refused to address allegations leveled by the IAEA that point to nuclear weapons research and development by Iran. The Joint Plan of Action is deliberately vague about how to handle these issues, not because Western diplomats were naive but in part because the powers intended the initial deal to build confidence. That means that groundbreaking and deal-making were paramount, inviting bold statements, not nitty-gritty outlines. Also leading to this outcome is the fact that when the United States revved up the negotiation this fall in direct bilateral talks with Iran, what was originally a four-step road map became a two-step process featuring an initial step and a final step, with the fine print of steps two and three in the original scheme left to be worked out. If the parties do not work out the two major challenges they face, the negotiation may fail. If differences result in a stalemate, Iran’s hardliners could gain the upper hand, continue pursuing unfettered nuclear development, and eventually terminate the initial accord. Alternatively, U.S. lawmakers could respond to a lack of progress by adding to Iran’s sanctions burden, which would likewise doom the negotiation. There is much at stake. Answering questions about nuclear activities During the negotiation of the final step, the IAEA could be the elephant in the room. The IAEA is not a party to the initial step, but it remains closely involved with Iran’s nuclear program. Since 2006, the IAEA Board of Governors and the U.N. Security Council have urged the agency to resolve outstanding allegations that Iran has worked on developing nuclear weapons, an issue referred to in IAEA reports as the “possible military dimension” (PMD) of Iran’s nuclear program. Formally and legally, the IAEA track and the six powers’ political track are separate. The powers are supposed to negotiate with Iran a political solution to the crisis. The IAEA, on the basis of its verification mandate, independently seeks answers about whether Iran is in compliance with its bilateral agreement on nuclear safeguards. The forthcoming negotiation over the final step will have to reconcile these two imperatives. Since 2008, Iran has balked at answering the IAEA’s questions about PMD. On November 11, Iran and the IAEA issued a Joint Statement on a Framework for Cooperation in an effort to overcome this impasse. The statement says that both sides will “strengthen cooperation and dialogue aimed at ensuring the exclusively peaceful nature of Iran’s nuclear program through the resolution of all outstanding issues” but neither it nor the November 24 Joint Plan of Action spells out when or to what extent Iran must comply with the IAEA’s request for information concerning activities related to nuclear weapons development. It is possible that Iran may strictly implement the suspension terms in the Joint Plan of Action but not cooperate to the extent the IAEA deems necessary on PMD. In that case, if the powers conclude that lack of cooperation between the IAEA and Iran stands in the way of a final agreement, they might pressure the IAEA to relent on its requirements in the interest of making a deal. Tensions between the IAEA and the Western powers might then arise since until this point all have agreed that the IAEA should remain steadfast in seeking Iran’s answers to its questions, including about activities not directly involved in the production or processing of nuclear materials. Moreover, the logic of the negotiation between Iran and the powers implies that the IAEA must have a robust verification mandate, permitting it to eventually conclude, perhaps in a few years, that Iran’s nuclear program is transparent and without clandestine activities. The Joint Plan of Action says what the endgame is: “The Iranian nuclear program will be treated in the same manner as that of any non-nuclear weapon state party to the NPT [Nuclear Non-Proliferation Treaty].” But to get there, the IAEA has to express its confidence. And to obtain that, the PMD issue requires closure. One possible contribution to resolving this impasse would be for the powers to negotiate an agreement with a verification component committing Iran not to do specific things related to the development of nuclear explosives and delivery systems. A forward-looking commitment like this could maintain diplomatic momentum while building Iranian confidence that the answers Tehran provides regarding past activities will not be used to punish it. But if expediency prompts negotiators to ignore important unresolved issues about Iran’s capabilities,

the IAEA’s credibility will be damaged, and a final agreement with Iran may not survive attacks from critics claiming thereafter the deal has dangerous loopholes. Moreover, the stated goal of the IAEA-Iran Framework for Cooperation is to “ensur[e] the exclusively peaceful nature of Iran’s nuclear program.” It is difficult to see how this could be done unless Iran tells the truth about its most sensitive nuclear history.

#### Verification solves

**Meir, 12/22/13 -** Shemuel Meir is a former IDF analyst in the Strategic Planning Department and associate researcher at the Jaffee Center for Strategic Studies at Tel Aviv University (“An important year for Iran nuclear talks: What Israel got wrong” <http://972mag.com/the-nuclear-deal-with-iran-what-really-happened-in-geneva/84149/>)

In his answer to General Yadlin, President Obama explained that theoretically, Iran could have “the breakout capability.” But in practical terms, the strict limitations on its low-level enrichment program and the intrusive IAEA monitoring provide a good guarantee that Iran would not have a “breakout capability.” According to the agreement, Iran will be placed under a “unique and unprecedented” verification and monitoring mechanism. Already in the first stage, IAEA monitors will be given access on a daily basis to the centrifuge sites, to the facilities for the production and storage of centrifuges (that until today were “off limits” to the IAEA). In this way, Iran undertakes already in the first stage some elements of the “Additional Protocol” (based on the lessons learned from Saddam Hussein’s clandestine program) which permits intrusive snap inspections at short notice, including at undeclared suspected sites which will prevent the possibility of secret stockpiling of fissile material for a bomb going unperceived by the inspectors. This will prevent the possibility of a clandestine route to nuclear weapons. It is worth remembering that to date, Iran is the most monitored country in the world – inspectors are permanently and continually in place in Iran, video cameras broadcast directly to the IAEA headquarters in Vienna. The US intelligence effort through satellites recall operations over Soviet territory during the Cold War. The satellite coverage is more than photography and includes the collection and interpretation of activities on the basis of samples of material released into the atmosphere. In addition, there is the NSA tracking of signals. In the nuclear context, tight monitoring is the best confidence-building measure. The second point explicitly emphasized by President Obama in his speech at the Saban Forum was that the North Korean model was not applicable to Iran and that there is no room for comparison between the two cases. President Obama emphasized the fact (based on intelligence material) that when the U.S. entered into negotiations with North Korea – the latter already had fissile material for nuclear weapons. North Korea had never been a full member of the NPT. It entered the treaty in an irregular and late manner, withdrew in 2003 and carried out its first nuclear explosion in 2006. The huge difference between Iran and North Korea can be found on the declarative level: North Korea according to its constitution is “a state armed with nuclear weapons” while Iran is an NPT country which, in the Geneva Agreement, has reaffirmed that it will not develop nuclear weapons. President Obama thus put an end to the North Korea spin. At Saban Forum, President Obama tried to signal (with admirable tact) to Israeli leaders that the prevalent concept according to which “there is nothing new in Iran” should be reexamined. That the importance of the political change in Iran should not be underestimated. President Rouhani’s sweeping electoral victory reflects a change of direction in Iran. An understanding of the global reality of the NPT regime (no to nuclear weapons, yes to civil nuclear programs) and the reality of the new Iran – these explain what happened in Geneva. The explanation is not to be found in an imagined US. naiveté. President Shimon Peres, who recently said in public that Iran is not an enemy state, seems to share President Obama’s assessment.

### Waxman

#### Waxman isn’t aff ev – he thinks existing constraints solve and is undecided about formal legal constraint

**Waxman, 9/3/13** – professor of law at Columbia Law School (Matthew, “Constitutional Power to Threaten War: Three Points on Syria” Lawfare blog, http://www.lawfareblog.com/2013/09/constitutional-power-to-threaten-war-three-points-on-syria/)

First, a point about constraints on the President: Whatever one thinks about the President’s constitutional authority to make good on his threat against Syria with military force, I’ve not heard anyone question his authority to have unilaterally issued the threat to begin with – that is, his authority to draw a red line on chemical weapon use and imply that the United States would respond forcefully. Most would agree, though, the President has been politically constrained in what he’s communicated through words and actions to the Syrian government, U.S. allies, and others. Some of that political constraint has probably come from Congress all along, and even if Congress were unlikely to wield formal legislative power to terminate or cut-off funds from a Syria operation that the President might launch on his own, Congress’s influence derives in part from its institutional position to make things difficult for the President, and even from influential members’ ability to speak out publicly in ways that might undermine the credibility of presidential threats. Law helps constitute the processes of political struggles in any area of public policy, but what is special here in the context of deterrent strategy is the added importance of foreign audiences – including adversaries and allies, alike – observing and reacting to those politics, too. Second, while Congress’s political and legal powers have operated to constrain presidential threats, the President – by declaring the threat and taking actions to double down on it – has boxed Congress in to some degree. This is not Polk moving troops into territory with Mexico, and Congress may still buck him, especially because some members worry that the President’s proposed actions don’t go far enough to effective. But the President has unilaterally put U.S. credibility on the line with his many statements (pursuant to foreign relations powers) and movement of U.S. naval forces (pursuant to commander in chief powers), such that he can now argue to Congress that failure to approve action will undermine U.S. security not just in Syria but with respect to Iran and other possible foes. There’s a legal corollary to that point, too. Legal analysis of presidential authority to use force is sometimes thought to turn partly on the U.S. security interests at stake (e.g. OLC concluded with regard to launching the 2011 Libya operations that the President had such legal authority “because he could reasonably determine that such use of force was in the national interest”). Such arguments often treat those interests as purely contextual and exogenous to U.S. decision-making and grand strategy. The interests at stake in crises like these, however, are altered dramatically if the President threatens force: doing so puts the credibility of U.S. threats at stake, which is important not only with respect to resolving the crisis at hand but with respect to other potential adversaries watching U.S. actions. That is, the President’s power to threaten force means that he may unilaterally alter the costs and benefits of actually using force through his prior actions as a crisis unfolds. My third point is a question I wrestle with in the paper, which is what does all this analysis of threats of war mean normatively for allocating powers of war and peace among the political branches. Most functional arguments about war powers focus on fighting wars or hostile engagements, with congressionalists who favor tight legal constraints on the President’s unilateral powers to use force arguing that such limits are needed to prevent costly and unnecessary wars. Drawing on arguments that date back to the Founding, they posit that the more flexibly the President can use military force, the more likely it is that the United States will find itself in wars; better, therefore, to clog decisions to make war with deliberative processes and substantive checks in Congress. Those arguments about congressional checks may make sense if our approach to war-avoidance is slowly and carefully calculating the costs of entering ongoing conflicts or meeting an adversary’s hostile moves with military force. But what if our strategy is premised on deterring the adversary from making those hostile moves in the first place? The President has made very clear that he doesn’t want to intervene in Syria but feels he must act in ways now that deter future uses of WMD that threaten U.S. and allied interests. Which is better for communicating that threat credibly – a legally agile president or a legally constrained one? How does the process of seeking legislative authorization affect how signals are understood by adversaries as well as allies and partners? On the one hand, one might intuitively expect that robust democratic checks would generally be ill-suited for coercive threats and negotiations – that institutional centralization and secrecy of decision-making might better equip non-democracies to wield threats of force. Sometimes threats are more powerful if the leader issuing them seems irrational or creates the possibility for inadvertent escalation (which seem like the opposite of the careful, open deliberation associated with congressionalist logic). On the other hand, some political scientists have recently called into question this view and concluded that the institutionalization of political contestation and some diffusion of decision-making power in democracies, especially to legislative bodies, make threats to use force rare but especially credible and effective in resolving international crises without actual resort to armed conflict. This is a tough question, and I don’t yet answer it definitively in my paper. I’m hoping, though, that the Syria case provides a useful case study for thinking about this.