# r5 neg v. harvard dt

## 1nc

### 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.

#### Voting issue – they explode the topic, including weapons systems turns this topic into an arms control topic – nuclear weapons, space weaponization, or the CWC and BWC could all be their own topics. Their interpretation makes being negative impossible

### 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 counterplan

#### COUNTERPLAN: The Executive Branch of the United States should issue a binding executive order prohibiting the first use of nuclear forces without congressional approval.

#### Executive directives solve everything – seriously, they determine strategic posture that STRATCOM follows – NPR proves

Rebeccah Heinrichs and Baker Spring 11-30-2012; Rebeccah Heinrichs is a Visiting Fellow and Baker Spring is F. M. Kirby Research Fellow in National Security Policy in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation. “Deterrence and Nuclear Targeting in the 21st Century”

<http://www.heritage.org/research/reports/2012/11/deterrence-and-nuclear-targeting-in-the-21st-century>

Principles for Contemporary Targeting Policy Nuclear targeting policy is ultimately established through presidential guidance, which typically takes the form of a directive. Meeting the demands of this guidance, more than anything else, determines the overall size and structure of the U.S. nuclear force. According to a recent report from the Government Accountability Office (GAO), the current guidance was issued in 2002, although new presidential guidance may be issued as soon as later this year.[24 ] Following the application of more detailed guidance from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, Strategic Command produces the Nuclear Forces Employment Plan. Given the overall structure of this process, presidential guidance has the potential to do enormous damage to U.S. national security if it is conceptually flawed.

### 1nc counterplan

#### Text: The United States Federal Government should declare that it will not use nuclear weapons first against members in good standing of the Nuclear Non-Proliferation Treaty and commit to legally binding this agreement in the 2015 Review Conference.

#### Including states outside the NPT collapses the incentive for cooperation – destroys the NPT regime and turns prolif

Jean du Preez, 2006; Director of the International Organizations and Nonproliferation Program at the Monterey Institute’s Centre for Nonproliferation Studies, and a member of the International Fissile Material Panel and the Middle Powers Initiative’s International Steering Committee, “The Demise of Nuclear Negative Security Assurances” <http://cns.miis.edu/programs/ionp/pdfs/visions_of_fission.pdf>

Regardless of how legally NSAs are to be formulated, it is important to recognize that such assurances offered within the context of the NPT, as opposed to another forum, would provide a significant benefit to NPT parties and would serve as an incentive to those who remained outside the treaty, or those who may consider leaving the regime. As such, security assurances should be granted **only** to states that have forgone the nuclear weapons option and not to those who are still keeping their options open. They should therefore not be applicable to non-NPT parties who are aspiring to acquire or develop nuclear weapons in contravention of the treaty. Security assurances granted to NNWS inside the treaty will emphasize the basic principle that security is guaranteed by the nuclear nonproliferation regime and not by nuclear weapons. This would strengthen the regime and confirm the validity of the NPT and its indefinite extension. **Legally binding** security assurances linked to the NPT would build confidence among NPT state parties, addressing concerns over possible scenarios in which some NWS may consider using nuclear weapons. It would also provide incentives to states outside the NPT. The types and application of such assurances will also need to be taken into account. While all NNWS to the NPT should be potential beneficiaries of negative security assurances, such assurances would **only be applied to NPT states** that are in full compliance with their treaty obligations and could in certain circumstances be qualified. Moreover, consideration could be given to extending negative security assurances only to those states that are in good standing with all their nonproliferation and disarmament obligations—that is, with no intentions to pursue any type of WMD or related delivery system. Ironically, the North Korean crisis has provided new fodder for the debate over negative security assurances. All signs indicate that the Bush administration, as it seeks a solution of the Korean crisis, has offered the North Korea NSAs in exchange for that state’s de-nuclearization. A similar offering may in fact also be considered with regards to Iran. Offering a nuclear nonaggression pact as a reward to a state that has been in noncompliance all along could cause serious political problems and further jeopardize the long-aspired goal of non-nuclear weapon states that are in good standing. Many NNWS will almost certainly object that security assurances rightfully belong to those who have given up the nuclear weapon option—as opposed to those who are still keeping their options open. Many states have already pointed out that by giving NSAs to a state that currently possesses nuclear weapons, the United States would signal to would-be proliferators that the way to extract assurances against the threat or use of nuclear weapons is to threaten to use or develop nuclear weapons of their own.

#### NFU toward North Korea will break down deterrence and crush the Japan alliance – regardless of whether Japan calls for the policy

Cossa & Glosserman**,** 11-10-2009 – president and executive director of the Pacific Forum CSIS (11/10/09, Ralph A. Cossa and Brad Glosserman, The Korea Times, “Future of Japan-US Alliance (2),” http://www.koreatimes.co.kr/www/news/opinon/2009/11/137\_55221.html, JMP)

Then there is the ``no first use" issue. Japanese Prime Minister Hatoyama, in praising President Obama's global disarmament initiative, went further by unilaterally suggesting that Washington also forswear the use of nuclear weapons except in response to a nuclear attack from elsewhere. On the face of it, this ``moral highroad" stance would likely enjoy the support of the majority of Japanese (and perhaps even American) citizens. But let's phrase it another way: ``Should the U.S. assure North Korea that, in the event of a chemical or biological attack against its Japanese ally, it would not respond using ``all available means"? **Leaving a potential enemy wondering** about the level of response to an act of hostility is aimed at making him think more than twice about starting trouble in the first place. Please note that refusing to adopt a ``no first use" policy does not mean that the U.S. has a ``first use" policy or intends to use nuclear weapons preemptively or in response to chemical or biological attacks by North Korea or anyone else. But, **for deterrence reasons**, it leaves open that possibility. Would Japanese (or American) citizens feel more or less secure if the U.S. limited its options in advance? (Arguing for a ``no first use of weapons of mass destruction" policy might make sense, however, but this is another issue and one that should be discussed privately between allies before public pronouncements are made). Secretary Gates, in discussing the ``secret pact" issue with Defense Minister Kitazawa Toshimi, warned that ``We hope that care is taken not to have a negative impact on nuclear deterrence and the bilateral relationship." The same applies to ``no first use." Gates' mention of the extended deterrent provides context for this entire discussion. Extended deterrence is the cornerstone of the U.S-Japan security treaty, which is in turn the foundation of the two countries' security strategies. It is remarkable to us that the new government in Tokyo would risk threatening that core of the alliance at the very time when conversations in Tokyo reveal growing concern about the credibility of the U.S. commitment to Japan's defense. Several Japanese interlocutors have even suggested that Japan consider revising the three principles by dropping the one forbidding the introduction of nuclear weapons as a cure for the lack of confidence and to add an extra level of deterrence in the face of North Korea's demonstrated nuclear weapons and ballistic missile capabilities. We are not suggesting that Japan needs to change its three principles ― that is a decision for the Japanese alone to make ― but the DPJ's demand for transparency has the potential to poison alliance discussions and raise even more doubts about the glue that binds the two alliance partners. Before the Hatoyama government paints itself into a corner, it needs to think through where it plans to go with its ``secret pact" investigation and its support for a ``no first use" policy and make clear to the Japanese people ― and its U.S. allies ― what the desired end result will be. Is Tokyo really prepared to open this potential Pandora's box? Or is the new government in Tokyo playing a high-stakes game of chicken, assuming the U.S. will ``blink" and continue to defend Japan despite clear indications that U.S. security requires it to maintain opacity when it comes to transporting or using its nuclear weapons? Neither move makes sense to us. Please note that we are not accusing the Hatoyama government of deliberately trying to undermine or diminish the alliance relationship. The prime minister has made it clear that he sees the Japan-U.S. alliance as ``the cornerstone of Japan's foreign policy" and that he wants to ``deepen the alliance in a multilayered way from medium- and long-term perspectives." While he has received a lot of criticism over his support for East Asia community building efforts that do not necessarily involve the U.S., he has also made it clear that ``priority must be given to the Japan-U.S. alliance."

#### Deterrence failure against North Korea triggers nuclear war – and conventional deterrence doesn’t solve

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**North Korea’s recent belligerence reminds us that the threat** **of** big war, including **nuclear war**, **is not a thing of the past**. After 20 years spent focused on humanitarian interventions, counterterrorism and counterinsurgency, we face a likely future of dealing with at least one nation, and ultimately probably more, armed with nuclear weapons and long-range ballistic missiles and an evident willingness to strike at us and our allies. Needless to say, this has proved more than a little disconcerting. We thought we had buried these kind of fears with the Cold War. Indeed, we had become accustomed to a feeling of, if not invulnerability, then the next best thing. Few worried much about Russia or China launching a nuclear attack, and North Korea and Iran couldn’t hit us. And just in case, we were developing an impressive array of missile defenses and strike capabilities. So when North Korea recently successfully tested a nuclear weapon (its third such test) after conducting a rocket launch in December that marked a major step forward in its ambitions to develop an intercontinental ballistic missile that could reach the United States, our first — and quite natural — reaction has been to focus on beefing up our missile defenses at Fort Greely and possibly on the East Coast. This is well and good — the United States should seek to field a capable and effective missile defense system against North Korean (and other rogue states’) ICBMs. Such a defense would provide protection for Americans and reduce any coercive leverage Pyongyang would acquire from its long-range nuclear weapons program. The problem, though, is that U.S. missile defenses aren’t fully there yet — and are vulnerable to advances by North Korea in its missile technology, advances Pyongyang can be relied on to pursue. These facts are actually not points of partisan contention. As a judicious but hard-hitting recent National Academy of Sciences study by a distinguished group of experts and former officials concluded, the U.S. missile defense against long-range North Korean missiles has been developed to deal “with an early generation North Korean threat of very limited numbers and capability,” and the systems “have shortcomings that limit their effectiveness against even modestly improved threats.” In other words, don’t bet the farm on it. At the same time, U.S. conventional strike capabilities are also limited — especially against the kind of mobile missile systems the North Koreans are busy fielding. At first glance, this seems extremely worrisome. If we can’t be sure we can completely defend against or pre-empt North Korean missiles, are we helpless before Pyongyang’s tree-shaking blackmail and the threat of a North Korean attack? The answer, fortunately is no. But it’s a no with strings attached. The reason we aren’t helpless is because what ultimately will keep Pyongyang from striking us — what deters them, in old speak — is the threat of punishing retaliation from us, and above all from the prospect of nuclear retaliation. North Korea’s leaders seem, in loose terms, “crazy” — they are morally detestable, hard-to-predict risk takers — but they aren’t “crazy” in the sense of a group that’s looking to commit mass suicide for quixotic objectives. Indeed, no country able to develop and field nuclear weapons and sophisticated missile and other military systems is at all likely to answer to the latter description. Missile defenses and conventional strike capabilities, then, are a cushion; **nuclear deterrence is the foundation.** Yet the amount of time and energy devoted to missile defense and, to a lesser extent, conventional strike seems to outweigh that devoted to nuclear deterrence in an inverse correlation to their respective actual influence. Indeed, when nuclear deterrence does come up, it usually seems to be in the context of the need to abolish it.

#### Alliance failure causes global war

**Auslin 10** (Michael, Director of Japan Studies at the American Enterprise Institute, Ph.D. in history, associate professor of history and senior research fellow at the MacMillan Center for International and Area Studies at Yale University, “House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment Hearing; U.S.-Japan Relations: Enduring Ties, Recent Developments; Testimony by Michael Auslin”, Congressional Documents and Publications, U.S. House of Representatives Documents, 3/17, lexis)

Relations are further influenced, despite the laudable efforts of U.S. officials here and in Tokyo, by the continued worry of Japanese opinion leaders and policymakers over long-term trends in America's Asia policy, thereby fueling part of their interest in China. I will mention perhaps the two main concerns: first, that the United States will, over time, decrease its military presence in the Asia-Pacific, thereby weakening the credibility of its extended deterrence guarantee, and second, that Washington will itself consider China in coming decades as the indispensable partner for solving problems both regional and global. Both these concerns exist despite repeated U.S. assurances that our military presence will not shrink, and despite the very public problems cropping up in Sino-U.S. relations in recent years. Ironically, perhaps, these Japanese concerns almost exactly mirror U.S. worries, from frustrations over Japan's continued reluctance to increase its security activities abroad to our casting a wary eye on exchanges between Beijing and Tokyo. Despite this litany of problems both real and perceived, the U.S.-Japan alliance, and the broader relationship it embodies, remains the keystone of U.S. policy in the Asia-Pacific region. There is little doubt that America and Japan share certain core values that tie us together, including a belief in democracy, the rule of law, and civil and individual rights, among others, which should properly inform and inspire our policies abroad. Moreover, after the cataclysm of World War II, we have worked together to maintain stability in the western Pacific, throughout the Cold War and after. Without the continued Japanese hosting of U.S. forces, our forward-based posture is untenable, particularly in a period of growing Chinese military power in which the acquisition of advanced weapons systems indicates increased vulnerability of U.S. forces over time. There are over 35,000 U.S. military personnel in Japan, and another 11,000 afloat as part of the 7th Fleet, while three-quarters of our military facilities are in Okinawa. Maintaining this presence is a full-time job for officials on both sides of the Pacific. Both Washington and Tokyo have revised the Status of Forces Agreement (SOFA) governing the U.S. military in Japan to respond to local concerns over judicial access to U.S. service members, and domestic pressures to reduce Japan's $4 billion annual Host Nation Support (HNS) are a continuing feature of bilateral discussions. The new Japanese government has indicated its desire to consider further revision of SOFA and HNS, which portends continued, sometimes difficult negotiations between both sides, though I would be surprised by any significant changes in either. It is clear, however, that the presence of U.S. military forces is welcomed by nearly all nations in the Asia-Pacific region and sends a signal of American commitment to the region. From a historical standpoint, the post-war American presence in the Asia-Pacific has been one of the key enablers of growth and development in that maritime realm. And today, for all its dynamism, the Asia-Pacific remains peppered with territorial disputes and long-standing grievances, with few effective multilateral mechanisms such as exist in Europe for solving interstate conflicts. Our friends and allies in the area are keenly attuned to our continued forward-based posture, and any indications that the United States was reducing its presence might be interpreted by both friends and competitors as a weakening of our long-standing commitment to maintain stability in the Pacific. The shape of Asian regional politics will continue to evolve, and while I am skeptical of what can realistically be achieved by proposed U.S.-Japan-China trilateral talks, it seems evident that we must approach our alliance with Japan from a more regionally oriented perspective, taking into account how our alliance affects the plans and perceptions of other nations in the region. Beyond these traditional security concerns, Japan and the United States continue to be among the handful of countries that can act as significant first responders to humanitarian disasters, and did so jointly during the Boxing Day tsunami of 2004 and are doing so today in Haiti. Both our countries are leaders in scientific research and development, and bred multinational corporations that continue to change the nature of global commerce. Economically, of course, we are increasingly intertwined. Our bilateral trade last year was over $132 billion worth, making Japan our fourth largest trading partner even despite a fall of nearly $80 billion in trade from 2008, and Japanese companies in 49 states employ approximately 600,000 Americans. Japan is also the world's largest purchaser of U.S. Treasuries, currently holding over $768 billion worth, more than China's official portfolio of $755 billion in American securities. The heady days of the 1980s are long over for Japan, when pundits breathlessly proclaimed it the next superpower. Japan, however, will continue to play a major role in Asia over the next decades, as that region continues to be the engine of global economic growth. Similarly, the role of a democratic Japan should become increasingly important in Asia as democracies young and old continue to evolve, while authoritarian and totalitarian regimes oppress their own people and threaten others. As we look to the kind of Asia that we hope develops in the future, there is much that continues to commend Japan to the region's planners and peoples. Much in the same way, the U.S.-Japan alliance, though under strain today and still in need of further restructuring, plays a currently indispensable role in ensuring our country's commitment to the Asia-Pacific and in providing a necessary stabilizing force to powerful tides of nationalism, competition, and distrust in that region. Our relationship with Japan is indeed a cornerstone of the liberal international order that has marked the six decades since the end of the Second World War as among the most prosperous and generally peaceful in world history. For that reason, among others, we should look forward to maintaining it for years to come.

### 1nc Prolif

#### Changes in US policy are irrelevant

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While U.S. nuclear policy is certainly a major consideration in Russian and Chinese nuclear strategic thought, there is mixed evidence regarding it as a strong causal factor across cases of nuclear proliferation over the past twenty years. First, Pakistan’s 1998 nuclear weapons tests were based heavily on its perception of India as a threat.14 Second, in 2004, the Central Intelligence Agency’s special advisor report on Iraq’s weapons of mass destruction (WMD) program assessed that ‘‘Iran was the pre-eminent motivator’’ underlying Iraq’s latent WMD program.15 Subordinate reasons for Iraq’s program were to balance against Israel and wield influence throughout the Arab world. Third, although the case of India shows some evidence that states might link their proliferation efforts to the connection between U.S. nuclear policy\*and the policies of other nuclear states recognized by the NPT\*and the status and international prestige of being a great power, some analysts disagree on the relative causal weight of factors behind India’s decision to develop nuclear weapons. For example, in the 1970s Paul Power showed that the leadership of India viewed the NPT as a discriminatory treaty that produced a monopoly of power and failed to prevent the growth of existing nuclear arsenals.16 Indian Prime Minister Morarji Desai said that India would sign the NPT only if the other nuclear weapon states destroyed their arsenals.17 In 1998, following India’s detonation of nuclear devices, T.V. Paul assigned primary causal weight to India’s perception of NPT-recognized nuclear states as a privileged class in international politics. Their unwillingness to recognize India as an equal exacerbated the perception.18 In 1999, Sumit Ganguly argued that three factors were behind India’s 1998 nuclear tests: scientific advances in India’s nuclear research and development program; ideological and domestic political influences that were constrained by national security considerations; and perceived security threats in the absence of security assurances from the NPT recognized nuclear states.19 Rodney Jones, however, disagrees with Ganguly’s analysis. Jones argues that India’s Bharatiya Janata Party (BJP), which directed the nuclear tests, sought to raise India’s global status through the tests to improve the BJP’s political popularity.20 Furthermore, nuclear reversals have occurred **despite the largely static nature of U.S. nuclear policy** at the time of the reversals. Several states\*Argentina, Brazil, and Egypt, for example\*tried to develop nuclear weapons programs but then gave up.

#### Middle East Zone is a huge alt cause – it tanks the RevCon on its own

Mansour Salsabili 6-21-2013 research fellow at Harvard University’s Belfer Center for Science and International Affairs “Fixing a process in jeopardy” http://thebulletin.org/hope-disappointment-%E2%80%A6-and-hope-banning-wmd-middle-east/fixing-process-jeopardy

The cancellation of the 2012 Middle East WMD-Free Zone Conference is not the end of the world. But it could have poisonous effects on policy at the national, regional, and international levels. Failure to organize the conference is a blow to the integrity of international agreements -- above all, to the consensus decision made at the **2010 Review Conference** for the Nuclear Non-Proliferation Treaty (NPT) that concrete steps should be taken toward establishing a zone free of weapons of mass destruction in the Middle East. With the failure to follow through on that decision, **prospects are darkened** for the 2015 NPT Review Conference. Additional delays would jeopardize the entire process of denuclearizing the Middle East, deprive the region of its only specifically designed and internationally supported mechanism for consolidating security through disarmament, and cause regional polarization to grow yet more intense.

#### No prolif uniqueness

Kahl et. al 13 (Colin H., Senior Fellow at the Center for a New American Security and an associate professor in the Security Studies Program at Georgetown University’s Edmund A. Walsh School of Foreign Service, Melissa G. Dalton, Visiting Fellow at the Center for a New American Security, Matthew Irvine, Research Associate at the Center for a New American Security, February, “If Iran Builds the Bomb, Will Saudi Arabia Be Next?” <http://www.cnas.org/files/documents/publications/CNAS_AtomicKingdom_Kahl.pdf>, 2013)

\*\*\*cites Jacques Hymans, USC Associate Professor of IR\*\*\*

I I I . LESSONS FRO M HISTOR Y Concerns over “regional proliferation chains,” “falling nuclear dominos” and “nuclear tipping points” are nothing new; indeed, reactive proliferation fears date back to the dawn of the nuclear age.14 Warnings of an inevitable deluge of proliferation were commonplace from the 1950s to the 1970s, resurfaced during the discussion of “rogue states” in the 1990s and became even more ominous after 9/11.15 In 2004, for example, Mitchell Reiss warned that “in ways both fast and slow, we may very soon be approaching a nuclear ‘tipping point,’ where many countries may decide to acquire nuclear arsenals on short notice, thereby triggering a proliferation epidemic.” Given the presumed fragility of the nuclear nonproliferation regime and the ready supply of nuclear expertise, technology and material, Reiss argued, “a single new entrant into the nuclear club could catalyze similar responses by others in the region, with the Middle East and Northeast Asia the most likely candidates.”16 Nevertheless, predictions of inevitable proliferation cascades have historically proven false (see The Proliferation Cascade Myth text box). In the six decades since atomic weapons were first developed, nuclear restraint has proven far more common than nuclear proliferation, and cases of reactive proliferation have been exceedingly rare. Moreover, most countries that have started down the nuclear path have found the road more difficult than imagined, both technologically and bureaucratically, leading the majority of nuclear-weapons aspirants to reverse course. Thus, despite frequent warnings of an unstoppable “nuclear express,”17 William Potter and Gaukhar Mukhatzhanova astutely note that the “train to date has been slow to pick up steam, has made fewer stops than anticipated, and usually has arrived much later than expected.”18 None of this means that additional proliferation in response to Iran’s nuclear ambitions is inconceivable, but the empirical record does suggest that regional chain reactions are not inevitable. Instead, only certain countries are candidates for reactive proliferation. Determining the risk that any given country in the Middle East will proliferate in response to Iranian nuclearization requires an assessment of the incentives and disincentives for acquiring a nuclear deterrent, the technical and bureaucratic constraints and the available strategic alternatives. Incentives and Disincentives to Proliferate Security considerations, status and reputational concerns and the prospect of sanctions combine to shape the incentives and disincentives for states to pursue nuclear weapons. Analysts predicting proliferation cascades tend to emphasize the incentives for reactive proliferation while ignoring or downplaying the disincentives. Yet, as it turns out, instances of nuclear proliferation (including reactive proliferation) have been so rare because going down this road often risks insecurity, reputational damage and economic costs that outweigh the potential benefits.19 Security and regime survival are especially important motivations driving state decisions to proliferate. All else being equal, if a state’s leadership believes that a nuclear deterrent is required to address an acute security challenge, proliferation is more likely.20 Countries in conflict-prone neighborhoods facing an “enduring rival”– especially countries with inferior conventional military capabilities vis-à-vis their opponents or those that face an adversary that possesses or is seeking nuclear weapons – may be particularly prone to seeking a nuclear deterrent to avert aggression.21 A recent quantitative study by Philipp Bleek, for example, found that security threats, as measured by the frequency and intensity of conventional militarized disputes, were highly correlated with decisions to launch nuclear weapons programs and eventually acquire the bomb.22 The Proliferation Cascade Myth Despite repeated warnings since the dawn of the nuclear age of an inevitable deluge of nuclear proliferation, such fears have thus far proven largely unfounded. Historically, nuclear restraint is the rule, not the exception – and the degree of restraint has actually increased over time. In the first two decades of the nuclear age, five nuclear-weapons states emerged: the United States (1945), the Soviet Union (1949), the United Kingdom (1952), France (1960) and China (1964). However, in the nearly 50 years since China developed nuclear weapons, only four additional countries have entered (and remained in) the nuclear club: Israel (allegedly in 1967), India (“peaceful” nuclear test in 1974, acquisition in late-1980s, test in 1998), Pakistan (acquisition in late-1980s, test in 1998) and North Korea (test in 2006).23 This significant slowdown in the pace of proliferation occurred despite the widespread dissemination of nuclear know-how and the fact that the number of states with the technical and industrial capability to pursue nuclear weapons programs has significantly increased over time.24 Moreover, in the past 20 years, several states have either given up their nuclear weapons (South Africa and the Soviet successor states Belarus, Kazakhstan and Ukraine) or ended their highly developed nuclear weapons programs (e.g., Argentina, Brazil and Libya).25 Indeed, by one estimate, 37 countries have pursued nuclear programs with possible weaponsrelated dimensions since 1945, yet the overwhelming number chose to abandon these activities before they produced a bomb. Over time, the number of nuclear reversals has grown while the number of states initiating programs with possible military dimensions has markedly declined.26 Furthermore – especially since the Nuclear Non-Proliferation Treaty (NPT) went into force in 1970 – reactive proliferation has been exceedingly rare. The NPT has near-universal membership among the community of nations; only India, Israel, Pakistan and North Korea currently stand outside the treaty. Yet the actual and suspected acquisition of nuclear weapons by these outliers has not triggered widespread reactive proliferation in their respective neighborhoods. Pakistan followed India into the nuclear club, and the two have engaged in a vigorous arms race, but Pakistani nuclearization did not spark additional South Asian states to acquire nuclear weapons. Similarly, the North Korean bomb did not lead South Korea, Japan or other regional states to follow suit.27 In the Middle East, no country has successfully built a nuclear weapon in the four decades since Israel allegedly built its first nuclear weapons. Egypt took initial steps toward nuclearization in the 1950s and then expanded these efforts in the late 1960s and 1970s in response to Israel’s presumed capabilities. However, Cairo then ratified the NPT in 1981 and abandoned its program.28 Libya, Iraq and Iran all pursued nuclear weapons capabilities, but only Iran’s program persists and none of these states initiated their efforts primarily as a defensive response to Israel’s presumed arsenal.29 Sometime in the 2000s, Syria also appears to have initiated nuclear activities with possible military dimensions, including construction of a covert nuclear reactor near al-Kibar, likely enabled by North Korean assistance.30 (An Israeli airstrike destroyed the facility in 2007.31) The motivations for Syria’s activities remain murky, but the nearly 40-year lag between Israel’s alleged development of the bomb and Syria’s actions suggests that reactive proliferation was not the most likely cause. Finally, even countries that start on the nuclear path have found it very difficult, and exceedingly time consuming, to reach the end. Of the 10 countries that launched nuclear weapons projects after 1970, only three (Pakistan, North Korea and South Africa) succeeded; one (Iran) remains in progress, and the rest failed or were reversed.32 The successful projects have also generally needed much more time than expected to finish. According to Jacques Hymans, the average time required to complete a nuclear weapons program has increased from seven years prior to 1970 to about 17 years after 1970, even as the hardware, knowledge and industrial base required for proliferation has expanded to more and more countries.33 Yet throughout the nuclear age, many states with potential security incentives to develop nuclear weapons have nevertheless abstained from doing so.34 Moreover, contrary to common expectations, recent statistical research shows that states with an enduring rival that possesses or is pursuing nuclear weapons are not more likely than other states to launch nuclear weapons programs or go all the way to acquiring the bomb, although they do seem more likely to explore nuclear weapons options.35 This suggests that a rival’s acquisition of nuclear weapons does not inevitably drive proliferation decisions. One reason that reactive proliferation is not an automatic response to a rival’s acquisition of nuclear arms is the fact that security calculations can cut in both directions. Nuclear weapons might deter outside threats, but leaders have to weigh these potential gains against the possibility that seeking nuclear weapons would make the country or regime less secure by triggering a regional arms race or a preventive attack by outside powers. Countries also have to consider the possibility that pursuing nuclear weapons will produce strains in strategic relationships with key allies and security patrons. If a state’s leaders conclude that their overall security would decrease by building a bomb, they are not likely to do so.36 Moreover, although security considerations are often central, they are rarely sufficient to motivate states to develop nuclear weapons. Scholars have noted the importance of other factors, most notably the perceived effects of nuclear weapons on a country’s relative status and influence.37 Empirically, the most highly motivated states seem to be those with leaders that simultaneously believe a nuclear deterrent is essential to counter an existential threat and view nuclear weapons as crucial for maintaining or enhancing their international status and influence. Leaders that see their country as naturally at odds with, and naturally equal or superior to, a threatening external foe appear to be especially prone to pursuing nuclear weapons.38 Thus, as Jacques Hymans argues, extreme levels of fear and pride often “combine to produce a very strong tendency to reach for the bomb.”39 Yet here too, leaders contemplating acquiring nuclear weapons have to balance the possible increase to their prestige and influence against the normative and reputational costs associated with violating the Nuclear Non-Proliferation Treaty (NPT). If a country’s leaders fully embrace the principles and norms embodied in the NPT, highly value positive diplomatic relations with Western countries and see membership in the “community of nations” as central to their national interests and identity, they are likely to worry that developing nuclear weapons would damage (rather than bolster) their reputation and influence, and thus they will be less likely to go for the bomb.40 In contrast, countries with regimes or ruling coalitions that embrace an ideology that rejects the Western dominated international order and prioritizes national self-reliance and autonomy from outside interference seem more inclined toward proliferation regardless of whether they are signatories to the NPT.41 Most countries appear to fall in the former category, whereas only a small number of “rogue” states fit the latter. According to one count, before the NPT went into effect, more than 40 percent of states with the economic resources to pursue nuclear programs with potential military applications did so, and very few renounced those programs. Since the inception of the nonproliferation norm in 1970, however, only 15 percent of economically capable states have started such programs, and nearly 70 percent of all states that had engaged in such activities gave them up.42 The prospect of being targeted with economic sanctions by powerful states is also likely to factor into the decisions of would-be proliferators. Although sanctions alone proved insufficient to dissuade Iraq, North Korea and (thus far) Iran from violating their nonproliferation obligations under the NPT, this does not necessarily indicate that sanctions are irrelevant. A potential proliferator’s vulnerability to sanctions must be considered. All else being equal, the more vulnerable a state’s economy is to external pressure, the less likely it is to pursue nuclear weapons. A comparison of states in East Asia and the Middle East that have pursued nuclear weapons with those that have not done so suggests that countries with economies that are highly integrated into the international economic system – especially those dominated by ruling coalitions that seek further integration – have historically been less inclined to pursue nuclear weapons than those with inward-oriented economies and ruling coalitions.43 A state’s vulnerability to sanctions matters, but so too does the leadership’s assessment regarding the probability that outside powers would actually be willing to impose sanctions. Some would-be proliferators can be easily sanctioned because their exclusion from international economic transactions creates few downsides for sanctioning states. In other instances, however, a state may be so vital to outside powers – economically or geopolitically – that it is unlikely to be sanctioned regardless of NPT violations. Technical and Bureaucratic Constraints In addition to motivation to pursue the bomb, a state must have the technical and bureaucratic wherewithal to do so. This capability is partly a function of wealth. Richer and more industrialized states can develop nuclear weapons more easily than poorer and less industrial ones can; although as Pakistan and North Korea demonstrate, cash-strapped states can sometimes succeed in developing nuclear weapons if they are willing to make enormous sacrifices.44 A country’s technical know-how and the sophistication of its civilian nuclear program also help determine the ease and speed with which it can potentially pursue the bomb. The existence of uranium deposits and related mining activity, civilian nuclear power plants, nuclear research reactors and laboratories and a large cadre of scientists and engineers trained in relevant areas of chemistry and nuclear physics may give a country some “latent” capability to eventually produce nuclear weapons. Mastery of the fuel-cycle – the ability to enrich uranium or produce, separate and reprocess plutonium – is particularly important because this is the essential pathway whereby states can indigenously produce the fissile material required to make a nuclear explosive device.45 States must also possess the bureaucratic capacity and managerial culture to successfully complete a nuclear weapons program. Hymans convincingly argues that many recent would-be proliferators have weak state institutions that permit, or even encourage, rulers to take a coercive, authoritarian management approach to their nuclear programs. This approach, in turn, politicizes and ultimately undermines nuclear projects by gutting the autonomy and professionalism of the very scientists, experts and organizations needed to successfully build the bomb.46 Alternative Sources of Nuclear Deterrence Historically, the availability of credible security guarantees by outside nuclear powers has provided a potential alternative means for acquiring a nuclear deterrent without many of the risks and costs associated with developing an indigenous nuclear weapons capability. As Bruno Tertrais argues, nearly all the states that developed nuclear weapons since 1949 either lacked a strong guarantee from a superpower (India, Pakistan and South Africa) or did not consider the superpower’s protection to be credible (China, France, Israel and North Korea). Many other countries known to have pursued nuclear weapons programs also lacked security guarantees (e.g., Argentina, Brazil, Egypt, Indonesia, Iraq, Libya, Switzerland and Yugoslavia) or thought they were unreliable at the time they embarked on their programs (e.g., Taiwan). In contrast, several potential proliferation candidates appear to have abstained from developing the bomb at least partly because of formal or informal extended deterrence guarantees from the United States (e.g., Australia, Germany, Japan, Norway, South Korea and Sweden).47 All told, a recent quantitative assessment by Bleek finds that security assurances have empirically significantly reduced proliferation proclivity among recipient countries.48 Therefore, if a country perceives that a security guarantee by the United States or another nuclear power is both available and credible, it is less likely to pursue nuclear weapons in reaction to a rival developing them. This option is likely to be particularly attractive to states that lack the indigenous capability to develop nuclear weapons, as well as states that are primarily motivated to acquire a nuclear deterrent by security factors (as opposed to status-related motivations) but are wary of the negative consequences of proliferation.

#### They don’t solve—compensatory fear

Andrew Futter and Benjamin Zala 2013; Monterey Institute of International Studies, James Martin Center for Nonproliferation Studies, “ADVANCED US CONVENTIONAL WEAPONS AND NUCLEAR DISARMAMENT”, The Nonproliferation Review, 20:1, 107-122, DOI: 10.1080/10736700.2012.761790

While the idea of increasing the role of advanced conventional weaponry as a component of US national security thinking and practice is not new, Obama is the first president to strongly link these plans with the goal of pursuing a world free from nuclear weapons.3 As a result, the administration’s domestic policy focus must also take into consideration the international impact of the disarmament agenda on the major military fault lines in key US nuclear relationships with Russia, China, and other nuclear weapon states. When the dynamics of these relationships are considered, **the** Obama **plan to reduce the salience of nuc**lear weapon**s** through\*at least in part\*a greater role for advanced conventional weaponry **in order to foster larger nuclear reductions appears unlikely to succeed**. The central problem is that US superiority in advanced conventional weaponry makes it very difficult for any US rival to agree to work toward a nuclear-free world when such a move\*already made difficult by existing conventional imbalances\* will magnify US power. More specifically, the close link between nuclear reductions and increases in conventional capabilities essentially works to decrease US vulnerability in a nuclear disarmed world, while at the same time increasing the vulnerability of its current or future rivals and adversaries. As the former US Secretary of Defense Harold Brown has written, ‘‘U.S. conventional power-projection capability and the concern that it may be used to intimidate, attack, or overthrow regimes’’ is far more important in terms of driving proliferation and increasing Russian and Chinese reliance on nuclear weapons than ‘‘fear of U.S. nuclear capability or the content of U.S. nuclear policy.’’4As such, **a growing role** for advanced conventional weaponry in US national security thinking\*even if it helps to facilitate US nuclear reductions\***appears likely to make Obama’s quest for global zero far more difficult, and perhaps impossible**.5’

#### US nuclear deterrence credibility is strong

Donna Miles citing CR Kehler, 4-5-2013; head of US Strategic Command, “Nuclear Deterrence Remains Key Stratcom Mission, Commander Says” http://www.defense.gov/news/newsarticle.aspx?id=119703

American Forces Press Service

Maintaining a credible nuclear deterrent -- and the ability to operate its nuclear capabilities effectively if directed by the president -- was a foundation of U.S. national security throughout the Cold War, said Air Force Gen. C. Robert Kehler, the Stratcom commander. Yet Stratcom’s **nuclear deterrence mission remains as critical as at any time in U.S. history**, Kehler said, injected with a **renewed focus and sense of urgency by the president’s 2010 Nuclear Posture** **Review** and the new national defense strategy. So even as the United States began withdrawing numerous weapons abroad, deactivated entire classes of weapons and reduced its nuclear stockpile by 75 percent since the height of the Cold War, **it has ensured that it maintains sufficient deterrent capability.** “As long as nuclear weapons exist, U.S. Strategic Command’s top priority must be to deter nuclear attack with a safe, secure and effective strategic nuclear deterrent force,” Kehler told the House and Senate armed services committees earlier this month. Kehler’s job is to look across the entire nuclear enterprise to ensure it remains operationally viable, and to verify the safety and effectiveness of the nuclear weapons stockpile. That includes the triad of ballistic missile submarines, intercontinental ballistic missiles, nuclear-capable heavy bombers and associated aerial tankers, and the assured warning and command-and-control system that interconnects them. “I can assure you that today’s nuclear weapons and triad of delivery platforms are safe, secure and effective,” Kehler reported in testimony to the congressional panels.

#### Strike threats prevent conflict from escalating, even if conventional conflict breaks out

Kevin Chilton 2009 – Gen. Kevin Chilton, Commander, U.S. Strategic Command, Spring 2009, “Waging Deterrence in the Twenty-First Century,” Strategic Studies Quarterly, Vol. 3, No. 1, p. 40-41

Many argue that the only legitimate role of nuclear weapons is to deter the use of nuclear weapons in a catastrophic attack against us or our allies. This is indeed their most important role. However, the deterrence roles of the US nuclear arsenal go well beyond deterrence of nuclear attack alone. US nuclear forces cast a long shadow over the decision calculations of anyone who would contemplate taking actions that threaten the vital interests of the United States or its allies, making it clear that the ultimate consequences of doing so may be truly disastrous and that the American president always has an option for which they have no effective counter. Even in circumstances in which a deliberate American nuclear response seems unlikely or incredible to foreign decision makers, US nuclear forces enhance deterrence by making unintended or uncontrolled catastrophic escalation a serious concern, posing what Thomas Schelling calls “the threat that leaves something to chance.”5 These are deterrence dynamics that only nuclear forces provide. As a result, US nuclear forces make an important contribution to deterring both symmetric and asymmetric forms of warfare in the twenty-first century. Our nuclear forces provide a hedge against attacks that could cripple our ability to wage conventional war because they would enable the United States to restore the military status quo ante, trump the adversary’s escalation in a manner that improves the US position in the conflict, or promptly terminate the conflict.

### 1nc China

#### They say no

Yu 9 (Rong, Ph. D. candidate at the Institute of International Strategy and Development, School of Public Policy and Management, Tsinghua University. Peng Guangqian is editor-in-chief of Strategic Sciences and has long been engaged in research on military strategy and international affairs, “Nuclear No-First-Use Revisited,” China Security, Vol. 5 No. 1 Winter pp. 81-90)

First, some nuclear weapons states with relatively weaker conventional power are unwilling to adopt the NFU policy. For nuclear states that are at a disadvantage in traditional warfare, adopting an NFU policy means accepting certain security risks. There is the possibility that the adversary may eliminate the weaker state’s nuclear arsenal with a disarming first strike. Moreover, in the case of conflict, the weaker side would be forfeiting the use of nuclear weapons as a “force multiplier” to make up for its deficiency in conventional forces. Thus, an NFU pledge could make a country look more vulnerable to adversaries. During the Cold War, both sides rejected adopting an NFU policy based upon the above rationale. At the onset of the Cold War, when the Soviet bloc and Western countries faced each other in Europe, Soviet conventional power far exceeded that of NATO. Therefore, in MC 14/2, the strategic concept approved by the North Atlantic Council in 1957, the NATO allies explicitly promoted taking “the initiative” in employing nuclear arms in case of a Soviet invasion: Since NATO would be unable to prevent the rapid overrunning of Europe unless NATO immediately employed nuclear weapons both strategically and tactically, we must be prepared to take the initiative in their use… In case of general war, therefore, NATO defense depends upon an immediate exploitation of our nuclear capability, whether or not the Soviets employ nuclear weapons.6

#### China will stay behind

CEWCES 10-9-2012; Bond University Center for East-East Cultural and Economic Studies, “Nuclear complexity in the Third Nuclear Age” <http://cewces.wordpress.com/2012/10/09/nuclear-complexity-in-the-third-nuclear-age/>

So when you examine China’s nuclear forces, with a low number of nuclear warheads in comparison to the United States and Russia, and older delivery systems, **the Chinese nuclear weapons capability and posture is not that threatening**. This is reinforced by China’s nuclear posture, which remains minimum deterrence and no-first-use. The modernization described above will ensure that it remains a credible deterrent, as well as give China the potential to move from a basis of minimum deterrent / no first use, to a more robust nuclear posture in the future. The key question to consider is why would it choose to make such a change? A number of factors are emerging which could promote significant changes in both the size and role of China’s nuclear forces, and will demand greater attention by Western policy makers. Of key significance to China is ensuring the survivability and maintaining the credibility of their nuclear deterrent in the face of a range of looming challenges. Looking from the perspective from Beijing, China faces the United States, which although currently de-emphasizing the role of nuclear forces and seeking to significantly reduce the number of nuclear weapons in its arsenal under the Obama Administration, is also maintaining a commitment to sustaining its own credible nuclear deterrent for the foreseeable future. This means that the aging nuclear delivery systems, as well as infrastructure to sustain the US nuclear weapons complex, will need to be modernized sooner rather than later to avoid undermining the credibility of the US nuclear deterrent.

#### China NFU resilient

Hui Zhang 5-22-2013; Hui Zhang, a physicist, is leading a research initiative on China's nuclear policies for the Managing the Atom Project in Harvard Kennedy School' s Belfer Center for Science and International Affairs. “China’s No-First-Use Policy Promotes Nuclear Disarmament” The Diplomat, <http://thediplomat.com/flashpoints-blog/2013/05/22/chinas-no-first-use-policy-promotes-nuclear-disarmament/>

“[China] keeps an appropriate level of readiness in peacetime… If China comes under a nuclear attack, the nuclear missile force of the PLASAF will use nuclear missiles to launch a resolute counterattack either independently or together with the nuclear forces of other services.” It should be noted that the term “nuclear counterattack” in the context of China’s nuclear strategy generally means “nuclear retaliation to a first nuclear strike” or “second nuclear strike.” Many experts and scholars are suspicious of China’s no-first-use pledge, with the Pentagon’s 2013 annual report on the Chinese military calling it ambiguous. But China’s nuclear force posture has all the features of a meaningful no-first-use policy. **It has a much smaller and simpler arsenal with a much lower alert status than required for a first-use option.**

#### Just maintains second strike – and missile defense is a huge alt cause

Hui Zhang 9-7-2012; Senior Research Associate, Project on Managing the Atom, Belfer Center for Science and International Affairs, Harvard Kennedy School Chinese Nuclear Modernization: Assuring a limited but reliable counterattack capability <http://www.powerandpolicy.com/2012/09/07/chinese-nuclear-modernization-assuring-a-limited-but-reliable-counterattack-capability/#.Uk8dIIZeaSp>

It can be expected that China’s future development of nuclear forces will continue to follow China’s nuclear policy of a no-first-use pledge and “minimum deterrence.” The main purpose of China’s nuclear modernization is to assure what it considers to be a “limited,” “reliable,” and “effective” counterattack nuclear capability for deterring a first nuclear strike. To maintain an “effective nuclear deterrent,” China will continue to modernize its nuclear force posture in accord with other countries’ military developments and the international security environment. However, the nuclear force will likely be kept at the minimum level Beijing feels is required to deter a nuclear attack. Specifically, US missile defense plans will be a major driver for China’s nuclear weapon modernization and a nuclear buildup.

#### Alt cause – secrecy

Kathleen E. Masterson, 11-4-2011, Arms Control Now “China’s Nuclear Modernization Efforts Cast A Long Shadow”

<http://armscontrolnow.org/2011/11/04/china%E2%80%99s-nuclear-modernization-efforts-cast-a-long-shadow-2/>

Ultimately, though, worst-case scenario assessments like Mr. Fisher’s and Mr. Schneider’s are fueled in part by Beijing’s lack of transparency regarding its nuclear forces. Speculation about Beijing’s strategic aims and capabilities will continue until China reveals more information about its strategic force posture. Increasing openness on the part of Beijing can help prevent strategic missteps on the basis of such worst-case assessments, and the current dialogue among the NPT nuclear weapons states on transparency offers just such an opportunity.

#### Modernization leads to arsenal transparency

**Godwin, 02** – Professor of international affairs at the National War College (Paul H.B., 1/17/02, “Potential Chinese Responses to U.S. Ballistic Missile Defense”, p. 6) PDF

Thus, one feasible approach to counteracting missile defenses without significantly increasing force size is to sustain the uncertainty principle with a mix of mobile land-based missiles and SLBMs mounting MRV/ MIRV warheads with penetration aids. To be effective in creating this uncertainty, the United States and all other potentially threatening nuclear states must be made aware that mobile and/or submarine-launched ICBMs are being deployed, and that various modes of penetration aids are being employed. Therefore, the small but modern **response would require Beijing to be more transparent about its nuclear weapons** and their capabilities than it has been thus far.

#### Turns and solves case

**Zhang, 01** – Research fellow at the Belfer Center for Science and International Affairs at Harvard's Kennedy School of Government (Hui, 7/15/01, "A Discussion of China's Nuclear Transparency Options," <http://ksgnotes1.harvard.edu/BCSIA/Library.nsf/pubs/china-nuclear>, KONTOPOULOS)

This paper will discuss how much nuclear transparency China can afford to adopt in light of the changing international security context. The work will examine China's attitude toward nuclear transparency; the possible influence of high-resolution satellite imagery on China's position; what sorts of nuclear transparency China could accept under international arms control and nonproliferation treaties; and what kind of on-site inspections China could accept at its specific nuclear production facility and site under an FMCT. China's Attitude toward the Nuclear Transparency China has taken the position generally that nuclear transparency has two sides: On one hand, properly developed transparency measures can make an effective and sustained contribution to enhancing international security , because increasing transparency will help to clarify intentions, decrease tensions by reducing suspicion, increase mutual understanding, lay the ground for trust and cooperation, and **avoid breaking out nuclear wars** between or among states.

#### Won’t go nuclear

**Moore 6** (Scott; Research Assistant – East Asia Nonproliferation Program – James Martin Center for Nonproliferation Studies – Monterey Institute of International Studies, “Nuclear Conflict in the 21st Century: Reviewing the Chinese Nuclear Threat,” 10/18, http://www.nti.org/e\_research/e3\_80.html)

Despite the tumult, there is broad consensus among experts that the concerns generated in this discussion are exaggerated. The size of the Chinese nuclear arsenal is small, estimated at around 200 warheads;[3] Jeffrey Lewis, a prominent arms control expert, claims that 80 is a realistic number of deployed warheads.[4] In contrast, the United States has upwards of 10,000 warheads, some 5,700 of which are operationally deployed.[5]

Even with projected improvements and the introduction of a new long-range Intercontinental Ballistic Missile, the DF-31A China's nuclear posture is likely to remain one of "minimum deterrence."[6] Similarly, despite concern to the contrary, there is every indication that China is extremely unlikely to abandon its No First Use (NFU) pledge.[7] The Chinese government has continued to deny any change to the NFU policy, a claim substantiated by many Chinese academic observers.[8] In sum, then, fears over China's current nuclear posture seem somewhat exaggerated.

This document, therefore, does not attempt to discuss whether China's nuclear posture poses a probable, general threat to the United States; most signs indicate that even in the longer term, it does not. Rather, it seeks to analyze the most likely scenarios for nuclear conflict. Two such possible scenarios are identified in particular: a declaration of independence by Taiwan that is supported by the United States, and the acquisition by Japan of a nuclear weapons capability.

Use of nuclear weapons by China would require a dramatic policy reversal within the policymaking apparatus, and it is with an analysis of this potential that this brief begins. Such a reversal would also likely require crises as catalysts, and it is to such scenarios, involving Taiwan and Japan, that this brief progresses. It closes with a discussion of the future of Sino-American nuclear relations.

#### Modernization doesn’t lead to war

**Swaine 2011** – Michael, senior associate at the Carnegie Endowment for International Peace and author of the new book America’s Challenge: Engaging a Rising China in the Twenty-First Century (Enough Tough Talk on China, The National Interest, September 26, 2011, <http://nationalinterest.org/commentary/enough-tough-talk-china-5934?page=1>, MCL)

These days it is fashionable for pundits to point out the supposedly disastrous consequences for the United States that will result from China’s efforts to modernize its military. The latest variant of this argument was presented by Aaron Friedberg in The New York Times on September 4 and in his new book, A Contest for Supremacy: China, America and the Struggle for Mastery in Asia. The basic facts about China’s military buildup have been well known for years and are hardly disputed: Beijing is gradually acquiring the capability to interdict and possibly destroy U.S. ships and bases operating near China’s coastline, primarily using missiles, submarines, cyber warfare and ground-based satellite blinders. It’s also true that this development puts at risk Washington’s position as the predominant maritime power in that critical region. That is a legitimate issue that requires far more serious consideration than it has thus far received from most U.S. policy makers. The question is: what does China intend to do with its growing capabilities and how should Washington respond? Self-proclaimed realists such as Friedberg offer a relatively simple solution: The White House must recognize China’s buildup as an intended effort to eject the United States from Asia, convince the American public (and its allies) of the dire threat to hearth and home that it presents and, with public support in hand, plow untold additional defense dollars into maintaining an unambiguously superior military posture in the Western Pacific. Only then will Beijing give up its determined plans for regional dominance. In reality, there is little if any hard evidence to indicate that China’s strategic intent is to establish itself, in Friedberg’s words, as “Asia’s dominant power by eroding the credibility of America’s security guarantees, hollowing out its alliances, and eventually easing it out of the region.” If this is Beijing’s goal, the Pentagon has yet to discover it—and presumably not for lack of trying. The recently published annual Department of Defense report on the Chinese military asserts that Beijing’s ultimate military intentions in Asia and elsewhere are unknown. And privately, DoD analysts will acknowledge that the PLA is not currently acquiring the kinds of capabilities that would be required to project substantial power far from its shores and eject the United States from Asia. When confronted with such information, proponents of the “China is out to displace us” theory counter that Beijing’s strategy is so stealthy as to avoid detection, and that in any event, it is the so-called realist “logic” of China’s situation that demands such a strategy. According to this logic, Beijing has no choice but to seek to eject the United States from Asia to ensure its own security. So much for free will and the growing imperative both countries face to work together to solve worsening global problems, such as climate change. **China’s strategic mindset is quintessentially defensive**, largely reactive, and focused first and foremost on deterring Taiwan’s independence and defending the Chinese mainland, not on establishing itself as Asia’s next hegemon. Although it is not inconceivable that China might adopt more ambitious, far-flung military objectives in the future—perhaps including an attempt to become the preeminent Asian military power—such goals remain ill-defined, undetermined and subject to much debate in Beijing. This suggests that China’s future strategic orientation is susceptible to outside influence, not fixed in stone.

#### Reject laundry list impacts—relations don’t solve them, and Putin’s strategy means we can’t even identify common ground, let alone cooperate

**Cohen, 12** [Ariel Cohen, Ph.D., is Senior Research Fellow in Russian and Eurasian Studies and International Energy Policy in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation, How the U.S. Should Deal with Putin’s Russia <http://www.heritage.org/research/reports/2012/03/how-the-us-should-deal-with-putins-russia>

Vladimir Putin’s victory in Russia’s presidential election was marred with fraud, but nevertheless he appears to have a mandate from the Russian voters to rule for another six-year term. If re-elected in 2018, he may rule until 2024. Regardless of the outcome of the November U.S. elections, a clear Russia policy is necessary, and it should not be the ill-fated “reset,” which naively bet on President Dmitry Medvedev’s staying in power.[[1]](http://www.heritage.org/research/reports/2012/03/how-the-us-should-deal-with-putins-russia" \l "_edn1) Roadblocks to Rapprochement Anti-Status-Quo Foreign Policy. During his campaign, Putin provided ample insights into how he views the world and Russia’s relationship with the U.S. The picture is bleak. Much of Putin’s pre-election rhetoric harkened back the 19th-century nationalism and imperialism. He likes to quote the 19th-century Russian foreign minister Count Alexander Gorchakov that “Russia is concentrating.” Another slogan from the same era, often heard in the Moscow policy circles, belongs to the Czar Alexander III: “Russia has no allies but its army and navy.” This is a prescription for a prickly foreign policy, belt tightening, rearmament, wars with neighbors, and a chronic confrontation with the West. Xenophobia. Anti-Americanism in Russia is rampant.[[2]](http://www.heritage.org/research/reports/2012/03/how-the-us-should-deal-with-putins-russia" \l "_edn2) Putin has relentlessly created an image of Russia under attack from Western enemies. It worked for the elections and is likely to continue as a pillar of Russia’s domestic and foreign policy. Putin accused U.S. Secretary of State Hillary Clinton and the State Department of “giving the signal” for recent mass demonstrations in Moscow. Putin dehumanized opposition leaders by calling them “jackals scavenging near Western embassies”[[3]](http://www.heritage.org/research/reports/2012/03/how-the-us-should-deal-with-putins-russia" \l "_edn3)and, taking a page from Rudyard Kipling, “monkey packs.” After the elections, some of them—such as Alexei Navalny, Ilya Yashin, and hundreds of others in Moscow and St. Petersburg—were detained during a post-election protest and issued summons to the notorious dissident-busting judge Olga Borovkova. It is likely some of them will be jailed for some time. The New Imperial Union? Putin’s geopolitical vision for Fortress Russia dominating the former Soviet Union is an independent pole in a “multi-polar world.” It includes the overlapping organizational spaces of the Joint Economic Space, the Customs Union, and the Eurasian Union under the Russian leadership. The pressures on Georgia and Ukraine continue unrelenting, with the view to bring Kyiv into Moscow’s fold and to change the regime in Tbilisi. Such a quasi-imperial contraption, however, will come at a cost—and Putin is willing to pay the price as long as oil prices are in triple digits. Enabler of Iran and Syria. Flush with oil cash, Putin chose to confront the West and the Arab world over Syria and Iran. Together with China, he imposed two vetoes in the U.N. Security Council against the Syria sanctions. Russian support enables Syrian President Bashar al-Assad to kill his own people with impunity. Rearmament. Putin put his money where his mouth is. He demanded that the U.S. severely curtail its NATO missile defenses, provide a treaty-like guarantee that ballistic missile defense will not be aimed at Russia, and share these technologies at no cost. He also announced a $700 billion rearmament program, including a massive nuclear missile modernization.[[4]](http://www.heritage.org/research/reports/2012/03/how-the-us-should-deal-with-putins-russia" \l "_edn4) So much for President Obama’s “getting to zero.” Russia will also spend billions of dollars buying French Mistral assault ships, Israeli unmanned aerial vehicles, and German combat training systems. No more autarkic military-industrial complex when the Russian software and electronics industries are falling behind. The Real Problems However, Russia’s problems are the 21st century’s problems: the lack of good governance and the rule of law to make the citizens safe and to attract domestic and foreign investment, the rise of Islamic minorities at home, poor relations with the West and the geopolitical competition with China and Turkey, and a threat of economically falling behind even India and Brazil. Yet Russia is increasingly integrated into global trade flows. International business views Russia as an unsaturated market for housing, durable and consumer goods, oil and gas services, and infrastructure. Today, much Soviet-era infrastructure—roads, airports, and power stations—are falling apart and need trillions of dollars in investments. However, investors pay a high price for the Kremlin’s domestic heavy-handedness. As Russia joins the World Trade Organization this summer, the U.S. Congress is likely to lift the obsolete 1974 Jackson–Vanik Amendment, which predicated Permanent Normal Trade Relations on free emigration. Yet, given the sorry state of the rule of law in Russia, Members of Congress are unlikely to remove the Jackson–Vanik roadblock without gaining a legislative tool to address Russian corruption and human rights violations. “Reset” Failure The current anti-American tilt of Russian foreign policy **prevents diplomatic cooperation**, as a shared threat assessment and mutual understanding between the U.S. and Russia in dealing with the changing global environment is currently absent. Despite clear statements to the contrary by Putin and Foreign Minister Sergey Lavrov, the Obama Administration repeatedly declared that it is not competing with Russia for regional influence—not in the Middle East and not in Eurasia. Apparently, the Kremlin has not received the memo. Instead, Russia is attempting to constrain U.S. foreign policy with little or no counteraction from Washington. Moscow would like to see the U.S. power so diminished in the Middle East and Europe that America could not act without Russia’s permission.[[5]](http://www.heritage.org/research/reports/2012/03/how-the-us-should-deal-with-putins-russia" \l "_edn5) To address Putin’s anti-American foreign policy, the U.S. should: Reexamine the strategy of “reset” with Russia. The President should commission the National Security Council to form a task force for a bottom-up review of Russia policy in view of Putin’s return to the Kremlin and Moscow’s sabotage of the U.S. policies on Iran and Syria. The U.S. should use its public diplomacy assets to “name and shame” Russia as an enabler of the Iranian and Syrian regimes. Revitalize relations with the sovereignty-minded countries of Eastern Europe and Eurasia, which were neglected during the first two years of the Obama Administration. The U.S. should emphasize ties with countries that care about their independence—Azerbaijan, Georgia, Kazakhstan, Turkmenistan, Ukraine, and Uzbekistan—without compromising the U.S. democracy agenda and, if requested, provide economic advice and political-military cooperation, which is particularly timely as the U.S. is planning to withdraw troops from Afghanistan by 2013. Consider the bipartisan bill called Sergei Magnitsky Rule of Law Accountability Act, proposed by Senators John McCain (R–AZ) and Benjamin Cardin (D–MD). It is named after a lawyer who exposed a $230 million corruption scheme and died in pre-trial detention, apparently as a result of torture, beatings, and denial of medical care. The Magnitsky Act would ban most notoriously corrupt foreign officials from entering the U.S. and allow their ill-gotten property to be seized and confiscated by U.S. courts. Similar legislation is being debated in Canada and some European countries. Tough Times Ahead Russia’s intransigent foreign policy will require the Administration to recognize its “reset” failures and provide leadership and consistent and robust pushback. With the fourth Putin term, **it is Russia’s zero-sum foreign policy that prevents Washington and Moscow from exploring areas where there may be a convergence of U.S. and Russian interests**, including anti-terrorism, nonproliferation, and business ties. **Spillover of disagreements** over security and geopolitics hinders cooperation in nonproliferation, global security, and business, as demonstrated in clashes over Iran, Syria, and missile defense. Putin’s comeback could mean tough times ahead for U.S.–Russian relations. But when engaging Moscow, the U.S. has to guard its national security interests, not engage in a self-deluding feel-good policy exercise.

#### No Sino-Russian alliance

**Cohen 12** – Ph.D. is senior research fellow in Russian and Eurasian Studies and International Energy Policy at The Heritage Foundation ([www.heritage.org](http://www.heritage.org)). (Ariel, September 11th, “Russia's Pivot to Asia?” <http://nationalinterest.org/commentary/russias-pivot-asia-7454>) Jacome

Despite all the sweet talk, Moscow and the Russian elites still do not trust Beijing, feeling dwarfed by its burgeoning economic power and growing military might. **It resents becoming China’s “raw-materials appendage**”—as it resented it a decade before being one of the West’s.

In 2010, for the first time in decades, Russia ordered an “East 2010” military exercise, which dispatched two divisions by train across Siberia and simulated tactical nuclear strikes to repel unnamed foreign aggression. It was a message clearly addressed to China.

Russian relations with Japan are frozen because of the Kurile Islands (the Northern Territories) problem. The USSR occupied the four islands in 1945, when, at President Roosevelt’s request, Stalin broke a nonaggression treaty with Tokyo at the tail end of World War II and occupied the southern part of Sakhalin as well as the islands. Today, Russia benefits from rich fisheries in the Kurile Islands’ waters, but Japanese investment is frozen.

Foreign investment and economic development need three preconditions: a positive security climate; the rule of law; and basic infrastructure. Russia has a long way to go on all three. It needs to have good relations with the major pacific powers—the United States, China and Japan—while further developing ties with Canada, Korea, Australia and others.

#### No impact—cooperation would be limited and non-threatening

**Pirchner 8** (Herman, founding President of the American Foreign Policy Council, author of Reviving Greater Russia, The Journal of Post-Soviet Democratization, Fall 2008, Vol.16 Iss.4, pg. 309, proquest)

A few years later, Russia's move toward the United States after the September 11, 2001, terrorist attacks was, to some degree, encouraged by Russia's interest in hedging its bets should relations with China sour. By 2007, however, the United States' preemptive war in Iraq and American support of the color revolutions in Georgia and Ukraine deeply alarmed Russia's national security establishment, which **fears further American political or military action** in the former Soviet republics-territories in which Russia wishes to be the dominant foreign power. Russia has sought to counteract this trend by drawing closer to China to offset U.S. unpredictability and "meddling" in former Soviet territory, which many Russians view as their backyard.1 Nevertheless, however bold the Sino-Russian pronouncements on the need for a multipolar world may be, the countries' interaction in other areas reflects caution, if not deep-seated distrust. This wariness will continue to **mitigate the intensity** of Russia's cooperation with China in opposition to U.S. interests.

#### No extinction

Robert O. **Mendelsohn 9**, the Edwin Weyerhaeuser Davis Professor, Yale School of Forestry and Environmental Studies, Yale University, June 2009, “Climate Change and Economic Growth,” online: <http://www.growthcommission.org/storage/cgdev/documents/gcwp060web.pdf>

The heart of the debate about climate change comes from a number of warnings from scientists and others that give the impression that human-induced climate change is an immediate threat to society (IPCC 2007a,b; Stern 2006). Millions of people might be vulnerable to health effects (IPCC 2007b), crop production might fall in the low latitudes (IPCC 2007b), water supplies might dwindle (IPCC 2007b), precipitation might fall in arid regions (IPCC 2007b), extreme events will grow exponentially (Stern 2006), and between 20–30 percent of species will risk extinction (IPCC 2007b). Even worse, there may be catastrophic events such as the melting of Greenland or Antarctic ice sheets causing severe sea level rise, which would inundate hundreds of millions of people (Dasgupta et al. 2009). Proponents argue there is no time to waste. Unless greenhouse gases are cut dramatically today, economic growth and well‐being may be at risk (Stern 2006).

These statements are largely alarmist and misleading. Although climate change is a serious problem that deserves attention, society’s immediate behavior has an extremely low probability of leading to catastrophic consequences. The science and economics of climate change is quite clear that emissions over the next few decades will lead to only mild consequences. The severe impacts predicted by alarmists require a century (or two in the case of Stern 2006) of no mitigation. Many of the predicted impacts assume there will be no or little adaptation. The net economic impacts from climate change over the next 50 years will be small regardless. Most of the more severe impacts will take more than a century or even a millennium to unfold and many of these “potential” impacts will never occur because people will adapt. It is not at all apparent that immediate and dramatic policies need to be developed to thwart long‐range climate risks. What is needed are long‐run balanced responses.

#### Warming is locked in

**Dickinson 9** (Pete, Global warming: Is it too late?, 26 August 2009, AMiles, Note – paper cited is by Susan Solomon - atmospheric chemist working for the National Oceanic and Atmospheric Administration – Gian-Kasper Plattnerb- Group, Institute of Geophysics and Planetary Physics, UCLA - Reto Knuttic - Institute for Atmopsheric and Climate Science, PhD)

New research is claiming that concentrations of carbon dioxide (the main greenhouse gas, CO2) will remain high for at least 1,000 years, even if greenhouse gases are eliminated in the next few decades. The climate scientists who produced this work assert that the effects of global warming, such as high sea levels and reduced rainfall in certain areas, will also persist over this time scale. (The findings are in a paper published in February in the Proceedings of the National Academy of Sciences by researchers from the USA, Switzerland and France, www.pnas.org/cgi/doi/10.1073/pnas.0812721106 ) Most previous estimates of the longevity of global warming effects, after greenhouse gases were removed, have ranged from a few decades to a century, so this new analysis could represent a development with very serious implications, including political ones. For example, those campaigning for action on climate change could be disheartened and climate sceptics could opportunistically say that nothing should be done **because it is now too late.** The authors of the paper make various estimates of CO2 concentrations based on the year emissions are cut, assumed to be from 2015 to 2050. They make optimistic assumptions, for instance, that emissions are cut at a stroke rather than gradually, and that their annual rate of growth before cut-off is 2%, not the 3% plus witnessed from 2000-05. They then estimate what the effects would be on surface warming, sea level rise and rainfall over a 1,000-year period using the latest climate models. The results of the melting of the polar ice caps are not included in the calculations of sea levels, only the expansion of the water in the oceans caused by the surface temperature increase so, as the authors point out, the actual new sea level will be much higher. The best-case results for surface warming, where action is taken in 2015 to eliminate emissions, show that over 1,000 years the temperature rises from 1.3 to 1.0 degree centigrade above pre-industrial levels. The worst case, where action is delayed to 2050, predicts surface temperatures will increase from just under to just over four degrees by 2320 and then remain approximately constant for the rest of the millennium. High levels of CO2 persist in the atmosphere because, over long timescales, reduction of the gas is dependent on the ability of the oceans to absorb it, but there are limits to this due to the physics and chemistry of deep-ocean mixing. On the other hand, the amount of heat in the atmosphere that can be absorbed by the sea, the key way surface temperatures are decreased, is limited by the same scientific laws. As a result, carbon concentrations cannot fall enough to force temperatures down while there is simultaneously reduced cooling due to limited heat loss to the oceans.

#### Relations fail—fundamental suspicion

**Blank, 11** (Dr. Stephen J. Blank has served as an expert on the Soviet bloc and the post-Soviet world at the Strategic Studies Institute at the United States Army War College since 1989. Prior to that he was Associate Professor of Soviet Studies at the Center for Aerospace Doctrine, Research, and Education, Maxwell Air Force Base, and taught at the University of Texas, San Antonio, and at the University of California, Riverside. November 2011. “Arms Control and Proliferation Challenges to the Reset Policy,” pg 7-8. <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1085>, Callahan)

Another way of articulating this problem is to note that it is the **fundamental nature** of the Russian domestic political system, and a fact heightened by its juxtaposition to the U.S. and European systems, that drives the dynamic of hostility in East-West relations and fosters a situation where Russian thinking about security takes its cognitive and policy points of departure from what the German philosopher Carl Schmitt called the presupposition of conflict.19 On a regular basis, the glaring asymmetries in the two sides’ domestic political systems engender long-lasting perceptions based on mutual or reciprocal suspicion among powerful domestic constituencies that then try to **obstruct meaningful progress** in arms control or in overcoming 8 outstanding differences on regional security issues in Eurasia. Consequently, any effort to determine not just Russia’s posture but its evolving perspectives must take into account both the competing security orientations of the two states and the so-called values gap that fuels the mistrust, in order to understand Russian thinking to determine where accords can be reached or differences bridged and where they cannot be so resolved.

#### Russia won’t launch—tons of barriers

**Bailey and Barish 99** (Kathleen C., Franklin D., Lawrence Livermore National Laboratory, Comparative Strategy Jan-Mar1998, Vol18 Iss1, "De-alerting of U.S. Nuclear Forces: A Critical Appraisal" Academic Search Complete, \*I can email you the article if you don't have this database)

The Adequacy of Early Warning The United States and Russia have satellite- and ground-based systems to detect and track the launch of ballistic missiles toward their territories, as well as some capabilities to warn of approaching aircraft. Additionally, both nations have communications established that enable them to raise questions and seek clarification should there be unexplained activity that appears threatening. Critics who favor de-alerting cite an incident in January 1995 as evidence that early warning in Russia is inadequate and could lead to hasty Russian nuclear use [ 1]. The incident involved a Russian alert response to a research rocket fired from Norway. However, although some people viewed President Yeltsin's order for an alert as excessively dangerous, others noted that it was actually an example of the system working as it should--a missile firing was observed and the leadership stepped up readiness in event that it was actually an attack.

In the 2 years following the 1995 incident, many articles appeared in Western academic and news media alleging deficiencies in Russian Command, Control and Communications (C3) particularly Russian early-warning systems. Russian experts attempted to allay fears. For example, in August 1997, Major General Vladimir Dvorkin, chief of the Fourth Central Research Institute (for the Strategic Rocket Forces) of the Russian Ministry of Defense, made a trip to the United States to address a group of defense specialists at the U.S. Naval Postgraduate School. His speech dealt extensively with Russian C3. Points he made included that: Russia does not rely principally on launch on warning, but rather on the survivability of its mobile forces; that the U.S. view of Russian C3 as seriously vulnerable is erroneous; that C3 is very centralized in Russia and there is no possibility that "underlings" can gain control; that Russian warning systems are multilayered; and that there are positive and negative hardware controls on tactical nuclear systems that prevent their misuse. He closed with the remark that the United States should do a better job of understanding the complexity and competence of the Russian C3 system. Russian military experts have continued to discuss openly their nation's early warning capabilities. In a July 1998 interview, the Russian Strategic Rocket Forces commander, Gen. Vladimir Yakovlev, stated that the missile-attack early-warning system is somewhat disadvantaged by the impending closure of a station in Skrunde, Latvia, but that there were compensations planned. He noted that a new station in Baranovichi, Byelorussia would be built and that the stations in Mukachevo, Gabal, Balkhash, and Sevastopol, as well as those in eastern Russia, remained in service and therefore "the situation is not dangerous" [ 2]. Both Russia and the United States have viewed effective early-warning systems as integral not only to their own defenses but also to assuring stability and preventing hasty, dangerous decisions on nuclear use. Cooperation and communication to maintain effective early warning remains in the security interests of both nations. Controls to Prevent Accidental or Unauthorized Use Neither U.S. nor Russian nuclear weapons can be fired accidentally, nor can an illegitimate order to fire be acted upon. There are numerous checks and balances to assure a very high level of control over weapons: \* Personnel reliability program--assures appropriate background \* Technology and personnel for physical security \* Multiple personnel required for access to weapons codes \* Physical security on weapons (cannot fire without codes) \* Automatic weapon-disabling systems Nuclear weapons require a series of steps not only to issue the order to fire (and for the recipient to authenticate the order once received) but also to execute the order. For example, instruction codes to issue a command to fire U.S. nuclear weapons are kept in a safe. To open the safe requires that an order from the commander-in-chief (or his successor) be received and decoded. Two individuals, each with complementary components of the combination or key to the safe then must participate in opening it. (In Russia, there are three individuals.) A single person cannot do the action, nor can it be done by only the two people with the key; others must be aware and complicit in the action. The weapons themselves also have codes or mechanical devices that must be implemented or activated correctly to enable the weapon to be fired. Preventing unauthorized use is largely a matter of physical security. Highly trained protective personnel guard U.S. and Russian nuclear-weapons systems. There are in both nations extensive operational procedures exercised regularly to assure security. Also, high-technology items such as sensors and deterrent devices are used to prohibit unauthorized entry to facilities and, in event of breach, to prevent the weapons from being usable.

#### Relations are stable—no risk of hostilities

**Nesnera 11**  (Andre Nesnera is a Senior Correspondent at Voice of America, graduate The Johns Hopkins University - Paul H. Nitze School of Advanced International Studies (SAIS), “Putin Presidency Unlikely to Derail US-Russia Relations,” http://www.voanews.com/english/news/europe/Putin-Presidency-Unlikely-to-Derail-US-Russia-Relations-131345683.html)

Many experts agree with Legvold that there will not be any **real change** in U.S.-Russia relations with Vladimir Putin back as president. Matthew Rojansky at the Carnegie Endowment for International Peace, says Putin, as prime minister, if not calling all the shots, at least approved the key decisions related to U.S. relations. “So for example, I don’t see New START [strategic arms agreement] being rolled back," said Rojansky. "I don’t see cooperation on Afghanistan being rolled back. The Libya [U.N.] resolution [imposing a no-fly zone] which Russia didn’t block was a difficult call and Putin certainly had reservations and you heard him expressing those reservations. But did he ultimately come to some kind of consensus with Medvedev? Clearly he did. I think the two of them operate as a unit.” Rojansky believes that while the substance of the U.S.-Russia relationship may not change, the tone might. “Obama has invested very heavily in his relationship with Medvedev," he said. "It made sense. It was relatively easy for him because he and Medvedev come from a similar kind of origin in the sense of both being lawyers, both being technology oriented, both being kind of globalists in their outlook. Putin just doesn’t have that. And I don’t see Putin and Obama pushing the relationship to be very active by sheer force of personality and interest in one another. I just don’t think that’s going to happen.” The analysts believe one thing is for sure: the U.S.-Russia relationship has grown over the years to such an extent that they say **a return to the tension-filled Cold War days is virtually impossible.**

## 2nc

### 2nc impact overview

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

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

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

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

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

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

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

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

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

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

#### Deal failure itself causes global war

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

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

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

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

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

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

### 2nc uniqueness wall

#### Extend Lobe, Merry, and Ambruster—it’s a tough fight but Obama controls it—our ev is much more detailed and says even though the bill might pass, he has enough PC to rally allies and prevent override.

#### 2 filters:

#### 1. The GOP doesn’t matter – the question is whether Obama gets Dems to support him – and that comes down to personal influence. General cards about PC or thumpers are irrelevant – not about calling in favors to block a veto override.

#### 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."

#### 2. 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.

### AT: No PC

#### Issue-specific uniqueness matters because it accounts for diminished capital. Obama may not have any with the GOP and he may have alienated some Democrats. The question is, does Obama have enough to persuade 34 Senate Dems to block override? 1nc Lobe says yes.

#### 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.

### AT: thumpers

#### Thumpers don’t apply because they don’t implicate Senate Dems – they’re about fights with the GOP, who 1nc Lobe says will vote for sanctions no matter what – our disad is about how successful Obama will be in convincing Democrats to back off

#### 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.

### Link Debate

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

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

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

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

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

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

#### Limits on war powers authority split Congressional Democrats

**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."

#### **Having defend authority derails the agenda**

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses in Congress only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

#### Disagreements over authority trigger constitutional showdowns – even if the executive wants the plan – it’s about who decides, not the decision itself

**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. 75-77)

Showdowns occur when the location of constitutional authority for making an important policy decision is ambiguous, and multiple political agents (branches, parties, sections, governments) have a strong interest in establishing that the authority lies with them. Although agents often have an interest in negotiating a settlement, asymmetric information about the interests and bargaining power of opposing parties will sometimes prevent such a settlement from being achieved. That is when a showdown occurs. Ultimately, however, someone must yield; this yielding to or acquiescence in the claimed authority of another agent helps clarify constitutional lines of authority, so that next time the issue arises, a constitutional impasse can be avoided. From a normative standpoint, constitutional showdowns thus have an important benefit, but they are certainly not costless. As long as the showdown lasts, the government may be paralyzed, unable to make important policy decisions, at least with respect to the issue under dispute. We begin by examining a simplified version of our problem, one involving just two agents—Congress and the executive. We assume for now that each agent is a unitary actor with a specific set of interests and capacities. We also assume that each agent has a slightly different utility function, reflecting their distinct constituencies. If we take the median voter as a baseline, we might assume that Congress is a bit to the left (or right) of the median voter, while the president is a bit to the right (or left). We will assume that the two agents are at an equal distance from the median, and that the preferences of the population are symmetrically distributed, so that the median voter will be indifferent between whether the president or Congress makes a particular decision, assuming that they have equal information.39 But we also will assume that the president has better information about some types of problems, and Congress has better information about other types of problems, so that, from the median voter’s standpoint, it is best for the president to make decisions about the first type of problem and for Congress to make decisions about the second type ofproblem.40 Suppose, for example, that the nation is at war and the government must decide whether to terminate it soon or allow it to continue. Congress and the president may agree about what to do, of course. But if they disagree, their disagreement may arise from one or both of two sources. First, Congress and the president have different information. For example, the executive may have better information about the foreign policy ramifications of a premature withdrawal, while Congress has better information about home-front morale. These different sources of information lead the executive to believe that the war should continue, while Congress believes the war should be ended soon. Second, Congress and the president have different preferences because of electoral pressures of their different constituents. Suppose, for example, that the president depends heavily on the continued support of arms suppliers, while crucial members of Congress come from districts dominated by war protestors. Thus, although the median voter might want the war to continue for a moderate time, the president prefers an indefinite extension, while Congress prefers an immediate termination. So far, we have explained why the president and Congress might disagree about when to terminate the war, but mere policy disagreement does not result in a showdown. Showdowns arise only when there is a disagreement about authority. If Congress believes that the president has the sole authority to terminate the war, then his view will prevail. Congress may try to pressure him or influence him by offering support for other programs desired by the president, or by trying to rile up the public, but these activities are part of normal politics, and do not provoke a constitutional showdown. Similarly, if the president believes that Congress has the sole authority to terminate the war, then Congress’s view will prevail. This outcome is shown in cell 3 in table 2.1. Similarly, no showdown occurs when the two branches agree both about authority and policy—for example, that the president decides, and Congress agrees with his decision (cell 1). The first column represents the domain of normal politics. Showdowns can arise only when Congress and the president disagree about who decides. Here, there are two further possibilities. First, Congress and the president disagree about who decides but agree about the correct policy outcome (cell 2). In these situations, which arise with some frequency, the two branches are often tempted to paper over their differences because an immediate policy choice is not at stake. But sometimes a showdown will occur. We will discuss this special case later. Second, Congress and the president disagree about the policy outcome and about authority (cell 4). In this case, showdowns are likely, because a policy decision must be made, and if the parties cannot agree about what it should be, then they cannot avoid resolving the question of authority. We focus on this case for now.

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

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

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

#### **PROCESS of passage—faces criticism**

Kriner 10 Douglas L. Kriner (assistant professor of political science at Boston University) “After the Rubicon: Congress, Presidents, and the Politics of Waging War”, University of Chicago Press, Dec 1, 2010, page 68-69.

While congressional support leaves the president’s reserve of political capital intact, congressional criticism saps energy from other initiatives on the home front by forcing the president to expend energy and effort defending his international agenda. Political capital spent shoring up support for a president’s foreign policies is capital that is unavailable for his future policy initiatives. Moreover, any weakening in the president’s political clout may have immediate ramifications for his reelection prospects, as well as indirect consequences for congressional races.59 Indeed, Democratic efforts to tie congressional Republican incumbents to President George W. Bush and his war policies paid immediate political dividends in the 2006 midterms, particularly in states, districts, and counties that had suffered the highest casualty rates in the Iraq War. 60 In addition to boding ill for the president’s perceived political capital and reputation, such partisan losses **in Congress** only further imperil his programmatic agenda, both international and domestic. Scholars have long noted that President Lyndon Johnson’s dream of a Great Society also perished in the rice paddies of Vietnam. Lacking the requisite funds in a war-depleted treasury and the political capital needed to sustain his legislative vision, Johnson gradually let his domestic goals slip away as he hunkered down in an effort first to win and then to end the Vietnam War. In the same way, many of President Bush’s highest second-term domestic proprieties, such as Social Security and immigration reform, failed perhaps in large part because the administration had to expend so much energy and effort waging a rear-guard action against congressional critics of the war in Iraq.61 When making their cost-benefit calculations, presidents surely consider these wider political costs of congressional opposition to their military policies. If congressional opposition in the military arena stands to derail other elements of his agenda, all else being equal, the president will be more likely to judge the benefits of military action insufficient to its costs than if Congress stood behind him in the international arena.

### at: dickinson

**Their ev is a blog post, not peer reviewed and only about court nominations –Dickinson concludes neg**

**Dickinson, 2009** (Matthew, professor of political science at Middlebury College. He taught previously at Harvard University, where he also received his Ph.D., working under the supervision of presidential scholar Richard Neustadt, We All Want a Revolution: Neustadt, New Institutionalism, and the Future of Presidency Research, Presidential Studies Quarterly 39 no4 736-70 D 2009)

Small wonder, then, that initial efforts to find evidence of presidential power centered on explaining legislative outcomes in Congress. Because scholars found it difficult to directly and systematically measure presidential influence or "skill," however, they often tried to estimate it indirectly, after first establishing a baseline model that explained these outcomes on other factors, including party strength in Congress, members of Congress's ideology, the president's electoral support and/or popular approval, and various control variables related to time in office and political and economic context. With the baseline established, one could then presumably see how much of the unexplained variance might be attributed to presidents, and whether individual presidents did better or worse than the model predicted. Despite differences in modeling assumptions and measurements, however, these studies came to remarkably similar conclusions: individual presidents did not seem to matter very much in explaining legislators' voting behavior or lawmaking outcomes (but see Lockerbie and Borrelli 1989, 97-106). As Richard Fleisher, Jon Bond, and B. Dan Wood summarized, "[S]tudies that compare presidential success to some baseline fail to find evidence that perceptions of skill have systematic effects" (2008, 197; see also Bond, Fleisher, and Krutz 1996, 127; Edwards 1989, 212). To some scholars, these results indicate that Neustadt's "president-centered" perspective is incorrect (Bond and Fleisher 1990, 221-23). In fact, the aggregate results reinforce Neustadt's recurring refrain that presidents are weak and that, when dealing with Congress, a president's power is "comparably limited" (Neustadt 1990, 184). The misinterpretation of the findings as they relate to PP stems in part from scholars' difficulty in defining and operationalizing presidential influence (Cameron 2000b; Dietz 2002, 105-6; Edwards 2000, 12; Shull and Shaw 1999). But it is also that case that scholars often misconstrue Neustadt's analytic perspective; his description of what presidents must do to influence policy making does not mean that he believes presidents are the dominant influence on that process. Neustadt writes from the president's perspective, but without adopting a president-centered explanation of power. Nonetheless, if Neustadt clearly recognizes that a president's influence in Congress is exercised mostly, as George Edwards (1989) puts it, "at the margins," his case studies in PP also suggest that, within this limited bound, presidents do strive to influence legislative outcomes. But how? Scholars often argue that a president's most direct means of influence is to directly lobby certain members of Congress, often through quid pro quo exchanges, at critical junctures during the lawmaking sequence. Spatial models of legislative voting suggest that these lobbying efforts are most effective when presidents target the median, veto, and filibuster "pivots" within Congress. This logic finds empirical support in vote-switching studies that indicate that presidents do direct lobbying efforts at these pivotal voters, and with positive legislative results. Keith Krehbiel analyzes successive votes by legislators in the context of a presidential veto and finds "modest support for the sometimes doubted stylized fact of presidential power as persuasion" (1998,153-54). Similarly, David Bradyand Craig Volden look at vote switching by members of Congress in successive Congresses on nearly identical legislation and also conclude that presidents do influence the votes of at least some legislators (1998, 125-36). In his study of presidential lobbying on key votes on important domestic legislation during the 83rd (1953-54) through 108th (2003-04) Congresses, Matthew Beckman shows that in addition to these pivotal voters, presidents also lobby leaders in both congressional parties in order to control what legislative alternatives make it onto the congressional agenda (more on this later). These lobbying efforts are correlated with a greater likelihood that a president's legislative preferences will come to a vote (Beckmann 2008, n.d.). In one of the most concerted efforts to model how bargaining takes place at the individual level, Terry Sullivan examines presidential archives containing administrative headcounts to identify instances in which members of Congress switched positions during legislative debate, from initially opposing the president to supporting him in the final roll call (Sullivan 1988,1990,1991). Sullivan shows that in a bargaining game with incomplete information regarding the preferences of the president and members of Congress, there are a number of possible bargaining outcomes for a given distribution of legislative and presidential policy preferences. These outcomes depend in part on legislators' success in bartering their potential support for the president's policy for additional concessions from the president. In threatening to withhold support, however, members of Congress run the risk that the president will call their bluff and turn elsewhere for the necessary votes. By capitalizing on members' uncertainty regarding whether their support is necessary to form a winning coalition, Sullivan theorizes that presidents can reduce members of Congress's penchant for strategic bluffing and increase the likelihood of a legislative outcome closer to the president's preference. "Hence, the skill to bargain successfully becomes a foundation for presidential power even within the context of electorally determined opportunities," Sullivan concludes (1991, 1188). Most of these studies infer presidential influence, rather than measuring it directly (Bond, Fleisher, and Krutz 1996,128-29; see also Edwards 1991). Interestingly, however, although the vote "buying" approach is certainly consistent with Neustadt's bargaining model, none of his case studies in PP show presidents employing this tactic. The reason may be that Neustadt concentrates his analysis on the strategic level: "Strategically the question is not how he masters Congress in a peculiar instance, but what he does to boost his mastery in any instance" (Neustadt 1990, 4). For Neustadt, whether a president's lobbying efforts bear fruit in any particular circumstance depends in large part on the broader pattern created by a president's prior actions when dealing with members of Congress (and "Washingtonians" more generally). These previous interactions determine a president's professional reputation--the "residual impressions of [a president's] tenacity and skill" that accumulate in Washingtonians' minds, helping to "heighten or diminish" a president's bargaining advantages. "Reputation, of itself, does not persuade, but it can make persuasions easier, or harder, or impossible" (Neustadt 1990, 54).

### PC key

#### 1nc Merry says it’s a war powers fight that functionally delegates authority to Israel but Obama’s resisting AIPAC and controlling the discussion—that relies on his personal influence which Loomis says the plan immediately jeopardizes.

#### PC is key – 30 Senate Dems are in play and open to persuasion

**Sargent, 12/20/13** – write the Plum Line blog for the Washington Post (Greg, “Divide deepens among Democrats on Iran” <http://www.washingtonpost.com/blogs/plum-line/wp/2013/12/20/divide-deepens-among-democrats-on-iran/>)

That raises an interesting question: What if this bill comes to a vote and goes down in the Senate?

Already, Democrats are divided on the push for a new sanctions bill. Senators Robert Menendez and Chuck Schumer are leading the push for the bill, and they have been joined by 11 other Democratic Senators. On the other hand, 10 Dem Senators — all committee chairs — have come out against the sanctions bill, arguing in a letter to Harry Reid that “new sanctions would play into the hands of those in Iran who are most eager to see the negotiations fail.”

That leaves at least 30 Dem Senators who may be up for grabs.

This means that, in addition to the organizing that Boxer is undertaking, you’re all but certain to see more pressure be brought to bear on Democrats to back off of Congressional action right now. (There is also pressure on them to support the new sanctions bill, but the organizing that’s taking place against it is getting less attention.) As HuffPo reported yesterday, liberal groups like MoveOn and CREDO are already pillorying senators Menendez and Schumer for undermining the negotiations and playing into GOP efforts to fracture Dem unity on Iran. Pressure will probably be brought to bear on undecided Dems, too.

Senate aides say they are not ready to predict whether the Iran sanctions bill will or won’t pass. Right now 13 Republicans have signed on to the Menendez-Schumer bill. But you could conceivably see Republican Senators like Rand Paul and Mike Lee, who have been more suspicious of the use of American power abroad than neocons or GOP internationalists have traditionally been, come out against the bill. I’ve asked Senator Paul’s office where he stands and haven’t received an answer. What will he say?

There will also be tremendous pressure brought to bear from both sides on Harry Reid, who has yet to say whether he’ll allow it to come to a vote. If more Dems come out against the bill, it will become harder for him to bring it to a vote.

It remains very possible that the bill will pass the Senate, and if the White House is right, that could imperil the chances of a long term diplomatic breakthrough. But it’s also possible the bill will fail, which would be a major rebuke to the hawks.

#### Prefer our evidence:

#### 1. They overlook Obama’s new team

**Wall Street Journal, 1/3/14** (“Obama's 2014 Priorities Face Early Tests in Congress” <http://online.wsj.com/news/articles/SB10001424052702303640604579298813059939366>)

While much of the Obama agenda remains the same as last year, the White House's outreach to Capitol Hill will look different in 2014. Moving to shore up what many lawmakers had said was an underpowered effort to work with lawmakers, the White House has named Katie Beirne Fallon, a former longtime aide to Sen. Chuck Schumer (D., N.Y.), as its legislative-affairs director.

Phil Schiliro, who held that post earlier in the Obama administration, is returning to the White House, and John Podesta, a White House chief of staff under Bill Clinton, will be a senior adviser. All three have personal relationships with key members of Congress.

Rep. Steve Israel (D., N.Y.) said he already has seen the White House's stepped-up efforts to work with Capitol Hill. "They understand that the next 10 months will define the final two years of the Obama administration, and that is going to require teamwork and hard work," he said. "I've seen enhanced communication. I had a conference call [Thursday] night as the blizzard struck" while Mr. Israel was home on Long Island. He said the call was about the health-care law.

#### 2. Specific to veto

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

Spitzer states that the veto is the “key presidential weapon,”13 and I suggest that it offers him a strategy to take both the defensive and the offensive against an often divided and combative Congress. The president takes the defensive by waiting for legislation to be sent to him from Congress and then vetoing legislation that is unacceptable and offensive to his administration’s goals. The veto is a way for the president to “go public” and to show his dislike for the legislation through his veto message. In addition, he can prove to Congress that unless they amend the legislation in accordance with his suggestions, he will not pass the bills that they send him. Gattuso speaks on this matter by stating, “The veto, moreover, is a very effective device for grabbing the public’s attention and focusing it on the President’s struggle to pursue policies on behalf of all the people and against special interests. A veto message may be a President’s most effective bully pulpit.”14

However, the veto is more than a tool to block, and the president may also take the offensive by using the veto threat. Aside from the conventional use of the veto (blocking legislation from passing), it can also be used in this more subtle and less potentially damaging way. The veto threat is a special tool that allows the president to warn Congress of a veto before the legislation is even presented to him. The veto threat stems from the power that the veto has built over the centuries and which relies heavily on a president’s possession of political capital. If the president is in the fourth year of his term, when Congress is most likely to be confrontational, the president should not use the veto threat as often as he did in the first year of his term. This is due to the fact that when a president enters office he is riding on the mandate of his election and has a large amount of political capital to spend. This is why Spitzer warns that, “like a veto itself, a threat applied too often loses its potency, and a threat not considered credible is not a threat at all.”15

Once the president makes the decision to make a veto threat and does so, there are four outcomes that are possible. Congress can decide to shape the legislation in a manner that is acceptable to the president so that he will sign it into public law, Congress can construct a compromise with the president and pass an altered bill, the president can give in and sign the bill if Congress sends it unchanged, or neither side can compromise and will lead to Congress passing the bill unchanged and the president vetoing it.16

In order to take advantage of the strategic uses of the veto, both in its defensive and offensive applications, it must be determined what factors lead a president to veto or pass legislation. To do this, I will assess what factors scholars believe influence a president’s decision to veto legislation. To determine if these widely supported factors are important in the president’s decision to veto, they will be tested to determine whether they are statistically significant. Once it is known what factors truly cause the president to veto legislation, and which actually matter, it will help the president create a reliable veto strategy. The veto strategy is a model to help the president assess when the use of the veto will maximize effectiveness. This allows the president to calculate when it is an opportune time to risk political capital and a potential override in order to veto legislation, or when he should avoid losing capital and attempt to bargain with Congress or simply pass legislation.

### sanctions kill deal/yes 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 embolden hardliners

**Levin and Boxer, 12/18/13** – US Senators (Carl and Barbera, Politico, “Now’s No Time for New Iran Sanctions” <http://www.politico.com/magazine/story/2013/12/nows-no-time-for-new-iran-sanctions-101303.html>

In two important ways, the Obama administration has effectively pushed Iran to the bargaining table. First, it organized the international community in what might be the most stringent international sanctions regime ever, exacting a high price for Iran’s refusal to accept the global consensus against its nuclear program. Second, the administration has made clear that, while we want a diplomatic solution, all options—including the use of force—remain on the table in order to achieve our overarching objective of preventing a nuclear-armed Iran. Now, for the first time in more than a decade, this approach has produced the possibility of success.

This interim agreement doesn’t guarantee that we will achieve our ultimate goal, or that we should be any less skeptical of Iran’s leaders. In our view, there is no reason to trust the Iranian regime—and, therefore, every reason to make sure that we reach a permanent agreement that is airtight.

The interim agreement includes inspection requirements unprecedented in their scope and stringency. For the first time, the deal gives international inspectors broad, intrusive and frequent access to Iran’s nuclear facilities. For this reason alone—the ability to monitor Iran’s nuclear program more closely than ever before—this initial agreement is a clear improvement over the status quo. And it doesn’t just allow us to keep a closer eye on the Iranian nuclear program. For the first time, it halts, and to an extent rolls back, that program.

Just a month ago, each passing day brought Iran closer to a nuclear weapons capability. Under this initial agreement, at the end of six months Iran will have no 20 percent enriched uranium available for possible weapons use, no additional 3.5 percent low-enriched uranium in its stockpile, no new centrifuges for uranium enrichment and no use of advanced centrifuges.

And this agreement offers hope of something greater. It offers the chance to end our confrontation with Iran peacefully—instead of a status quo that offers no alternative to ending Iran’s march toward a nuclear weapon short of military action. The past few months have made clear that the Iranian people want to change their country’s anti-Western outlook and to end its pariah status. So we have an obligation to test the willingness of Iran’s leaders to give up the possibility of acquiring a nuclear weapon. And if they fail that test, everything is still on the table.

Media reports have suggested that Congress intends to pass legislation soon that would impose additional sanctions on Iran. That would run the risk of derailing efforts toward a peaceful resolution, and risk the unity we have achieved with the world community that has been so crucial to our progress to date. Fortunately, many in Congress, us included, believe that we must test this window of opportunity, to see whether Iran’s new President Hassan Rouhani can deliver on the promise of a comprehensive solution that closes Iran’s path to a nuclear weapon.

As staunch supporters of Israel, we understand the dire risk to our Israeli allies should Iran cross the nuclear threshold. If Iran does not follow through on this opening or if in the end the regime is not willing to rejoin the community of nations, then we should impose even more crippling sanctions, and make clear that all potential options, including the use of military force, remain available. But we shouldn’t pass legislation now that would endanger negotiations that most people and countries want to succeed. Such congressional action now could bolster the efforts of Iran’s militants to kill the deal.

### trenin

Too old—P5+1 is the squo

Says engaging Iran with Russia—that’s not the aff

#### Deal is key to détente with Iran – that prevents collapse of Iraq, Afghanistan, Pakistan and Syria

**Saidi, 1/3/14** – Dr. Nasser H. Saidi is an economist; adviser to governments, central banks; governance advocate and promoter of crowdfunding & clean energy. He is the former Chief Economist and Head of External Relations of Dubai International Financial Centre (DIFC) and founder and Executive Director of the Hawkamah-Institute for Corporate Governance and The Mudara Institute of Directors at the DIFC between 2006 and 2012 (“Why Détente With Iran Is a Historic Game Changer”

<http://www.huffingtonpost.com/dr-nasser-h-saidi/us-detente-with-iran-game-changer_b_4476864.html>)

We are at a potential cusp, a transformational moment in the Gulf and the Middle East where détente with Iran could radically change the geopolitics and economics of the region. The opportunity should not be missed.

Iran was headline news last month after the P5+1 (shorthand for U.S.) reached a deal whereby Iran agreed to curb some of its nuclear activities in return for a promised USD 7 billion in sanctions relief. In a deal agreed for a six-month timeframe and reflecting the current balance of power between the negotiating parties, Iran agreed to halt enrichment of uranium above 5 percent purity, neutralize its stockpile of uranium enriched to near 20 percent purity, stop building its stockpile of 3.5 percent enriched uranium, forswear "next generation centrifuges," shut down its plutonium reactor and allow extensive new inspections of its nuclear facilities. Concessions Iran "won" included suspension of international sanctions on Iran's exports of oil, gold and cars, which could yield USD 1.5 billion in revenue, unfreezing USD 4.2 billion in revenue from oil sales and releasing tuition-assistance payments from the Iranian government to Iranian students enrolled abroad.

Following the announcement, Iran's official missions hogged the limelight as did the GCC Summit's leaders applauding Iran's "new direction," though its communiqué also voiced concern over Iran's plans to build more nuclear power plants on the Gulf, saying these "threaten the environmental system and water security."

The issue is not the nuclear dossier but Iran's geo-strategic role

The current focus of negotiations is on Iran's nuclear capability and sanctions. It will take time and confidence-building measures to overcome suspicion, mistrust and three decades of deep freeze in relations. On both sides, hardliners and losers from détente (notably Israel and Saudi) will actively attempt to derail negotiations. However, the opportunity and overture offered by the election of Hassan Rouhani should not be missed. A new path must be chosen.

The ultimate purpose and objective lies not in the nuclear dossier but in defining Iran's future geo-strategic role in the Gulf, Middle East and South East Asia. It is about Iran's active participation in healing long-standing open wounds, including the cancer of the Israeli-Palestinian impasse. Only a Pax Americana-Irania can lead to a stabilization of Iraq, Afghanistan and Pakistan, and prevent Syria from turning into a failed state with destabilizing spillovers into neighboring countries, notably weak Lebanon and Jordan.

The Iran détente stakes are high. A large dividend from détente would result from reduced military expenditures, of "swords into plowshares" across the Middle East. In 2012, the Middle East countries spent more than USD 132 billion in military spending, the highest percentage of GDP in the world (with Saudi leading at 8.9 percent of GDP, Oman 8.4 percent and Israel 6.2 percent). Freeing up economically sterile military expenditure and re-orienting spending for investment in human capital, infrastructure, R&D, economic and social development projects and regional public goods would lead to much-needed job creation, increase productivity growth and raise real incomes for the young generations of a region that has witnessed too much violence, wars, death and destruction. A new path must be chosen.

### sanctions cause strikes

#### 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.

### commitment trap

#### Ambiguity solves

Avner Golov 12-2-2013; Research Fellow at INSS “Deterrence in the Gulf War” 20:3, 453-472 The Nonproliferation Review

Some advocates of a no-first-use policy argue that, even when the threat to use nuclear weapons in retaliation for a CBW attack is not initially credible, it can compel the leader issuing the threat to ultimately follow through.90Sagan calls this the “commitment trap,” and suggests that “nuclear threats increase the likelihood that other states will use chemical weapons and biological weapons by accident, through unauthorized action, or in response to a false warning of attack”.91Others argue that nuclear weapons can be a credible response to a CBW attack, and doubt the effectiveness of using conventional forces to deter rogue countries from using CBW.92 French analyst Bruno Tertrais suggests, however, that in order to avoid a public promise to use nuclear weapons—and thereby increase the pressure to do so—one can **implement a policy of ambiguity**. However, he does not address the question of such a policy’s credibility.

#### Shifting to conventional weapons still creates the same commitment traps

Avner Golov 12-2-2013; Research Fellow at INSS “Deterrence in the Gulf War” 20:3, 453-472 The Nonproliferation Review

This conclusion underlies the question about the relations between ambiguous US and Israeli threats and Saddam’s decision to predelegate the authority to launch an unconventional attack to his SSO commanders. Generally, Saddam’s behavior matches that in Sagan’s mechanism: Saddam was very concerned about a scenario in which his enemies launch a nuclear first strike or continue to Baghdad to decapitate his regime. For that reason, he created an automatic retaliation mechanism. The US and Israeli failure to clarify their nuclear use policies or ultimate war objectives (e.g., regime change or just withdrawal from Kuwait) appear to have encouraged Saddam to predelegate launch authority, increasing the chances Iraq would use WMD. However, the risks created by a policy of nuclear ambiguity may also be posed by conventional threats. In light of this conclusion, Sagan’s argument should be studied in respect to the relationship between predelegation policy and conventional threats.

## 1nr

### AT: Not Logical

#### Here is evidence for the education argument made above

Sinnar, assistant professor of law at Stanford Law School, May 2013

(Shirin, “Protecting Rights from Within? Inspectors General and National Security Oversight,” 65 Stan. L. Rev. 1027, Lexis)

More than a decade after September 11, 2001, the debate over which institutions of government are best suited to resolve competing liberty and national security concerns continues unabated. While the Bush Administration's unilateralism in detaining suspected terrorists and authorizing secret surveillance initially raised separation of powers concerns, the Obama Administration's aggressive use of drone strikes to target suspected terrorists, with little oversight, demonstrates how salient these questions remain. Congress frequently lacks the [\*1029] information or incentive to oversee executive national security actions that implicate individual rights. Meanwhile, courts often decline to review counterterrorism practices challenged as violations of constitutional rights out of concern for state secrets or institutional competence. n1 These limitations on traditional external checks on the executive - Congress and the courts - have led to increased academic interest in potential checks within the executive branch. Many legal scholars have argued that executive branch institutions supply, or ought to supply, an alternative constraint on executive national security power. Some argue that these institutions have comparative advantages over courts or Congress in addressing rights concerns; others characterize them as a second-best option necessitated by congressional enfeeblement and judicial abdication.

#### That means their arg is self-serving, destroys mechanism education, which is the crux of comparative neg ground. They get answers based on precedent, signal, expertise, and balance of power—using theory when the topic spotlights this option proves they’re shifting goalposts to support intellectual sloth.

#### Its’ also a rational and logical choice for policymakers

**Sales 2012** – Assistant Professor of Law, George Mason University School of Law (7/3, Nathan Alexander, Journal of National Security Law & Policy, 6.227, “Self-Restraint and National Security”)

With this framework in mind, we can begin to offer some preliminary ¶ hypotheses about why national security officials sometimes adopt selfrestraints. From a policymaker’s standpoint, the expected benefits of a ¶ national security operation often will be dwarfed by its expected costs ¶ (enemy propaganda, loss of national prestige, individual criminal liability, ¶ and so on). For **rational policymakers**, the welfare maximizing choice ¶ sometimes will be to avoid bold and aggressive operations. Reviewers ¶ likewise can find inaction to be welfare maximizing. For an influence- and ¶ autonomy-maximizing reviewer, vetoing an operation proposed by a ¶ bureaucratic competitor can redistribute power and turf away from one’s ¶ rival and to oneself. Operators, by contrast, are likely to have a very ¶ different cost-benefit calculus. An operator’s expected benefits typically ¶ will be larger than a policymaker’s or a reviewer’s, because he will account ¶ for the psychic income (such as feelings of exhilaration and satisfaction)¶ that accrues to those who personally participate in a mission. As a result, ¶ rational operators may regard a given operation as welfare-enhancing even ¶ when policymakers and reviewers regard the same mission as welfarereducing. ¶ A few observations are needed about the public choice framework ¶ sketched out above – its possibilities and its limitations – before applying it. ¶ This article emphasizes restraints imposed by elements **within the executive** ¶ branch. But the framework also might be used to explain why Congress ¶ sometimes adopts restraints for the government as a whole – i.e., why ¶ Congress enacts legislation restricting the executive’s operational authority ¶ more severely than is required by domestic law (in this case the ¶ Constitution) or international law. First, there may be an asymmetry in the ¶ legislators’ expected value calculations. Members of Congress might ¶ conclude, for example, that the expected costs of conducting mildly ¶ coercive interrogations outweigh the expected benefits and thus enact ¶ legislation banning the military from using any technique not listed in the ¶ Army Field Manual, as it did in the Detainee Treatment Act of 2005.33¶ Second, members might engage in a form of empire building, allocating to ¶ themselves a greater portion of the war powers they share with the ¶ President. For example, Congress might assert its primacy over covert ¶ operations by passing a law prohibiting the President from approving ¶ assassinations, as the Church Committee proposed in the late 1970s.34 Still, ¶ the Executive probably is more likely to adopt restraints than Congress is, ¶ because the Executive’s expected costs of an operation gone wrong usually ¶ will be greater.35 Unlike legislators, executive branch officials face the ¶ prospect of personal legal liability for approving or participating in ¶ operations that are alleged to violate domestic or international law.36

### AT: Permutation

#### The CP doesn’t

Fine 12

Jeffrey A. Fine, assistant professor of political science at Clemson University. He has published articles in the Journal of Politics, Political Research Quarterly, and Political Behavior. Adam L. Warber is an associate professor of political science at Clemson University. He is the author of Executive Orders and the Modern Presidency, Presidential Studies Quarterly, June 2012, " Circumventing Adversity: Executive Orders and Divided Government", Vol. 42, No. 2, Ebsco

We also should expect presidents to prioritize and be strategic in the types of executive orders that they create to maneuver around a hostile Congress. There are a variety of reasons that can drive a president’s decision. For example, presidents can use an executive order to move the status quo of a policy issue to a position that is closer to their ideal point. By doing so, presidents are able to pressure Congress to respond, perhaps by passing a new law that represents a compromise between the preferences of the president and Congress. Forcing Congress’s hand to enact legislation might be a preferred option for the president, if he perceives Congress to be unable or unwilling to pass meaningful legislation in the ﬁrst place. While it is possible that such unilateral actions might spur Congress to pass a law to modify or reverse a president’s order, such responses by Congress are rare (Howell 2003, 113-117; Warber 2006, 119). Enacting a major policy executive order allows the president to move the equilibrium toward his preferred outcome without having to spend time lining up votes or forming coalitions with legislators. As a result, and since reversal from Congress is unlikely, presidents have a greater incentive to issue major policy orders to overcome legislative hurdles.

### AT: 1ac Solvency Deficits

#### Here is a re highlighting of their ev to substantiate the Cp

Stone 76 (Director of the Federation of American, Jeremy I. Stone, First use deserves more than one decision-maker, Bulletin of the Atomic Scientists, Mar 1976, Vol. 32 Issue 3, p 56-57)

(do not endorse gendered language used in the article)

The time has come to investigate the political controls over the use of nuclear weapons. The weapons themselves will be with us for the foreseeable future. Safety therefore lies in ensuring that their use is never ordered. It is only too clear that the use of nuclear weapons by one na- tion will trigger their use by an- other nation. The question there- fore turns on the use of nuclear weapons-the initiation of nuclear war in what had previously been a conventional con- flict crisis. The issue of political control over nuclear weapons thus be- comes the question of “Who decides?” whether nuclear use ha1 I be initiated. One fact is central: there is no need to respond instantaneously with a nuclear weapon to a con- ventional attack. There will be time to consider what to do. A fundamental conclusion springs from this: it is not necessary to leave this decision in the hands of a single decision-maker. And if it is not necessary, then it is not wise: The first use of nuclear weapons is too impor- tant an issue for that. Eight hundred million lives may be lost if the use of nuclear weapons es- calates to general war. One deci- sion-maker would be under un- bearable pressures. His personal political interests could encour- age him to risk all for winning all. He could be under pressure from subordinates. He may have al- ready mortgaged his ability to decide objectively through speeches and commitments, public and private. The question of “Who decides?” is War Powers issue. The first use of nuclear weapons will put at risk more persons than any previous decla- ration of war. World Wars I and II risked our sons. But the first use of nuclear weapons risks our na- tional survival. Should it be de- cided by one man? Under the War Powers Resolution, the President can engage in hostilities for up to 60 days un- less Congress votes to prevent him from so continuing. And nothing in that act refers to the tactics or the weapons that he may use. He may turn an unde- clared conventional war into a full-scale nuclear war without any legal requirement to consult with Congress. Undeclared or even declared, it should not be possible for a President to turn a conventional war into a nuclear war after con- sultation only with subordinates. A nuclear war will be a new war in every sense except the legal one. It deserves a specific au- t horizat ion. We therefore propose, , that the President be re- quired to secure the consent of Congress before employing nu- clear weapons except after the use (or irrevocable launch) of nu- clear weapons by an adversary. How this consent would be se- cured, Congress and the Presi- dent should decide by passing a suitable law. In emergency cir- cumstances, it might, for exam- ple! be through a majority vote of the c,hairmen of the relevant committees of both Houses (Armed Services and Foreign Re- lations) and of the Majority and Minority Leaders in Congress. In the absence of such an emergen- cy, a President wanting such au- thority might be required to have a resolution approved by the Congress at large. The details are less important than the fact that the base of responsibility for this enormous decision be promptly broadened. But, in light of the way in which the concept “con- sultation” has been debased, we do insist that this sharing of re- sponsibility be associated with some kind of vote of persons who are not subordinate to the President. We want more decision-makers involved, not just more subordinates or more con- su I t at io ns. This authority would not limit, in any way, the right to retaliate for the use of nuclear weapons against us-thus it would not affect the deterrent or tie his hands. It would be de- signed to preserve control over the conventional or nuclear character of the war. Indeed, it would improve the deterrent. Present strategy envis- ages the possibility of “demon- stration” nuclear uses if conven- tional war breaks out, as a signal to the other side of American determination. A better, and much less dangerous, signal would be the request to Congress for this authority. This cocks the revolver without break- ing the nuclear threshold. (If nec- essary, the request could go forth secretly under the proposal we put forward-the Congres- sional leaders could be consult- ed privately.) A number of subsidiary advan- tages would ensue. At least some members of Congress would be forced to become aware, if not expert, on nuclear strategy, in preparation for possible consultation in an emergency. For too long, too few Congressmen have understood the basic nuclear strategy. For example, no one on Capitol Hill seems to know whether submarine com- manders have the authority to use nuclear weapons without consulting the President. And the very real dangers of an emerging counterforce posture are widely misunderstood in Washington. Second, the sharing of responsibility would signal the U.S. armed forces that the instantane- ous use of nuclear weapons was not inevitable; the hair-trigger readiness to go nuclear in Eur- ope.or Korea might be modified by more serious preparations to fight conventionally at least at. the outset. Our basic argument is simple and we repeat it: if more than one decision-maker can be in- volved in the decision-making process, then more than one man should be, simply in view of the importance of the issue. And since there is no requirement for instantaneous response to con- ventional attacks by nuclear ones, there is the time for such involvement of more than one.

#### AT: Stone 84

#### About a planning committee – plan doesn’t mandate that – even their tag admits an ability to signal, not a necessity – proves the CP clearly solves sufficiently – its about a public process of being rescinded which the CP clearly does

### AT: Internal Enforcement

#### The plan creates more un clarity-- legislation is always fuzzy and confusing because of how Congress passes bills

**OMB Watch 2007 – most recent date mentioned** (Regulatory Resource Center, “Background on the Rulemaking Process”, http://www.foreffectivegov.org/files/regs/rcenter/backgroundpdfs/I.-V..pdf)

The blurring of functions that takes place when an executive branch agency exercises quasi-legislative ¶ rulemaking authority is accepted as a necessity. However, it is rationalized on the grounds that the agency ¶ is acting within limits prescribed by Congress. This is the origin of the notion that agencies only exercise ¶ discretion delegated to them by Congress. ¶ Unfortunately, the limits are not always easy to find. Congress has directed agencies simply to "promote ¶ the common defense and security," to "protect the public health," and to regulate in a "just" and ¶ "reasonable" manner "in the public interest." This kind of language has allowed federal agencies wide ¶ latitude to set policies and promulgate regulations.¶ In passing the Clean Air Act in 1970, for example, Congress authorized the administrator of the ¶ Environmental Protection Agency (EPA) to "prescribe such regulations as are necessary to carry out his ¶ functions under [the Act]." ¶ But when agencies try to implement such broad mandates, they sometimes find themselves accused by ¶ members of Congress, the White House, or people outside the government of trying to set independent ¶ policy. If they proceed cautiously because they are not sure what Congress intended or are concerned ¶ about possible political ramifications, they face the charge that they are procrastinating or being ¶ obstructive. ¶ As Senator Patrick J. Leahy (D-VT) once said: "We pass such **fuzzy legislation**. Then we pass it on to ¶ administrative agencies and say: 'You work it out.' Then members and the president go out and campaign ¶ against those 'crazy bureaucrats.'" ¶ Occasionally, Congress turns in the other direction-over-prescription. Legislation may require an agency ¶ to follow particular procedures, make specific findings, and take final action with a certain time period. ¶ Sometimes Congress may even pass a bill that contains equally precise and vague provisions. ¶ There is no clear rule or set pattern. Congress acts as the representative body it is, responding to people's ¶ concerns with varying degrees of forethought, debate, and agreement. Not surprisingly, this process is ¶ reflected in our laws and their delegations of authority to administrative agencies.

#### President sends the clearest signal possible

Nzelibe 6 (Jide, Assistant Professor of Law – Northwestern University Law School, “Positive Theory of the War-Powers Constitution,” Iowa Law Review, March, 91 Iowa L. Rev. 993, Lexis)

The notion that the President is the sole organ of communication in foreign affairs is so uncontroversial that it has almost become a truism of American constitutional law. n35 The textual basis for this authority is not explicit, but courts and commentators have assumed that it derives in large part from the President's power to appoint and receive ambassadors. n36 Nonetheless, in the same breath that courts and commentators often mention the "sole organ" role, they are quick to point out that the President [\*1007] does not have the exclusive authority to conduct foreign policy. n37 There is not much analysis, however, as to how the President's role as the organ of foreign communications influences his ability to shape the national-security agenda.

One can view the President's role in an international crisis as that of an agent reacting to events that have been thrust upon him. Interestingly, however, his role as the nation's spokesman actually puts the President in a position to create or escalate an international crisis. By issuing threats against a foreign adversary, the President is able to create an international crisis that might eventually require a military response. n38 Because foreign states frequently rely on the President's statements as representing the United States' position on an issue, a presidential threat also carries extra weight in creating or amplifying an international crisis. In addition, the domestic audience also takes its cue as to the existence and nature of an international crisis from the President's statements.

The President's agenda-setting power gives him the unique ability to shape domestic-audience preferences for the use of force abroad. In periods of international crisis, such as when the nation faces a foreign threat, the public tends to rally behind a singular authority who symbolizes national unity. n39 As commander in chief, the President serves as a "focal point of action" and embodies a united front against what the public perceives is a common menace. The public turns to him for reassurance and protection, and they expect - indeed, they demand - that he respond by taking appropriate and decisive action against the perceived threat. In these times, the public expects Congress to give the President free rein to tackle the foreign menace as he sees fit.

#### Presidential directives and choices are binding on the nuclear complex – and they’re hard to reverse because they dictate future force structure

Rebeccah Heinrichs and Baker Spring 11-30-2012; Rebeccah Heinrichs is a Visiting Fellow and Baker Spring is F. M. Kirby Research Fellow in National Security Policy in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation. “Deterrence and Nuclear Targeting in the 21st Century”

<http://www.heritage.org/research/reports/2012/11/deterrence-and-nuclear-targeting-in-the-21st-century>

Military planners have the responsibility to translate presidential nuclear targeting and employment directives as augmented by the Secretary of Defense and Chairman of the Joint Chiefs of Staff into targeting requirements and to set the “military characteristics” for nuclear weapons. These serve as a guidance when the National Labs design nuclear forces. The military is responsible for deploying the nuclear forces to meet the President’s requirements.[29] Once directed that the U.S. will pursue a counterforce policy, military planners would compile a target list for each current or future strategic foe based on the five targeting categories, determining which offensive weapons would most effectively and with the highest level of confidence hold such targets at risk.

#### Err neg—it’s functionally as effective as any other actor

**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. 138-139)

Many of our mechanisms are unproblematic from a legal perspective, as they involve presidential actions that are clearly lawful. But a few raise legal questions; in particular, those that involve self-binding.59 Can a president bind himself to respect particular first-order policies? With qualifications, the answer is “yes, at least to the same extent that a legislature can.” Formally, a duly promulgated executive rule or order binds even the executive unless and until it is validly abrogated, thereby establishing a new legal status quo.60 The legal authority to establish a new status quo allows a president to create inertia or political constraints that will affect his own future choices. In a practical sense, presidents, like legislatures, have great de facto power to adopt policies that shape the legal landscape for the future. A president might commit himself to a long-term project of defense procurement or infrastructure or foreign policy, narrowing his own future choices and generating new political coalitions that will act to defend the new rules or policies. More schematically, we may speak of formal and informal means of selfbinding:

1. The president might use formal means to bind himself. This is possible in the sense that an executive order, if otherwise valid, legally binds the president while it is in effect and may be enforced by the courts. It is not possible in the sense that the president can always repeal the executive order if he can bear the political and reputational costs of doing so.

2. The president might use informal means to bind himself. This is not only possible but frequent and important. Issuing an executive rule providing for the appointment of special prosecutors, as Nixon did, is not a formal self-binding.61 However, there may be political costs to repealing the order. This effect does not depend on the courts’ willingness to enforce the order, even against Nixon himself. Court enforcement makes the order legally binding while it is in place, but only political and reputational enforcement can protect it from repeal. Just as a dessert addict might announce to his friends that he is going on a no-dessert diet in order to raise the reputational costs of backsliding and thus commit himself, so too the repeal of an executive order may be seen as a breach of faith even if no other institution ever enforces it.

#### Comparative ev to Congress

**Metzger 2009** – Professor of Law, Columbia Law School (Gillian E., Emory Law Journal, 59.2, “THE INTERDEPENDENT RELATIONSHIP BETWEEN INTERNAL AND EXTERNAL SEPARATION OF POWERS”, http://www.law.emory.edu/fileadmin/journals/elj/59/59.2/Metzger.pdf)

A separate question about internal separation of powers mechanisms concerns their effectiveness, particularly as measures aimed at constraining Executive Branch aggrandizement. Are they actually able to constrain excessive presidential assertions of authority and other abuses? Or are they, in the end, little more than “parchment barriers”61 that are largely ineffective and, worse, may obscure the extent of accumulated presidential power? The case in favor of internal mechanisms is in part comparative. Real limitations exist on the ability of traditional external constraints, specifically Congress and the courts, to check the power of the Executive Branch. The fundamental impediments for Congress are internal ones, in particular its need to proceed via the arduous process of bicameralism and presentment and the additional obstacles created by the operation of congressional committees and rules.62 The ordinary burdens of the legislative process are intensified in contexts involving efforts to check presidential authority given the frequent need to overcome a presidential veto.63 Congress does wield important investigatory and oversight powers and has other tools that may give it leverage over the President, such as control over spending or the ability to add contentious measures to must-pass legislation.64 But the political reality of party allegiance dominating institutional interests, along with greater ideological cohesion among political parties in Congress, undermines these techniques and makes rigorous congressional constraints on presidential actions unlikely except in the context of divided government.65 Moreover, even if Congress is willing to actually engage in oversight, its ability to do so may be significantly hampered by the Executive Branch’s non-cooperation or intransigence, often in the form of assertion of executive privilege or failure to inform Congress of contentious activities.66

#### XOs are binding on future administrations and cause follow-on

Duncan, Associate Professor of Law at Florida A&M, Winter 2010

(John C., “A Critical Consideration of Executive Orders,” 35 Vt. L. Rev. 333, Lexis)

**Executive orders** can serve the purpose of allowing the President to generate favorable publicity, such as when President Clinton signed an executive order on ethics, n493 and when President George W. Bush signed the first of a series of executive orders to launch his Faith-Based and Community Initiatives. n494 While these orders pay off political debts and thus may seem trivial, they nevertheless **create both infrastructural and regulatory precedents for future administrations**. Hence, they create an avenue for key constituencies of each administration to influence the executive structure as a whole without necessarily permitting that influence to extend to arenas of reserved for Congress. That is, while the President can act more swiftly and precisely to satisfy political commitments, the impact of his action will fall considerably short of analogous congressional action. This in turn serves to satisfy selected constituencies without giving them undue power via the presidency.

Executive orders have even served to create presidential commissions to investigate and research problems, and have been instrumental in solving remedial issues. n495 **Commission reports** that result from such orders can in [\*398] turn **put pressure on Congress to** enact legislation to respond to those problems. President Franklin Roosevelt pursued this process when he issued a report of the Committee on Economic Security studying financial insecurity due to "unemployment, old age, disability, and health." n496 This report led to the Social Security Act. n497

#### Future Presidents can't just steamroll their predecessors

**Metzger 2009** – Professor of Law, Columbia Law School (Gillian E., Emory Law Journal, 59.2, “THE INTERDEPENDENT RELATIONSHIP BETWEEN INTERNAL AND EXTERNAL SEPARATION OF POWERS”, http://www.law.emory.edu/fileadmin/journals/elj/59/59.2/Metzger.pdf)

Separate from agency structure, personnel measures, and culture are those internal constraints that target agencies’ methods of operation and procedures. Most prominent among these might be the Administrative Procedure Act (APA), which imposes procedural requirements that agencies must follow in formal adjudication and in adopting or changing binding regulations—the latter feature receiving attention recently as the Obama Administration sought to undo last-minute Bush Administration rulemaking.30 More important on a day-to-day basis are the agency guidance, policy manuals, and regulations that govern much of the operation of federal programs.31 Although the APA regulates how agencies act, it is as much an external check as an internal one; not only do its procedural demands focus primarily on ensuring an opportunity for the public to participate in agency decisionmaking, the APA exempts many internal matters from its orbit.32 Publication and procedural requirements that attach to agency guidance lend it external dimensions as well,33 and other procedural checks, such as the requirement of advisory committee participation or review, similarly have both an internal and external character.34

#### Seen as the decisive voice of America, even if Congress hasn’t signed on

Zbigniew Brzezinski, national security advisor under U.S. President Jimmy Carter, 12/3/12, Obama's Moment, www.foreignpolicy.com/articles/2012/12/03/obamas\_moment

In foreign affairs, the central challenge now facing President Barack Obama is how to regain some of the ground lost in recent years in shaping U.S. national security policy. Historically and politically, in America's system of separation of powers, it is the president who has the greatest leeway for decisive action in foreign affairs. He is viewed by the country as responsible for Americans' safety in an increasingly turbulent world. He is seen as the ultimate definer of the goals that the United States should pursue through its diplomacy, economic leverage, and, if need be, military compulsion. And the world at large sees him -- for better or for worse -- as the authentic voice of America. To be sure, he is not a dictator. Congress has a voice. So does the public. And so do vested interests and foreign-policy lobbies. The congressional role in declaring war is especially important not when the United States is the victim of an attack, but when the United States is planning to wage war abroad. Because America is a democracy, public support for presidential foreign-policy decisions is essential. But no one in the government or outside it can match the president's authoritative voice when he speaks and then decisively acts for America. This is true even in the face of determined opposition. Even when some lobbies succeed in gaining congressional support for their particular foreign clients in defiance of the president, for instance, many congressional signatories still quietly convey to the White House their readiness to support the president if he stands firm for "the national interest." And a president who is willing to do so publicly, while skillfully cultivating friends and allies on Capitol Hill, can then establish such intimidating credibility that it is politically unwise to confront him. This is exactly what Obama needs to do now.

### no prolif now

#### No prolif uniqueness

Kahl et. al 13 (Colin H., Senior Fellow at the Center for a New American Security and an associate professor in the Security Studies Program at Georgetown University’s Edmund A. Walsh School of Foreign Service, Melissa G. Dalton, Visiting Fellow at the Center for a New American Security, Matthew Irvine, Research Associate at the Center for a New American Security, February, “If Iran Builds the Bomb, Will Saudi Arabia Be Next?” <http://www.cnas.org/files/documents/publications/CNAS_AtomicKingdom_Kahl.pdf>, 2013)

\*\*\*cites Jacques Hymans, USC Associate Professor of IR\*\*\*

I I I . LESSONS FRO M HISTOR Y Concerns over “regional proliferation chains,” “falling nuclear dominos” and “nuclear tipping points” are nothing new; indeed, reactive proliferation fears date back to the dawn of the nuclear age.14 Warnings of an inevitable deluge of proliferation were commonplace from the 1950s to the 1970s, resurfaced during the discussion of “rogue states” in the 1990s and became even more ominous after 9/11.15 In 2004, for example, Mitchell Reiss warned that “in ways both fast and slow, we may very soon be approaching a nuclear ‘tipping point,’ where many countries may decide to acquire nuclear arsenals on short notice, thereby triggering a proliferation epidemic.” Given the presumed fragility of the nuclear nonproliferation regime and the ready supply of nuclear expertise, technology and material, Reiss argued, “a single new entrant into the nuclear club could catalyze similar responses by others in the region, with the Middle East and Northeast Asia the most likely candidates.”16 Nevertheless, predictions of inevitable proliferation cascades have historically proven false (see The Proliferation Cascade Myth text box). In the six decades since atomic weapons were first developed, nuclear restraint has proven far more common than nuclear proliferation, and cases of reactive proliferation have been exceedingly rare. Moreover, most countries that have started down the nuclear path have found the road more difficult than imagined, both technologically and bureaucratically, leading the majority of nuclear-weapons aspirants to reverse course. Thus, despite frequent warnings of an unstoppable “nuclear express,”17 William Potter and Gaukhar Mukhatzhanova astutely note that the “train to date has been slow to pick up steam, has made fewer stops than anticipated, and usually has arrived much later than expected.”18 None of this means that additional proliferation in response to Iran’s nuclear ambitions is inconceivable, but the empirical record does suggest that regional chain reactions are not inevitable. Instead, only certain countries are candidates for reactive proliferation. Determining the risk that any given country in the Middle East will proliferate in response to Iranian nuclearization requires an assessment of the incentives and disincentives for acquiring a nuclear deterrent, the technical and bureaucratic constraints and the available strategic alternatives. Incentives and Disincentives to Proliferate Security considerations, status and reputational concerns and the prospect of sanctions combine to shape the incentives and disincentives for states to pursue nuclear weapons. Analysts predicting proliferation cascades tend to emphasize the incentives for reactive proliferation while ignoring or downplaying the disincentives. Yet, as it turns out, instances of nuclear proliferation (including reactive proliferation) have been so rare because going down this road often risks insecurity, reputational damage and economic costs that outweigh the potential benefits.19 Security and regime survival are especially important motivations driving state decisions to proliferate. All else being equal, if a state’s leadership believes that a nuclear deterrent is required to address an acute security challenge, proliferation is more likely.20 Countries in conflict-prone neighborhoods facing an “enduring rival”– especially countries with inferior conventional military capabilities vis-à-vis their opponents or those that face an adversary that possesses or is seeking nuclear weapons – may be particularly prone to seeking a nuclear deterrent to avert aggression.21 A recent quantitative study by Philipp Bleek, for example, found that security threats, as measured by the frequency and intensity of conventional militarized disputes, were highly correlated with decisions to launch nuclear weapons programs and eventually acquire the bomb.22 The Proliferation Cascade Myth Despite repeated warnings since the dawn of the nuclear age of an inevitable deluge of nuclear proliferation, such fears have thus far proven largely unfounded. Historically, nuclear restraint is the rule, not the exception – and the degree of restraint has actually increased over time. In the first two decades of the nuclear age, five nuclear-weapons states emerged: the United States (1945), the Soviet Union (1949), the United Kingdom (1952), France (1960) and China (1964). However, in the nearly 50 years since China developed nuclear weapons, only four additional countries have entered (and remained in) the nuclear club: Israel (allegedly in 1967), India (“peaceful” nuclear test in 1974, acquisition in late-1980s, test in 1998), Pakistan (acquisition in late-1980s, test in 1998) and North Korea (test in 2006).23 This significant slowdown in the pace of proliferation occurred despite the widespread dissemination of nuclear know-how and the fact that the number of states with the technical and industrial capability to pursue nuclear weapons programs has significantly increased over time.24 Moreover, in the past 20 years, several states have either given up their nuclear weapons (South Africa and the Soviet successor states Belarus, Kazakhstan and Ukraine) or ended their highly developed nuclear weapons programs (e.g., Argentina, Brazil and Libya).25 Indeed, by one estimate, 37 countries have pursued nuclear programs with possible weaponsrelated dimensions since 1945, yet the overwhelming number chose to abandon these activities before they produced a bomb. Over time, the number of nuclear reversals has grown while the number of states initiating programs with possible military dimensions has markedly declined.26 Furthermore – especially since the Nuclear Non-Proliferation Treaty (NPT) went into force in 1970 – reactive proliferation has been exceedingly rare. The NPT has near-universal membership among the community of nations; only India, Israel, Pakistan and North Korea currently stand outside the treaty. Yet the actual and suspected acquisition of nuclear weapons by these outliers has not triggered widespread reactive proliferation in their respective neighborhoods. Pakistan followed India into the nuclear club, and the two have engaged in a vigorous arms race, but Pakistani nuclearization did not spark additional South Asian states to acquire nuclear weapons. Similarly, the North Korean bomb did not lead South Korea, Japan or other regional states to follow suit.27 In the Middle East, no country has successfully built a nuclear weapon in the four decades since Israel allegedly built its first nuclear weapons. Egypt took initial steps toward nuclearization in the 1950s and then expanded these efforts in the late 1960s and 1970s in response to Israel’s presumed capabilities. However, Cairo then ratified the NPT in 1981 and abandoned its program.28 Libya, Iraq and Iran all pursued nuclear weapons capabilities, but only Iran’s program persists and none of these states initiated their efforts primarily as a defensive response to Israel’s presumed arsenal.29 Sometime in the 2000s, Syria also appears to have initiated nuclear activities with possible military dimensions, including construction of a covert nuclear reactor near al-Kibar, likely enabled by North Korean assistance.30 (An Israeli airstrike destroyed the facility in 2007.31) The motivations for Syria’s activities remain murky, but the nearly 40-year lag between Israel’s alleged development of the bomb and Syria’s actions suggests that reactive proliferation was not the most likely cause. Finally, even countries that start on the nuclear path have found it very difficult, and exceedingly time consuming, to reach the end. Of the 10 countries that launched nuclear weapons projects after 1970, only three (Pakistan, North Korea and South Africa) succeeded; one (Iran) remains in progress, and the rest failed or were reversed.32 The successful projects have also generally needed much more time than expected to finish. According to Jacques Hymans, the average time required to complete a nuclear weapons program has increased from seven years prior to 1970 to about 17 years after 1970, even as the hardware, knowledge and industrial base required for proliferation has expanded to more and more countries.33 Yet throughout the nuclear age, many states with potential security incentives to develop nuclear weapons have nevertheless abstained from doing so.34 Moreover, contrary to common expectations, recent statistical research shows that states with an enduring rival that possesses or is pursuing nuclear weapons are not more likely than other states to launch nuclear weapons programs or go all the way to acquiring the bomb, although they do seem more likely to explore nuclear weapons options.35 This suggests that a rival’s acquisition of nuclear weapons does not inevitably drive proliferation decisions. One reason that reactive proliferation is not an automatic response to a rival’s acquisition of nuclear arms is the fact that security calculations can cut in both directions. Nuclear weapons might deter outside threats, but leaders have to weigh these potential gains against the possibility that seeking nuclear weapons would make the country or regime less secure by triggering a regional arms race or a preventive attack by outside powers. Countries also have to consider the possibility that pursuing nuclear weapons will produce strains in strategic relationships with key allies and security patrons. If a state’s leaders conclude that their overall security would decrease by building a bomb, they are not likely to do so.36 Moreover, although security considerations are often central, they are rarely sufficient to motivate states to develop nuclear weapons. Scholars have noted the importance of other factors, most notably the perceived effects of nuclear weapons on a country’s relative status and influence.37 Empirically, the most highly motivated states seem to be those with leaders that simultaneously believe a nuclear deterrent is essential to counter an existential threat and view nuclear weapons as crucial for maintaining or enhancing their international status and influence. Leaders that see their country as naturally at odds with, and naturally equal or superior to, a threatening external foe appear to be especially prone to pursuing nuclear weapons.38 Thus, as Jacques Hymans argues, extreme levels of fear and pride often “combine to produce a very strong tendency to reach for the bomb.”39 Yet here too, leaders contemplating acquiring nuclear weapons have to balance the possible increase to their prestige and influence against the normative and reputational costs associated with violating the Nuclear Non-Proliferation Treaty (NPT). If a country’s leaders fully embrace the principles and norms embodied in the NPT, highly value positive diplomatic relations with Western countries and see membership in the “community of nations” as central to their national interests and identity, they are likely to worry that developing nuclear weapons would damage (rather than bolster) their reputation and influence, and thus they will be less likely to go for the bomb.40 In contrast, countries with regimes or ruling coalitions that embrace an ideology that rejects the Western dominated international order and prioritizes national self-reliance and autonomy from outside interference seem more inclined toward proliferation regardless of whether they are signatories to the NPT.41 Most countries appear to fall in the former category, whereas only a small number of “rogue” states fit the latter. According to one count, before the NPT went into effect, more than 40 percent of states with the economic resources to pursue nuclear programs with potential military applications did so, and very few renounced those programs. Since the inception of the nonproliferation norm in 1970, however, only 15 percent of economically capable states have started such programs, and nearly 70 percent of all states that had engaged in such activities gave them up.42 The prospect of being targeted with economic sanctions by powerful states is also likely to factor into the decisions of would-be proliferators. Although sanctions alone proved insufficient to dissuade Iraq, North Korea and (thus far) Iran from violating their nonproliferation obligations under the NPT, this does not necessarily indicate that sanctions are irrelevant. A potential proliferator’s vulnerability to sanctions must be considered. All else being equal, the more vulnerable a state’s economy is to external pressure, the less likely it is to pursue nuclear weapons. A comparison of states in East Asia and the Middle East that have pursued nuclear weapons with those that have not done so suggests that countries with economies that are highly integrated into the international economic system – especially those dominated by ruling coalitions that seek further integration – have historically been less inclined to pursue nuclear weapons than those with inward-oriented economies and ruling coalitions.43 A state’s vulnerability to sanctions matters, but so too does the leadership’s assessment regarding the probability that outside powers would actually be willing to impose sanctions. Some would-be proliferators can be easily sanctioned because their exclusion from international economic transactions creates few downsides for sanctioning states. In other instances, however, a state may be so vital to outside powers – economically or geopolitically – that it is unlikely to be sanctioned regardless of NPT violations. Technical and Bureaucratic Constraints In addition to motivation to pursue the bomb, a state must have the technical and bureaucratic wherewithal to do so. This capability is partly a function of wealth. Richer and more industrialized states can develop nuclear weapons more easily than poorer and less industrial ones can; although as Pakistan and North Korea demonstrate, cash-strapped states can sometimes succeed in developing nuclear weapons if they are willing to make enormous sacrifices.44 A country’s technical know-how and the sophistication of its civilian nuclear program also help determine the ease and speed with which it can potentially pursue the bomb. The existence of uranium deposits and related mining activity, civilian nuclear power plants, nuclear research reactors and laboratories and a large cadre of scientists and engineers trained in relevant areas of chemistry and nuclear physics may give a country some “latent” capability to eventually produce nuclear weapons. Mastery of the fuel-cycle – the ability to enrich uranium or produce, separate and reprocess plutonium – is particularly important because this is the essential pathway whereby states can indigenously produce the fissile material required to make a nuclear explosive device.45 States must also possess the bureaucratic capacity and managerial culture to successfully complete a nuclear weapons program. Hymans convincingly argues that many recent would-be proliferators have weak state institutions that permit, or even encourage, rulers to take a coercive, authoritarian management approach to their nuclear programs. This approach, in turn, politicizes and ultimately undermines nuclear projects by gutting the autonomy and professionalism of the very scientists, experts and organizations needed to successfully build the bomb.46 Alternative Sources of Nuclear Deterrence Historically, the availability of credible security guarantees by outside nuclear powers has provided a potential alternative means for acquiring a nuclear deterrent without many of the risks and costs associated with developing an indigenous nuclear weapons capability. As Bruno Tertrais argues, nearly all the states that developed nuclear weapons since 1949 either lacked a strong guarantee from a superpower (India, Pakistan and South Africa) or did not consider the superpower’s protection to be credible (China, France, Israel and North Korea). Many other countries known to have pursued nuclear weapons programs also lacked security guarantees (e.g., Argentina, Brazil, Egypt, Indonesia, Iraq, Libya, Switzerland and Yugoslavia) or thought they were unreliable at the time they embarked on their programs (e.g., Taiwan). In contrast, several potential proliferation candidates appear to have abstained from developing the bomb at least partly because of formal or informal extended deterrence guarantees from the United States (e.g., Australia, Germany, Japan, Norway, South Korea and Sweden).47 All told, a recent quantitative assessment by Bleek finds that security assurances have empirically significantly reduced proliferation proclivity among recipient countries.48 Therefore, if a country perceives that a security guarantee by the United States or another nuclear power is both available and credible, it is less likely to pursue nuclear weapons in reaction to a rival developing them. This option is likely to be particularly attractive to states that lack the indigenous capability to develop nuclear weapons, as well as states that are primarily motivated to acquire a nuclear deterrent by security factors (as opposed to status-related motivations) but are wary of the negative consequences of proliferation.

### AT: Oceans

#### Oceans resilient

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

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

## 2nr

### uniqueness

#### The veto override attempt will be razor thin close - Obama needs to pick off Democrats to prevent a veto-proof majority

**Henry, 12/27/13** (Ed, Fox News, “Top Dem presses Obama on Iran sanctions after centrifuge surprise”

<http://www.foxnews.com/politics/2013/12/27/top-dem-presses-obama-on-iran-sanctions-after-centrifuge-announcement/>

President Obama faced mounting bipartisan pressure on Friday to drop his resistance to an Iran sanctions bill after Tehran announced a new generation of equipment to enrich uranium -- a move the Israelis claimed was further proof the regime seeks nuclear weapons. One of the president's top Democratic allies is leading the charge for Congress to pass sanctions legislation, despite the president's pleas to stand down. Senate Foreign Relations Committee Chairman Bob Menendez, D-N.J., told Fox News that the "Iranians are showing their true intentions" with their latest announcement. "If you're talking about producing more advanced centrifuges that are only used to enrich uranium at a quicker rate ... the only purposes of that and the only reason you won't give us access to [a military research facility] is because you're really not thinking about nuclear power for domestic energy -- you're thinking about nuclear power for nuclear weapons," he said. Menendez was reacting after Iran's nuclear chief Ali Akbar Salehi said late Thursday that the country is building a new generation of centrifuges for uranium enrichment. He said the system still needs further tests before the centrifuges can be mass produced. His comments appeared aimed at countering hard-liner criticism by showing the nuclear program is moving ahead and has not been halted by the accord. At the same time, the government was walking a fine line under the terms of the deal. Iran, as part of a six-month nuclear deal with the U.S. and other world powers, agreed not to bring new centrifuges into operation during that period. But the deal does not stop it from developing centrifuges that are still in the testing phase. On Friday, the Embassy of Israel in Washington released a statement reiterating their call for Iran to halt enrichment and remove the infrastructure behind it. "Installing additional advanced centrifuges would be further indication that Iran intends to develop a nuclear bomb -- and to speed up the process of achieving it," the statement said. Menendez said he, like the president, wants to test the opportunity for diplomacy. "The difference is that we want to be ready should that diplomacy not succeed," the senator said. "It's getting Congress showing a strong hand with Iranians at the same time that the administration is seeking negotiation with them. I think that that's the best of all worlds." Obama would not appear to agree. At his year-end news conference, the president tried to push back on those advocating new legislation by insisting the tentative deal with Iran has teeth. "Precisely because there are verification provisions in place, we will have more insight into Iran's nuclear program over the next six months than we have previously," Obama said. "We'll know if they are violating the terms of the agreement. They're not allowed to accelerate their stockpile of enriched uranium." Obama argues that Congress could step in at any time to approve new sanctions if Iran violates the terms of the agreement. Further, he argues that legislation at this stage could imperil the hard-fought Geneva deal. But sponsors of the legislation in the Senate, which would only trigger sanctions if Iran violates the interim deal or lets it expire without a long-term accord, say the legislation would do just the opposite -- put added pressure on Iran to rein in its nuclear program. When Congress returns to work next month, there could be new urgency for legislation. A total of 47 co-sponsors are now behind the legislation introduced by Menendez and Sen. Mark Kirk, R-Ill. Supporters are hoping to reach a 67-member, veto-proof majority.

#### There’s an ever-present risk of a veto override – that means Obama has to use his diminished political capital to pick off Democrats

**Lee, 12/19/13** (Carol, Wall Street Journal, “Obama Issues Rare Veto Threat on Iran Bill”, <http://online.wsj.com/news/articles/SB10001424052702304866904579268611658114286>)

The White House issued a rare veto threat in response to a bipartisan Senate bill that would slap Iran with new sanctions if it violates an interim deal reached last month to curb its nuclear program. The threat sets up a standoff in the new year between President Barack Obama and more than two dozen Senate Democrats and Republicans who introduced the legislation on Thursday. The challenge to Mr. Obama is particularly stark because half of the lawmakers sponsoring the new bill are from his own party. The bill could also imperil Mr. Obama's efforts to reach a diplomatic end to the decadelong standoff over Iran's nuclear program, which administration officials hope will be a signature achievement of his second term. Iranian officials have repeatedly threatened in recent days to back out of negotiations with the U.S. and other global powers over Tehran's nuclear program if Washington enacts new sanctions. White House Press Secretary Jay Carney criticized the Senate move, saying such sanctions would undermine Mr. Obama's diplomatic efforts "no matter how they're structured." "We don't think it will be enacted. We certainly don't think it should be enacted," Mr. Carney said. "If it were to pass, the president would veto it." Iranian officials didn't comment Thursday on the introduction of the legislation. But in recent days they have described Iranian President Hasan Rouhani as in a power struggle with hard-liners in Iran's military and clergy over the November agreement with the five permanent members of the United Nations Security Council and Germany, a bloc called the P5+1. Any moves by the U.S. to impose new sanctions on Tehran, said these officials, could weaken Mr. Rouhani's hand. "Naturally, there is opposition to this agreement, both inside Iran and elsewhere," said Iran's Ambassador to France Ali Ahani, at a conference last weekend. "There are people who say you can't trust the Americans." In Washington, Mr. Obama has little political capital with a divided Congress that has given him few recent victories. He is already bracing for tough legislative battles next year. Republicans are weighing a fight over the need to raise the debt limit early this year, and Mr. Obama is set to give a speech in January outlining potentially sweeping changes to the government's contested spying programs. The programs, like Iran diplomacy, have prompted some members of the president's own Democratic Party to criticize his administration. A presidential veto, while unusual for Mr. Obama—particularly on Democratic-backed legislation—could appease all sides. Mr. Obama may strengthen his hand in negotiations by keeping Congress at bay, while lawmakers who are under pressure over Iran get to vote for additional sanctions. And a veto threat by Mr. Obama could provide American diplomats with a way to assure Iran that they are earnest about the diplomacy. Iran last week objected to U.S. moves to enforce existing U.S. sanctions against alleged violations by more than a dozen Iranian individuals and businesses. But the White House also risks seeing Mr. Obama's veto overridden, if Republicans in the Senate remain unified and Democrats continue to feel emboldened to challenge the party line.

#### 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.

### yes strikes

#### 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.''