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#### 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 q`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.”

#### 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 t – released in a week

#### The AFF’s not topical – until the end of hostilities – the AFf happens in a few weeks

**Greenwald, 11** –former Constitutional and civil rights litigator (Glenn, “Three myths about the detention bill” Salon, 12/16, <http://www.salon.com/2011/12/16/three_myths_about_the_detention_bill/>)

Condemnation of President Obama is intense, and growing, as a result of his announced intent to sign into law the indefinite detention bill embedded in the 2012 National Defense Authorization Act (NDAA). These denunciations come not only from the nation’s leading civil liberties and human rights groups, but also from the pro-Obama New York Times Editorial Page, which today has a scathing Editorial describing Obama’s stance as “a complete political cave-in, one that reinforces the impression of a fumbling presidency” and lamenting that “the bill has so many other objectionable aspects that we can’t go into them all,” as well as from vocal Obama supporters such as Andrew Sullivan, who wrote yesterday that this episode is “another sign that his campaign pledge to be vigilant about civil liberties in the war on terror was a lie.” In damage control mode, White-House-allied groups are now trying to ride to the rescue with attacks on the ACLU and dismissive belittling of the bill’s dangers. For that reason, it is very worthwhile to briefly examine — and debunk — the three principal myths being spread by supporters of this bill, and to do so very simply: by citing the relevant provisions of the bill, as well as the relevant passages of the original 2001 Authorization to Use Military Force (AUMF), so that everyone can judge for themselves what this bill actually includes (this is all above and beyond the evidence I assembled in writing about this bill yesterday): Myth # 1: This bill does not codify indefinite detention Section 1021 of the NDAA governs, as its title says, “Authority of the Armed Forces to Detain Covered Persons Pursuant to the AUMF.” The first provision — section (a) — explicitly “affirms that the authority of the President” under the AUMF ”includes the authority for the Armed Forces of the United States to detain covered persons.” The next section, (b), defines “covered persons” — i.e., those who can be detained by the U.S. military — as “a person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners.” With regard to those “covered individuals,” this is the power vested in the President by the next section, (c): It simply cannot be any clearer within the confines of the English language that this bill codifies the power of indefinite detention. It expressly empowers the President — with regard to anyone accused of the acts in section (b) – to detain them “without trial until the end of the hostilities.” That is the very definition of “indefinite detention,” and the statute could not be clearer that it vests this power. Anyone claiming this bill does not codify indefinite detention should be forced to explain how they can claim that in light of this crystal clear provision. It is true, as I’ve pointed out repeatedly, that both the Bush and Obama administrations have argued that the 2001 AUMF implicitly (i.e., silently) already vests the power of indefinite detention in the President, and post-9/11 deferential courts have largely accepted that view (just as the Bush DOJ argued that the 2001 AUMF implicitly (i.e., silently) allowed them to eavesdrop on Americans without the warrants required by law). That’s why the NDAA can state that nothing is intended to expand the 2001 AUMF while achieving exactly that: because the Executive and judicial interpretation being given to the 20o1 AUMF is already so much broader than its language provides. But this is the first time this power of indefinite detention is being expressly codified by statute (there’s not a word about detention powers in the 2001 AUMF). Indeed, as the ACLU and HRW both pointed out, it’s the first time such powers are being codified in a statute since the McCarthy era Internal Security Act of 1950, about which I wrote yesterday.

#### Detention takes three forms—criminal, preventative, and interrogative—they have to specify which one they target—failure to specify leads to bad advocacy skills and causes misperception that turns the aff

**Eppinger 13**—Assistant Professor, Saint Louis University School of Law and Department of Sociology and Anthropology

(Monica, “REALITY CHECK: DETENTION IN THE WAR ON TERROR”, 62 Cath. U.L. Rev. 325, Winter 2013, lexis, dml)

Our conceptual vocabulary has not kept pace with experience. Although legal experts, the press, and the public rely on one generic term, "detention," [\*328] the U.S. executive branch has actually practiced **at least three different modes of detention** in the "war on terror": criminal detention, national security detention for the purpose of prevention (preventive detention), and national security detention for the purpose of interrogation (interrogative detention). **Reliance on an overgeneralized term glosses over important distinctions with serious practical effects**. When the general term "detention" in current usage is taken to mean only "criminal detention," it reflects a misunderstanding of what national security experts are actually working on. Framing the issue so narrowly leads to limited effectiveness in persuasion or diagnosis, insofar as it fails to take into account some of the organizational and ethical features of the domain of national security or results in misrecognitionof some kinds of executive branch conduct. Reconceiving detention based on observation of its actual practice should **yield clarity and specificity that will serve** future advocacy efforts.

### 1nc – statutory source

#### Interpretation:

#### War powers authority is derived from congressional statute - restrictions are increased via statutory or judicial prohibitions on the source

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

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

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

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

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

#### Voting issue -

#### 1. Stabilizes topical authority and both restriction mechanisms – best chance of predictable aff limits and complementary neg ground

#### 2. Pleas for reasonability just warrant precision – only check on bi-directionality and Commander-in-Chief affs

Colby P. Horowitz 2013 “CREATING A MORE MEANINGFUL DETENTION STATUTE: LESSONS LEARNED FROM HEDGES V. OBAMA,” FORDHAM L.R. Vol. 81, http://fordhamlawreview.org/assets/pdfs/Vol\_81/Horowitz\_April.pdf

Thus, there at least two ways to interpret section 1021 under Justice Jackson’s framework. The government believes that section 1021 places the executive firmly in Zone 1. It has argued on appeal in Hedges that section 1021 is “an essentially verbatim affirmation by Congress of the Executive Branch’s interpretation of the AUMF.”335 This is supported by the government’s 2009 brief to the D.C. District Court, which is almost identical to the description of detention authority in section 1021.336 If section 1021 places the President in Zone 1, he has clear statutory authorization and does not need to rely on his general Commander-in-Chief powers (which courts view more narrowly).337 Additionally, in Zone 1, any ambiguities or vague terms in the statute might actually expand the President’s authority.338 338. See Chesney, supra note 33, at 792–93 (explaining that some observers view ambiguities in detention statutes as constituting “an implied delegation of authority to the executive to provide whatever further criteria may be required”).

### 1nc doj cp

#### COUNTERPLAN: The President of the United States should issue an Executive Order committing the executive branch to Solicitor General representation and advance consultation with the Office of Legal Counsel over decisions regarding indefinite detention of third-country nationals. The Department of Justice officials involved should call for military commission trials in the United States, especially for Parwan Detention Facility detainees.

#### Executive pre-commitment to DOJ advice solves the aff

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

V. ENABLING EXECUTIVE CONSTITUTIONALISM

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

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

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

A. Correcting the Bias Against Constitutional Constraint

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

1. Encourage Express Presidential Articulation of Commitment to Constitutional Rights

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

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

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

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

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

#### That's key to Presidential effectiveness—keeping authority is key—the impact is extinction

**Baker, 7 -** Chief Judge to the United States Court of Appeals for the Armed Forces, former Special Assistant to the President and Legal Advisor to the National Security Council (James, IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES, p. 307-309)

This book has considered national security law and process in the context of four security threats. First is the threat of attack by nonstate and statesponsored or supported actors using terrorist means. Overseas, this threat is realized on a daily basis. Within the United States the threat is continuous, but intermittent. The threat of high-explosive attack, like car and truck bombs, targeted suicide bombings, or the sabotage of aircraft, is most likely to materialize. The threat of catastrophic attack with nuclear weapons has the greatest potential impact on our way of life and in terms of human cost. It is in relation to this threat in particular that we need to evaluate and test national security law and process, both because of the potential consequence and because of the focus the enemy has placed on this means of attack. Second, U.S. constitutional values may ebb and wane in an endless conflict against state and nonstate actors engaged in acts of terrorism or posing the threat of terrorism. In light of the interminable nature of this threat, assertions of presidential authority made in extremis may become embedded in U.S. practice and law without a corresponding application of checks and balances. Left outside the reach of effective and independent mechanisms of appraisal, broad assertions of executive authority may in time diminish both the principles of law that define American life as well as the physical security at which they are directed. Third, sincere policy differences, as well as those that are politically inspired, regarding the nature of the terrorist threat and the corresponding measure of response may result in a zero-sum compromise; that is, a diminution of security or a diminution of law, rather than contextual formulas that advance both at once. If the executive needs broad and rapid authority to engage in intelligence collection – as it does – the better course is not to limit the authority, for fear of misuse, but to increase the opportunities for meaningful internal and external appraisal. Such appraisal will deter misuse, but as importantly, encourage effective use. In this enduring conflict we may exhaust our resources or our principles in a manner that leaves us unwilling or unable to effectively address this century’s other certain crises, including the proliferation of weapons of mass destruction to unreliable state actors, the advent of pandemic disease, and environmental degradation and change. This book has focused on the threat of terrorist attack because this is the threat that today drives the legal debate about the president’s constitutional authority. More generally, it drives the purpose and meaning of national security law. It will continue to do so. It is also the threat with the greatest potential to transform U.S. national security, in both a physical and a values sense. The importance of addressing other issues, such as conflict in the Middle East, totalitarian regimes, or pandemic disease, must not be overlooked. Each bears the potential to spiral beyond control resulting in catastrophe at home and overseas. Each of these issues warrants full consideration of the national security instruments and processes described in this book. In each context, law and national security lawyers may contribute to national security in multiple ways. First, the law provides an array of positive or substantive instruments the president may wield to provide for security. Second, the law provides procedural mechanisms offering opportunities to consider, validate, appraise, and improve policy, as well as ensure its lawful execution. These mechanisms include the horizontal separation of constitutional powers at the federal level, and the vertical separation of powers between the federal government and state government. They are found as well in statute and in internal executive directive. The most effective means of appraisal are often found through informal practice. Informal contact allows participants to speak with a freedom not permitted or not often found when bearing the institutional mantle of an office or branch of government. Consider the difference in reaction between the counsel that sits down with the policymaker for a discussion and the counsel who requests the policymaker to put down in a memorandum everything that occurred. With informal practice the role of personality and friendship can serve to facilitate information exchange and the frank exchange of views. Third, in the international context, law provides mechanisms to achieve U.S. national security objectives. This is evident in the context of maritime security, where U.S. law is pegged to an international framework, and effective security requires international as well as domestic participation. In the area of intelligence integration, bilateral and multilateral agreements, like the PSI and bilateral aviation agreements, provide essential mechanisms for identifying intelligence, sharing intelligence, and acting on intelligence. Fourth, the law reflects and projects American values of democracy and liberty. Values are silent force multipliers as well as positive national security tools. As Lawrence Wright, the author of The Looming Tower, and others argue, jihadists like Osama Bin Laden offer no programs or policies for governance, no alternative to Western democracy. They offer only the opportunity for revenge. Rule of law is the West’s alternative to jihadist terrorism. Law, and respect for law, offers the structure of democracy, the opportunity for individual fulfillment regardless of sex, race, or creed, and a process for the impartial administration of justice. Sustained commitment to the rule of law in practice and perception will serve as a positive national security tool in curtailing recruitment of the next wave and generation of jihadists. But law, like homeland security, is an incremental endeavor. It is dependent on sustained action, not rhetoric, and perceptions can be swept aside in a few ill-chosen moments. Law, like this conflict, requires sustained sacrifice and sustained support. Thus, divisive legal arguments should be eschewed, unless they are essential to security and there are no alternative means to accomplish the same necessary security end.

### 1nc resolution cp

#### The United States Federal Government should pass a concurrent Congressional resolution expressing Congressional support for trial by military commission in the United States for third-country nationals at the Parwan Detention Facility.

#### It competes – it’s non-statutory

**Swaine, 10 -** Associate Professor, George Washington University Law School (Edward, “THE POLITICAL ECONOMY OF YOUNGSTOWN” <http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1017&context=faculty_publications>)

Furthermore, Justice Jackson’s framework also suggested that congressional will could be expressed non-statutorily – again, at least insofar as its negative was involved. Assessing Truman’s seizure, Jackson appeared to reason that the absence of circumstances qualifying for Category One or Category Two necessarily meant that Category Three applied; where “the President cannot claim that [his action was] necessitated or invited by failure of Congress to legislate,” he suggested, such an action must be incompatible with the implied will of Congress.104 That implied will might be expressed informally,105 as clarified by passages from the other concurrences to which Justice Jackson expressly subscribed.106 Justices Black and Frankfurter, in particular, each invoked congressional inaction – namely, the fact that Congress had refused amendments to the Taft-Hartley Act that would have clearly given President Truman seizure authority.107 If congressional will can be informally expressed, as by refusing to take action, it suggests the relevance of acts by a subset of Congress rather than Congress as a whole. Individual legislators, certainly, may rise in sufficient opposition to defeat a statutory initiative, and a committee may prevent a bill from making the requisite progress. Presumably other “soft law” measures – like simple resolutions passed by the majority of one house only, or concurrent resolutions passed by both houses but not presented to the President – would be even better indicia.108

#### The CP changes the allocation of authority without enforcing legal restrictions

**Gersen and Posner, 8 -** Kirkland and Ellis Professor of Law, The University of Chicago (Jacob and Eric, “Soft Law: Lessons from Congressional Practice” 61 Stan. L. Rev. 573, lexis)

Soft statutes can also play an important role in the allocation of authority between Congress and the President. Consider the question of how the courts should evaluate executive action at the boundaries of Article II authority. In Youngstown Sheet & Tube Co. v. Sawyer, n113 Justice Jackson famously established a typology for understanding the borders of Article II power. "When the President acts pursuant to an express or implied authorization of Congress, his authority is at its maximum ... ." n114 When Congress has said nothing or there is concurrent authority, there is a "zone of twilight" n115: When the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress may have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility. n116 The President is on weakest ground when Congress has disapproved of the action: "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter." n117 Justice Jackson's language is instructive. He does not say "when a formal statute grants or denies presidential authority." Instead, he refers to the express or implied will of Congress, suggesting that implicit acquiescence will be enough to justify executive action in the zone of ambiguous executive authority. The soft statute should be the preferred mechanism for articulating congressional views in this setting n118 because it is a better indicator of legislative views than legislative inaction. There are dozens of reasons Congress fails to act, and negative inferences in the context of Article II powers are especially hazardous. In fact, the soft law analytic frame makes clear that Justice Jackson's typology is actually incomplete. Speaking of congressional agreement, disapproval, or silence is unnecessarily crude. The House might authorize the presidential action and the Senate might expressly disavow it (or vice versa), creating a twilight of the twilight category. In fact, Congress does sometimes use resolutions for these purposes. For example, during 2007, a concurrent resolution was introduced, "expressing the sense of Congress that the President should not initiate military action against Iran without first obtaining authorization from Congress." n119 During the same Congress, Senate Resolutions were offered to censure the President, Vice-President, and Attorney General for conduct related to the war in Iraq, detainment of enemy combatants, and wiretapping practices undertaken without warrants. n120 Another proposed resolution expressed the sense of the Senate that the President has constitutional authority to veto individual items of appropriation without additional statutory authorization. n121 These potential soft [\*604] statutes were not passed by majorities, but they are precisely the sort of information on the scope of permissible executive authority that would inform Justice Jackson's analysis. n122 In this scenario, legislative sentiments, expressed in nonbinding mechanisms, are taken as inputs in the decision-making processes of other institutions - the courts - that themselves generate binding rules, that is, hard law. Even without judicial involvement, however, resolutions that assert congressional authority or limitations on presidential authority may influence the way that the two political branches share power with each other - either as moves in a game where each side must both cooperate and compete, or as appeals to public opinion. n123

#### It avoids politics

**Harvard Law Review, 11** (“A CHEVRON FOR THE HOUSE AND SENATE: DEFERRING TO POST-ENACTMENT CONGRESSIONAL RESOLUTIONS THAT INTERPRET AMBIGUOUS STATUTES” 124 Harv. L. Rev. 1507, April, lexis)

If Congress wishes to resolve a statutory ambiguity, it always has the option of passing a law via bicameralism and presentment. In reality, however, passing laws is extremely difficult, and often the legislative enactment costs are simply greater than the benefits of resolving the ambiguity correctly. n1 Indeed, these high legislative enactment costs are among the reasons that so many of our statutes set forth broad principles rather than specify concrete requirements: gaining consensus on concrete textual mandates imposes even more costs on the already difficult process of legislation. A future Congress may want to clarify these vague statutory mandates as societal, legal, or technological circumstances change, as the consequences of certain policy choices become more apparent, or as legislators simply resolve their differences of opinion. But the costs of legislating a fix are usually too high. n2 Some leading commentators argue that this problem of statutory ossification due to high legislative enactment costs requires judges to interpret statutes as living documents. Professor William Eskridge claims that a statute’s meaning changes over time, and thus judges should “dynamically” interpret statutes.3 Judge Calabresi argues that judges should “update” obsolete statutes by striking down or ignoring any statute that is “sufficiently out of phase with the whole [contemporary] legal framework so that, whatever its age, it can only stand if a current majoritarian or representative body reaffirms it.”4 However, most commentators have criticized such approaches as putting too much power in the hands of unelected and unaccountable judges.5 Instead, Congress has largely relied on administrative agencies to continually update the policies that implement various statutes. When charged with administering statutes, such agencies often have the authority to interpret the legislation's vague commands by translating them into more precise and concrete rules. n6 Moreover, courts have given great deference to agency interpretations of ambiguous statutes under Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc. n7 These agency interpretations, although the products of a more politically accountable process than judicial interpretations, nonetheless are not as publicly deliberative or as nationally representative as a congressional decision. Worse, many other statutes that are similarly indefinite are not administered by any particular agency, thus leaving courts with the primary responsibility to develop the law - and thus the policy - under these statutes, despite judges' lack of expertise and accountability. n8 But by prohibiting one house of Congress from vetoing agency actions, the Supreme Court, in INS v. Chadha, n9 limited Congress's role in administering statutes, despite its institutional advantages over courts - and, in some respects, over agencies - in developing policy. In a recent article, Professors Jacob Gersen and Eric Posner suggest that courts should pay greater attention to post-enactment congressional resolutions when interpreting statutes. n10 This Note develops their idea by proposing more modest congressional involvement than the legislative veto invalidated in Chadha: courts should defer to a [\*1509] House or Senate resolution that adopts a reasonable interpretation of an ambiguous statute. n11 For statutes not administered by any agency with interpretive authority, such deference to a congressional resolution would improve lawmaking by bringing to bear the legislature's policy expertise and democratic accountability. But even for statutes administered by agencies, this proposal would increase accountability. Further, this proposal would help to restore checks and balances and the Constitution's original allocation of power by making the House and Senate coequal with executive agencies in interpreting ambiguous statutory provisions. Whenever these institutions disagree, courts should simply adopt their own best reading of the statute, de novo. I. Statutes Without Agencies Courts should give Chevron-like deference to any resolution passed by either the House or the Senate that reasonably interprets a statutory ambiguity. When deciding whether to defer to such a congressional resolution, courts should engage in both steps of the Chevron analysis, just as they do for agency interpretations of statutes: First, the statute must be "silent or ambiguous with respect to the specific issue" addressed by the congressional resolution. n12 Second, the resolution's interpretation must be "based on a permissible construction of the statute." n13

### Terrorism

#### No risk of nuclear terrorism---too many obstacles

John J. Mearsheimer 14, R. Wendell Harrison Distinguished Service Professor of Political Science at the University of Chicago, “America Unhinged”, January 2, nationalinterest.org/article/america-unhinged-9639?page=show

Am I overlooking the obvious threat that strikes fear into the hearts of so many Americans, which is terrorism? Not at all. Sure, the United States has a terrorism problem. But it is a minor threat. There is no question we fell victim to a spectacular attack on September 11, but it did not cripple the United States in any meaningful way and another attack of that magnitude is highly unlikely in the foreseeable future. Indeed, there has not been a single instance over the past twelve years of a terrorist organization exploding a primitive bomb on American soil, much less striking a major blow. Terrorism—most of it arising from domestic groups—was a much bigger problem in the United States during the 1970s than it has been since the Twin Towers were toppled.¶ What about the possibility that a terrorist group might obtain a nuclear weapon? Such an occurrence would be a game changer, but the chances of that happening are virtually nil. No nuclear-armed state is going to supply terrorists with a nuclear weapon because it would have no control over how the recipients might use that weapon. Political turmoil in a nuclear-armed state could in theory allow terrorists to grab a loose nuclear weapon, but the United States already has detailed plans to deal with that highly unlikely contingency.¶ Terrorists might also try to acquire fissile material and build their own bomb. But that scenario is extremely unlikely as well: there are significant obstacles to getting enough material and even bigger obstacles to building a bomb and then delivering it. More generally, virtually every country has a profound interest in making sure no terrorist group acquires a nuclear weapon, because they cannot be sure they will not be the target of a nuclear attack, either by the terrorists or another country the terrorists strike. Nuclear terrorism, in short, is not a serious threat. And to the extent that we should worry about it, the main remedy is to encourage and help other states to place nuclear materials in highly secure custody.

#### Their evidence is alarmism --- overstates strength of terrorists

**Mueller and Stewart 12** (John, Senior Research Scientist at the Mershon Center for International Security Studies, Adjunct Professor in the Department of Political Science, Ohio State University, Senior Fellow at Cato Institute, and Mark G., Australian Research Council Professorial Fellow, Professor and Director at the Centre for Infrastructure Performance and Reliability at the University of Newcastle, “The Terrorism Delusion,” International Security, Volume 37, Issue 1, Summer 2012, pg. 81-110, Project Muse)

People such as Giuliani and a whole raft of “**security experts**” have **massively exaggerate**d the capacities and the **dangers presented by** what they have often called “**the universal adversary**” both in its domestic and in its international form. The Domestic Adversary To assess the danger presented by terrorists seeking to attack the United States, we examined the fifty cases of Islamist extremist terrorism that have come to light since the September 11 attacks, whether based in the United States or abroad, in which the United States was, or apparently was, targeted. These cases make up (or generate) the chief terrorism fear for Americans. Table 1 presents a capsule summary of each case, and the case numbers given throughout this article refer to this table and to the free web book from which it derives.7 In 2009, the U.S. Department of Homeland Security (DHS) issued a lengthy report on protecting the homeland. Key to achieving such an objective should be a careful assessment of the character, capacities, and desires of potential terrorists targeting that homeland. Although the report contains a section dealing with what its authors call “the nature of the terrorist adversary,” the section devotes only two sentences to assessing that nature: “The number and high profile of international and domestic terrorist attacks and disrupted plots during the last two decades underscore the determination and persistence of terrorist organizations. Terrorists have proven to be relentless, patient, opportunistic, and flexible, learning from experience and modifying tactics and targets to exploit perceived vulnerabilities and avoid observed strengths.”8 This description may apply to some terrorists somewhere, including at least a few of those involved in the September 11 attacks. Yet, it scarcely describes the vast majority of those individuals picked up on terrorism charges in the United States since those attacks. The inability of the DHS to consider this fact even parenthetically in its fleeting discussion is not only amazing but perhaps delusional in its single-minded preoccupation with the extreme. In sharp contrast, the authors of the case studies, with remarkably few exceptions, describe their subjects with such words as incompetent, ineffective, unintelligent, idiotic, ignorant, inadequate, unorganized, misguided, muddled, amateurish, dopey, unrealistic, moronic, irrational, and foolish.9 And in nearly all of the cases where an operative from the police or from the Federal Bureau of Investigation was at work (almost half of the total), the most appropriate descriptor would be “gullible.” In all, as Shikha Dalmia has put it, would-be terrorists need to be “radicalized enough to die for their cause; Westernized enough to move around without raising red flags; ingenious enough to exploit loopholes in the security apparatus; meticulous enough to attend to the myriad logistical details that could torpedo the operation; self-sufficient enough to make all the preparations without enlisting outsiders who might give them away; disciplined enough to maintain complete secrecy; and—above all—psychologically tough enough to keep functioning at a high level without cracking in the face of their own impending death.”10 The case studies examined in this article certainly do not abound with people with such characteristics. In the eleven years since the September 11 attacks, no terrorist has been able to detonate even a primitive bomb in the United States, and except for the four explosions in the London transportation system in 2005, neither has any in the United Kingdom. Indeed, the only method by which Islamist terrorists have managed to kill anyone in the United States since September 11 has been with gunfire—inflicting a total of perhaps sixteen deaths over the period (cases 4, 26, 32).11 This limited capacity is impressive because, at one time, small-scale terrorists in the United States were quite successful in setting off bombs. Noting that the scale of the September 11 attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that the 1970s witnessed sixty to seventy terrorist incidents, mostly bombings, on U.S. soil every year.12 The situation seems scarcely different in Europe and other Western locales. Michael Kenney, who has interviewed dozens of government officials and intelligence agents and analyzed court documents, has found that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamist militants in those locations are operationally unsophisticated, short on know-how, prone to making mistakes, poor at planning, and limited in their capacity to learn.13 Another study documents the difficulties of network coordination that continually threaten the terrorists’ operational unity, trust, cohesion, and ability to act collectively.14 In addition, although some of the plotters in the cases targeting the United States harbored **visions** of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (cases 2, 8, 12, 19, 23, 30, 42), all **were nothing more than wild fantasies**, **far beyond** the plotters’ **capacities** however much they may have been encouraged in some instances by FBI operatives. Indeed, in many of the cases, target selection is effectively a random process, lacking guile and careful planning. Often, it seems, targets have been chosen almost capriciously and simply for their convenience. For example, a would-be bomber targeted a mall in Rockford, Illinois, because it was nearby (case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20-mile radius of their shared apartment, some of which did not even exist (case 15). In Norway, a neo-Nazi terrorist on his way to bomb a synagogue took a tram going the wrong way and dynamited a mosque instead.15 Although the efforts of would-be terrorists have often seemed pathetic, even comical or absurd, the comedy remains a dark one. Left to their own devices, at least a **few of these** often **inept and** almost always **self-deluded individuals could** eventually have **commit**ted some **serious**, if small-scale, **damage**.

#### No retaliation—definitely no escalation

**Mueller 5** (John, Professor of Political Science – Ohio State University, Reactions and Overreactions to Terrorism, http://polisci.osu.edu/faculty/jmueller/NB.PDF)

However, history clearly demonstrates that overreaction is not necessarily inevitable. Sometimes, in fact, leaders have been able to restrain their instinct to overreact. Even more important, **restrained reaction--or even capitulation to terrorist acts--has often proved to be entirely acceptable politically**. That is, there are many instances where leaders did nothing after a terrorist attack (or at least refrained from overreacting) and did not suffer politically or otherwise. Similarly, after an unacceptable loss of American lives in Somalia in 1993, Bill Clinton responded by withdrawing the troops without noticeable negative impact on his 1996 re-election bid. Although Clinton responded with (apparently counterproductive) military retaliations after the two U.S. embassies were bombed in Africa in 1998 as discussed earlier, his administration did not have a notable response to terrorist attacks on American targets in Saudi Arabia (Khobar Towers) in 1996 or to the bombing of the U.S.S. Cole in 2000, and these non-responses never caused it political pain. George W. Bush's response to the anthrax attacks of 2001 did include, as noted above, a costly and wasteful stocking-up of anthrax vaccine and enormous extra spending by the U.S. Post Office. However, beyond that, it was the same as Clinton's had been to the terrorist attacks against the World Trade Center in 1993 and in Oklahoma City in 1995 and the same as the one applied in Spain when terrorist bombed trains there in 2004 or in Britain after attacks in 2005: the dedicated application of police work to try to apprehend the perpetrators. This approach was politically acceptable even though the culprit in the anthrax case (unlike the other ones) has yet to be found. The demands for retaliation may be somewhat more problematic in the case of suicide terrorists since the direct perpetrators of the terrorist act are already dead, thus sometimes impelling a vengeful need to seek out other targets. Nonetheless, the attacks in Lebanon, Saudi Arabia, Great Britain, and against the Cole were all suicidal, yet no direct retaliatory action was taken. **Thus, despite short-term demands that some sort of action must be taken**, experience suggests politicians can often successfully ride out this demand after the obligatory (and inexpensive) expressions of outrage are prominently issued.

#### Retaliation won’t cause global war

**Schuyler 2007** (Dave, “Restating the U.S. Policy of Nuclear Deterrence,” Last Mod Nov 13)

A recent post on nuclear deterrence on American Future drew several comments on another blog. The blogger at American Future, Marc Schulman, outlines the responses in this post. In summary the responses were that a nuclear response to a nuclear terrorist attack was itself terrorism, a nuclear retaliation would inevitably draw other state actors to escalate the exchange, a nuclear retaliation would be collective punishment, and attacking Muslim holy sites would be counterproductive. I agree with this last point but I want to deal with each of the other points in some detail. \* A nuclear response to a nuclear terrorist attack is terrorism.There’s no generally accepted definition of terrorism so before tackling this point I’ll propose one. Ignoring the issue of state actors vs. non-state actors I think that a terrorist attack is an attack on civilians or civilian assets whose purpose is to provoke terror. It has no other tactical or strategic significance. Any nuclear response by the United States would be against military or governmental facilities, sites involved in military production, or command and control. The objective would be to eliminate the possibility of future attacks or the support for those who would engage in future attacks. That such a response would inevitably result in massive civilian casualties is sad. But such a response would not, by definition, be terrorism \* A nuclear retaliation Iran in response to a terrorist nuclear attack would inevitably draw France, Russia, and China to enter the conflict.To believe this you must believe that France, Russia, and China will act irrationally. There is absolutely no reason to believe that this is the case. All three nations know that their intervention against the U. S. would result in total annihilation. There are other issues as well and let’s examine the two distinct cases: Russia on the one hand and France and China on the other. As a major non-Gulf producer of oil Russia would be in a position to benefit enormously in case of a disruption of Gulf oil production or shipment. That being the case they would publicly deplore a retaliation against Iran but privately rejoice. Both France and China are in an extremely delicate position. A nuclear response by either would result in total annihilation and, equally importantly, wouldn’t keep the oil flowing. Lack of a blue water navy means that both nations are completely at the mercy of the United States’s (or more specifically the U. S. Navy’s) willingness to keep shipments of oil moving out of the Gulf. China is particularly vulnerable since it has only about two weeks’ worth of strategic oil reserves. Neither France nor China has any real ability to project military force other than nuclear force beyond their borders. They’d be upset. But they’re in no position to do anything about it.

#### No scenario for nuclear terror---consensus of experts

Matt Fay 13, PhD student in the history department at Temple University, has a Bachelor’s degree in Political Science from St. Xavier University and a Master’s in International Relations and Conflict Resolution with a minor in Transnational Security Studies from American Military University, 7/18/13, “The Ever-Shrinking Odds of Nuclear Terrorism”, webcache.googleusercontent.com/search?q=cache:HoItCUNhbgUJ:hegemonicobsessions.com/%3Fp%3D902+&cd=1&hl=en&ct=clnk&gl=us&client=firefox-a

For over a decade now, one of the most oft-repeated threats raised by policymakers—the one that in many ways justified the invasion of Iraq—has been that of nuclear terrorism. Officials in both the Bush and Obama administrations, including the presidents themselves, have raised the specter of the atomic terrorist. But beyond mere rhetoric, how likely is a nuclear terrorist attack really?¶ While pessimistic estimates about America’s ability to avoid a nuclear terrorist attack became something of a cottage industry following the September 11th attacks, a number of scholars in recent years have pushed back against this trend. Frank Gavin has put post-9/11 fears of nuclear terrorism into historical context (pdf) and argued against the prevailing alarmism. Anne Stenersen of the Norwegian Defence Research Establishment has challenged the idea that al Qaeda was ever bound and determined to acquire a nuclear weapon. John Mueller ridiculed the notion of nuclear terrorism in his book Atomic Obsessions and highlighted the numerous steps a terrorist group would need to take—all of which would have to be successful—in order to procure, deliver, and detonate an atomic weapon. And in his excellent, and exceedingly even-handed, treatment of the subject, On Nuclear Terrorism, Michael Levi outlined the difficulties terrorists would face building their own nuclear weapon and discussed how a “system of systems” could be developed to interdict potential materials smuggled into the United States—citing a “Murphy’s law of nuclear terrorism” that could possibly dissuade terrorists from even trying in the first place.¶ But what about the possibility that a rogue state could transfer a nuclear weapon to a terrorist group? That was ostensibly why the United States deposed Saddam Hussein’s regime: fear he would turnover one of his hypothetical nuclear weapons for al Qaeda to use.¶ Enter into this discussion Keir Lieber and Daryl Press and their article in the most recent edition of International Security, “Why States Won’t Give Nuclear Weapons to Terrorists.” Lieber and Press have been writing on nuclear issues for just shy of a decade—doing innovative, if controversial work on American nuclear strategy. However, I believe this is their first venture into the debate over nuclear terrorism. And while others, such as Mueller, have argued that states are unlikely to transfer nuclear weapons to terrorists, this article is the first to tackle the subject with an empirical analysis.¶ The title of their article nicely sums up their argument: states will not turn over nuclear weapons terrorists. To back up this claim, Lieber and Press attack the idea that states will transfer nuclear weapons to terrorists because terrorists operate of absent a “return address.” Based on an examination of attribution following conventional terrorist attacks, the authors conclude:¶ [N]either a terror group nor a state sponsor would remain anonymous after a nuclear attack. We draw this conclusion on the basis of four main findings. First, data on a decade of terrorist incidents reveal a strong positive relationship between the number of fatalities caused in a terror attack and the likelihood of attribution. Roughly three-quarters of the attacks that kill 100 people or more are traced back to the perpetrators. Second, attribution rates are far higher for attacks on the U.S. homeland or the territory of a major U.S. ally—97 percent (thirty-six of thirty-seven) for incidents that killed ten or more people. Third, tracing culpability from a guilty terrorist group back to its state sponsor is not likely to be difficult: few countries sponsor terrorism; few terrorist groups have state sponsors; each sponsor terrorist group has few sponsors (typically one); and only one country that sponsors terrorism, has nuclear weapons or enough fissile material to manufacture a weapon. In sum, attribution of nuclear terror incidents would be easier than is typically suggested, and passing weapons to terrorists would not offer countries escape from the constraints of deterrence.¶ From this analysis, Lieber and Press draw two major implications for U.S. foreign policy: claims that it is impossible to attribute nuclear terrorism to particular groups or potential states sponsors undermines deterrence; and fear of states transferring nuclear weapons to terrorist groups, by itself, does not justify extreme measures to prevent nuclear proliferation.¶ This is a key point. While there are other reasons nuclear proliferation is undesirable, fears of nuclear terrorism have been used to justify a wide-range of policies—up to, and including, military action. Put in its proper perspective however—given the difficulty in constructing and transporting a nuclear device and the improbability of state transfer—nuclear terrorism hardly warrants the type of exertions many alarmist assessments indicate it should.

### Afghanistan

#### Regional cooperation prevents the impact

**Innocent and Carpenter, 9 –** \*foreign policy analyst at Cato who focuses on Afghanistan and Pakistan AND \*\*vice president for defense and foreign policy studies at Cato (Malou and Ted, “Escaping the Graveyard of Empires: A Strategy to Exit Afghanistan,” http://www.cato.org/pubs/wtpapers/escaping-graveyard-empires-strategy-exit-afghanistan.pdf)

Additionally, regional stakeholders, especially Russia and Iran, have an interest in a stable Afghanistan. Both countries possess the capacity to facilitate development in the country and may even be willing to assist Western forces. In July, leaders in Moscow allowed the United States to use Russian airspace to transport troops and lethal military equipment into Afghanistan. Yet another relevant regional player is the Collective Security Treaty Organization, made up of Russia, Kazakhstan, Tajikistan, Kyrgyzstan, Uzbekistan, Armenia, and Belarus. At the moment, CSTO appears amenable to forging a security partnership with NATO. CSTO secretary general Nikolai Bordyuzha told journalists in March 2009 of his bloc’s intention to cooperate. “The united position of the CSTO is that we should give every kind of aid to the anti-terror coalition operating in Afghanistan. . . . The interests of NATO and the CSTO countries regarding Afghanistan conform unequivocally.”83

**Mutual interests** between Western forces and Afghanistan’s surrounding neighbors can converge on issues of transnational terrorism, the Caspian and Central Asia region’s abundant energy resources, cross-border organized crime, and weapons smuggling. Enhanced cooperation alone will not stabilize Afghanistan, but engaging stakeholders may lead to tighter regional security.

#### It’s structurally inevitable

**Innocent and Carpenter, 9 -** \*foreign policy analyst at Cato who focuses on Afghanistan and Pakistan AND \*\*vice president for defense and foreign policy studies at Cato (Malou and Ted, “Escaping the Graveyard of Empires: A Strategy to Exit Afghanistan,” http://www.cato.org/pubs/wtpapers/escaping-graveyard-empires-strategy-exit-afghanistan.pdf)

Myth #2: America’s Presence Prevents the Region’s Implosion

Some analysts, including Carnegie Endowment senior associate Robert Kagan, insist that were the United States to evacuate Afghanistan, the political and military vacuum left by our departure would lead to serious instability throughout the region.19 But instability, in the sense of a perpetually anarchic state of nature dominated by tribal warlords and pervasive bloodshed, has characterized the region for decades—even centuries. Thus, the claim that Afghanistan would be destabilized if the United States were to decrease its presence is misleading, since Afghanistan will be chronically unstable regardless. Most Americans are simply oblivious to the region’s history.

Numerous tribes along the border of northwest Pakistan and southern and eastern Afghanistan have a long history of war-making and rebellion, now erroneously branded as “Talibanism.”20 King’s College London professor Christian Tripodi, an expert on British colonial-era tribal policy, explains what British administrators confronted when dealing with Pashtun tribes along what is today the frontier between Afghanistan and Pakistan:

What the British refused to grasp was that tribal raiding and violence was not necessarily a product of poverty or lack of opportunity. The tribes viewed raiding as honourable and possibly quite fun, an activity that was centuries old, rooted in their culture and one of those things that defined a man in a society that placed a premium upon independence and aggression.21

#### No escalation—great powers don’t want it

**Kucera 10**—regular contributor to U.S. News and World Report, Slate and EurasiaNet (Joshua, Central Asia Security Vacuum, 16 June 2010, http://the-diplomat.com/2010/06/16/central-asia%E2%80%99s-security-vacuum/)

Note – CSTO = Collective Security Treaty Organization

Yet when brutal violence broke out in one of the CSTO member countries, Kyrgyzstan, just days later, the group didn’t respond rapidly at all. Kyrgyzstan’s interim president, Roza Otunbayeva, even asked Russia to intervene, but Russian President Dmitry Medvedev responded that Russians would only do so under the auspices of the CSTO. And nearly a week after the start of the violence—which some estimate has killed more than 1000 people and threatens to tear the country apart—the CSTO has still not gotten involved, but says it is ‘considering’ intervening. ‘We did not rule out the use of any means which are in the CSTO’s potential, and the use of which is possible regardless of the development of the situation in Kyrgyzstan,’ Russian National Security Chief Nikolai Patrushev said Monday. On June 10-11, another regional security group, the Shanghai Cooperation Organisation, held its annual summit in Tashkent, Uzbekistan. The SCO has similar collective security aims as the CSTO, and includes Russia, China and most of the Central Asian republics, including Kyrgyzstan. But despite the violence that was going on even as the SCO countries’ presidents met in Uzbekistan, that group also didn’t involve itself in the conflict, and made only a tepid statement calling for calm. Civil society groups in Kyrgyzstan and Uzbekistan (much of the violence is directed toward ethnic Uzbeks in Kyrgyzstan, and the centre of the violence, the city of Osh, is right on the border of Uzbekistan) called on the United Nations to intervene. And Otunbayeva said she didn’t ask the US for help. Even Uzbekistan, which many in Kyrgyzstan and elsewhere feared might try to intervene on behalf of ethnic Uzbeks, has instead opted to stay out of the fray, and issued a statement blaming outsiders for ‘provoking’ the brutal violence. The violence has exposed a security vacuum in Central Asia that no one appears interested in filling. In spite of all of the armchair geopoliticians who have declared that a ‘new Great Game’ is on in Central Asia, the **major powers seem** distinctly **reluctant to expand their spheres of influence there**. Why? It’s possible that, amid a tentative US-Russia rapprochement and an apparent pro-Western turn in Russian foreign policy, **neither side wants to antagonize** the other. The United States, obviously, also is overextended in Iraq and Afghanistan and has little interest in getting in the middle of an ethnic conflict in Kyrgyzstan. It’s possible that the CSTO Rapid Reaction Force isn’t ready for a serious intervention as would be required in Kyrgyzstan. (It’s also possible that Russia’s reluctance is merely a demure gesture to ensure that they don’t seem too eager to get involved; only time will tell.)

#### No war—lesson learning and tension management

Irina **Zviagel'skaia**, leading research fellow at the Institute of Oriental Studies, the Russian Academy of Sciences, Moscow, June **2005**. “Russia and Central Asia: Problems of Security,” Central Asia at the End of the Transition, ed. Boris Rumer, <http://books.google.com/books?id=cnXVyW1QIIYC&pg=PA86&lpg=PA86&dq=%22central+asia%22+numerous+challenges+stability&source=web&ots=-3Uve6KFdU&sig=62TKLdSLAgBp6rszCPvbUBtjjVY&hl=en#PPR5,M1>.

Notwithstanding these numerous challenges, in general the countries of Central Asia have demonstrated stability in the course of their existence as independent states. This region, in contrast to the Caucasus, has not witnessed armed conflicts between states, or wars driven by separatist or irredentist movements. To be sure, such movements do in fact exist, and interethnic tensions are constantly felt. The exception, as already noted, is Tajikistan, where a civil war unfolded in the early 1990s. However, it was precisely the **lessons** of Tajikistan that **have been learned** by the regimes in other states. Nowhere else has a single leader permitted the creation of organized opposition. Although differing in the degree of harshness used to repress political opponents, these former leaders of the Communist Party of the Soviet Union are well versed in political-bureaucratic games and have demonstrated a high level of survivability.

#### Alt causes prove disprove escalation and/or solvency

**Stratfor, 12** [“Annual Forecast 2012”, global intelligence company, http://www.stratfor.com/forecast/annual-forecast-2012]

**Numerous factors** will undermine Central Asia's stability in 2012, but they **will not lead to a major breaking point** in the region this year. Protests over deteriorating economic conditions will occur throughout the region, particularly in Kazakhstan, though these will be contained to the region and will not result in overly disruptive violence. Serious issues in Kazakhstan's banking sector could lead to a financial crisis, though the government will be able to manage the difficulties and contain it during 2012 by using the oil revenues it has saved up.

#### No war—mutual interest and pressure for restraint

**Mutti 9** – over a decade of expertise covering on South Asia geopolitics, Contributing Editor to Demockracy journal (James, 1/5, Mumbai Misperceptions: War is Not Imminent, http://demockracy.com/four-reasons-why-the-mumbai-attacks-wont-result-in-a-nuclear-war/)

Writer Amitav Ghosh divined a crucial connection between the two messages. “When commentators repeat the metaphor of 9/11, they are in effect pushing the Indian government to mount a comparable response.” Indeed, India’s opposition Hindu nationalist BJP has blustered, “Our response must be close to what the American response was.” Fearful of imminent war, the media has indulged in **frantic hand wringing** about Indian and Pakistani nuclear arsenals and renewed fears about the Indian subcontinent being “the most dangerous place on earth.”

As an observer of the subcontinent for over a decade, I am optimistic that war will not be the end result of this event. As horrifying as the Mumbai attacks were, they are not likely to drive India and Pakistan into an armed international conflict. The media frenzy over an imminent nuclear war seems the result of the media being superficially knowledgeable about the history of Indian-Pakistani relations, of feeling compelled to follow the most sensationalistic story, and being recently brainwashed into thinking that the only way to respond to a major terrorist attack was the American way – a war.

Here are four reasons why the Mumbai attacks will not result in a war:

1. For both countries, a war would be a disaster. India has been successfully building stronger relations with the rest of the world over the last decade. It has occasionally engaged in military muscle-flexing (abetted by a Bush administration eager to promote India as a counterweight to China and Pakistan), but it has much more aggressively promoted itself as an emerging economic powerhouse and a moral, democratic alternative to less savory authoritarian regimes. Attacking a fledgling democratic Pakistan would not improve India’s reputation in anybody’s eyes.

The restraint Manmohan Singh’s government has exercised following the attacks indicates a desire to avoid rash and potentially regrettable actions. It is also perhaps a recognition that military attacks will never end terrorism. Pakistan, on the other hand, couldn’t possibly win a war against India, and Pakistan’s military defeat would surely lead to the downfall of the new democratic government. The military would regain control, and Islamic militants would surely make a grab for power – an outcome neither India nor Pakistan want. Pakistani president Asif Ali Zardari has shown that this is not the path he wants his country to go down. He has forcefully spoken out against terrorist groups operating in Pakistan and has ordered military attacks against LeT camps. Key members of LeT and other terrorist groups have been arrested. One can hope that this is only the beginning, despite the unenviable military and political difficulties in doing so.

2. Since the last major India-Pakistan clash in 1999, both countries have made concrete efforts to create people-to-people connections and to improve economic relations. Bus and train services between the countries have resumed for the first time in decades along with an easing of the issuing of visas to cross the border. India-Pakistan cricket matches have resumed, and India has granted Pakistan “most favored nation” trading status. The Mumbai attacks will undoubtedly strain relations, yet it is hard to believe that both sides would throw away this recent progress. With the removal of Pervez Musharraf and the election of a democratic government (though a shaky, relatively weak one), both the Indian government and the Pakistani government have political motivations to ease tensions and to proceed with efforts to improve relations. There are also growing efforts to recognize and build upon the many cultural ties between the populations of India and Pakistan and a decreasing sense of animosity between the countries.

3. Both countries also face difficult internal problems that present more of a threat to their stability and security than does the opposite country. If they are wise, the governments of both countries will work more towards addressing these internal threats than the less dangerous external ones. The most significant problems facing Pakistan today do not revolve around the unresolved situation in Kashmir or a military threat posed by India. The more significant threat to Pakistan comes from within. While LeT has focused its firepower on India instead of the Pakistani state, other militant Islamic outfits have not.

Groups based in the tribal regions bordering Afghanistan have orchestrated frequent deadly suicide bombings and clashes with the Pakistani military, including the attack that killed ex-Prime Minister Benazir Bhutto in 2007. The battle that the Pakistani government faces now is not against its traditional enemy India, but against militants bent on destroying the Pakistani state and creating a Taliban-style regime in Pakistan. In order to deal with this threat, it must strengthen the structures of a democratic, inclusive political system that can also address domestic problems and inequalities. On the other hand, the threat of Pakistani based terrorists to India is significant. However, suicide bombings and attacks are also carried out by Indian Islamic militants, and vast swaths of rural India are under the de facto control of the Maoist guerrillas known as the Naxalites. Hindu fundamentalists pose a serious threat to the safety of many Muslim and Christian Indians and to the idea of India as a diverse, secular, democratic society. Separatist insurgencies in Kashmir and in parts of the northeast have dragged on for years. And like Pakistan, India faces significant challenges in addressing sharp social and economic inequalities. Additionally, Indian political parties, especially the ruling Congress Party and others that rely on the support of India’s massive Muslim population to win elections, are certainly wary about inflaming public opinion against Pakistan (and Muslims). This fear could lead the investigation into the Mumbai attacks to fizzle out with no resolution, as many other such inquiries have.

4. The international attention to this attack – somewhat difficult to explain in my opinion given the general complacency and utter apathy in much of the western world about previous terrorist attacks in places like India, Pakistan, and Indonesia – is a final obstacle to an armed conflict. Not only does it put both countries under a microscope in terms of how they respond to the terrible events, it also means that they will feel international pressure to resolve the situation without resorting to war. India and Pakistan have been warned by the US, Russia, and others not to let the situation end in war. India has been actively recruiting Pakistan’s closest allies – China and Saudi Arabia – to pressure Pakistan to act against militants, and the US has been in the forefront of pressing Pakistan for action. Iran too has expressed solidarity with India in the face of the attacks and is using its regional influence to bring more diplomatic pressure on Pakistan.

#### No loose nukes

**Koring 2009** [PAUL, Globe and Mail, Pakistan's nuclear arsenal safe, security experts say,

http://www.theglobeandmail.com/news/world/pakistans-nuclear-arsenal-safe-security-experts-say/article1325820/]

Pakistan's nuclear-weapons security is modeled on long-standing safeguards developed by the major powers and includes **separately storing** the physical components needed for a nuclear warhead and keeping them **apart and heavily guarded**. "Even if insurgents managed to get a fully assembled weapon, they would lack the 'secret decoder ring' [the special security codes] needed to arm it," Mr. Pike said. Thought to possess a relatively modest nuclear arsenal of between 70 and 100 warheads, Pakistan is even more secretive about its security measures than most nuclear-weapons states. But even if those measures were somehow breached, Mr. Pike said, even a complete nuclear weapon would be a limited threat in the hands of terrorists. "If they did try to hot-wire it to explode in the absence of knowing the approved firing sequences, it would probably only trigger the high-explosives, making a jim-dandy of a dirty bomb," he said, referring to an explosion that spreads radioactive material over a small area, but is **not a nuclear blast.**

#### No Pakistan takeover

**ASG 10 – The Afghanistan Study Group**—an ad hoc group of public policy practitioners, former U.S. government officials, academics, business representatives, policy-concerned activists and association leaders concerned with the Obama administration’s policy course in Afghanistan, 2010 (“America’s Interests,” *A New Way Forward: Rethinking U.S. Strategy in Afghanistan*, August 16th, Available Online at http://www.afghanistanstudygroup.org/NewWayForward\_report.pdf, Accessed 08-29-2010)

Fortunately, the danger of a radical takeover of the Pakistani government is small. Islamist extremism in Pakistan is concentrated within the tribal areas in its northwest frontier, and largely confined to its Pashtun minority (which comprises about 15 percent of the population). The Pakistani army is primarily Punjabi (roughly 44 percent of the population) and remains loyal. At present, therefore, this second strategic interest is not seriously threatened.

#### Can’t solve Pakistan

**Parthemore 2010** – CNAS fellow, director of the National Security Program, grad student at Georgetown’s Security Studies Program (9/16, Christine, Center for a New American Strategy, “CRS: Pakistan’s Resource Issues = Concerning”, http://www.cnas.org/blogs/naturalsecurity/2010/09/crs-pakistan-s-resource-issues-concerning.html, WEA)

Environmental stresses, when combined with the other socio-economic and political stresses on Pakistan, have the potential to further weaken an already weak Pakistani state. Such a scenario would make it more difficult to achieve the U.S. goal of neutralizing anti-Western terrorists in Pakistan…The report examines the potentially destabilizing effect that, when combined with Pakistan’s demographic trends and limited economic development, water scarcity, limited arable land, and food security may have on an already radicalized internal and destabilized international political security environment. The report considers the especially important hypothesis that ****the combination of these factors could contribute to Pakistan’s decline as a fully functioning state, creating new, or expanding existing, largely ungoverned areas.**** (emphasis mine)

That’s the money question. Will and I had a nice little chat about this while dragging our suitcases from the train station to the hotel in Linz, Austria a few weeks ago. Where we came out is basically: there’s no way to tell. I think resources challenges are severe enough that they have the possibility to tip this country over the edge – but, Pakistan has also proven itself to be relatively resilient, whether that’s through internal dynamics acting as some kind of centripetal force, external powers bolstering it, or a combination of the two. If the nature of the country were different, these issues may have already cemented its decline or full failure. But yet, it still hangs together.

Getting a bit more specific, Pakistan’s water crisis surely stands as the most concerning of its resource challenges:

The growing imbalance between Pakistan’s water supply and demand has led to shortages, regional competition, conflicts between stakeholders, and constraints on economic development. The tools available to address the imbalance range from trying to develop new supplies to improving the efficient use of existing supplies. Developing new sources through additional storage has been controversial. Improving water efficiency requires political will and significant investment. Determined efforts to strengthen institutional capacities in the water sector at all levels of government and to change behaviors of farmers have not been sufficient to effectively deal with the problem. The poor state of government finances limits the options available to the government.

**Afghanistan doesn’t spill over, the Taliban isn’t powerful enough**

**Haas 12/20**/10 – president of the Council on Foreign Relations (Richard N., “Let's Un-Surge in Afghanistan,” http://www.cfr.org/publication/23669/lets\_unsurge\_in\_afghanistan.html, WRW)

The second interest at stake is Pakistan. Some argue that we must stabilize Afghanistan lest it become a staging ground for undermining its more important neighbor, one that hosts the world's most dangerous terrorists and possesses more than 100 nuclear weapons. This defies logic. Pakistan is providing sanctuary and support to the Afghan Taliban who have not demonstrated an agenda to destabilize Pakistan. Why should we be more worried than the Pakistanis themselves?

Viewing Afghanistan as holding the key to Pakistan shows a misunderstanding of Pakistan. It is, to be sure, a weak state. But the threats to it are mostly internal and the result of deep divisions within the society and decades of poor governance. If Pakistan ever fails, it will not be because of terrorists coming across its western border.

**Turn—they collapse the war effort**

**Gates et al 07** (Robert, former Secretary of Defense, Peter Keisler, former Assistant Attorney General at the DoJ, Douglas Letter, Terrorism Litigation Counsel, “RESPONDENTS’ MOTION to DISMISS for LACK of JURISDICTION” in the United States District Court for the District of Columbia, 3/5/07)

In sum, this court has no jurisdiction to review petitioner’s claims. To hold otherwise would not only violate the plain language of section 7 of the MCA, but it would also mean the expansion of habeas jurisdiction to cover thousands, if not tens of thousands, of enemy combatants anywhere in the world in both current and future armed conflicts. As aptly observed by the Supreme Court more than half a century ago in Eisentrager, such an expansion would have a crippling effect on our war efforts: “It would be difficult to devise more effective fettering of a field commander than to allow the very enemies he is ordered to reduce to submission to call him to account in his own civil courts and divert his efforts and attention from the military offense abroad to the legal defensive at home.” 399 U.S. at 779. The considerable practical difficulties in connection with allowing alien enemy combatants captured at the battlefield and detained in a theater of war the privilege of access to our civil courts also cannot be understated. Accordingly, this Court should dismiss this case for lack of jurisdiction.

## 2nc

### impact ov

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

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

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

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

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

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

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

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

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

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

#### Deal failure itself causes global war

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

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

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

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

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

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

### uniqueness

#### Sanctions bill is not veto-proof now, but Democrats could swing – vote count and insiders

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

The White House has threatened to veto the legislation, and Iran says last November's nuclear deal struck in Geneva would be dead if the U.S. Congress imposes new sanctions. The "Nuclear Weapon Free Iran Act" is now supported by at least 54 senators in the 100-member chamber, according to a congressional record, with six senators joining on Wednesday. A Senate aide said two more joined on Thursday, bringing the total to 56 It is uncertain whether the bill will be introduced in the Senate and whether backers can win the two-thirds majority to overcome a veto by President Barack Obama. A senior Senate Democratic aide said there were no plans yet for advancing the bill to the Senate floor, despite the growing list of co-sponsors. The bill would also place sanctions on Iran if it does not agree to a comprehensive deal later this year or next. The United States and five other world powers agreed to a six-month interim deal with Iran in Geneva in November, that can be extended to a year. Under last year's interim agreement, Iran will get access to billions of dollars worth of funds that had been cut off by sanctions in return for limiting enrichment of uranium. Nuclear experts from Iran and the six powers have held several rounds of talks since the interim deal was signed to resolve issues before it can be put into place. Iran's Supreme Leader Ayatollah Ali Khamenei said hours before the resumption of the talks on Thursday that negotiations had revealed U.S. enmity toward the Islamic state. Khamenei had previously backed the deal, despite criticism from religious and political hardliners. DEMOCRATIC BLOC OPPOSED At least 16 Democrats support the bill introduced in December by Robert Menendez, chairman of the Foreign Relations Committee, and Mark Kirk, an Illinois Republican. The American Israel Public Affairs Committee, an advocacy group with strong ties to many lawmakers, has said it supports new sanctions that would take effect if Iran violates the interim pact or does not agree to an "acceptable" comprehensive deal. There is strong resistance to the measure by many other Democrats, however. A bloc of 10 Democratic senators, all leaders of committees, sent a letter to Senate Majority Leader Harry Reid last month expressing opposition to the bill. The aide said more support could come soon from the bloc of Democrats. "At least two that I know of are inching toward public support for the bill," the aide said on condition of anonymity given the sensitivity of the talks.

#### 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

#### Sanctions momentum is only enough to pass the bill, not override a veto

**Reuters, 1/6/14** (“Iran sanctions bill opposed by Obama gains Senate backers” http://www.reuters.com/article/2014/01/06/us-usa-sanctions-iran-idUSBREA0516E20140106)

The "Nuclear Weapon Free Iran Act" had about 48 co-sponsors in the 100-member Senate on Monday, up from 26 when the bill was introduced on December 19, an Senate aide said.

"Expect that number to keep growing over next couple of days as folks who were out of town and staff get back in," the aide said.

The bill was introduced by Robert Menendez, the chairman of the Senate Foreign Relations Committee, and Mark Kirk, a Republican from Illinois.

"We expect several Democrats to kind of cross the picket line and come on board this week," the aide said.

While the bill **has gained support, it remains uncertain** if backers can put together the two-thirds majority in the Senate needed to override a veto by President Barack Obama.

The Obama administration has insisted the bill would damage delicate talks being held between Iran and world powers over the nuclear program, which Tehran says is for peaceful purposes. Iranian Foreign Minister Mohammad Zarif has said a new sanctions law would kill the interim agreement.

While senior Democrats in the Senate like Menendez, from New Jersey, and Charles Schumer, from New York, support the new sanctions, there is a strong bloc of opposition in the party. Ten Democratic senators, all leaders of committees, sent a letter to Senate Majority Leader Harry Reid last month expressing their opposition to the bill.

#### 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.

#### Obama’s pushing – and his bully pulpit is working

Klapper 1-9 (Bradley, “Obama, Congress Locked in Iran Sanctions Dispute,” ABC News, 2014, <http://abcnews.go.com/Politics/wireStory/obama-congress-locked-iran-sanctions-dispute-21471744?singlePage=true>)

The Obama administration enters the year locked in a battle with Congress over whether to plow ahead with new economic sanctions against Iran or cautiously wait to see if last year's breakthrough nuclear agreement holds.

The new sanctions, widely endorsed by both Republican and Democratic lawmakers, would blacklist several Iranian industrial sectors and threaten banks and companies around the world with being banned from the U.S. market if they help Iran export any more oil. The provisions would only take effect if Tehran violates the interim nuclear deal or lets it expire without a follow-up accord.

The House already approved similar legislation last July by a 400-20 vote and would likely pass the new sanctions by an overwhelming margin. But the Obama administration, fearful of squandering a historic diplomatic opportunity to end the nuclear crisis, has succeeded so far in holding off a Senate vote.

The standoff has prompted sharp barbs from both sides.

#### Not enough support currently exists for a veto override

**Tobin, 12/24/13 -** Senior Online Editor of Commentary magazine(Jeffrey, Commentary Magazine, “Schumer’s Iran Sanctions Test” <http://www.commentarymagazine.com/2013/12/24/charles-schumers-iran-sanctions-test/>)

But our applause for Schumer’s stand needs to be tempered by the knowledge that his statements may be more for show than substance. So long as Reid and Johnson are backing Obama’s play on Iran, the odds are against getting a vote on the Menendez-Kirk bill. And if Obama is really determined to veto it, it is highly unlikely that there are 67 votes available for an override in the Senate (though there may well be a two-thirds majority for more sanctions in the Republican-controlled House of Representatives). Safe in the knowledge that the measure has no chance, all Schumer may be doing is a little grandstanding in order to shore up his reputation as a friend of Israel that was damaged by his support for Chuck Hagel last winter.

### 2nc 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.

#### Plan’s expenditure prevents Obama from maintaining a consistent message and it means he’ll lose the ability to ask for favors

**Moore, 9/10/13 -** Guardian's US finance and economics editor.(Heidi, “Syria: the great distraction” The Guardian, <http://www.theguardian.com/commentisfree/2013/sep/10/obama-syria-what-about-sequester>)

Political capital – the ability to horse-trade and win political favors from a receptive audience – is a finite resource in Washington. Pursuing misguided policies takes up time, but it also eats up credibility in asking for the next favor. It's fair to say that congressional Republicans, particularly in the House, have no love for Obama and are likely to oppose anything he supports. That's exactly the reason the White House should stop proposing policies as if it is scattering buckshot and focus with intensity on the domestic tasks it wants to accomplish, one at a time.

#### Diminished capital means Dems defect

**Krasuhaar, 11/21/13** (Josh, National Journal, “The Iran Deal Puts Pro-Israel Democrats in a Bind” <http://www.nationaljournal.com/magazine/the-iran-deal-puts-pro-israel-democrats-in-a-bind-20131121>)

All of this puts Democrats, who routinely win overwhelming support from Jewish Americans on Election Day, in an awkward position. Do they stand with the president on politically sensitive foreign policy issues, or stake their own course? That difficult dynamic is currently playing out in Congress, where the Obama administration is resisting a Senate push to maintain tough sanctions against Iran. This week, Obama met with leading senators on the Banking and Foreign Relations committees to dissuade them from their efforts while diplomacy is underway.

"There's a fundamental disagreement between the vast majority of Congress and the president when it comes to increasing Iran sanctions right now," said one Democratic operative involved in the advocacy efforts. "Pro-Israel groups, like AIPAC, try to do things in a bipartisan way; they don't like open confrontation. But in this instance, it's hard."

That awkwardness has been evident in the lukewarm reaction from many of Obama's Senate Democratic allies to the administration's outreach to Iran. Senate Foreign Relations Committee Chairman Robert Menendez of New Jersey said last week he was concerned that the administration seems "to want the deal almost more than the Iranians." Normally outspoken Sen. Chuck Schumer of New York, a reliable ally of Israel, has been conspicuously quiet about his views on the negotiations. In a CNN interview this month, Democratic Rep. Debbie Wasserman Schultz of Florida, whose job as chairwoman of the Democratic National Committee is to defend the president, notably declined to endorse the administration's approach, focusing instead on Obama's past support of sanctions. This, despite the full-court press from Secretary of State John Kerry, a former congressional colleague.

On Tuesday, after meeting with Obama, Menendez and Schumer signed a bipartisan letter to Kerry warning the administration about accepting a deal that would allow Iran to continue its nuclear program. The letter was also signed by Sens. John McCain, R-Ariz., Lindsey Graham, R-S.C., Susan Collins, R-Maine, and Robert Casey, D-Pa.

Democrats, of course, realize that the president plays an outsized role in the policy direction of his party. Just as George W. Bush moved the Republican Party in a more hawkish direction during his war-riven presidency, Obama is nudging Democrats away from their traditionally instinctive support for the Jewish state. "I can't remember the last time the differences [between the U.S. and Israel] were this stark," said one former Democratic White House official with ties to the Jewish community. "There's now a little more freedom [for progressive Democrats] to say what they want to say, without fear of getting their tuchus kicked by the organized Jewish community."

A Gallup survey conducted this year showed 55 percent of Democrats sympathizing with the Israelis over the Palestinians, compared with 78 percent of Republicans and 63 percent of independents who do so. A landmark Pew poll of American Jews, released in October, showed that 35 percent of Jewish Democrats said they had little or no attachment to Israel, more than double the 15 percent of Jewish Republicans who answered similarly. At the 2012 Democratic National Convention, many delegates booed a platform proposal supporting the move of the U.S. Embassy in Israel from Tel Aviv to Jerusalem. In 2011, Democrats lost Anthony Weiner's heavily Jewish, solidly Democratic Brooklyn House seat because enough Jewish voters wanted to rebuke the president's perceived hostility toward Israel.

Pro-Israel advocacy groups rely on the mantra that support for Israel carries overwhelming bipartisan support, a maxim that has held true for decades in Congress. But most also reluctantly acknowledge the growing influence of a faction within the Democratic Party that is more critical of the two countries' close relationship. Within the Jewish community, that faction is represented by J Street, which positions itself as the home for "pro-Israel, pro-peace Americans" and supports the Iran negotiations. "Organizations that claim to represent the American Jewish community are undermining [Obama's] approach by pushing for new and harsher penalties against Iran," the group wrote in an action alert to its members.

Some supporters of Israel view J Street with concern. "There's a small cadre of people that comes from the progressive side of the party that are in the business of blaming Israel first. There's a chorus of these guys," said a former Clinton administration foreign policy official. "But that doesn't make them the dominant folks in the policy space of the party, or the Hill."

Pro-Israel activists worry that one of the ironies of Obama's situation is that as his poll numbers sink, his interest in striking a deal with Iran will grow because he'll be looking for any bit of positive news that can draw attention away from the health care law's problems. Thus far, Obama's diminished political fortunes aren't deterring Democrats from protecting the administration's prerogatives. Congressional sources expect the Senate Banking Committee, chaired by South Dakota Democrat Tim Johnson, to hold off on any sanctions legislation until there's a resolution to the Iranian negotiations.

But if Obama's standing continues to drop, and negotiations produce a deal that Israel doesn't like, don't be surprised to see Democrats become less hesitant about going their own way.

#### PC key to mollify Dems – Obama’s mounting a full-court press on the Senate to forestall sanctions pressure

**Warner, 11/14/13** – chief foreign affairs correspondent for PBS (Margaret, “As negotiators ready for Iran talks, Obama asks Congress not to step up pressure” PBS News Hour,

<http://www.pbs.org/newshour/bb/world/july-dec13/iran_11-14.html>)

GWEN IFILL: The behind-the-scenes struggle between the White House and Congress could drive the outcome of the Geneva talks.

Chief foreign affairs correspondent Margaret Warner says it's been quite a vigorous one.

Margaret, behind the scenes, it seem like what is the president is trying to do, as he was with health care today, is mollify the Democrats.

MARGARET WARNER: That is one of his main problems, Gwen. There's strong sentiment on the Hill to step up pressure on Iran during these talks.

And it's coming not just from Republicans, but from some leading Democrats, like Foreign Affairs Committee Chairman Bob Menendez. The two scenarios are, they would either impose new sanctions, or, as Senator Bob Corker, Republican, wants to do, strip the president of his ability to waive even existing sanctions under existing law.

The administration says, if that happens, President Obama will have nothing left to deal on Geneva next week. His negotiators won't, because even the modest easing they're proposing, that they proposed last week, say, unblocking some funds that is Iranian money held in foreign accounts, he can't do if his hands are tied on the waivers. So that's why you saw a full-court press this week, Vice President Biden, Secretary Kerry up on the Hill in private briefings.

GWEN IFILL: And they were saying -- and they were saying we weren't -- sorry -- that we weren't lifting oil sanctions, we aren't lifting banking sanctions.

So what is driving the objections to even the potential of a deal?

MARGARET WARNER: I would say distrust on two fronts, distrust of Iran, given its long record of deception -- and there is such a record in negotiations -- and distrust of the administration, or a mistrust, that this administration is so eager for a deal, that it is ready to give away leverage.

And the final factor is definite pressure from Israel, from Prime Minister Netanyahu, from Israel's friends on the Hill and outside of the Hill to not head down the slippery slope of easing any sanctions until you get a deal that ends all, all Iranian enrichment.

### Yes 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.

outweighed by debate practicality.

### AT: Centrifuges kill the deal

Jennifer Rubin 1-9, Washington Post columnist, 1/9/14, “Obama Iran gambit is unraveling,” <http://www.washingtonpost.com/blogs/right-turn/wp/2014/01/09/obama-iran-gambit-is-unraveling/>

Some “snag.” That is how a Reuters headline characterizes its report that there is an impasse in talks with Iran over the implementation agreement for an interim deal:¶ Negotiations between Iran and six world powers on implementing a landmark November deal to freeze parts of Tehran’s nuclear program in exchange for easing some sanctions have run into problems over advanced centrifuge research, diplomats said.¶ The dispute over centrifuges highlighted the huge challenges facing Iran and the six powers in negotiating the precise terms of the November 24 interim agreement. If they succeed, they plan to start talks on a long-term deal to resolve a more than decade-long dispute over Tehran’s nuclear ambitions.¶ Among the issues to be resolved in political discussions due to begin in Geneva later this week is that of research and development of a new model of advanced nuclear centrifuge that Iran says it has installed, diplomats said on condition of anonymity.¶ Centrifuges are machines that purify uranium for use as fuel in atomic power plants or, if purified to a high level, weapons.¶ “This issue (centrifuges) was among the main factors in stopping the previous technical discussions on December 19-21,” a Western diplomat told Reuters on condition of anonymity. Other Western diplomats confirmed that centrifuges remained a “sticking point” in the talks with Iran but noted that last month’s discussions were understandably adjourned ahead of the December holidays – not because of the centrifuge issue.¶ The White House will never admit talks have broken off. That would confirm critics’ conclusion that this is all a giant stall by Iran to allow it to progress with its nuclear weapons program while getting sanctions relief. So far, the mullahs are achieving exactly what they want. And the Obama team oversold what it had achieved, a former U.S. official critical of the administration says, giving pro-sanctions lawmakers every reason to pass new legislation.¶ The centrifuge issue is no small matter. Mark Dubowitz, president of the Foundation for Defense of Democracies, has been closely involved in sanctions development and implementation. He tells me, “Permitting Iran to conduct research and development on advanced centrifuges is a dangerous proposition and fundamentally at odds with a peaceful civilian nuclear program. The verification of Iran’s current centrifuge production capabilities is already sufficiently challenging without opening the door to Iranian development of even smaller and more efficient centrifuges that are easier to hide.” He adds, “This is further proof — as if more evidence is needed — that Iran is building an industrial-size nuclear infrastructure that will give it multiple overt and covert pathways to a bomb.”¶ It tells us several other things as well.¶ First, the interim deal is not a deal at all but a unilateral gift of sanctions relief for a deal that is vague and incomplete and that may never be implemented. Either president Obama was snookered or he is snookering us, trying to erect a barrier to military action by Israel and/or further sanctions by Congress.¶ Josh Block, a longtime Democrat and head of the Israel Project, observes via an e-mail to Right Turn, “Clearly there is growing concern and realization that the ‘interim deal’ is actually just another stalling tactic by Iran, but worse, one we are paying Iran billions of dollars to perpetrate. The six month ‘deal’ was announced in November, so either that is the moment the 6 month clock started or there is no ‘deal’ at all.”¶ Second, those demanding a new round of sanctions, including 53 Senate Democrats and Republicans co-sponsoring sanctions legislation, again have been proven to be savvier about the Iranians than the president and his State Department. Without reimposition of sanctions and passage of stringent banking sanctions, Iran will merely continue its pattern of delay, obfuscation and wordsmithing. The number of co-sponsors is up to 51, enough to pass the Senate by a majority; word of this latest Iranian gambit may persuade others to join. (The timing of a vote is still up in the air, although the delay has given pro-sanctions senators time to make their case and gain proof of Iran’s mendacity.) As Block put it, “Congress is not fooled. The American people are not fooled. Iran is playing us for the fool. Only more pressure backed by the credible threat of military force will bring Iran to recognize the costs of keeping their program outweigh any benefit.”¶ Third, the latest news is another blow to an administration already low on credibility. They had an “agreement,” but not really. And the document said Iran’s right to enrich would be the subject of mutual agreement in a final deal. Even this news reveals more spinning, as the State Department briefing yesterday revealed:

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

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

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

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

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

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

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

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

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

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

#### Geneva solves and Iran is committed

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

In his answer to General Yadlin, President Obama explained that theoretically, Iran could have “the breakout capability.” But in practical terms, the strict limitations on its low-level enrichment program and the intrusive IAEA monitoring provide a good guarantee that Iran would not have a “breakout capability.” According to the agreement, Iran will be placed under a “unique and unprecedented” verification and monitoring mechanism. Already in the first stage, IAEA monitors will be given access on a daily basis to the centrifuge sites, to the facilities for the production and storage of centrifuges (that until today were “off limits” to the IAEA). In this way, Iran undertakes already in the first stage some elements of the “Additional Protocol” (based on the lessons learned from Saddam Hussein’s clandestine program) which permits intrusive snap inspections at short notice, including at undeclared suspected sites which will prevent the possibility of secret stockpiling of fissile material for a bomb going unperceived by the inspectors. This will prevent the possibility of a clandestine route to nuclear weapons.

It is worth remembering that to date, Iran is the most monitored country in the world – inspectors are permanently and continually in place in Iran, video cameras broadcast directly to the IAEA headquarters in Vienna. The US intelligence effort through satellites recall operations over Soviet territory during the Cold War. The satellite coverage is more than photography and includes the collection and interpretation of activities on the basis of samples of material released into the atmosphere. In addition, there is the NSA tracking of signals. In the nuclear context, tight monitoring is the best confidence-building measure.

The second point explicitly emphasized by President Obama in his speech at the Saban Forum was that the North Korean model was not applicable to Iran and that there is no room for comparison between the two cases. President Obama emphasized the fact (based on intelligence material) that when the U.S. entered into negotiations with North Korea – the latter already had fissile material for nuclear weapons. North Korea had never been a full member of the NPT. It entered the treaty in an irregular and late manner, withdrew in 2003 and carried out its first nuclear explosion in 2006. The huge difference between Iran and North Korea can be found on the declarative level: North Korea according to its constitution is “a state armed with nuclear weapons” while Iran is an NPT country which, in the Geneva Agreement, has reaffirmed that it will not develop nuclear weapons. President Obama thus put an end to the North Korea spin.

At Saban Forum, President Obama tried to signal (with admirable tact) to Israeli leaders that the prevalent concept according to which “there is nothing new in Iran” should be reexamined. That the importance of the political change in Iran should not be underestimated. President Rouhani’s sweeping electoral victory reflects a change of direction in Iran. An understanding of the global reality of the NPT regime (no to nuclear weapons, yes to civil nuclear programs) and the reality of the new Iran – these explain what happened in Geneva. The explanation is not to be found in an imagined US. naiveté. President Shimon Peres, who recently said in public that Iran is not an enemy state, seems to share President Obama’s assessment.

### Thumpers

#### Top of the agenda

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

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

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

The agreement was immediately denounced by Israeli President

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

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

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

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

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

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

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

#### The vote will be soon

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

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

### link

#### 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

### AT: Waive sanctions

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

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

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

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

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

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

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

### new sanctions KILL DEAL

#### New sanctions collapse negotiations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 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.

### add on

#### 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.

## 1nr

### AT: Legitimacy

#### Structural alt causes overwhelm solvency

**Hudson 11** – chaired professor of IR, Director of the Middle East Institute at the National University of Singapore (Michael, Middle East Policy: A zero-sum game?, http://english.aljazeera.net/indepth/opinion/2011/08/201181681017137387.html)

But wait … you thought this article was about the Middle East! Well, it is - but you can't understand the fatigue and inertia in Washington's policies towards what it considers the most dangerous region of the world without this gloomy preamble.

The other day, following his uninspiring speech to the nation after Standard and Poor's downgrading of US bond ratings, President Obama took a helicopter up to Dover Air Force Base in Delaware to pay his respects to the 30 US special forces soldiers who had been shot down over Afghanistan. These casualties were the largest one-day loss in ten years of war. Bin Laden has been avenged. Afghanistan is now fully Obama's war, but getting out with dignity is proving much more difficult than going in. Meanwhile, officials and experts are expressing growing alarm over the political meltdown in Pakistan - accelerated by the military's humiliation over the US operation against bin Laden.

As for America's other war of choice in Iraq, the US cannot quite figure out whether to go or stay. Every day Iran extends its influence in the country the US once believed was a bulwark against Tehran's regional designs. Prime Minister Nuri al-Maliki's government, rife with corruption and inefficiency, still lacks the legitimacy to stand alone without continuing US military support. Kurdish-Arab tensions remain high, and now Muqtada al-Sadr has reemerged, calling upon his followers to kill any remaining US soldiers.

The public is fed up with these costly involvements in Afghanistan and Iraq - but isn't it lucky that Washington can easily afford them thanks to our robust economy?

Which side of history?

Then there is the so-called "Arab Spring". In a speech last June, Obama declared that the US was going to get on "the right side of history" by supporting the popular uprisings across the Arab world, instead of propping up dictators in hopes of containing Islamist radicalism. The US moved fairly quickly to abandon its "friends" - Ben Ali in Tunisia and Mubarak in Egypt - in those apparently "easy" revolutions. But now it watches uneasily as the new regimes struggle to legitimise themselves against continuing popular protest.

The less "easy" and ongoing upheavals in Libya, Yemen, Bahrain and Syria pose more perplexing problems. In Libya, Obama has come around to "leading from behind" Sarkozy and Cameron, because the Congress and the public are allergic to yet another US military adventure. Washington seems helpless to influence the chaotic situation in Yemen, where al-Qaeda and other anti-American elements are reportedly trying to fill the vacuum left by the injured and absent President Ali Abdullah Saleh.

Bahrain has exposed US inconsistency most dramatically. Verbal scoldings over a particularly brutal crackdown could not convince Arab and Muslim opinion that Washington was not applying a double standard - hardly standing on "the right side of history". The issue here was Saudi Arabia, which dispatched troops to help crush the Bahrain popular protests. King Abdullah - already furious that Washington had "betrayed" Ben Ali and Mubarak - did not conceal his displeasure over US dithering on Bahrain.

The Syrian revolt poses the most serious challenge to Obama. Characteristically, he has been slow to call for regime change because the Assad regime, unpleasant as it is, has been a stabilising element in the always volatile Arab-Israeli conflict. Washington and Tel Aviv both worry about the consequences of chaos as well as the behaviour of a successor regime. Still, the temptation to help bring down Iran's key ally in the eastern Mediterranean as well as weaken Lebanon's Hezbollah is strong, especially since the gross brutality of Assad's response to the protests so far has not stifled them. But the US has little real leverage apart from verbal criticism, and Assad thus far shows no sign of being cowed by Washington.

Indeed, the US, which has dominated almost the entire Middle East for decades, seems now to be a mere bystander to the historic upheavals shaking the region. Despite its pervasive military presence from the Mediterranean to the Gulf, the US lacks the respect that otherwise might give its words more weight.

Perhaps the primary cause of America's declining influence is its stance on the Arab-Israeli conflict. If the US was really serious about getting on "the right side of history" in the Middle East, it would have long since adopted a balanced and proactive stance. Let us say it frankly: this would mean putting tangible pressure on Israel to adhere to the international consensus - land for peace, based on the 1967 lines, in the framework of the 1967 UN Security Council Resolution 242. "Pathetic" does not adequately describe Obama's position on this matter. In fairness, several of his predecessors were almost equally supine.

Does Palestine still matter? It probably will matter even more as populist upheavals reshape the political landscape in the Arab world, as others have observed. Next month the Palestinian president, Mahmoud Abbas, plans to request that the UN General Assembly recognise a Palestinian state. Such a decision requires Security Council approval, and the US undoubtedly will veto the measure. "Voting against the Palestinian state would be a historic, deadly mistake in the record of US President Barack Obama, in whom there was hope for change," said Marwan Barghouti - perhaps the most popular of Palestinian leaders - from his prison cell in Israel recently. "Such a veto will be confronted by millions-strong protests throughout the Arab and Muslim world, indeed throughout the whole world."

Even if he were not overwhelmed by his domestic woes, Obama would find it difficult indeed to exert bold leadership on the Palestinian-Israeli issue. **Even if he wanted** to make the balanced course correction that so many favour, he finds himself hamstrung. His inner circle is too resistant, too close to Israeli interests. And a powerful coalition of the Israel lobby, Christian fundamentalists, "Tea Party" Republicans and policy hawks are calling for much tougher US policies toward Iran and Syria. A recent puff piece on Hillary Clinton in Vanity Fair comments approvingly: "And ever since Obama bollixed up his relations with Israeli Prime Minister Benjamin Netanyahu, in 2010, Hillary has worked overtime to soothe Bibi."

#### Best evidence concludes no legitimacy impact

Brooks & Wohlforth 8 – Stephen G. Brooks, Assistant Professor of Government at Dartmouth, and William C. Wohlforth, Associate Professor of Government at Dartmouth, 2008, World Out of Balance: International Relations and the Challenge of American Primacy, p. 201-206

First, empirical studies find no clear relationship between U.S. rulebreaking, legitimacy, and the continued general propensity of other governments to comply with the overall institutional order. Case studies of U.S. unilateralism—that is, perceived violations of the multilateral principle underlying the current institutional order—reach decidedly mixed results.74 Sometimes unilateralism appears to impose costs on the United States that may derive from legitimacy problems; in other cases, these acts appear to win support internationally and eventually are accorded symbolic trappings of legitimacy; in yet others, no effect is discernable. Similar results are reported in detailed analyses of the most salient cases of U.S. noncompliance with international law, which, according to several studies, is as likely to result in a “new multilateral agreement and treaties [that] generally tilt towards U.S. policy preferences” as it is to corrode the legitimacy of accepted rules.75

The contestation created by the Bush administration’s “new unilateralism,” on the one hand, and the “new multilateralism” represented by other states’ efforts to develop new rules and institutions that appear to constrain the United States, on the other hand, fits the historical pattern of the indirect effect of power on law. Highlighting only the details of the struggle over each new rule or institution may deflect attention from the structural influence of the United States on the overall direction of change. For example, a focus on highly contested issues in the UN, such as the attempt at a second resolution authorizing the invasion of Iraq, fails to note how the institution’s whole agenda has shifted to address concerns (e.g., terrorism, proliferation) that the United States particularly cares about. The secretary-general’s Highlevel Panel on Threats, Challenges and Change endorsed a range of U.S.-supported positions on terrorism and proliferation.76 International legal scholars argue that the United States made measurable headway in inculcating new rules of customary law to legitimate its approach to fighting terrorism and containing “rogue states.”77 For example, UN Security Council Resolution 1373 imposed uniform, mandatory counterterrorist obligations on all member states and established a committee to monitor compliance.

That said, there is also evidence of resistance to U.S. attempts to rewrite rules or exempt itself from rules. Arguably the most salient example of this is the International Criminal Court (ICC). During the negotiations on the Rome Convention in the late 1990s, the United States explicitly sought to preserve great-power control over ICC jurisdiction. U.S. representatives argued that the United States needed protection from a more independent ICC in order to continue to provide the public good of global military intervention. When this logic failed to persuade the majority, U.S. officials shifted to purely legal arguments, but, as noted, these foundered on the inconsistency created by Washington’s strong support of war crimes tribunals for others. The Rome Convention rejected the U.S. view in favor of the majority position granting the ICC judicial panel authority to refer cases to court’s jurisdiction.78 By 2007, 130 states had signed the treaty and over 100 were full-fledged parties to it.

President Clinton signed the treaty, but declined to submit it to the Senate for ratification. The Bush administration “unsigned” it in order legally to be able to take action to undermine it. The United States then persuaded over 75 countries to enter into agreements under which they undertake not to send any U.S. citizen to the ICC without the United States’ consent; importantly, these agreements do not obligate the United States to investigate or prosecute any American accused of involvement in war crimes. This clearly undermines the ICC, especially given that about half the states that have signed these special agreements with the United States are also parties to the Rome Statute. 79 At the same time, the EU and other ICC supporters pressured governments not to sign special agreements with the United States, and some 45 have refused to do so—about half losing U.S. military assistance as a result. In April 2005, the United States chose not to veto a UN Security Council resolution referring the situation in Darfur, Sudan, to the ICC. To many observers, this suggests that inconsistency may yet undermine U.S. opposition to the court.80 If the U.S. campaign to thwart the court fails, and there is no compromise solution that meets some American concerns, the result will be a small but noticeable constraint: U.S. citizens involved in what might be construed as war crimes and who are not investigated and prosecuted by the U.S. legal system may have to watch where they travel.

The upshot as of 2007 was something of a stalemate on the ICC, demonstrating the limits of both the United States’ capability to quash a new legal institution it doesn’t like and the Europeans’ ability to legitimize such an institution without the United States’ participation. Similar stalemates characterize other high-profile arguments over other new international legal instruments, such as the Kyoto Protocol on Climate Change and the Ottawa Landmine Convention. Exactly as constructivists suggest, these outcomes lend credence to the argument that power does not translate unproblematically into legitimacy. What the larger pattern of evidence on rule breaking shows, however, is that this is only one part of the story; the other part involves rule breaking with few, if any, legitimacy costs, and the frequent use of go-it-alone power to revise or create rules.

AN EROSION OF THE ORDER?

The second general evidence pattern concerns whether fallout from the unpopular U.S. actions on ICC, Kyoto and Ottawa, Iraq, and many other issues have led to an erosion of the legitimacy of the larger institutional order. Constructivist theory identifies a number of reasons why institutional orders are resistant to change, so strong and sustained action is presumably necessary to precipitate a legitimacy crisis that might undermine the workings of the current order. While aspects of this order remain controversial among sections of the public and elite both in the United States and abroad, there is little evidence of a trend toward others opting out of the order or setting up alternatives. Recall also that the legitimacy argument works better in the economic than in the security realm. It is also in the economic realm that the United States arguably has the most to lose. Yet it is hard to make the empirical case that U.S. rule violations have undermined the institutional order in the economic realm. Complex rules on trade and investment have underwritten economic globalization. The United States generally favors these rules, has written and promulgated many of them, and the big story of the 1990s and 2000s is their growing scope and ramified nature—in a word, their growing legitimacy. On trade, the WTO represents a major strengthening of the GATT rules that the United States pushed for (by, in part, violating the old rules to create pressure for the upgrade). As of 2007, it had 149 members, and the only major economy remaining outside was Russia’s. And notwithstanding President Putin’s stated preference for an “alternative” WTO, Russian policy focused on accession.81 To be sure, constructivists are right that the WTO, like other rational-legal institutions, gets its legitimacy in part from the appearance of independence from the major powers.82 Critical analysts repeatedly demonstrate, however, that the organization’s core agenda remains powerfully influenced by the interests of the United States.83

Regarding international finance, the balance between the constraining and enabling properties of rules and institutions is even more favorable to the United States, and there is little evidence of general legitimacy costs. The United States retains a privileged position of influence within the International Monetary Fund and the World Bank. An example of how the scope of these institutions can expand under the radar screen of most legitimacy scholarship is International Center for Settlement of Investment Disputes (ICSID)—the major dispute settlement mechanism for investment treaties. Part of theWorld Bank group of institutions, it was established in 1966, and by 1991 it had considered only 26 disputes. With the dramatic growth in investment treaties in the 1990s, however, the ICSID came into its own. Between 1998 and 2004, over 121 disputes were registered with the Center.84 This increase reflects the rapidly growing scope of international investment law. And these new rules and treaties overwhelmingly serve to protect investors’ rights, in which the United States has a powerful interest given how much it invests overseas.

Looking beyond the economic realm, the evidence simply does not provide a basis for concluding that serial U.S. rule-breaking imposed general legitimacy costs sufficient to erode the existing order. On the contrary, it suggests a complex and malleable relationship between rule breaking, legitimacy, and compliance with the existing order that opens up numerous opportunities for the United States to use its power to change rules and limit the legitimacy costs of breaking rules. The evidence also suggests that just as rules do not automatically constrain power, power does not always smoothly translate into legitimacy. As our review of the ICC issue showed, the United States is not omnipotent, and its policies can run afoul of the problems of hypocrisy and inconsistency that constructivists and legal scholars identify. Indeed, neither the theory nor the evidence presented in this chapter can rule out the possibility that the United States might have enjoyed much more compliance, and had much more success promulgating its favored rules and quashing undesired rule change, had it not been such a rule breaker or had it pursued compensating strategies more energetically.

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### Afghan collapse inev

#### Every component of this AFF is inevitable

**Biddle, September 13** - Professor of Political Science and International Affairs at George Washington University and Adjunct Senior Fellow for Defense Policy at the Council on Foreign Relations (Stephen, “Ending the War in Afghanistan: How to Avoid Failure on the Installment Plan” Foreign Affairs, Sept/Oct, proquest)

International forces in Afghanistan are preparing to hand over responsibility for security to Afghan soldiers and police by the end of 2014. U.S. President Barack Obama has argued that battlefield successes since 2009 have enabled this transition and that with it, "this long war will come to a responsible end." But the war will not end in 2014. The U.S. role may end, in whole or in part, but the war will continue-and its ultimate outcome is very much in doubt.

Should current trends continue, U.S. combat troops are likely to leave behind a grinding stalemate between the Afghan government and the Taliban. The Afghan National Security Forces can probably sustain this deadlock, but only as long as the U.S. Congress pays the multibillion-dollar annual bills needed to keep them fighting. The war will thus become a contest in stamina between Congress and the Taliban. Unless Congress proves more patient than the Taliban leader Mullah Omar, funding for the ansf will eventually shrink until Afghan forces can no longer hold their ground, and at that point, the country could easily descend into chaos. If it does, the war will be lost and U.S. aims forfeited. A policy of simply handing off an ongoing war to an Afghan government that cannot afford the troops needed to win it is thus not a strategy for a "responsible end" to the conflict; it is closer to what the Nixon administration was willing to accept in the final stages of the Vietnam War, a "decent interval" between the United States' withdrawal and the eventual defeat of its local ally.

#### Impact inevitable – residual force

**Biddle, September 13** - Professor of Political Science and International Affairs at George Washington University and Adjunct Senior Fellow for Defense Policy at the Council on Foreign Relations (Stephen, “Ending the War in Afghanistan: How to Avoid Failure on the Installment Plan” Foreign Affairs, Sept/Oct, proquest)

In the near term, Congress will probably pay the ansf what the White House requests, but the more time goes on, the more likely it will be that these appropriations will be cut back. It will not take much reduction in funds before the ansf contracts to a size that is smaller than what it needs to be to hold the line or before a shrinking pool of patronage money splits the institution along factional lines. Either result risks a return to the civil warfare of the 1990s, which would provide exactly the kind of militant safe haven that the United States has fought since 2001 to prevent.

Managing the congressional politics around sustaining Afghan forces after the transition was feasible back when Washington assumed that a troop surge before the transition would put the Taliban on a glide path to extinction. The United States would still have had to give billions of dollars a year to the ansf, but the war would have ended relatively quickly. After that, it would have been possible to demobilize large parts of the ansf and turn the remainder into a peacetime establishment; aid would then have shrunk to lower levels, making congressional funding a much easier sell. But that is not the scenario that will present itself in 2014. With an indefinite stalemate on the horizon instead, the politics of funding the ansf will be much harder to handle-and without a settlement, that funding will outlast the Taliban's will to fight only if one assumes heroic patience on the part of Congress.

#### The magnitude is the same

**Mead, 9/19/13** – Sir Walter Russell (“As Withdrawal Approaches, Afghanistan Gets Bloody”, <http://blogs.the-american-interest.com/wrm/2013/09/19/as-withdrawal-approaches-afghanistan-gets-bloody/>)

A senior election official was assassinated in Afghanistan’s Kunduz province on Tuesday, the first killing directly linked to next spring’s critical presidential elections. The Taliban quickly claimed responsibility for the attack on their Twitter feed. Then, in nearby Badakhshan province yesterday, Taliban fighters reportedly killed 10 police and kidnapped 16. Both of these attacks occurred in the normally (more) peaceful northern part of the country. Violence in Afghanistan always seems to be simmering away at a low boil, so casual readers may assume that these stories are merely business as usual. But that appears not to be the case: violence is markedly up. The NY Times reports on the grisly trend: While hard figures are scarce this year, a number of public comments have suggested a significant increase in casualties on the government side. The Guardian newspaper this month quoted Gen. Joseph F. Dunford, the American military commander, as saying that Afghan forces were losing 100 killed a week. “I’m not assuming that those casualties are sustainable,” General Dunford was reported to have said. If that trend continued, it would represent a substantial increase over last year’s reported 2,970 deaths for Afghan security forces, including both police and soldiers. On July 22, the interior minister, Gen. Ghulam Mujtaba Patang, addressing Parliament during impeachment proceedings against him, defended himself by saying he had been preoccupied with the rising death toll. “From March 21 up to now, I swear to God, 2,748 police have been martyred,” he said. Leaving Afghanistan in decent shape was never going to be an easy thing to achieve. General Dunford, cited above, estimated that allied forces would have to provide at least five more years of support before the Afghan security forces could stand on their own two feet. There’s just no appetite for that level of sustained engagement in any of the allied capitals. But by setting a hard date for American disengagement, President Obama clearly communicated to the Taliban exactly when applying pressure to the existing government would have the greatest impact. That time appears to be at hand, so look for much, much more of this kind of thing in the coming weeks and months as the Taliban do their worst to maximize their advantage.

### no Afghan impact

#### No impact to Afghan collapse and no spillover

**Silverman, 9** – PhD in international relations-government and, as a Ford Foundation Project Specialist (11/19/09, Jerry Mark, The National Interest, “Sturdy Dominoes,” http://www.nationalinterest.org/Article.aspx?id=22512)

The fear that Pakistan and central Asian governments are too weak to withstand the Taliban leads logically to the proposition—just as it did forty years ago—that only the United States can defend the region from its own extremist groups and, therefore, that any loss of faith in America will result in a net gain for pan-Islamist movements in a zero-sum global competition for power. Unfortunately, the resurrection of “falling dominos” as a metaphor for predicted consequences of an American military withdrawal reflects a **profound inability to re-envision** the nature of today’s global political environment and America’s place in it.

The current worry is that Pakistan will revive support for the Taliban and return to its historically rooted policy of noninterference in local governance or security arrangements along the frontier. This fear is compounded by a vision of radical Islamists gaining access to Pakistan’s nuclear arsenal. Those concerns are fueled by the judgment that Pakistan’s new democratically elected civilian government is too weak to withstand pressures by its most senior military officers to keep its pro-Afghan Taliban option open. From that perspective, any sign of American “dithering” would reinforce that historically-rooted preference, even as the imperative would remain to separate the Pakistani-Taliban from the Afghan insurgents. Further, any significant increase in terrorist violence, especially within major Pakistani urban centers, would likely lead to the imposition of martial law and return to an authoritarian military regime, weakening American influence even further. At its most extreme, that scenario ends with the most frightening outcome of all—the overthrow of relatively secular senior Pakistani generals by a pro-Islamist and anti-Western group of second-tier officers with access to that country’s nuclear weapons.

Beyond Pakistan, advocates of today’s domino theory point to the Taliban’s links to both the Islamic Movement of Uzbekistan and the Islamic Jihad Union, and conclude that a Taliban victory in Afghanistan would encourage similar radical Islamist movements in Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. In the face of a scenario of increasing radicalization along Russia’s relatively new, southern borders, domino theorists argue that a NATO retreat from Afghanistan would spur the projection of its own military and political power into the resulting “vacuum” there.

The primary problem with the worst-case scenarios predicted by the domino theorists is that no analyst is really prescient enough to accurately predict how decisions made by the United States today will affect future outcomes in the South and central Asian region. Their forecasts might occur whether or not the United States withdraws or, alternatively, increases its forces in Afghanistan. Worse, it is entirely possible that the most dreaded consequences will occur only as the result of a decision to stay.

With the benefit of hindsight, we know that the earlier domino theory falsely represented interstate and domestic political realities throughout most of Southeast Asia in 1975. Although it is true that American influence throughout much of Southeast Asia suffered for a few years following Communist victories in Cambodia, Laos and Vietnam, we now know that while we viewed the Vietnam War as part of a larger conflict, our opponent’s focus was limited to the unification of their own country. Although border disputes erupted between Vietnam and Cambodia, China and the Philippines, actual military conflicts occurred only between the supposedly fraternal Communist governments of Vietnam, China and Cambodia. Neither of the two competing Communist regimes in Cambodia survived. Further, no serious threats to install Communist regimes were initiated outside of Indochina, and, most importantly, the current political situation in Southeast Asia now conforms closely to what Washington had hoped to achieve in the first place. It is, of course, unfortunate that the transition from military conflict in Vietnam to the welcome situation in Southeast Asia today was initially violent, messy, bloody, and fraught with revenge and violations of human rights. But as the perpetrators, magnitude, and victims of violence changed, the level of violence eventually declined.

#### No escalation

**Collins and Wohlforth 4** (Kathleen, Prof PoliSci–Notre Dame and William, Prof Government–Dartmouth, “Defying ‘Great Game’ Expectations”, Strategic Asia 2003-4: Fragility and Crisis, p. 312-3)

Conclusion

The popular great game lens for analyzing Central Asia fails to capture the declared interests of the great powers as well as the best reading of their objective interests in security and economic growth. Perhaps more importantly, it **fails to explain** their actual **behavior** on the ground, as well the specific reactions of the Central Asian states themselves. Naturally, there are competitive elements in great power relations. Each country’s policymaking community has slightly different preferences for tackling the challenges presented in the region, and the more influence they have the more able they are to shape events in concordance with those preferences. But these clashing preferences concern the means to serve ends that all the great powers share. To be sure, policy-makers in each capital would prefer that their own national firms or their own government’s budget be the beneficiaries of any economic rents that emerge from the exploitation and transshipment of the region’s natural resources. But the scale of these rents is marginal even for Russia’s oil-fueled budget. And for taxable profits to be created, the projects must make sense economically—something that is determined more by markets and firms than governments. Does it matter? The great game is an arresting metaphor that serves to draw people’s attention to an oft-neglected region. The problem is the great-game lens can distort realities on the ground, and therefore bias analysis and policy. For when great powers are locked in a competitive fight, the issues at hand matter less than their implication for the relative power of contending states. Power itself becomes the issue—one that tends to be nonnegotiable. Viewing an essential positive-sum relationship through zero sum conceptual lenses will result in missed opportunities for cooperation that leaves all players—not least the people who live in the region—poorer and more insecure.

While cautious realism must remain the watchword concerning an impoverished and potentially unstable region comprised of fragile and authoritarian states, our analysis yields at least conditional and relative optimism. Given the confluence of their chief strategic interests, the **major powers are in a better position to serve as a** **stabilizing force** than analogies to the Great Game or the Cold War would suggest. It is important to stress that the region’s response to the profoundly destabilizing shock of coordinated terror attacks was **increased cooperation** between local governments and China and Russia, and—multipolar rhetoric notwithstanding—between both of them and the United States. If this trend is nurtured and if the initial signals about potential SCO-CSTO-NATO cooperation are pursued, another destabilizing shock might generate more rather than less cooperation among the major powers. Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan are clearly on a trajectory that portends longer-term cooperation with each of the great powers. As military and economic security **interests become** more **entwined**, there are sound reasons to conclude that “great game” politics will not shape Central Asia’s future in the same competitive and destabilizing way as they have controlled its past. To the contrary, mutual interests in Central Asia may reinforce the broader positive developments in the great powers’ relations that have taken place since September 11, as well as reinforce regional and domestic stability in Central Asia.

### no pakistan nuke threat

#### No nuclear transfer

Alex **Stolar**, Herbert Scoville, Jr. Peace Fellow in the Stimson Center's South Asia Program, 5/18/**2007**. “The Implications of Unrest in Pakistan for Nuclear Security,” Stimson Center, http://www.stimson.org/southasia/?SN=SA200705181263.

Are Pakistan’s bombs safe? In theory, Pakistan’s nuclear weapons could be vulnerable to theft, illicit transfer, or unintentional use if the army’s discipline and command and control structure faltered. Concerns about the security of Pakistan’s weapons are greatest in the West when Pakistani politics enter a rough patch and during leadership changes. Fortunately, these **worst case scenarios are highly unlikely**. Pakistan has been through worse passages of political unrest. Intimidation, politically-driven violence, and sectarian strife are all too common in Pakistani politics. If past experience is any guide, the current unrest will not lead to anarchy or chaos in Pakistan. The vast majority of Pakistanis desire a moderate and stable state, and the army has an institutional interest to prevent the breakdown of national authority and cohesion. Pakistan’s weapons were secure during previous periods of political instability, and they are likely to remain the most protected national assets during the current unrest. There are no signs of a breakdown in command and control in the Pakistan Army. After the security leakages associated with A.Q. Khan, Pakistan’s military leadership took important steps to establish improved safety and security practices. Pakistan’s military authorities and civilian leaders also established a robust nuclear command and control structure after testing weapons in 1998. Today, the military’s Strategic Plans Division devotes over 8,000 men, mostly undercover, to protecting Pakistan’s weapons and fissile material. The Pakistani military is a highly capable and professional force. It is highly improbable that it would hand over its crown jewels to individuals or organizations that it cannot control during this period of unrest. It is equally unlikely that terrorist would be able to steal Pakistani nuclear weapons or fissile material. It is true that the fiat of the Pakistani state is being challenged throughout Pakistan, and especially in the tribal regions bordering Afghanistan. In the most troubled regions, police and military forces are struggling to maintain order. However, **the installations that house Pakistan’s nuclear weapons and fissile material**, as would be expected, **are heavily guarded and among the most secure facilities in all of Pakistan**. Similarly, fears that the current unrest could lead to a takeover of the Pakistani government by extremists are also misplaced. Religious parties are an important element of Pakistani society, but their political clout remains limited. It is unlikely that religious parties could engineer a takeover of the Pakistani government, as they lack both the popular support and the military power that would be required. The political power of religious parties would be further diminished if General Pervez Musharraf would remove the shackles from the two major political parties in Pakistan that do not define themselves in religious terms.

### new turn

#### Afghanistan stability kills Iran/Russia relations.

Ali **Jalali**, the chief of the Farsi Service of the Voice of America, Winter **2001**. “The Strategic Partnership of Russia and Iran - international relations,” Parameters, <http://findarticles.com/p/articles/mi_m0IBR/is_4_31/ai_82064209/pg_1>.

Geopolitical shifts in the region, especially those connected to the Israeli-Palestinian conflict, could influence the Russian-Iranian partnership. Iran's opposition to the US-backed Middle East peace process is both the cause and consequence of its hostility with the United States. Iran also exploits the anti-Israeli sentiments and unpopularity of the US support of the Jewish state to polish its credential for Islamic leadership in the region. Its "spoiler" stance is inspired by both opportunistic and ideological reasons. A breakthrough in the peace process, or domestic pressure forcing the regime to moderate its position, could lead to changes in Iran's relationship with Washington and Moscow. **Restoration of peace and stability in Afghanistan also could lead to changes in the Tehran-Moscow strategic cooperation**. As security threats emanating from Afghanistan to the neighboring countries dissipate, latent Russian-Iranian conflict of interests could lead to political and economic competition between them.

#### Turns case—Iran-Russia relations key to Central Asian stability.

**IRNA**, **10/17**/2007. “Iran-Russia growing ties beefs up security in the region: Deputy minister,” <http://www2.irna.ir/en/news/view/menu-236/0710178030232636.htm>.

Deputy Interior Minister Mohammad-Baqer Zolqadr in a meeting with Russian Border Guard Commander General Pronitchov said growing ties between Iran and Russia strengthen peace and security in the region. According to the Interior Ministry website on Wednesday, Zolqadr met with Russian official to discuss border and security issues on the sidelines of the summit meeting of the Caspian Sea Littoral States in Tehran. Zolqadr said the Russian president visit to Iran was an important step which will have undoubtedly a deep influence on mutual ties between the two countries. Referring to his visit to Moscow last April and the signed agreements on bilateral cooperation, Zolqadr appreciated the Russian sides' follow-up of the agreements and called for continuation of actions especially in the fields of drug smuggling, terrorism and finalizing Memorandum of Understanding (MoU) on security cooperation. The Russian general, for his part, appreciated Iranian hospitality and added, "President Putin's visit to Iran is a sign of Russia's endeavors in expanding ties with Islamic Republic of Iran." The Russian border guard commander expressed his country's readiness to help Iran in any necessary field and added, "Security in Iran's borders is security of Russia." He also expressed readiness to expand cooperation in all fields including border problems, fight against drug smuggling, insecurity in the seas, illegal immigration, Caspian Sea security issues, dispatching equipment and technical and specialized productions.

### no terrorism

#### They don’t assume Obama’s nuclear doctrine

**Sanger and Baker 10** (David E. and Peter, April, New York Times “Obama Limits When U.S. Would Use Nuclear Arms”. http://www.nytimes.com/2010/04/06/world/06arms.html)

WASHINGTON — [President Obama](http://topics.nytimes.com/top/reference/timestopics/people/o/barack_obama/index.html?inline=nyt-per) said Monday that he was revamping American nuclear strategy to substantially narrow the conditions under which the United States would use nuclear weapons, even in self defense. But the president said in an interview that he was carving out an exception for “outliers like Iran and North Korea” that have violated or renounced the main treaty to halt nuclear proliferation. Discussing his approach to nuclear security the day before formally releasing his new strategy, Mr. Obama described his policy as part of a broader effort to edge the world toward making nuclear weapons obsolete, and to create incentives for countries to give up any nuclear ambitions. To set an example, the new strategy renounces the development of any new nuclear weapons, overruling the initial position of his own defense secretary. Mr. Obama’s strategy is a sharp shift from those adopted by his predecessors and seeks to revamp the nation’s nuclear posture for a new age in which rogue states and terrorist organizations are greater threats than traditional powers like Russia and China. It eliminates much of the ambiguity that has deliberately existed in American nuclear policy since the opening days of the Cold War. For the first time, the United States is explicitly committing not to use nuclear weapons against non-nuclear states that are in compliance with the Nuclear Non-Proliferation Treaty, even if they attacked the United States with biological or chemical weapons, or launched a crippling cyberattack.

#### We have quantitative studies

**Jenkins-Smith 4** – professor of government at Texas A&M (Hank, “U.S. Public Response to Terrorism: Fault Lines or Bedrock,” http://www.spp.gatech.edu/current-students/exams/Fall-2004\_reviewmanuscript.pdf)

Our final contrasting set of expectations relate to the degree to which the public will support or demand retribution against terrorists and supporting states. Here our data show that support for using conventional U.S. military force to retaliate against terrorists initially averaged above midscale, but **did not reach a high level of emotional demand for military action**. Initial support declined significantly across all demographic and belief categories by the time of our survey in 2002. Furthermore, panelists both in 2001 and 2002 preferred that high levels of certainty about culpability (above 8.5 on a scale from zero to ten) be established before taking military action. Again, we find the weight of evidence supporting revisionist expectations of public opinion.

Overall, these results are inconsistent with the contention that highly charged events will result in volatile and unstructured responses among mass publics that prove problematic for policy processes. The initial response to the terrorist strikes, in the immediate aftermath of the event, demonstrated a broad and consistent shift in public assessments toward a greater perceived threat from terrorism, and greater willingness to support policies to reduce that threat. But even in the highly charged context of such a serious attack on the American homeland, the overall public response was quite measured. On average, the public showed very little propensity to undermine speech protections, and initial willing-ness to engage in military retaliation moderated significantly over the following year.

#### Too many obstacles—look at aggregate probability

**Pinker, 11** [Steven, professor of psychology at Harvard University, The Better Angels of our Nature Why Violence Has Declined, ISBN: 067002295, for online access email alexanderdpappas@gmail.com and I will forward you the full book]

Though conventional terrorism, as John Kerry gaffed, is a nuisance to be policed rather than a threat to the fabric of life, terrorism with weapons of mass destruction would be something else entirely. The prospect of an attack that would kill millions of people is not just theoretically possible but consistent with the statistics of terrorism. The computer scientists Aaron Clauset and Maxwell Young and the political scientist Kristian Gleditsch plotted the death tolls of eleven thousand terrorist attacks on log-log paper and saw them fall into a neat straight line.261 Terrorist attacks obey a power-law distribution, which means they are generated by mechanisms that make extreme events unlikely, but not astronomically unlikely. The trio suggested a simple model that is a bit like the one that Jean-Baptiste Michel and I proposed for wars, invoking nothing fancier than a combination of exponentials. As terrorists invest more time into plotting their attack, the death toll can go up exponentially: a plot that takes twice as long to plan can kill, say, four times as many people. To be concrete, an attack by a single suicide bomber, which usually kills in the single digits, can be planned in a few days or weeks. The 2004 Madrid train bombings, which killed around two hundred, took six months to plan, and 9/11, which killed three thousand, took two years.262 But terrorists live on borrowed time: every day that a plot drags on brings the possibility that it will be disrupted, aborted, or executed prematurely. If the probability is constant, the plot durations will be distributed exponentially. (Cronin, recall, showed that terrorist organizations drop like flies over time, falling into an exponential curve.) Combine exponentially growing damage with an exponentially shrinking chance of success, and you get a power law, with its disconcertingly thick tail. Given the presence of weapons of mass destruction in the real world, and religious fanatics willing to wreak untold damage for a higher cause, a lengthy conspiracy producing a horrendous death toll is within the realm of thinkable probabilities. A statistical model, of course, is not a crystal ball. Even if we could extrapolate the line of existing data points, the massive terrorist attacks in the tail are still extremely (albeit not astronomically) unlikely. More to the point, we *can’t* extrapolate it. In practice, as you get to the tail of a power-law distribution, the data points start to misbehave, scattering around the line or warping it downward to very low probabilities. The statistical spectrum of terrorist damage reminds us not to dismiss the worst-case scenarios, but it doesn’t tell us how likely they are. So how likely are they? What do you think the chances are that within the next five years each of the following scenarios will take place? (1) One of the heads of state of a major developed country will be assassinated. (2) A nuclear weapon will be set off in a war or act of terrorism. (3) Venezuela and Cuba will join forces and sponsor Marxist insurrection movements in one or more Latin American countries. (4) Iran will provide nuclear weapons to a terrorist group that will use one of them against Israel or the United States. (5) France will give up its nuclear arsenal. I gave fifteen of these scenarios to 177 Internet users on a single Web page and asked them to estimate the probability of each. The median estimate that a nuclear bomb would be set off (scenario 2) was 0.20; the median estimate that a nuclear bomb would be set off in the United States or Israel by a terrorist group that obtained it from Iran (scenario 4) was 0.25. About half the respondents judged that the second scenario was more likely than the first. And in doing so, they committed an elementary blunder in the mathematics of probability. The probability of a conjunction of events (A and B both occurring) cannot be greater than the probability of either of them occurring alone. The probability that you will draw a red jack has to be lower than the probability that you will draw a jack, because some jacks you might draw are not red. Yet Tversky and Kahneman have shown that most people, including statisticians and medical researchers, commonly make the error.263 Consider the case of Bill, a thirty-four-year-old man who is intelligent but also unimaginative, compulsive, and rather dull. In school he was strong in mathematics but undistinguished in the arts and humanities. What are the chances that Bill plays jazz saxophone? What are the chances that he is an accountant who plays jazz saxophone? Many people give higher odds to the second possibility, but the choice is nonsensical, because there are fewer saxophone-playing accountants than there are saxophone players. In judging probabilities, people rely on the vividness of their imaginations rather than thinking through the laws. Bill fits the stereotype of an accountant but not of a saxophonist, and our intuitions go with the stereotype. The conjunction fallacy, as psychologists call it, infects many kinds of reasoning. Juries are more likely to believe that a man with shady business dealings killed an employee to prevent him from talking to the police than to believe that he killed the employee. (Trial lawyers thrive on this fallacy, adding conjectural details to a scenario to make it more vivid to a jury, even though every additional detail, mathematically speaking, ought to make it *less* probable.) Professional forecasters give higher odds to an unlikely outcome that is presented with a plausible cause (oil prices will rise, causing oil consumption to fall) than to the same outcome presented naked (oil consumption will fall).264 And people are willing to pay more for flight insurance against terrorism than for flight insurance against all causes.265 You can see where I’m going. The mental movie of an Islamist terrorist group buying a bomb on the black market or obtaining it from a rogue state and then detonating it in a populated area is all too easy to play in our mind’s eye. Even if it weren’t, the entertainment industry has played it for us in nuclear terrorist dramas like *True Lies, The Sum of All Fears,* and *24*. The narrative is so riveting that we are apt to give it a higher probability than we would if we thought through all the steps that would have to go right for the disaster to happen and multiplied their probabilities. That’s why so many of my survey respondents judged an Iran-sponsored nuclear terrorist attack to be more probable than a nuclear attack. The point is not that nuclear terrorism is impossible or even astronomically unlikely. It is just that the probability assigned to it by anyone but a methodical risk analyst is likely to be too high. What do I mean by “too high”? “With certainty” and “more probable than not” strike me as too high. The physicist Theodore Taylor declared in 1974 that by 1990 it would be too late to prevent terrorists from carrying out a nuclear attack.266 In 1995 the world’s foremost activist on the risks of nuclear terrorism, Graham Allison, wrote that under prevailing circumstances, a nuclear attack on American targets was likely before the decade was out.267 In 1998 the counterterrorism expert Richard Falkenrath wrote that “it is certain that more and more non-state actors will become capable of nuclear, biological, and chemical weapons acquisition and use.”268 In 2003 UN ambassador John Negroponte judged that there was a “high probability” of an attack with a weapon of mass destruction within two years. And in 2007 the physicist Richard Garwin estimated that the chance of a nuclear terrorist attack was 20 percent per year, or about 50 percent by 2010 and almost 90 percent within a decade.269 Like television weather forecasters, the pundits, politicians, and terrorism specialists have every incentive to emphasize the worst-case scenario. It is undoubtedly wise to scare governments into taking extra measures to lock down weapons and fissile material and to monitor and infiltrate groups that might be tempted to acquire them. Overestimating the risk, then, is safer than underestimating it—though only up to a point, as the costly invasion of Iraq in search of nonexistent weapons of mass destruction proves. The professional reputations of experts have proven to be immune to predictions of disasters that never happen, while almost no one wants to take a chance at giving the all-clear and ending up with radioactive egg on his face.270 A few **brave analysts, such as Mueller,** John Parachini, and Michael Levi, have taken the chance by examining the disaster scenarios component by component.271 For starters, of the four so-called weapons of mass destruction, three are far less massively destructive than good old-fashioned explosives.272 Radiological or “dirty” bombs, which are conventional explosives wrapped in radioactive material (obtained, for example, from medical waste), would yield only minor and short-lived elevations of radiation, comparable to moving to a city at a higher altitude. Chemical weapons, unless they are released in an enclosed space like a subway (where they would still not do as much damage as conventional explosives), dissipate quickly, drift in the wind, and are broken down by sunlight. (Recall that poison gas was responsible for a tiny fraction of the casualties in World War I.) Biological weapons capable of causing epidemics would be prohibitively expensive to develop and deploy, as well as dangerous to the typically bungling amateur labs that would develop them. It’s no wonder that biological and chemical weapons, though far more accessible than nuclear ones, have been used in only three terrorist attacks in thirty years.273 In 1984 the Rajneeshee religious cult contaminated salad in the restaurants of an Oregon town with salmonella, sickening 751 people and killing none. In 1990 the Tamil Tigers were running low on ammunition while attacking a fort and opened up some chlorine cylinders they found in a nearby paper mill, injuring 60 and killing none before the gas wafted back over them and convinced them never to try it again. The Japanese religious cult Aum Shinrikyo failed in ten attempts to use biological weapons before releasing sarin gas in the Tokyo subways, killing 12. A fourth attack, the 2001 anthrax mailings that killed 5 Americans in media and government offices, turned out to be a spree killing rather than an act of terrorism. It’s really only nuclear weapons that deserve the WMD acronym. Mueller and Parachini have fact-checked the various reports that terrorists got “just this close” to obtaining a nuclear bomb and found that all were apocryphal. Reports of “interest” in procuring weapons on a black market grew into accounts of actual negotiations, generic sketches morphed into detailed blueprints, and flimsy clues (like the aluminum tubes purchased in 2001 by Iraq) were overinterpreted as signs of a development program. **Each of the pathways** to nuclear terrorism, when examined carefully, turns out to have gantlets of improbabilities. There may have been a window of vulnerability in the safekeeping of nuclear weapons in Russia, but today most experts agree it has been closed, and that no loose nukes are being peddled in a nuclear bazaar. Stephen Younger, the former director of nuclear weapons research at Los Alamos National Laboratory, has said, “Regardless of what is reported in the news, all nuclear nations take the security of their weapons very seriously.”274 Russia has an intense interest in keeping its weapons out of the hands of Chechen and other ethnic separatist groups, and Pakistan is just as worried about its archenemy Al Qaeda. And contrary to rumor, security experts consider the chance that Pakistan’s government and military command will fall under the control of Islamist extremists to be essentially nil.275 Nuclear weapons have complex interlocks designed to prevent unauthorized deployment, and most of them become “radioactive scrap metal” if they are not maintained.276 For these reasons, the forty-seven-nation Nuclear Security Summit convened by Barack Obama in 2010 to prevent nuclear terrorism concentrated on the security of fissile material, such as plutonium and highly enriched uranium, rather than on finished weapons. The dangers of filched fissile material are real, and the measures recommended at the summit are patently wise, responsible, and overdue. Still, one shouldn’t get so carried away by the image of garage nukes as to think they are inevitable or even extremely probable. The safeguards that are in place or will be soon will make fissile materials hard to steal or smuggle, and if they went missing, it would trigger an international manhunt. Fashioning a workable nuclear weapon requires precision engineering and fabrication techniques well beyond the capabilities of amateurs. The Gilmore commission, which advises the president and Congress on WMD terrorism, called the challenge “Herculean,” and Allison has described the weapons as “large, cumbersome, unsafe, unreliable, unpredictable, and inefficient.”277 Moreover, the path to getting the materials, experts, and facilities in place is mined with hazards of detection, betrayal, stings, blunders, and bad luck. In his book *On Nuclear Terrorism*, Levi laid out all the things that would have to go right for a terrorist nuclear attack to succeed, noting, “Murphy’s Law of Nuclear Terrorism: What can go wrong might go wrong.”278 Mueller counts twenty obstacles on the path and notes that even if a terrorist group had a fifty-fifty chance of clearing every one, the aggregate odds of its success would be one in a million. Levi brackets the range from the other end by estimating that even if the path were strewn with only ten obstacles, and the probability that each would be cleared was 80 percent, the aggregate odds of success facing a nuclear terrorist group would be one in ten. **Those are not our odds of becoming victims**. A terrorist group weighing its options, even with these overly optimistic guesstimates, might well conclude from the long odds that it would better off devoting its resources to projects with a higher chance of success. None of this, to repeat, means that nuclear terrorism is impossible, only that it is not, as so many people insist, imminent, inevitable, or highly probable.

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### legitimacy alt cause

#### Drones outweigh

Linked to Obama, and sufficiency

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

Obama rightly boasts that he has extracted the country from land wars. But he is simultaneously sleepwalking it into new conflict zones around the world. He would presumably not be doing this had drone warfare not been an available option. In his 23 May speech, speaking about the war America launched in the wake of 9/11, he said: ‘this war, like all wars, must end. That’s what history advises. That’s what our democracy demands.’ What he apparently meant to say was that he has found a way for this war to continue without penetrating the consciousness of US citizens. That is apparently what American democracy demands. The instrument that has allowed him to narrow the fight guarantees that the fight will go on. Obama came into office promising to restrict and reconfigure the country’s counterterrorism efforts, to bring them back within the rule of law. Instead, he too is fighting fire with fire. He continues to play according to bin Laden’s archaic playbook, perpetuating an endless post-9/11 revenge cycle, tit for tat. The Khost tragedy, where revenge against drone strikes justified further revenge strikes by drone, is a case in point. On the basis of undisclosed evidence, evaluated in unspecified procedures by rotating personnel with heterogeneous backgrounds, the US is continuing to kill those it classifies as suspected terrorists in Somalia, Yemen and Pakistan. It has certainly been eliminating militants who had nothing to do with 9/11, including local insurgents fighting local battles who, while posing no realistic threat to America, had allied themselves opportunistically with international anti-American jihadists. By following the latter wherever they go, the US is allowing ragtag militants to impose ever new fronts in its secret aerial war. Mistakes are made and can’t be hidden, at least not from local populations. Nor can the resentment of surrounding communities be easily assuaged. This is because, even when it finds its target, the US is killing not those who are demonstrably guilty of widely acknowledged crimes but rather those who, it is predicted, will commit crimes in the future. Of course, the civilian populations in the countries where these strikes take place will never accept the hunches of CIA or Pentagon futurologists. And so they will never accept American claims about the justice of Obama’s slimmed-down war on terror, but instead claim the right of self-defence, and this would be true even if drone operators could become as error-free as Brennan once claimed they already are. But of course collateral damage and mistaken-identity strikes will continue. They are inevitable accompaniments of all warfare. And they, too, along with intentional killings that are never publicly justified, will communicate resoundingly to the world that the arbitrary and unpredictable killing of innocent Muslims falls within America’s commodious concept of a just war. The rage such strikes incite will be all the greater if onlookers believe, as seems likely, that the killing they observe makes relatively little contribution to the safety of Americans. Indeed, this is already happening, which is the reason that the drone, whatever its moral superiority to land armies and heavy weaponry, has replaced Guantánamo as the incendiary symbol of America’sindecent callousness towards the world’s Muslims. As Bush was the Guantánamo president, so Obama is the dronepresident. This switch, whatever Obama hoped,represents a worsening not an improvement of America’s image in the world.