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#### Obama is using political capital to hammer the GOP on immigration – it will pass, but getting it to the floor is key

**Epstein, 10/17/13** (Reid, Politico, “Obama’s latest push features a familiar strategy” <http://www.politico.com/story/2013/10/barack-obama-latest-push-features-familiar-strategy-98512.html>)

President Barack Obama made his plans for his newly won political capital official — he’s going to hammer House Republicans on immigration.¶ And it’s evident from his public and private statements that Obama’s latest immigration push is, in at least one respect, similar to his fiscal showdown strategy: yet again, the goal is to boost public pressure on House Republican leadership to call a vote on a Senate-passed measure.¶ “The majority of Americans think this is the right thing to do,” Obama said Thursday at the White House. “And it’s sitting there waiting for the House to pass it. Now, if the House has ideas on how to improve the Senate bill, let’s hear them. Let’s start the negotiations. But let’s not leave this problem to keep festering for another year, or two years, or three years. This can and should get done by the end of this year.”¶ And yet Obama spent the bulk of his 20-minute address taking whack after whack at the same House Republicans he’ll need to pass that agenda, culminating in a jab at the GOP over the results of the 2012 election — and a dare to do better next time.¶ “You don’t like a particular policy or a particular president? Then argue for your position,” Obama said. “Go out there and win an election. Push to change it. But don’t break it. Don’t break what our predecessors spent over two centuries building. That’s not being faithful to what this country’s about.”¶ Before the shutdown, the White House had planned a major immigration push for the first week in October. But with the shutdown and looming debt default dominating the discussion during the last month, immigration reform received little attention on the Hill.¶ Immigration reform allies, including Obama’s political arm, Organizing for Action, conducted a series of events for the weekend of Oct. 5, most of which received little attention in Washington due to the the shutdown drama. But activists remained engaged, with Dream Act supporters staging a march up Constitution Avenue, past the Capitol to the Supreme Court Tuesday, to little notice of the Congress inside.¶ Obama first personally signaled his intention to re-emerge in the immigration debate during an interview Tuesday with the Los Angeles Univision affiliate, conducted four hours before his meeting that day with House Democrats.¶ Speaking of the week’s fiscal landmines, Obama said: “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform.”¶ When he met that afternoon in the Oval Office with the House Democratic leadership, Obama said that he planned to be personally engaged in selling the reform package he first introduced in a Las Vegas speech in January.¶ Still, during that meeting, Obama knew so little about immigration reform’s status in the House that he had to ask Rep. Xavier Becerra (D-Calif.) how many members of his own party would back a comprehensive reform bill, according to a senior Democrat who attended.¶ The White House doesn’t have plans yet for Obama to participate in any new immigration reform events or rallies — that sort of advance work has been hamstrung by the 16-day government shutdown.¶ But the president emerged on Thursday to tout a “broad coalition across America” that supports immigration reform. He also invited House Republicans to add their input specifically to the Senate bill — an approach diametrically different than the House GOP’s announced strategy of breaking the reform into several smaller bills.¶ White House press secretary Jay Carney echoed Obama’s remarks Thursday, again using for the same language on immigration the White House used to press Republicans on the budget during the shutdown standoff: the claim that there are enough votes in the House to pass the Senate’s bill now, if only it could come to a vote.¶ “When it comes to immigration reform … we’re confident that if that bill that passed the Senate were put on the floor of the House today, it would win a majority of the House,” Carney said. “And I think that it would win significant Republican votes.”

#### Consistent pressure and Dem unity are key to make Boehner allow a vote

**Sullivan, 10/24/13** (Sean, “John Boehner's next big test: Immigration” Washington Post Blogs, The Fix, lexis)

President Obama delivered remarks Thursday morning to renew his call for Congress to pass sweeping immigration reform. The prevailing sentiment in Washington is that it’s not going to happen this year, and may not even happen next year.

But because of the last few weeks, it just might get done by early next year. It’s all up to House Speaker John A. Boehner (R-Ohio), who by political necessity, must now at least consider leaning in more on immigration.

“Let’s see if we can get this done. And let’s see if we can get it done this year,” Obama said at the White House.

Fresh off a decisive defeat in the budget and debt ceiling showdown that cost the GOP big and won the party no major policy concessions from Democrats, Boehner was asked Wednesday about whether he plans to bring up immigration legislation during the limited time left on the 2013 legislative calendar. He didn’t rule it out.

“I still think immigration reform is an important subject that needs to be addressed. And I’m hopeful,” said Boehner.

The big question is whether the speaker’s hopefulness spurs him to press the matter legislatively or whether the cast-iron conservative members who oppose even limited reforms will dissuade him and extinguish his cautiously optimistic if noncommittal outlook.

Months ago, as House Republicans were slow-walking immigration after the Senate passed a broad bill, the latter possibility appeared the likelier bet. But times have changed. The position House Republicans adopted in the fiscal standoff badly damaged the party's brand. The GOP is reeling, searching desperately for a way to turn things around. That means Boehner, too, must look for ways to repair the damage.

And that's where immigration comes in. Even before the government shutdown showdown, a vocal part of the GOP (think Sen. John McCain) had been talking up the urgent need to do immigration reform or risk further alienating Hispanic voters. Now, amid hard times for the party driven by deeper skepticism from Democrats, independents and even some Republicans following the fiscal standoff, the political imperative is arguably even stronger.

The policy imperative already exists for some House Republicans -- perhaps enough of them that if Boehner allowed a vote, reform of some type could pass with a majority of House Democrats and a minority of House Republicans, as did last week's deal to end the government shutdown and raise the debt ceiling. (What specifically could pass and whether Obama could accept it is another question.)

What's not clear is whether Boehner would be willing to chart a path with less than majority GOP support again so soon after the last time and without his back against the wall as it was in the fiscal standoff.

This much we know: The White House and Senate Democrats will keep applying pressure on Boehner to act on immigration. Obama's planned remarks are the latest example of his plan. The speaker will be feeling external and internal pressure to move ahead on immigration.

But he will also feel pressure from conservatives to oppose it. Here's the thing, though: Boehner listened to the right flank of his conference in the fiscal fight, and that path was politically destructive for his party. That's enough to believe he will at least entertain the possibility of tuning the hard-liners out a bit more this time around.

#### **The plan’s a perceived loss – it saps capital and causes defections**

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 wrecks Obama’s strategy

**Milbank, 10/18/13** – Washington Post Opinion Writer (Dana, “Now, lead from the front” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-now-lead-from-the-front/2013/10/18/56c1fd42-37fe-11e3-8a0e-4e2cf80831fc_story.html>)

Obama got out in front of the shutdown and debt-ceiling standoff. He took a firm position — no negotiating — and he made his case to the country vigorously and repeatedly. Republicans miscalculated, assuming he would again give in. The result was the sort of decisive victory rarely seen in Washington skirmishes.¶ On Wednesday, Republicans surrendered. They opened the government and extended the debt limit with virtually no conditions. On Thursday, Obama rubbed their noses in it.¶ “You don’t like a particular policy or a particular president? Then argue for your position. Go out there and win an election,” Obama taunted from the State Dining Room. “Push to change it, but don’t break it. Don’t break what our predecessors spent over two centuries building.”¶ Obama said “there are no winners” after the two-week standoff, but his opponents, particularly his tea party foes, clearly lost the most; seven in 10 Americans thought Republicans put party ahead of country. These “extremes” who “don’t like the word ‘compromise’ ” were the obvious target of Obama’s demand that we all “stop focusing on the lobbyists and the bloggers and the talking heads on radio and the professional activists who profit from conflict.” (He did not mention newspaper columnists, so you are free to continue reading.)¶ The gloating was a bit unseemly, but the president is entitled to savor a victory lap. The more important thing is that Obama now maintain the forceful leadership that won him the budget and debt fights. In that sense, the rest of Obama’s speech had some worrisome indications that he was returning to his familiar position in the rear.¶ The agreement ending the shutdown requires Congress to come up with a budget by Dec. 13 . It’s a chance — perhaps Obama’s last chance — to tackle big issues such as tax reform and restructuring Medicare. The relative strength he gained over congressional Republicans during the shutdown left him in a dominant negotiating position. If he doesn’t use his power now to push through more of his agenda, he’ll lose his advantage. George W. Bush adviser Karl Rove called it the “perishability” of political capital.¶ But instead of being forceful, Obama was vague. He spoke abstractly about “the long-term obligations that we have around things like Medicare and Social Security.” He was similarly elliptical in saying he wants “a budget that cuts out the things that we don’t need, closes corporate tax loopholes that don’t help create jobs, and frees up resources for the things that do help us grow, like education and infrastructure and research.”¶ Laudable ideas all — but timidity and ambiguity in the past have not worked for Obama. The way to break down a wall of Republican opposition is to do what he did the past two weeks: stake out a clear position and stick to it. A plan for a tax-code overhaul? A Democratic solution to Medicare’s woes? As in the budget and debt fights, the policy is less important than the president’s ability to frame a simple message and repeat it with mind-numbing regularity.¶ If there’s going to be a big budget deal, the president eventually will have to compromise, perhaps even allowing some changes to his beloved Obamacare, which he didn’t mention while on his victory lap Thursday. Even then, forceful leadership may not be enough to prevail.¶ But he has a much better chance if he remains out in front. Otherwise, he’ll soon be knocked back on his behind.

#### It’s key to the economy and US leadership

Javier Palomarez, Forbes, 3/6/13, The Pent Up Entrepreneurship That Immigration Reform Would Unleash, www.forbes.com/sites/realspin/2013/03/06/the-pent-up-entrepreneurship-that-immigration-reform-would-unleash/print/

The main difference between now and 2007 is that today the role of immigrants and their many contributions to the American economy have been central in the country’s national conversation on the issue. Never before have Latinos been so central to the election of a U.S. President as in 2012. New evidence about the economic importance of immigration reform, coupled with the new political realities presented by the election, have given reform a higher likelihood of passing. As the President & CEO of the country’s largest Hispanic business association, the U.S. Hispanic Chamber of Commerce (USHCC), which advocates for the interests of over 3 million Hispanic owned businesses, I have noticed that nearly every meeting I hold with corporate leaders now involves a discussion of how and when immigration reform will pass. The USHCC has long seen comprehensive immigration reform as an economic imperative, and now the wider business community seems to be sharing our approach. It is no longer a question of whether it will pass. Out of countless conversations with business leaders in virtually every sector and every state, a consensus has emerged: our broken and outdated immigration system hinders our economy’s growth and puts America’s global leadership in jeopardy. Innovation drives the American economy, and without good ideas and skilled workers, our country won’t be able to transform industries or to lead world markets as effectively as it has done for decades. Consider some figures: Immigrant-owned firms generate an estimated $775 billion in annual revenue, $125 billion in payroll and about $100 billion in income. A study conducted by the New American Economy found that over 40 percent of Fortune 500 companies were started by immigrants or children of immigrants. Leading brands, like Google, Kohls, eBay, Pfizer, and AT&T, were founded by immigrants. Researchers at the Kauffman Foundation released a study late last year showing that from 2006 to 2012, one in four engineering and technology companies started in the U.S. had at least one foreign-born founder — in Silicon Valley it was almost half of new companies. There are an estimated 11 million undocumented workers currently in the U.S. Imagine what small business growth in the U.S. would look like if they were provided legal status, if they had an opportunity for citizenship. Without fear of deportation or prosecution, imagine the pent up entrepreneurship that could be unleashed. After all, these are people who are clearly entrepreneurial in spirit to have come here and risk all in the first place. Immigrants are twice as likely to start businesses as native-born Americans, and statistics show that most job growth comes from small businesses. While immigrants are both critically-important consumers and producers, they boost the economic well-being of native-born Americans as well. Scholars at the Brookings Institution recently described the relationship of these two groups of workers as complementary. This is because lower-skilled immigrants largely take farming and other manual, low-paid jobs that native-born workers don’t usually want. For example, when Alabama passed HB 56, an immigration law in 2012 aimed at forcing self-deportation, the state lost roughly $11 billion in economic productivity as crops were left to wither and jobs were lost. Immigration reform would also address another important angle in the debate – the need to entice high-skilled immigrants. Higher-skilled immigrants provide talent that high-tech companies often cannot locate domestically. High-tech leaders recently organized a nationwide “virtual march for immigration reform” to pressure policymakers to remove barriers that prevent them from recruiting the workers they need. Finally, and perhaps most importantly, fixing immigration makes sound fiscal sense. Economist Raul Hinojosa-Ojeda calculated in 2010 that comprehensive immigration reform would add $1.5 trillion to the country’s GDP over 10 years and add $66 billion in tax revenue – enough to fully fund the Small Business Administration and the Departments of the Treasury and Commerce for over two years. As Congress continues to wring its hands and debate the issue, lawmakers must understand what both businesses and workers already know: The American economy needs comprehensive immigration reform.

**Extinction**

**Auslin 9**

(Michael, Resident Scholar – American Enterprise Institute, and Desmond Lachman – Resident Fellow – American Enterprise Institute, “The Global Economy Unravels”, Forbes, 3-6, http://www.aei.org/article/100187)

What do these trends mean in the short and medium term? The Great Depression showed how social and **global chaos** followed hard on economic collapse. The mere fact that parliaments across the globe, from America to Japan, are unable to make responsible, economically sound recovery plans suggests that they do not know what to do and are simply hoping for the least disruption. Equally worrisome is the adoption of more statist economic programs around the globe, and the concurrent decline of trust in free-market systems. The threat of instability is a pressing concern. China, until last year the world's fastest growing economy, just reported that 20 million migrant laborers lost their jobs. Even in the flush times of recent years, China faced upward of 70,000 labor uprisings a year. A sustained downturn poses grave and possibly immediate threats to Chinese internal stability. The regime in Beijing may be faced with a choice of repressing its own people or diverting their energies outward, leading to conflict with China's neighbors. Russia, an oil state completely dependent on energy sales, has had to put down riots in its Far East as well as in downtown Moscow. Vladimir Putin's rule has been predicated on squeezing civil liberties while providing economic largesse. If that devil's bargain falls apart, then wide-scale repression inside Russia, along with a continuing threatening posture toward Russia's neighbors, is likely. Even apparently stable societies face increasing risk and the threat of internal or possibly external conflict. As Japan's exports have plummeted by nearly 50%, one-third of the country's prefectures have passed emergency economic stabilization plans. Hundreds of thousands of temporary employees hired during the first part of this decade are being laid off. Spain's unemployment rate is expected to climb to nearly 20% by the end of 2010; Spanish unions are already protesting the lack of jobs, and the specter of violence, as occurred in the 1980s, is haunting the country. Meanwhile, in Greece, workers have already taken to the streets. Europe as a whole will face dangerously increasing tensions between native citizens and immigrants, largely from poorer Muslim nations, who have increased the labor pool in the past several decades. Spain has absorbed five million immigrants since 1999, while nearly 9% of Germany's residents have foreign citizenship, including almost 2 million Turks. The xenophobic labor strikes in the U.K. do not bode well for the rest of Europe. A prolonged global downturn, let alone a collapse, would **dramatically raise tensions** inside these countries. Couple that with possible protectionist legislation in the United States, unresolved ethnic and territorial disputes in **all regions of the globe** and a loss of confidence that world leaders actually know what they are doing. The result may be a series of small explosions that coalesce **into a big bang**.

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#### War powers authority is derived from prior statute - restrictions are increased via 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.

#### Violation—they don’t modify the statutory source, they just assert new rules of engagement

#### Vote neg—

#### 1. Destroys equitable ground and explodes limits by allowing any reassertion of a branches role instead of restricting what those branches have authorized the President to do.

#### 2. Let’s them fiat enforcement which is unfair and a voter for extra topicality

**Paulsen, 10** - Distinguished University Chair & Professor of Law, The University of St. Thomas (Michael, “The War Power”, 114 Harvard Journal of Law & Public Policy [Vol. 33, <http://www.harvard-jlpp.com/wp-content/uploads/2010/01/paulsen.pdf>)

Some folks mistakenly take this to mean that Congress’s real war power is the appropriations power and that the “declare War” clause is either toothless, mere surplusage, or must mean something other than a war‐authorization power.51 Not at all. The power to declare war—or not—remains the relevant substantive power of Congress. The power over appropriations is merely Congress’s trump‐card, “shoot‐out” power—a different substantive power, but a powerful one that Congress may em‐ ploy to effectuate its other constitutional powers, including its substantive constitutional power to initiate war. But note that de‐funding does not de‐authorize; a resumption of funding would return to the President the practical ability to continue to wage war without need for re‐authorization. There remains a legitimate debate over the propriety of Congress using its appropriations power so as to leverage it into impairment of the President’s Commander‐in‐Chief Clause powers—but without having repealed a declaration or authorization of war. This may be unfair, but it too would seem to be a part of the separation‐of‐powers game. The branches may attempt to leverage the powers they have in order to press their respective positions with respect to the Constitution’s (sometimes debatable) allocations of the war power. And the branches may, and should, resist such leveraging by the others with the powers at their disposal. Put concretely, Congress may push but the President should push back.52

### 1nc Iran

#### Iran is looking to compromise on its nuclear program – Obama’s perceived flexibility is key to negotiations

**Benen, 9/20/**13 - producer for "The Rachel Maddow Show," a blogger at Maddow Blog, and an MSNBC political contributor (Steve, “When crises become opportunities,” <http://maddowblog.msnbc.com/_news/2013/09/20/20599445-when-crises-become-opportunities?lite>)

When it comes to the Middle East, progress has never moved in a straight line. There are fits and starts, ebbs and flows. There are heartening breakthroughs and crushing disappointments, occasionally at the same time.

That said, while the domestic political establishment's attention seems focused elsewhere, there's reason to believe new opportunities are materializing in the region in ways that were hard to even imagine up until very recently.

This morning, for example, the Organization for the Prohibition of Chemical Weapons (OPCW) announced that Syria has taken its first steps towards detailing its stockpiles. Michael Luhan, a spokesperson for the Hague-based chemical weapons regulator, said in a statement, "The OPCW has received an initial disclosure from the Syrian Government of its chemical weapons programme, which is now being examined by the Technical Secretariat of the Organisation."

Meanwhile, Iranian President Hasan Rouhani has a new op-ed in the Washington Post arguing that the United States and the rest of the world "must work together to end the unhealthy rivalries and interferences that fuel violence and drive us apart" through a policy of "constructive engagement."

The New York Times added that Iranian leaders, "seizing on perceived flexibility in a private letter from President Obama, have decided to gamble on forging a swift agreement over their nuclear program with the goal of ending crippling sanctions."

David Sanger summarized the bigger picture nicely.

Only two weeks after Washington and the nation were debating a unilateral military strike on Syria that was also intended as a forceful warning to Iran about its nuclear program, President Obama finds himself at the opening stages of two unexpected diplomatic initiatives with America's biggest adversaries in the Middle East, each fraught with opportunity and danger.

Without much warning, diplomacy is suddenly alive again after a decade of debilitating war in the region. After years of increasing tension with Iran, there is talk of finding a way for it to maintain a face-saving capacity to produce a very limited amount of nuclear fuel while allaying fears in the United States and Israel that it could race for a bomb.

The surprising progress has come so suddenly that a senior American diplomat described this week's developments as "head spinning."

So what happens next?

The consensus among many foreign policy observers is that developments in Syria and Iran are linked in ways that may or may not be helpful to the United States. Max Fisher explained well yesterday that President Obama's pragmatism "has sent exactly the right signals to Iran, particularly at this very sensitive moment."

Obama has been consistently clear, even if some members of his administration were not, that his big overriding goal is for Syrian leader Bashar al-Assad to stop using chemical weapons. First he was going to do that with strikes, meant to coerce Assad. Then, in response to the Russian proposal, Obama signaled he would back off the strikes if Assad gave up his chemical weapons, which is exactly what Obama has always said he wants. **He's been consistent as well as flexible**, which gave Assad big incentives to cooperate when he might have otherwise dug in his heels.

There are some awfully significant -- and promising -- parallels here with the U.S. standoff with Iran. Obama has been clear that he wants Iran to give up its rogue uranium-enrichment program and submit to the kind of rigorous inspections that would guarantee that its nuclear program is peaceful. He's also been clear that the United States is using severe economic sanctions to coerce Tehran to cooperate and that it would use military force if necessary. The implicit (and sometimes explicit) message to Iran has been: If you abandon your enrichment program, we'll make it worth your while by easing off.

Here's where the parallel with Syria is really important: Iranian leaders distrust the United States deeply and fear that Obama would betray them by not holding up his end of the bargain. That's been a major hurdle to any U.S.-Iran nuclear deal. But seeing Assad's deal with Obama work out (so far) sends the message to Iran that it can trust the United States. It also sends the message that making concessions to the United States can pay off. Iran's supreme leader has been talking a lot lately about flexibility and diplomacy toward the West. So it's an ideal moment for Obama to be demonstrating flexibility and diplomacy toward the Middle East.

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

**Zeisberg, 9/25/13** - associate professor of political science at the University of Michigan (Mariah, “Debate over War Powers may yield positive outcome”

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

Uncertainty about what the Constitution requires is thick: even as President Obama called for legislative authorization to bolster the legitimacy of strikes, and even as he now appeals to the UN for a resolution authorizing military sanctions if Syria does not comply with the U.S.-Russia agreement for destroying its chemical weapons, the president nevertheless maintains that he has the authority to commit the U.S. to hostilities in Syria without Congressional (or UN) authorization.

Robert Gates criticized the president for running a risk of looking “weak” if Congress did not authorize military action, and agreed with Leon Panetta that the president obviously has all power needed for strikes in Syria.

On the other hand, constitutional scholars Louis Fisher, Stephen Griffin, and Sandy Levinson have argued that Obama’s constitutional grounding for independent strikes is either non-existent or extremely weak. Congress itself has been divided over whether authorization is necessary for a presidential strike in Syria.

While the Constitution tells us that Congress has the power to “declare war,” the text nowhere defines what kinds of hostilities count as war – which has enabled some opportunism in the Obama administration, and in many other presidential administrations too.

Even the War Powers Resolution restricts “hostilities” without defining the term, and there, too, Obama has been willing to press language to (or beyond) its absolute limit.

Constitutional and statutory text that does not define the meaning of the key words that separate one institution’s authority from another necessarily insert some measure of uncertainty into the branches’ war powers regime.

What to make of these tensions and ambiguities? Has the Constitution failed in its task to provide a definitive legal framework that can guide decision-makers about important questions such as which institution has the power to take the country to war? Isn’t the point of a Constitution to resolve this kind of conflict? If it is so pervasively difficult to read our political culture and know which branch has war authority, then does that mean that the Constitution has failed to do its job – or worse, that we are witnessing an epidemic of reckless infidelity to the Constitution’s mandates?

In fact, I think that uncertainty as to the meaning of the Constitution’s war powers regime in Syria is not catastrophic but may actually carry benefits.

As diplomacy around Syria unfolds, I want to draw attention to a few of the intersections between domestic constitutional debates and the conditions for effective international action.

First, it is arguably the threat of intervention which moved Russia into high gear in negotiations with Syria. But President Obama needed a plausible claim of independent presidential empowerment for such a claim to be credible.

At the same time, such a claim, unresisted, raises the specter of undefined aims, mission creep, costly wars without broad public support, unconsidered policy complexities, and troubling bellicose precedent that are a hallmark of presidentialism in war. This is, in part, why congressional mobilization to defend its institutional prerogatives has been so welcomed by some prominent war powers scholars.

Obama’s subsequent willingness to back down, to accommodate claims to legislative empowerment – derided by many as a weak or vacillating choice — seems in turn to have created time and space for a diplomatic process to unfold in the place of a military one.

Recent developments in that process include not only a Russian-brokered plan to confiscate all chemical weapons from the Assad regime but also statements by the Ayatollah Khamenei signaling openness to diplomacy and by President Rouhani that Iran would not develop a nuclear weapon.

And now Obama is moving this technique of vacillating red lines up to the level of global institutions.

On the one hand he is pressing the UN to back up the U.S.-Russia agreement with sanctions, but at the same time says that he reserves the power to act outside the UN, and has argued that “without a credible military threat, the Security Council had demonstrated no inclination to act at all.”

We have yet to see what kind of domestic or international push-back would await him if he tried to translate this rhetorical willingness to act outside the UN into concrete action.

Obama’s constitutional “vacillations” may end up being productive in sundering the Assad regime from its chemical weapons. Only time will tell.

For constitutional scholars, it is worth noting the positive role that uncertainty and textual ambiguity can create in generating good international outcomes.

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

**Ross, 9/9/13** - a counselor at the Washington Institute for Near East Policy, was a senior Middle East adviser to President Obama from 2009 to 2011, Director of Policy Planning for the State Department under George H.W. Bush, the Special Middle East coordinator under Clinton (Dennis, “Blocking action on Syria makes an attack on Iran more likely” Washington Post, <http://www.washingtonpost.com/opinions/blocking-action-on-syria-makes-an-attack-on-iran-more-likely/2013/09/09/dd655466-1963-11e3-8685-5021e0c41964_story.html>)

Still, for the opponents of authorization, these arguments are portrayed as abstractions. Only threats that are immediate and directly affect us should produce U.S. military strikes. Leaving aside the argument that when the threats become immediate, we will be far more likely to have to use our military in a bigger way and under worse conditions, there is another argument to consider: should opponents block authorization and should the president then feel he cannot employ military strikes against Syria, this will almost certainly guarantee that there will be no diplomatic outcome to our conflict with Iran over its nuclear weapons.

I say this for two reasons. First, Iran’s President Rouhani, who continues to send signals that he wants to make a deal on the nuclear program, will inevitably be weakened once it becomes clear that the U.S. cannot use force against Syria. At that point, paradoxically, the hard-liners in the Iranian Revolutionary Guard Corps and around the Supreme Leader will be able to claim that there is only an economic cost to pursuing nuclear weapons but no military danger. Their argument will be: Once Iran has nuclear weapons, it will build its leverage in the region; its deterrent will be enhanced; and, most importantly, the rest of the world will see that sanctions have failed, and that it is time to come to terms with Iran.

Under those circumstances, the sanctions will wither. What will Rouhani argue? That the risk is too high? That the economic costs could threaten regime stability? Today, those arguments may have some effect on the Ayatollah Ali Khamenei precisely because there is also the threat that all U.S. options are on the table and the president has said he will not permit Iran to acquire nuclear weapons. Should he be blocked from using force against Syria, it will be clear that all options are not on the table and that regardless of what we say, we are prepared to live with an Iran that has nuclear arms.

Israel, however, is not prepared to accept such an eventuality, and that is the second reason that not authorizing strikes against Syria will likely result in the use of force against Iran. Indeed, Israel will feel that it has no reason to wait, no reason to give diplomacy a chance and no reason to believe that the United States will take care of the problem. Prime Minister Benjamin Netanyahu sees Iran with nuclear weapons as an existential threat and, in his eyes, he must not allow there to be a second Holocaust against the Jewish people. As long as he believes that President Obama is determined to deal with the Iranian threat, he can justify deferring to us. That will soon end if opponents get their way on Syria.

Ironically, if these opponent succeed, they may prevent a conflict that President Obama has been determined to keep limited and has the means to do so. After all, even after Israel acted militarily to enforce its red line and prevent Syria’s transfer of advanced weapons to Hezbollah in Lebanon, Assad, Iran and Hezbollah have been careful to avoid responding. They have little interest in provoking Israeli attacks that would weaken Syrian forces and make them vulnerable to the opposition.

For all the tough talk about what would happen if the United States struck targets in Syria, the Syrian and Iranian interest in an escalation with the United States is also limited. Can the same be said if Israel feels that it has no choice but to attack the Iranian nuclear infrastructure? Maybe the Iranians will seek to keep that conflict limited; maybe they won’t. Maybe an Israeli strike against the Iranian nuclear program will not inevitably involve the United States, but maybe it will — and maybe it should.

#### An Israeli strike fails, but triggers World War 3, collapses heg and the global economy

**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.

#### Iran prolif causes nuclear war

**Edelman, 11 -** Distinguished Fellow at the Center for Strategic and Budgetary Assessments; he was U.S. Undersecretary of Defense for Policy in 2005-9 (Eric, “The Dangers of a Nuclear Iran,” Foreign Affairs, Jan/Feb, proquest)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention ofWeapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia, Turkey, and the United Arab Emirates- all signatories to the Nuclear Nonproliferation Treaty (npt)-have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel.Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium-the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability.

Developing nuclear weapons remains a slow, expensive, and difficult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states' access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.

There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also offered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads effectively.

There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This "Islamabad option" could develop in one of several different ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer.Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own.

Alternatively, Pakistan might offer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India.

The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan's weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India's reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the npt.

N-PLAYER COMPETITION

Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack.

More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents' forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to "launch on warning" of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly, would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

### 1nc uniqueness CP

#### The United States Federal Government should convey to Iran that is willing to engage in limited duration talks over the Iranian nuclear program where the United States will offer to lift sanctions upon the completion of a formal agreement requiring full disclosure of the Iranian nuclear program and verification from the International Atomic Energy Agency, and pass legislation that terminates sanctions upon executive certification of compliance.

#### Tying sanctions relief to a formal deal solves intransigence on both sides – but keeping all options on the table is vital to inducing agreement

**Cholsky, 10/4/13** - Professor of Iranian Studies, Chairman of the Department of Central Eurasian Studies, and former Director of the Middle East Studies Program in the School of Global and International Studies at Indiana University (Jamsheed, “The Impasse Between the U.S. and Iran” World Policy blog, <http://www.worldpolicy.org/blog/2013/10/04/impasse-between-us-and-iran>)

Nonetheless, Obama expressed to Rouhani that the U.S. is willing to resolve the nuclear issue in ways allowing Iran to demonstrate its nuclear program is exclusively for peaceful purposes. Like Rouhani, Obama acknowledges a sense of urgency because the window of opportunity for a diplomatic resolution may not remain open much longer.

Therefore, in his recent address to the UN General Assembly, the U.S. president sought to allay Iran’s concerns about its nuclear rights and its regime’s legitimacy by stressing, “We are not seeking regime change, and we respect the right of the Iranian people to access peaceful nuclear energy.” The message seemed well received. Rouhani, in his own address to the UN declared “the Islamic Republic of Iran will act responsibly.” In the same address, however, Rouhani stood fast for “the right to enrichment within Iran”—which Tehran knows has been another diplomatic impasse, but nonetheless believes the U.S. will eventually agree to uranium enrichment.

Moreover, despite the public displays of openness to reconciliation, Rouhani stepped backward when offered several opportunities to be the first Iranian leader since the 1979 Islamic Revolution to meet with his American counterpart. The White House sought such an encounter at the UN itself, but Iran’s president declined, saying he didn’t have enough lead time. Another meeting could have taken place at a luncheon hosted by UN Secretary General Ban Ki-moon. Rouhani chose not to attend, claiming alcohol would be served—a violation of his religious principles. All that Rohani eventually extended to Obama was a fifteen minute phone call, alleging later that he did so under duress from the White House.

Avoiding direct contact suggests that Rouhani, like his predecessors, may not have as much broad-based support among other Iranian leaders as he claims. Khamenei often switches positions; he did so when his last two presidents appeared close to reaching nuclear deals.

Despite avoidance on the chief executive level, officials of lesser rank have been more open to participating in conversations. EU Foreign Affairs High Representative Catherine Ashton invited Foreign Minister Zarif to attend the P5+1 talks on the sidelines of the UN assembly. Secretary of State Kerry was present, and commented that Zarif and he took some time to explore how to succeed diplomatically. That meeting became the first encounter between the two nations’ ranking diplomats since Madeline Albright met with Kamal Kharrazi in September 2000, also during the General Assembly.

However on the morning of the P5+1 session, Zarif, following a well-established pattern of Tehran’s prevaricating, had already made it clear to Iran’s state news agency that more outreach from Washington was necessary before any substantive progress could occur. Shortly thereafter, the White House accepted the inevitable outcome—the contact in New York would not lead to a quick breakthrough in negotiations. Indeed, follow-up technical talks a few days later in Vienna produced no substantial progress.

Successful diplomacy depends not just on each nation’s presidential administration but on other power brokers acceding to a peaceful resolution. This includes the U.S. Congress, Iran’s parliament, and American and Iranian conservative movements. Garnering support from these additional actors is no simple task.

Rouhani’s 2004 speech about assuaging Western negotiators while continuing Iran’s nuclear endeavors will prove hard to shake from the minds of American lawmakers. Consequently, even if Iran were to provide full disclosure to the UN Security Council and permit complete verification by the International Atomic Energy Agency (IAEA), it is unclear whether the U.S. Congress would lift sanctions. Lobbyists for security interests of the U.S. and Israel undoubtedly will advocate for a wait-and-see approach.

Not surprisingly, Ayatollah Khamenei cautions that he is not optimistic about talks. Iran’s Revolutionary Guards warn too, despite being told to stay out of the matter by Rouhani, “optimism on America’s offers must be rejected.” Khamenei and his cohorts, like members of the U.S. Congress, can watch, wait, and do little. The current diplomatic initiative may very well die through intransigence and infighting in both countries.

Iran has significantly less to lose the longer a bilateral standoff persists. Rouhani told the UN that nuclear knowledge has been domesticated, and it is unrealistic to presume impeding Iranian actions would succeed. European courts are gradually rolling back international sanctions that have been debilitating Iran’s economy as punishment for the nuclear quest. Furthermore, Iran has witnessed the U.S. demonstrate little appetite for military confrontation. Regrettably, Khamenei’s observation that “diplomacy is the arena of smiles and negotiations, but those behaviors must ultimately be understood within the context of fundamental tension” may reflect Tehran’s true disposition.

Consequently, it is important Washington be crystal-clear about negotiations lasting only a limited duration. Within that time, full transparency of Iran’s nuclear program must be forthcoming, including open access by the IAEA to all nuclear-related sites. In return, Iran should expect the U.S. to agree to sanctions relief directly tied to Tehran’s cooperation. Iranian leaders must be equally convinced that if negotiations fail to advance beyond basic rhetoric, all other options will be considered.

### 1nc solvency

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

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

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

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

#### Ackerman’s remedy ignores that future Congresses won’t enforce framework statutes

**Posner and Vermeule, 7** – \*Kirkland and Ellis Professor of Law at the University of Chicago Law School AND \*\*professor at Harvard Law School (Eric and Adrian,Terror in the Balance: Security, Liberty, and the Courts p. 167-168)

Third, Ackerman’s statute is a poorly designed cure for the ailment that he diagnoses. If his framework statute is needed to prevent panicking legislators from deferring to bad executive actions, then it seems unlikely that it can have that effect. A panicky Congress can simply ignore the supermajoritarian escalator and approve new statutory powers or a new statutory framework by majority rule; the PATRIOT Act, which Ackerman abhors, could have simply included one panicky section sweeping away any extant framework statutes limiting presidential power. Ackerman needs a stronger commitment mechanism than a statute; but he fails to supply one.

#### Congress is a bunch of slackjawed yokels

Gene Healy 2009 (vice president at the Cato Institute) “Reclaiming the War Power” http://object.cato.org/sites/cato.org/files/serials/files/cato-handbook-policymakers/2009/9/hb111-10.pdf

Each of these proposals has the merit of demanding that Congress carry the burden the Constitution places upon it: responsibility for the decision to go to war. The Gelb-Slaughter plan shows particular promise. Although Congress hasn’t declared war since 1942, reviving the formal declaration would make it harder for legislators to punt that decision to the president, as they did in Vietnam and Iraq. Hawks should see merit in making declarations mandatory, since a declaration commits those who voted for it to support the president and provide the resources he needs to prosecute the war successfully. Doves too should find much to applaud in the idea: forcing Congress to take a stand might concentrate the mind wonderfully and reduce the chances that we will find ourselves spending blood and treasure in conflicts that were not carefully examined at the outset. But we should be clear about the difficulties that comprehensive war powers reform entails. Each of these reforms presupposes a Congress eager to be held accountable for its decisions, a judiciary with a stomach for interbranch struggles, and a voting public that rewards political actors who fight to put the presidency in its place. Representative Jones’s Consti- tutional War Powers Resolution, which seeks to draw the judiciary into the struggle to constrain executive war making, ignores the Court’s resistance to congressional standing, as well as the 30-year history of litigation under the War Powers Resolution, a history that shows how adept the federal judiciary is at constructing rationales that allow it to avoid picking sides in battles between Congress and the president. Even if Jones’s Constitutional War Powers Resolution or Ely’s Combat Authorization Act could be passed today, and even if the courts, defying most past practice, grew bold enough to rule on whether hostilities were imminent, there would be still another difficulty; as Ely put it: ‘‘When we got down to cases and a court remanded the issue to Congress, would Congress actually be able to follow through and face the issue whether the war in question should be permitted to proceed? Admittedly, the matter is not entirely free from doubt.’’ It’s worth thinking about how best to tie Ulysses to the mast. But the problem with legislative schemes designed to force Congress to ‘‘do the right thing’’ is that Congress seems always to have one hand free. **Statutory schemes** designed to precommit legislators to particular procedures do not have a terribly promising track record. Historically, many such schemes have proved little more effective than a dieter’s note on the refrigerator. **No mere statute** can truly bind a future Congress, and in areas ranging from agricultural policy to balanced budgets, Congress has rarely hesitated to undo past agreements in the pursuit of short-term political advantage. A : 14431$CH10 11-11-08 14:18:58 Page 113 Layout: 14431 : Odd 113 C ATO H ANDBOOK FOR P OLICYMAKERS If checks on executive power are to be restored, we will need far less Red Team–Blue Team politicking—and many more legislators than we currently have who are willing to put the Constitution ahead of party loyalty. That in turn will depend on a public willing to hold legislators accountable for ducking war powers fights and ceding vast authority to the president. Congressional courage of the kind needed to reclaim the war power will not be forthcoming unless and until American citizens demand it.

#### Arbitrary executive circumvention

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

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

### 1nc power projection

#### Obama’s not Bush—no impact

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

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

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

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

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

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

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

#### Their impact is bogus

Azar **Gat**, July/August **2009**, is a researcher and author on military history, he was the Chair of the Department of Political Science at Tel Aviv University, Foreign Affairs, “Which Way Is History Marching?,”<http://www.foreignaffairs.com/articles/65162/azar-gat-daniel-deudney-and-g-john-ikenberry-and-ronald-inglehar/which-way-is-history-marching?page=show>

UNDILUTED OPTIMISM to the sweeping, blind forces of globalization. A message need not be formulated in universalistic terms to have a broader appea When it comes to the question of how to deal with a nondemocratic superpower China in the international arena, Deudney and Ikenberry, as well as Inglehart and Welzel, exhibit undiluted liberal internationalist optimism. China's free access to the global economy is fueling its massive growth, thereby strengthening the country as a potential rival to the United States -- a problem for the United States not unlike that encountered by the free-trading British Empire when it faced other industrializing great powers in the late nineteenth century. According to Inglehart and Welzel, there is little to worry about, because rapid development will only quicken China's democratization. But it was the United Kingdom's great fortune -- and liberal democracy's -- that its hegemonic status fell into the hands of another liberal democracy, the United States, rather than into those of nondemocratic Germany and Japan, whose future trajectories remained uncertain at best. The liberal democratic countries could have made China's access to the global economy conditional on democratization, but it is doubtful that such a linkage would have been feasible or desirable. After all, China's economic growth has benefited other nations and has made the developed countries -- and the United States in particular -- as dependent on China as China is dependent on them. Furthermore, economic development and interdependence in themselves -- in addition to democracy -- are a major force for peace. Democracies' ability to promote internal democratization in countries much smaller and weaker than China has been very limited, and putting pressure on China could backfire, souring relations with China and diverting its development to a more militant and hostile path. Deudney and Ikenberry suggest that China's admission into the institutions of the liberal international order established after World War II and the Cold War will oblige the country to transform and conform to that order. But large players are unlikely to accept the existing order as it is, and their entrance into the system is as likely to change it as to change them. The Universal Declaration of Human Rights provides a case in point. It was adopted by the United Nations in 1948, in the aftermath of the Nazi horrors and at the high point of liberal hegemony. Yet the UN Commission on Human Rights, and the Human Rights Council that replaced it, has long been dominated by China, Cuba, and Saudi Arabia and has a clear illiberal majority and record. Today, more countries vote with China than with the United States and Europe on human rights issues in the General Assembly of the United Nations. Critics argue that unlike liberalism, nondemocratic capitalist systems have no universal message to offer the world, nothing attractive to sell that people can aspire to, and hence no "soft power" for winning over hearts and minds. But there is a flip side to the universalist coin: many find liberal universalism dogmatic, intrusive, and even oppressive. Resistance to the unipolar world is a reaction not just to the power of the United States but also to the dominance of human rights liberalism. There is a deep and widespread resentment in non-Western societies of being lectured to by the West and of the need to justify themselves according to the standards of a hegemonic liberal morality that preaches individualism to societies that value community as a greater good. Compared to other historical regimes, the global liberal order is in many ways benign, welcoming, and based on mutual prosperity.

#### Implementing soft power fails

Drezner 11

Daniel W. Drezner, Professor of International Politics at the Fletcher School of Law and Diplomacy at Tufts University, Foreign Affairs, July/August 2011, "Does Obama Have a Grand Strategy?", <http://www.foreignaffairs.com/print/67869>

What went wrong? The administration, and many others, erred in believing that improved standing would give the United States greater policy leverage. The United States' standing among foreign publics and elites did rebound. But this shift did not translate into an appreciable increase in the United States' soft power. Bargaining in the G-20 and the UN Security Council **did not get any easier**. Soft power, it turns out, cannot accomplish much in the absence of a willingness to use hard power. The other problem was that China, Russia, and other aspiring great powers **did not view themselves as partners** of the United States. Even allies saw the Obama administration's supposed modesty as a cover for shifting the burden of providing global public goods from the United States to the rest of the world. The administration's grand strategy was therefore perceived as **promoting narrow U.S. interests** rather than global public goods.

#### They don’t solve allies

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

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

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

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

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

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

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

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

### 1nc sop adv

#### Can’t implement SOP norms

Jeremy Rabkin 13, Professor of Law at the George Mason School of Law. Model, Resource, or Outlier? What Effect Has the U.S. Constitution Had on the Recently Adopted Constitutions of Other Nations?, 29 May 2013, www.heritage.org/research/lecture/2013/05/model-resource-or-outlier-what-effect-has-the-us-constitution-had-on-the-recently-adopted-constitutions-of-other-nations

Even when people are not ambivalent in their desire to embrace American practices, they may not have the wherewithal to do so, given their own resources. That is true even for constitutional arrangements. You might think it is enviable to have an old, well-established constitution, but that doesn’t mean you can just grab it off the shelf and enjoy it in your new democracy. You might think it is enviable to have a broad respect for free debate and tolerance of difference, but that doesn’t mean you can wave a wand and supply it to your own population. We can’t think of most constitutional practices as techniques or technologies which can be imported into different cultures as easily as cell phones or Internet connections.

#### Alt cause: rest of the war on terror

**Horowitz, 2/6**/12 - As co-founder of PolicyMic, Jake is managing the writing and editing process and trying to spark thoughtful debate on important political issues. He graduated from Stanford University (Jake, “Why is the U.S. Constitution Losing Influence Across the World?,”

http://www.policymic.com/articles/3975/why-is-the-u-s-constitution-losing-influence-across-the-world

But, my sense is that the Constitution is slipping because America has lost its power and prestige as a shining democracy due to over a decade of constitutional excess. In particular, the Bush administration's War on Terror policies which interpreted the Constitution to permit torture, deprive suspected terrorists of due process, sanction wire-tapping and domestic spying, and amass unprecedented power in the hands of the executive eroded the credibility of the document and undermined our democracy. After a decade of America's imprisoning and torturing Arab citizens under the guise of the Constitution, it is no wonder that it no longer holds any weight in newly emerging democracies like Egypt and Tunisia. Moreover, the decline in influence is also a reflection of the all-too-often forgotten fact that American liberal democracy is not for every country. The U.S. Constitution guarantees certain rights, like the separation of religion and state, which may not neatly fit into other countries' models of democracy. Stanford democracy expert Larry Diamond has written often about public opinion polling of the Arab world, which indicates that although the majority of Arabs want democracy, they also believe Islam should play a strong role in governing their society. The U.S. Constitution, then, provides little guidance for structuring newly emer ging democracies with more devout populations. Although the decline of the Constitution is likely to unnerve the bevy of IR theorists and pundits who routinely lament America's decline, this study is not necessarily cause for concern. Rather, that emerging democracies are adapting democracy to fit their context serves as a powerful reminder that liberal democracy cannot be imposed from the outside, something the U.S. learned well this past decade in Iraq. It should also serve as a stark warning to President Barack Obama, however, that the longer Guantanamo remains open, and the more the administration chips away at our civil liberties by signing bills like the NDAA, the more U.S. influence, leadership, and credibility will wane across the globe.

#### The Bush doctrine doesn’t set a precedent for other nations

Lieber and Lieber 2 Keir A. Lieber, Assistant Professor of Political Science, University of Notre Dame and Robert J. Lieber,   
Professor of Government and Foreign Service, Georgetown University, December 2002, http://164.109.48.86/journals/itps/1202/ijpe/pj7-4lieber.htm

Some analysts believe that it is counterproductive to make explicit the conditions under which America will strike first, and there are compelling reasons for blurring the line between preemption and prevention. The attacks of September 11th demonstrate that terrorist organizations like al Qaeda pose an immediate threat to the United States, are not deterred by the fear of U.S. retaliation, and would probably seize the opportunity to kill millions of Americans if WMD could effectively be used on American soil. A proactive campaign against terrorists thus is wise, and a proclaimed approach toward state sponsors of terrorism might help deter those states from pursuing WMD or cooperating with terrorists in the first place. Other critics have argued that the Bush NSS goes well beyond even the right to anticipatory self-defense that has been commonly interpreted to flow from Article 51 of the U.N. Charter, and thus the Bush strategy will undermine international law and lead other states to use U.S. policy as a pretext for aggression. The most common examples are that the broad interpretation of legitimate preemption could lead China to attack Taiwan, or India to attack Pakistan. This logic is not compelling, however, as these states are not currently constrained from taking action by any norm against preemption, and thus will not be emboldened by rhetorical shifts in U.S. policy.

#### They can't stop pre-emption in scenarios that matter

**Rojas 12**¸ Fabio, professor of sociology at Indiana University, “Rachel Maddow will not bring peace,” 4/16, http://orgtheory.wordpress.com/2012/04/16/rachel-maddow-will-not-bring-peace/

I agree in principle, but disagree on practice. Rules and institutions that end war are ineffective for two reasons. First, if you really want war, you can always vote to have a new rule for war or to make an exception. Also, most rules have wiggle room in them, which makes it easy to wage war under other guises. Secondly, there’s a consistent “rally around the leader effect.” It is incredibly hard for anyone to oppose leaders during war time. Elected leaders are in a particularly weak position. Simply put, legislatures can’t be trusted to assert their restraining role in most cases. So what actually ends war? Well, there’s a body of research in political science called “the democratic peace” literature, which was discussed in Steven Pinker’s new book. The idea is simple – for whatever reason, democracies almost never fight each other. Of course, democracies go to war against non-democracies. But for some reason, democracies just don’t fight each other. What’s the policy implication of all this? First, the sorts of rules that Maddow proposes are useless. People will just ignore the rules when they want to when they want war. Second, you have to reduce the population of non-democracies. Thus, if the Federal government wants to protect the United States by preventing war, the best, and cheapest, way to do it is to provide support and assistance for indigenous movements for democracy and tolerance. Once people have a genuine democracy at work, they just don’t want to fight with each other. They just don’t.

#### No impact to preemption

**Fisk et al., Claremont political science PhD, 2013**

(Kerstin, “Actions Speak Louder Than Words: Preventive Self-Defense as a Cascading Norm”, 4-15, International Studies Perspectives, Wiley, ldg)

Preventive self-defense entails waging a war or an attack by choice, in order to prevent a suspected enemy from changing the status quo in an unfavorable direction. Prevention is acting in anticipation of a suspected latent threat that might fully emerge someday. One might rightfully point out that preventive strikes are nothing new—the Iraq War is simply a more recent example in a long history of the preventive use of force. The strategic theorist Colin Gray (2007:27), for example, argues that “far from being a rare and awful crime against an historical norm, preventive war is, and has always been, so common, that its occurrence seems remarkable only to those who do not know their history.” Prevention may be common throughout history, but this does not change the fact that it became increasingly difficult to justify after World War II, as the international community developed a core set of normative principles to guide state behavior, including war as a last resort. The threshold for war was set high, imposing a stringent standard for states acting in self-defense. Gray concedes that there has been a “slow and erratic, but nevertheless genuine, growth of a global norm that regards the resort to war as an extraordinary and even desperate measure” and that the Iraq war set a “dangerous precedent” (44). Although our cases do not provide a definitive answer for whether a preventive self-defense norm is diffusing, they do provide some initial evidence that states are re-orienting their military and strategic doctrines toward offense. In addition, these states have all either acquired or developed unmanned aerial vehicles for the purposes of reconnaissance, surveillance, and/or precision targeting. Thus, the results of our plausibility probe provide some evidence that the global norm regarding the use of force as a last resort is waning, and that a preventive self-defense norm is emerging and cascading following the example set by the United States. At the same time, there is variation among our cases in the extent to which they apply the strategy of self-defense. China, for example, has limited their adaption of this strategy to targeted killings, while Russia has declared their strategy to include the possibility of a preventive nuclear war. Yet, the preventive self-defense strategy is not just for powerful actors. Lesser powers may choose to adopt it as well, though perhaps only implementing the strategy against actors with equal or lesser power. Research in this vein would compliment our analyses herein. With the proliferation of technology in a globalized world, it seems only a matter of time before countries that do not have drone technology are in the minority. While preventive self-defense strategies and drones are not inherently linked, current rhetoric and practice do tie them together. Though it is likely far into the future, it is all the more important to consider the final stage of norm evolution—internalization—for this particular norm. While scholars tend to think of norms as “good,” this one is not so clear-cut. If the preventive self-defense norm is taken for granted, integrated into practice without further consideration, it inherently changes the functioning of international relations. And unmanned aerial vehicles, by reducing the costs of war, make claims of preventive self-defense more palatable to the public. Yet a global norm of preventive self-defense is likely to be destabilizing, leading to more war in the international system, not less. It clearly violates notions of just war principles—jus ad bellum. The United States has set a dangerous precedent, and by continuing its preventive strike policy it continues to provide other states with the justification to do the same.

#### US norms don’t solve and aren’t key

John O. McGinnis 7, Professor of Law, Northwestern University School of Law. \*\* Ilya Somin \*\* Assistant Professor of Law, George Mason University School of Law. GLOBAL CONSTITUTIONALISM: GLOBAL INFLUENCE ON U.S. JURISPRUDENCE: Should International Law Be Part of Our Law? 59 Stan. L. Rev. 1175

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones.

The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied.

Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, regardless of the norms we adopt. It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

### 1nc new advantage

#### Google beats it -- no uniqueness—Acton is about a pilot program for R&D—post sequestration funding is dubious at best – not inevitable

#### Carnegie 10/4/13

Conventional Prompt Global Strike and Russia's Nuclear Forces

James M. Acton Op-Ed October 4, 2013 Independent Military Review

Summary

There is still a window of opportunity for cooperation between the United States and Russia on conventional prompt global strike weapons.

Related Topics

http://carnegieendowment.org/2013/10/04/conventional-prompt-global-strike-and-russia-s-nuclear-forces/gp5j

The CPGS program is currently in the research and development phase. No decision to acquire a weapon system has yet been taken. However, the Obama administration has indicated that it intends to make an acquisition decision within the next few years.

If and when the acquisition process commences, the Advanced Hypersonic Weapon is unlikely to be the only weapon concept considered. There are indications that the Obama administration is exploring the possibility of a new Intermediate‐Range Sea‐Launched Ballistic Missile, which could be equipped with a steerable but non‐gliding reentry vehicle. Hypersonic cruise missiles, which are being developed in a bureaucratically separately effort from CPGS, may also be considered. In addition, because the Obama administration has committed to a competitive acquisition process, industry may also submit additional ideas.

Given the current climate of fiscal austerity in the United States, it is possible that the program may be cancelled by either the administration or by the U.S. Congress. While Congress has been generally supportive of the concept of CPGS, it has strongly opposed a number of specific projects (including the conversion of Trident‐D5 ballistic missiles to carry conventional warheads). There is no guarantee that it would fund any acquisition request. If acquisition does go ahead, deployment is unlikely before the mid‐ 2020s.

#### Congress doesn’t solve it – based in operational details

Steve Andreasen 2006; National security consultant and teaches at the University of Minnesota’s Humphrey Institute of Public Affairs. From 1993 to 2001, he was director for defense policy and arms control on the National Security Council; Off Target? The Bush Administration's Plan to Arm Long-Range Ballistic Missiles with Conventional Warheads; http://www.armscontrol.org/act/2006\_07-08/CoverStory?print

Practical Issues There are a number of practical challenges involved in developing the capability to employ long-range ballistic missiles as strategic conventional weapons. Some are on the road to resolution, and none may prove insurmountable alone. Yet, together they may inhibit if not preclude the effective use of sea- and land-based ballistic missiles as strategic conventional strike platforms. Missile Accuracy In order for long-range ballistic missiles to be able to destroy targets with a conventional warhead, missile accuracy must be improved

. This will require adapting for long-range missiles and warheads advanced guidance and targeting technologies that over the past decade have given tactical munitions great improvements in accuracy. Intelligence Record The use of long-range ballistic missiles as strategic conventional weapons requires the intelligence community to promptly and precisely identify time-urgent, high-value targets with high confidence to the National Command Authority. Just looking back over the past decade or so, although there have been some successes in gathering blue-chip intelligence of this sort—most recently, the success in tracking down a leading al Qaeda terrorist in Iraq, Abu Musab al-Zarqawi—there are a number of public examples of just how difficult this is. For instance, the United States and many other states were confident there were weapons of mass destruction in Iraq before the U.S.-led March 2003 invasion, but there were not. The United States tried unsuccessfully to locate Saddam Hussein at the outset of the war, but even after U.S. troops occupied the country, it took eight months to find Hussein (and three years to find al-Zarqawi). Since 2001, the most intense manhunt in international history has failed to locate Osama bin Laden. In 1999 the United States insisted on inspecting a suspected North Korean nuclear site at Kumchang-ni and found nothing. In 1993 the United States identified a Chinese freighter, the Yin He, for inspection, believing it was carrying precursors for chemical weapons. Again, nothing was found. Target Mobility The kinds of targets that have been identified for conventional long-range ballistic missiles are, in most cases, extremely mobile (e.g., personnel, trucks, etc.). Even within the flight time of a long-range ballistic missile, they might move outside the very limited lethal radius of a conventional missile warhead before it arrives. This places an even heavier burden on missile accuracy and intelligence.

## 2nc

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#### 1nc Paulsen says appropriations authority is distinct from war powers authority—the former is a Congressional trump card but not de-authorization. For instance, Congress can de-fund a mission without claiming the President lacks authority because they are independent issues. Allowing this mechanism as an aspect of fiat gives them unjustified aff ground and functionally fiats enforcement—balance of ground is key to fair debate—they set a precedent that is unpredictable and cannibalizes counterplan ground.

**Paulsen, 10** - Distinguished University Chair & Professor of Law, The University of St. Thomas (Michael, “The War Power”, 114 Harvard Journal of Law & Public Policy [Vol. 33, <http://www.harvard-jlpp.com/wp-content/uploads/2010/01/paulsen.pdf>)

Congress has some powers in this regard, too. Congress could repeal a declaration of war and strip whatever legal authorization comes with such declaration (in those overwhelming majority of situations in which such authorization is required)—leaving a war no longer legally authorized. Congress did essentially this with respect to the Vietnam War by repealing the Tonkin Gulf Resolution.48 In addition, Congress possesses the appropriations power and can employ such a power to defund an authorized war.49 The exercise of that power could effectively (though, again, probably not legally) terminate a war. Congress did this with respect to the Vietnam War, too, conditioning its post‐Tonkin‐repeal military appropriations in such a way as to essentially shut down the war in Indochina, leading to America’s practical tactical defeat and evacuation.50

#### Blows up limits because anything that raises the cost of an action becomes topical

**Brobeck, Phleger & Harrison 99** (LLP, “V. LAW FIRMS AND ASSOCIATIONS,” *CALIFORNIA LEGAL ETHICS*, http://www.law.cornell.edu/ethics/ca/narr/CA\_NARR\_5.HTM)

Addressing the scope of the term "restrict" in CRPC 1-500, the California Supreme Court held that, while an outright prohibition of future representation would violate CRPC 1-500, "[a]n agreement that assesses a reasonable cost against a partner who chooses to compete with his or her former partners **does not restrict**" a lawyer from practicing law in the sense contemplated by CRPC 1-500 because (i) a reasonable cost assessed against a departing lawyer would not discourage the lawyer from representing those clients who wished to continue using his or her services, and (ii) "[t]he traditional view of the law firm as a stable institution with an assured future is now challenged by an awareness that even the largest and most prestigious firms are fragile economic units" that require compensation from a departing partner in order to maintain stability. Howard v. Babcock (1993) 6 Cal.4th 409, 420, 424, 25 Cal.Rptr.2d 80, 863 P.2d 150. Rather, a reasonable cost merely "attaches an economic consequence to a departing partner's unrestricted choice to pursue a particular kind of practice." Howard v. Babcock (1993) 6 Cal.4th 409, 419, 25 Cal.Rptr.2d 80, 863 P.2d 150; L.A. Op. 1995-450 (partnership agreement that imposes only reasonable costs on a departing partner is enforceable).

### modeling

#### No reverse causal—countries won’t magically fix themselves if we clean up our act

**Chodosh 03** (Hiram, Professor of Law, Director of the Frederick K. Cox International Law Center, Case Western Reserve University School of Law, 38 Tex. Int'l L.J. 587, lexis)

Exposure to foreign systems is helpful but seldom sufficient for effective reform design. Reform models are more likely to be successful if they are not merely copied or transplanted into the system. The argument that transplants are easy and common (though based on substantial historical evidence) profoundly undervalues the relationship between law and external social objectives. 103 Furthermore, reforms conceived as blunt negations of [\*606] the status quo are not likely to be successful. 104 Reform proposals based on foreign systems or in reaction to (or as a negation of) recent domestic experience require careful adaptation to local circumstances and conditions. However, most communities are not familiar with the tools of adaptation and tend to think of foreign models as package deals to accept or reject (but rarely to alter), and alterations tend to graft one institution onto another without comprehensive consideration of the system as a whole. 105

#### Other obstacles outweigh—just because they use our current policy as an excuse doesn’t mean they would stop

**Carothers 1998** – vice president for studies at the Carnegie Endowment for International Peace, founder and director of the Democracy and Rule of Law Program (Thomas, Carnegie Endowment, “Rule of law revival’, originally published in Foreign Affairs Vol. 77 No. 2, “Rule of Law Revival”, http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=165, WEA)

The primary obstacles to such reform are not technical or financial, but political and human. Rule-of-law reform will succeed only if it gets at the fundamental problem of leaders who refuse to be ruled by the law. Respect for the law will not easily take root in systems rife with corruption and cynicism, since entrenched elites cede their traditional impunity and vested interests only under great pressure. Even the new generation of politicians arising out of the political transitions of recent years are reluctant to support reforms that create competing centers of authority beyond their control.

Western nations and private donors have poured hundreds of millions of dollars into rule-of-law reform, but outside aid is no substitute for the will to reform, which must come from within. Countries in transition to democracy must first want to reform, and must then be thorough and patient in their legal makeovers. Meanwhile, donors must learn to spend their reform dollars where they will do the most good--and expect few miracles and little leverage in return.

#### Everything about this advantage is long-term and vague

**Diamond, 00** (Larry Diamond, professor, lecturer, adviser, and author on foreign policy, foreign aid, and democracy. “Democracy Promotion for the Long Haul.” 11-30-00. http://www.stanford.edu/~ldiamond/papers/AIDpartners.pdf)

It will not do to promote free and fair elections if we do not effectively promote the other elements of democracy as well. And this is not a short-term agenda. A great danger in political assistance is the temptation to seek a big bang, a breakthrough election, and then phase out and walk way. If we want to be effective in promoting democracy, we have to be prepared to be engaged in countries for a long period of time, in a variety of sectors, and at multiple levels of governance. We have to stick with countries—at least with embattled civil societies—when things get grim, and we to sustain our efforts when a crisis subsides and democrats settle into the protracted, prosaic work of gradually building and reforming democratic institutions. We are swimming against long histories and huge odds. We cannot expect to be able to reverse decades of institutional deformity and decay and to transform deeply entrenched cultures and social structures in a few years. We need a strategic view of democracy promotion for the long term. Ten years on, in most of the countries where we work, we are still in the early stages of the struggle for liberal, accountable, legitimate, and sustainable democracy, in other words, for democratic consolidation.

### allies/obama doctrine

#### No scenario for alliance breakdowns

**Friedman and Logan 2012** – PhD Candidate in Political Science at MIT, research fellow in defense and homeland security studies at Cato, \*\*director of foreign policy studies at the Cato Institute (Spring, Benjamin and Justin, Published for the Foreign Policy Research Institute, “Why the U.S. Military Budget is ‘Foolish and Sustainable’”, http://www.cato.org/sites/cato.org/files/articles/logan-friendman-obis-spring-2012.pdf)

The larger problem with the idea that our alliances are justified by the¶ balancing they prevent is that **wars** generally **require more than the mutual fear**¶ **that arms competition provokes**. Namely, there is usually a territorial conflict or¶ a state bent on conflict. Historical examples of arms races alone causing wars¶ are few.11 This confusion probably results from misconstruing the causes of¶ World War I—seeing it as a consequence of mutual fear alone rather than fear¶ produced by the proximity of territorially ambitious states.12

Balances of power, as noted, are especially liable to be stable when¶ water separates would-be combatants, as in modern Asia. Japan would likely¶ increase defense spending if U.S. forces left it, and that would likely displease¶ China. But that **tension is very unlikely to provoke a regional conflagration**.¶ And even that remote scenario is far more likely than the Rube Goldberg¶ scenario needed to argue that peace in Europe requires U.S. forces stationed¶ there. It is not clear that European states would even increase military¶ spending should U.S. troops depart. If they did do so, **one struggles to**¶ **imagine a chain of misperceived hostility** sufficient to resurrect the bad old¶ days of European history.

#### Everything they said about Obama is wrong—no adventurist doctrine—and Congress wouldn’t make it better

**Tomasky 2011** – Newsweek correspondent, editor of Democracy: A Journal of Ideas (8/23, Michael, The Daily Beast, “Obama’s True Claim to Fame”, http://www.thedailybeast.com/articles/2011/08/23/president-obama-s-libya-triumph-a-great-foreign-policy-presidency.html)

Yes, of course, let’s stipulate: the war isn’t actually, you know, over. And even after it is, Libya could descend into chaos or extremism or both (although it is heartening to read that the National Transitional Council, the recognized new governing body, apparently has detailed governance plans in place). So could Egypt, and Tunisia, and so on and so on. Lots of things could, can, and undoubtedly will go wrong. Let’s also stipulate that Obama did not drape himself only in glory on Libya. The administration’s statement in June that the conflict wasn’t under the purview of the War Powers Act because bombing didn’t constitute “hostilities” was ridiculous. And many critics reasonably felt back in March that Obama was a little slow to pull the trigger on the intervention (I didn’t share that view). All that said, the administration has already handled a lot of these changes well (and in the face of absolutely constant know-it-all criticism). One of the best things an American administration can do when big changes are afoot somewhere in the world is stay out of the way and not act as if we can will an outcome just because we’re America. We have a group in this country that likes to will outcomes, and their track record demonstrates that that doesn’t work so well (unless you think, apropos Iraq, that eight years and more than 100,000 lives later defines “well”). Obama has been more in the mold of George H.W. Bush and his secretary of state, Jim Baker, when the Eastern bloc was throwing off Moscow’s shackles. Offer encouragement and stability, give a few speeches about freedom, but otherwise let them do their own work. Obama took a lot of stick for not being more forceful on Egypt in February, but he was right to be cautious—there were lots of stakeholders involved, and sorry, but the president of the United States just can’t say every sweet thing romantics would like him to say. He then, as noted, took heat for moving too slowly on Libya, but here again he was correct. The nature of the Libyan regime is not a direct national-security issue, so there absolutely had to be a specific trigger to justify acting. That trigger was Gaddafi’s threatened assault on Benghazi. That was completely the right thing to do. It was as textbook a fulfillment of “R2P,” or “responsibility to protect,” as one could imagine. The subsequent bombing campaign took longer than advertised, but it has apparently done the job, quickly and with far smaller loss of life (including zero U.S. deaths) than if we’d followed John McCain and Lindsey Graham’s advice and gone in with ground troops. Next comes Syria. Conservatives are pushing Obama to take stronger steps. Maybe he should. I argued back in the spring, before Obama imposed sanctions on Assad, that he needed to be more forceful. But now he has imposed those sanctions and said Assad should step down. Doing much more seems dubious. Bashar al-Assad will go. It’s a matter of when. Better to let it play out. If a true R2P situation arises, then Obama will have to make some decisions. But it’s far better to let the Syrians do this themselves, if they can. We cannot prevent every casualty. That’s starting to sound like a doctrine to me. Call it the doctrine of no doctrine: using our power and influence but doing so prudently and multilaterally, with the crucial recognition that Egypt is different from Libya is different from Syria is different from someplace else. According to the foreign-policy establishment, if you want to have a self-respecting big-D doctrine, you’re not supposed to recognize differences. The doctrine must guide all cases. But that is exactly the kind of thinking that has led—always—to tragedy. The Truman Doctrine was never meant to be applied to Vietnam. The Bush Doctrine was applied to Iraq based on a series of lies told to the American people. And so on. If the Obama Doctrine is nothing like those, so much the better.

### alt causes

#### **Detention policy outweighs**

Welsh 11 (David; J.D. from the University of Utah, “Procedural Justice Post-9/11: The Effects of Procedurally Unfair Treatment of Detainees on Perceptions of Global Legitimacy”, <http://law.unh.edu/assets/images/uploads/publications/unh-law-review-vol-09-no2-welsh.pdf>)

The Global War on Terror 1 has been ideologically framed as a struggle between the principles of freedom and democracy on the one hand and tyranny and extremism on the other. 2 Although this war has arguably led to a short-term disruption of terrorist threats such as al-Qaeda, it has also damaged America’s image both at home and abroad. 3 Throughout the world, there is a growing consensus that America has “a **lack of credibility** as a fair and just world leader.” 4 The perceived legitimacy of the United States in the War on Terror is critical because terrorism is not a conventional threat that can surrender or can be defeated in the traditional sense. Instead, this battle can only be won through legitimizing the rule of law and undermining the use of terror as a means of political influence. 5 ¶ Although a variety of political, economic, and security policies have negatively impacted the perceived legitimacy of the United States, one of the most damaging has been the detention, treatment, and trial (or in many cases the lack thereof) of suspected terrorists. While many scholars have raised constitutional questions about the legality of U.S. detention procedures, 6 this article offers a psychological perspective of legitimacy in the context of detention.

#### ANY alt cause outweighs

**Gray ’11** [Colin S, Professor of International Politics and Strategic Studies at the University of Reading, England, and Founder of the National Institute for Public Policy, “Hard Power And Soft Power: The Utility Of Military Force as An Instrument Of Policy In The 21st Century,” April, http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1059]

It bears repeating because it passes unnoticed that culture, and indeed civilization itself, are dynamic, not static phenomena. They are what they are for good and sufficient local geographical and historical reasons, and cannot easily be adapted to fit changing political and strategic needs. For an obvious example, the dominant American strategic culture, though allowing exceptions, still retains its principal features, the exploitation of technology and mass.45 These features can be pathological when circumstances are not narrowly conducive to their exploitation. Much as it was feared only a very few years ago that, in reaction to the neglect of culture for decades previously, the cultural turn in strategic studies was too sharp, so today there is a danger that the critique of strategic culturalism is proceeding too far.46 The error lies in the search for, and inevitable finding of, “golden keys” and “silver bullets” to resolve current versions of enduring problems. Soft-power salesmen have a potent product-mix to sell, but they fail to appreciate the reality that American soft power is a product essentially **unalterable** over a short span of years. As a country with a cultural or civilizational brand that is unique and mainly rooted in deep historical, geographical, and ideational roots, America is not at liberty to emulate a major car manufacturer and advertise an extensive and varied model range of persuasive soft-power profiles. Of course, some elements of soft power can be emphasized purposefully in tailored word and deed. However, foreign perceptions of the United States are no more developed from a blank page than the American past can be retooled and fine-tuned for contemporary advantage. Frustrating though it may be, **a country cannot easily escape legacies from its past**.

### ikenberry

#### Ikenberry requires grand strategy overhaul—here’s the 1ac

Ikenberry 11 – G. John Ikenberry, Peter F. Krogh Professor of Global Justice at the School of Foreign Service at Georgetown University, “A World of Our Making”, Democracy: A Journal of Ideas, Issue #21, Summer, <http://www.democracyjournal.org/21/a-world-of-our-making-1.php?page=all>

Grand Strategy as Liberal Order Building

American dominance of the global system will eventually yield to the rise of other powerful states. The unipolar moment will pass. In facing this circumstance, American grand strategy should be informed by answers to this question: What sort of international order would we like to see in place in 2020 or 2030 when America is less powerful?

Grand strategy is a set of coordinated and sustained policies designed to address the long-term threats and opportunities that lie beyond the country’s shores. Given the great shifts in the global system and the crisis of liberal hegemonic order, how should the United States pursue grand strategy in the coming years? The answer is that the United States should work with others to rebuild and renew the institutional foundations of the liberal international order and along the way re-establish its own authority as a global leader. The United States is going to need to invest in alliances, partnerships, multilateral institutions, special relationships, great-power concerts, cooperative security pacts, and democratic security communities. That is, the United States will need to return to the great tasks of liberal order building.

It is useful to distinguish between two types of grand strategy: positional and milieu oriented. With a positional grand strategy, a great power seeks to diminish the power or threat embodied in a specific challenger state or group of states. Examples are Nazi Germany, Imperial Japan, the Soviet bloc, and perhaps—in the future—Greater China. With a milieu-oriented grand strategy, a great power does not target a specific state but seeks to structure its general international environment in ways that are congenial with its long-term security. This might entail building the infrastructure of international cooperation, promoting trade and democracy in various regions of the world, and establishing partnerships that might be useful for various contingencies. My point is that under conditions of unipolarity, in a world of diffuse threats, and with pervasive uncertainty over what the specific security challenges will be in the future, this milieu-based approach to grand strategy is necessary.

The United States does not face the sort of singular geopolitical threat that it did with the fascist and communist powers of the last century. Indeed, compared with the dark days of the 1930s or the Cold War, America lives in an extraordinarily benign security environment. Rather than a single overriding threat, the United States and other countries face a host of diffuse and evolving threats. Global warming, nuclear proliferation, jihadist terrorism, energy security, health pandemics—these and other dangers loom on the horizon. Any of these threats could endanger Americans’ lives and way of life either directly or indirectly by destabilizing the global system upon which American security and prosperity depends. What is more, these threats are interconnected—and it is their interactive effects that represent the most acute danger. And if several of these threats materialize at the same time and interact to generate greater violence and instability, then the global order itself, as well as the foundations of American national security, would be put at risk.

What unites these threats and challenges is that they are all manifestations of rising security interdependence. More and more of what goes on in other countries matters for the health and safety of the United States and the rest of the world. Many of the new dangers—such as health pandemics and transnational terrorist violence—stem from the weakness of states rather than their strength. At the same time, technologies of violence are evolving, providing opportunities for weak states or nonstate groups to threaten others at a greater distance. When states are in a situation of security interdependence, they cannot go it alone. They must negotiate and cooperate with other states and seek mutual restraints and protections. The United States can-not hide or protect itself from threats under conditions of rising security interdependence. It must get out in the world and work with other states to build frameworks of cooperation and leverage capacities for action against this unusually diverse, diffuse, and unpredictable array of threats and challenges.

This is why a milieu-based grand strategy is attractive. The objective is to shape the international environment to maximize your capacities to protect the nation from threats. To engage in liberal order building is to invest in international cooperative frameworks—that is, rules, institutions, partnerships, networks, standby capacities, social knowledge, etc.—in which the United States operates. To build international order is to increase the global stock of “social capital”—which is the term Pierre Bourdieu, Robert Putnam, and other social scientists have used to define the actual and potential resources and capacities within a political community, manifest in and through its networks of social relations, that are available for solving collective problems.

If American grand strategy is to be organized around liberal order building, what are the specific objectives and what is the policy agenda? There are five such objectives. First, the United States needs to lead in the building of an enhanced protective infrastructure that helps prevent the emergence of threats and limits the damage if they do materialize. Many of the threats mentioned above are manifest as socioeconomic backwardness and failure that cause regional and international instability and conflict. These are the sorts of threats that are likely to arise with the coming of global warming and epidemic disease. What is needed here is institutional cooperation to strengthen the capacity of governments and the international com-munity to prevent epidemics or food shortages or mass migrations that create global upheaval—and mitigate the effects of these upheavals if they occur. The international system already has a great deal of this protective infrastructure—institutions and networks that pro-mote cooperation over public health, refugees, and emergency aid. But as the scale and scope of potential problems grow in the twenty-first century, investments in these preventive and management capacities will also need to grow. Early warning systems, protocols for emergency operations, standby capacities, etc.—these safeguards are the stuff of a protective global infrastructure.

Second, the United States should recommit to and rebuild its security alliances. The idea is to update the old bargains that lie behind these security pacts. In NATO, but also in the East Asia bilateral partner-ships, the United States agrees to provide security protection to the other states and brings its partners into the process of decision-making over the use of force. In return, these partners agree to work with the United States—providing manpower, logistics, and other types of support—in wider theaters of action. The United States gives up some autonomy in strategic decision-making, although it is more an informal restraint than a legally binding one, and in exchange it gets cooperation and political support.

Third, the United States should reform and create encompassing global institutions that foster and legitimate collective action. The first move here should be to reform the United Nations, starting with the expansion of the permanent membership on the Security Council. Several plans have been proposed. All of them entail adding new members—such as Germany, Japan, India, Brazil, South Africa, and others—and reforming the voting procedures. Almost all of the candidates for permanent membership are mature or rising democracies. The goal, of course, is to make them stakeholders in the United Nations and thereby strengthen the primacy of the UN as a vehicle for global collective action. There really is no substitute for the legitimacy that the United Nations can offer to emergency actions—humanitarian interventions, economic sanctions, uses of force against terrorists, and so forth. Public support in advanced democracies grows rapidly when their governments can stand behind a UN-sanctioned action.

Fourth, the United States should accommodate and institution-ally engage China. China will most likely be a dominant state, and the United States will need to yield to it in various ways. The United States should respond to the rise of China by strengthening the rules and institutions of the liberal international order—deepening their roots, integrating rising capitalist democracies, sharing authority and functional roles. The United States should also intensify cooperation with Europe and renew joint commitments to alliances and multilateral global governance. The more that China faces not just the United States but the entire world of capitalist democracies, the better. This is not to argue that China must face a grand counterbalancing alliance against it. Rather, it should face a complex and highly integrated global system—one that is so encompassing and deeply entrenched that it essentially has no choice but to join it and seek to prosper within it.

The United States should also be seeking to construct a regional security order in East Asia that can provide a framework for managing the coming shifts. The idea is not to block China’s entry into the regional order but to help shape its terms, looking for opportunities to strike strategic bargains at various moments along the shifting power trajectories and encroaching geopolitical spheres. The big bargain that the United States will want to strike is this: to accommodate a rising China by offering it status and position within the regional order in return for Beijing’s acceptance and accommodation of Washington’s core strategic interests, which include remaining a dominant security provider within East Asia. In striking this strategic bargain, the United States will also want to try to build multilateral institutional arrangements in East Asia that will tie China to the wider region.

Fifth, the United States should reclaim a liberal internationalist public philosophy. When American officials after World War II championed the building of a rule-based postwar order, they articulated a distinctive internationalist vision of order that has faded in recent decades. It was a vision that entailed a synthesis of liberal and realist ideas about economic and national security, and the sources of stable and peaceful order. These ideas—drawn from the experiences with the New Deal and the previous decades of war and depression—led American leaders to associate the national interest with the building of a managed and institutionalized global system. What is needed today is a renewed public philosophy of liberal internationalism—a shift away from neoliberal-ism—that can inform American elites as they make trade-offs between sovereignty and institutional cooperation.

Under this philosophy, the restraint and the commitment of American power went hand in hand. Global rules and institutions advanced America’s national interest rather than threatened it. The alternative public philosophies that have circulated in recent years—philosophies that champion American unilateralism and disentanglement from global rules and institutions—did not meet with great success. So an opening exists for America’s postwar vision of internationalism to be updated and rearticulated today.

The United States should embrace the tenets of this liberal public philosophy: Lead with rules rather than dominate with power; provide public goods and connect their provision to cooperative and accommodative policies of others; build and renew international rules and institutions that work to reinforce the capacities of states to govern and achieve security and economic success; keep the other liberal democracies close; and let the global system itself do the deep work of liberal modernization.

As it navigates this brave new world, the United States will find itself needing to share power and rely in part on others to ensure its security. It will not be able to depend on unipolar power or airtight borders. It will need, above all else, authority and respect as a global leader. The United States has lost some of that authority and respect in recent years. In committing itself to a grand strategy of liberal order building, it can begin the process of gaining it back.

#### There is no “global liberal order”---it’s not key to anything and fails inevitably

Barma et al., 13 (Naazneen, assistant professor of national-security affairs at the Naval Postgraduate School; Ely Ratner, a fellow at the Center for a New American Security; and Steven Weber, professor of political science and at the School of Information at the University of California, Berkeley, March/April 2013, “The Mythical Liberal Order,” The National Interest, http://nationalinterest.org/print/article/the-mythical-liberal-order-8146)

Loyalists are quick to defend the concept of a robust liberal order by falling back on outdated metrics of success. The original de minimis aims of the postwar order achieved what now should be considered a low bar: preventing a third world war and a race-to-the-bottom closure of the global-trade regime. Beyond that, the last seventy years have certainly seen movement toward globalization of trade and capital as well as some progress on human rights—but less clearly as a consequence of anything like a liberal world order than as a consequence of national power and interest. ¶ What would a meaningful liberal world order actually look like if it were operating in practice? Consider an objective-based definition: a world in which most countries most of the time follow rules that contribute to progressively more collective security, shared economic gains and individual human rights. States would gradually downplay the virtues of relative advantage and self-reliance. Most states would recognize that foreign-policy choices are constrained (to their aggregate benefit) by multilateral institutions, global norms and nonstate actors. They would cede meaningful bits of sovereign authority in exchange for proactive collaboration on universal challenges. And they would accept that economic growth is best pursued through integration, not mercantilism, and is in turn the most reliable source of national capacity, advancement and influence. With those ingredients in place, we would expect to see the gradual, steady evolution of something resembling an “international community” bound by rights and responsibilities to protect core liberal values of individual rights and freedoms. ¶ No wonder proponents of the liberal-world-order perspective hesitate to offer precise definitions of it. Few of these components can reasonably be said to have been present for any length of time at a global level in the post–World War II world. There may be islands of liberal order, but they are floating in a sea of something quite different. Moreover, the vectors today are mostly pointing away from the direction of a liberal world order. ¶ HOW DID we get here? Consider two founding myths of liberal internationalism. The first is that expressions of post–World War II American power and leadership were synonymous with the maturation of a liberal order. The narrative should sound familiar: The United States wins World War II and controls half of global GDP. The United States constructs an international architecture aimed at promoting an open economic system and a semi-institutionalized approach to fostering cooperation on security and political affairs. And the United States provides the essential global public goods—an extended security deterrent and the global reserve currency—to make cooperation work. Some essential elements of the system survive in a posthegemony era because the advantages to other significant powers of sustained institutionalized cooperation exceed the costs and risks of trying to change the game. ¶ In the 1990s the narrative gets more interesting, controversial and relevant. This is when the second foundational myth of the liberal world order—that it has an inexorable magnetic attraction—comes to the fore. The end of the Cold War and the attendant rejection of Communism is supposed to benefit the liberal world order in breadth and depth: on the internal front, new capitalist democracies should converge on individuals’ market-based economic choice and election-based political choice; on the external front, the relationships among states should become increasingly governed by a set of liberal international norms that privilege and protect the civic and political freedoms that capitalist democracies promise. The liberal order’s geography should then expand to encompass the non-Western world. Its multilateral rules, institutions and norms should increase in density across economic, political and security domains. As positive network effects kick in, the system should evolve to be much less dependent on American power. It’s supposedly easier—and more beneficial—to join the liberal world order than it is to oppose it (or even to try to modify it substantially). A choice to live outside the system becomes progressively less realistic: few countries can imagine taking on the contradictions of modern governance by themselves, particularly in the face of expanding multilateral free trade and interdependent security institutions. ¶ The story culminates in a kind of magnetic liberalism, where countries and foreign-policy decisions are attracted to the liberal world order like iron filings to a magnet. With few exceptions, U.S. foreign policy over the last two decades has been predicated on the assumption that the magnetic field is strong and getting stronger. It’s a seductive idea, but it should not be confused with reality. In practice, the magnetic field is notable mainly for its weakness. It is simply not the case today that nations feel equally a part of, answerable to or constrained by a liberal order. And nearly a quarter century after 1989, it has become disingenuous to argue that the liberal world order is simply slow in getting off the ground—as if the next gust of democratic transitions or multilateral breakthroughs will offer the needed push to revive those triumphalist moments brought on by the end of World War II and the fall of the Berlin Wall. To the contrary, the aspirational liberal end state is receding into the horizon. ¶ THE PICTURE half a century ago looked more promising, with the initial rounds of the General Agreement on Tariffs and Trade and the successful establishment of NATO setting expectations about what multilateral governance could achieve. But international institutions picked off the low-hanging fruit of global cooperation decades ago and have since stalled in their attempts to respond to pressing international challenges. The 1990s served up the best possible set of conditions to advance global liberalism, but subsequent moves toward political and economic liberalization that came with the end of the Cold War were either surprisingly shallow or fragile and short-lived. ¶ Ask yourself this: Have developing countries felt and manifested over time the increasing magnetic pull of the liberal world order? A number of vulnerable developing and post-Communist transitional countries adopted a “Washington Consensus” package of liberal economic policies—freer trade, marketization and privatization of state assets—in the 1980s and 1990s. But these adjustments mostly arrived under the shadow of coercive power. They generally placed the burden of adjustment disproportionately on the most disempowered members of society. And, with few exceptions, they left developing countries more, not less, vulnerable to global economic volatility. The structural-adjustment policies imposed in the midst of the Latin American debt crisis and the region’s subsequent “lost decade” of the 1980s bear witness to each of these shortcomings, as do the failed voucher-privatization program and consequent asset stripping and oligarchic wealth concentration experienced by Russians in the 1990s. ¶ If these were the gains that were supposed to emerge from a liberal world order, it’s no surprise that liberalism came to have a tarnished brand in much of the developing world. The perception that economic neoliberalism fails to deliver on its trickle-down growth pledge is strong and deep. In contrast, state capitalism and resource nationalism—vulnerable to a different set of contradictions, of course—have for the moment delivered tangible gains for many emerging powers and look like promising alternative development paths. Episodic signs of pushback against some of the excesses of that model, such as anti-Chinese protests in Angola or Zambia, should not be confused with a yearning for a return to liberal prescriptions. And comparative economic performance in the wake of the global financial crisis has done nothing to burnish liberalism’s economic image, certainly not in the minds of those who saw the U.S. investment banking–led model of capital allocation as attractive, and not in the minds of those who held a vision of EU-style, social-welfare capitalism as the next evolutionary stage of liberalism. ¶ There’s just as little evidence of sustained liberal magnetism operating in the politics of the developing world, where entrenched autocrats guarding their legitimacy frequently caricature democracy promotion as a not-very-surreptitious strategy to replace existing regimes with either self-serving instability or more servile allies of the West. In practice, the liberal order’s formula for democratic freedom has been mostly diluted down to observing electoral procedures. The results have been almost uniformly disappointing, as the legacy of post–Cold War international interventions from Cambodia to Iraq attests. Even the more organic “color revolutions” of Eastern Europe and Central Asia at the beginning of the twenty-first century have stalled into equilibria Freedom House identifies as only “partly free”—in reality affording average citizens little access to political or economic opportunities. Only two years past the initial euphoria of the Arab Spring a similar disillusionment has set in across the Middle East, where evidence for the magnetic pull of a liberal world order is extremely hard to find.

### 1ac cards

#### The ONLY solvency card for this is Farley and it’s not even a solvency card—Farley says airpower is dangerous because the executive uses it with impunity—it’s based on a definition of hostilities which Obama empirically invokes regardless of authorizing legislation. Even if they change that, they still don’t solve because Congress wont force that during wartime. The best possible outcome is Congress controlling procurement more closely which might keep the president from getting certain weapons, but definitely doesn’t solve the intel and logistical issues—make them explain how Mitch McConnell would ever even understand what C3I stands for

**Farley 11** – Dr. Robert Farley, Assistant Professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, “Over the Horizon: Libya, Airpower and Executive War Powers”, World Politics Review, 6-29, http://www.worldpoliticsreview.com/articles/9321/over-the-horizon-libya-airpower-and-executive-war-powers

Nevertheless, airpower -- including such offshore strike capabilities as submarine-launched cruise missiles -- remains attractive to civilian policymakers. Air operations carry less risk of military casualties than ground operations, making them more palatable to domestic audiences. Airstrikes also grant civilian policymakers the illusion of control, as precision munitions have given rise to the notion that strikes can be launched against specific, discrete military targets without serious danger of destroying civilian facilities like orphanages, hospitals and other sensitive sites that risk turning public opinion against the intervention. That airpower rarely keeps its promises is beside the point. Few civilian policymakers study military affairs closely, relying instead on military advice, and air force generals and other airpower advocates offer cheaper solutions than "boots on the ground" zealots.

To this list of airpower's attractions we may now have to add legal impunity. In order to avoid the restrictions of the War Powers Resolution, the Obama administration has determined that operations against Libya do not constitute "hostilities" under the definition required by law. Although the argument is legally complicated, the administration is essentially claiming that because the conflict involves minimal to no threat of harm to U.S. military personnel, it is not a "war" in the sense envisioned by the War Powers Resolution. While the legal formulation is tailored to Libya, where continued direct U.S. participation is marginal, the logic of the argument could apply to a wide range of interventions involving warfare conducted from sea- or air-based platforms. Effectively, if the target can't shoot back, it ain't war.

The notion that war carried out from a "safe" distance faces no legal constraints is both appalling and insulting. To begin with, the constitutional principle by which the executive should be restrained from undertaking war upon a whim is not solely founded on concern for military casualties. The costs of war include destruction inflicted upon the enemy, not to mention the wear and loss of state property in the form of weapons and systems. Moreover, even discriminate bombing and carefully vetted drone strikes run the risk of creating irritated, vengeful foreigners who might try to attack the United States in the future.

Nevertheless, neither the idea that airpower can act as a quasi-automatic tool for solving the problems of international relations, nor the idea that airpower can change the terms of sovereignty are new, although the latter claim may not have been made in such explicit, official terms before. In the waning days of World War II, American airpower theorists envisioned a world in which the United States Air Force would act as the guarantor and police force of international society, carrying out quick, cost-effective interventions against outlaw states. The argument went beyond the contention that air forces are useful tools of state policy, instead conceptualizing airpower as transformative of the way in which weak and powerful states interact.

This idea depends on conceiving of the use of force as a police action rather than as war, from both a domestic and international perspective. In this thinking, airstrikes to squelch a communist uprising or to prevent a dictator from killing his own people are not really war, a weighty term reserved for more serious breaches of international peace. NATO's description of its intervention in Libya, by which the alliance is not fighting a war against the Libyan government, but rather conducting a limited multilateral intervention on behalf of Libyan civilians, fits this model perfectly. Similarly, according to the Obama administration, the United States is not involved in hostilities, but rather in the long-distance support of multilateral military operations. While this formulation does not require airpower as its foundation, the distance and invulnerability offered by stand-off weapons make it an easier idea to swallow.

As Daniel Trombley argues, however, the justifications that America uses for its wars do not go away when Washington no longer finds them convenient. Rather, they lie ready for others to adopt when necessary. For example, if Japan embraced the doctrine that the use of airpower, or at least the support of air operations, did not constitute "hostilities," then Article 9 of its constitution prohibiting acts of war would effectively become meaningless. Similarly, there could be no more effective weapon for conducting stand-off intervention than China's growing force of precision-guided DF-21 ballistic missiles. While the legal interpretation used by the Obama administration to avoid congressional scrutiny has yet to have an impact on international law, the idea that "war without soldiers" does not constitute war will surely prove attractive to others.

The most serious danger of such a legal posture, however, is that future U.S. administrations will adopt and expand the doctrine that airpower can be used without legal restrictions. This may seem an irrelevant concern today, given that Congress is far too supine to undertake its obligations of foreign policy oversight anyway. In the future, however, presidents may resort to airpower in order to avoid congressional limitations on their executive power. A longer-range concern is that as the United States continues to develop technologies that increase the distance between "shooter" and target, such as advanced drones and Prompt Global Strike, power over decisions of military and security policy would shift even more radically away from Congress and toward the executive.

In the future, the relationship between Congress and the president on military affairs may increasingly resemble a model by which Congress supplies the executive with the means to conduct the military elements of foreign policy, but has little or no influence over how that policy is actually conducted. This development might make advocates of executive power happy, but few others would be enthused by a presidency capable of undertaking foreign wars at will.

Sadly, there is little clear hope for a solution. A simple way to alleviate the immediate problem would be for Congress or the courts to clarify the meaning of "hostilities" to include attacks from stand-off distance. Unfortunately, both Congress and the courts remain reluctant to restrain executive power during wartime. Moreover, the War Powers Resolution is a limited tool for restricting executive power in the best of times and remains of dubious constitutionality. A constitutional amendment would work to resolve these issues, but it seems a distant prospect and could create other problems. In the short term, members of Congress concerned about executive control over war-making powers might be best advised to pay closer attention to procurement decisions. If the president continues to claim the right to use certain weapons of war without Congressional oversight, then Congress is clearly within its powers to deny those weapons to the president, or at least to demand accountability.

#### Acton agrees with our spin—says operational issues related to the fact that this stuff is technically confusing guts solvency. Enabling capabilities is the part they DON’T solve

Acton 13 – James M. Acton, Senior Associate in the Nuclear Policy Program at the Carnegie Endowment, Ph.D. in Theoretical Physics from Cambridge University, “Silver Bullet? Asking the Right Questions About Conventional Prompt Global Strike”, 9-3, http://carnegieendowment.org/files/cpgs.pdf

Critical decisions about CPGS will be made in the next two to three years. The United States must decide which systems—if any—to acquire, which immature technologies are sufficiently promising to merit further research and development funding, and which pathways should be abandoned. **In parallel, the U.S. administration will also have to decide whether and how to invest in the enabling capabilities** needed to support CPGS, most notably intelligence, surveillance, and reconnaissance.

#### It’ll fail now because of a lack of Congressional control---risks global nuclear war

Manzo 8 – Vince Manzo, CDI Research Assistant, “An Examination of the Pentagon’s Prompt Global Strike Program: Rationale, Implementation, and Risks”, Center for Defense Information, http://www.infodefensa.com/wp-content/uploads/PGSfactsheet[1].pdf

Introduction

The Prompt Global Strike (PGS) program aims to enable the United States to plan and deliver military strikes anywhere on the globe in less than one hour. The rationale for the PGS mission is that new capabilities are required to effectively respond to new threats.

The Department of Defense (DOD) initially sought to achieve a PGS capability by placing conventional warheads on Trident missiles; however, Congress refused to fund the weapons system due to concerns that other countries would be unable to distinguish between conventional and nuclear Trident missiles. A recent report by the Government Accountability Office (GAO) concluded that DOD’s studies of potential PGS weapon systems did not include comprehensive assessments of the enabling capabilities that are necessary for a PGS weapon to function effectively. For instance, DOD does not incorporate intelligence-gathering capabilities into its studies, which is especially disconcerting given that military officials have described the ability to rapidly gather, integrate and analyze intelligence as a critical component of the PGS concept.

In light of these risks and potential operational complications, it is worth questioning the rationale of the PGS program. The Pentagon has not demonstrated why strategically deployed forward operating bases do not provide sufficient rapid strike capabilities against rogue states and terrorists armed with weapons of mass destruction (WMDs), the two most frequently cited justifications for a PGS capability. Similarly, if the United States possesses the rapid and precise intelligence gathering capability necessary to execute a PGS, this capability by itself may create alternative options that obviate the need for a rapid military strike. In addition to questions about the primary rationale for PGS, the question of whether or not the United States **will ever possess the commensurate intelligence capabilities** to execute a PGS casts doubt on the feasibility of the PGS concept.

Nevertheless, interest in PGS capability within the Pentagon and in Congress remains strong. The Fiscal Year 2009 (FY 09) House and Senate defense authorization bills recommend additional funding for DOD efforts to achieve a PGS capability with hypersonic vehicle technology. Since PGS can be implemented in many different ways, it gives DOD a broad mandate to pursue a variety of new weapon systems. As this report demonstrates, the Pentagon may not closely examine the political and strategic implications of every weapon system it explores; it may also fail to develop the commensurate enabling capabilities that are necessary for these systems to execute a PGS. Therefore, it is imperative that Congress exercise strict oversight over all aspects of any PGS program. For starters, Congress should make further funding of PGS weapons system studies contingent upon their verifiable inclusion of enabling capabilities.

The Rationale for a Prompt Global Strike Capability

The U.S. PGS program aims to provide the president with the ability to plan and deliver limited duration and extended range strikes anywhere on the globe in less than one hour. The 2001 Nuclear Posture Review (NPR) formally introduced the global strike concept as part of a new triad that integrates conventional and nuclear force options into an offensive strike capability suited for the 21st century: “To meet the nation’s defense goals in the 21st century, the first leg of the New Triad, the offensive strike leg, will go beyond the Cold War Triad…with non-nuclear strategic capabilities that strengthen the credibility of our offensive deterrence.”1 Gen. James Cartwright of the Marines, the former commander of U.S. Strategic Command (STRATCOM), argued in a 2006 congressional hearing that a PGS capability is necessary because “it is unlikely that we will have forces in every place we need them at the crucial moment when have an opportunity to stop a WMD-armed threat far from our shores.”2 Based on this justification, two critical assumptions underlying PGS are that elusive threats to U.S. national security can emerge and that the United States must possess the capability to strike rapidly without relying on existing forward bases. Therefore, the rationale for the PGS mission is that new capabilities are required to effectively respond to new threats.

Consistent with this argument, a PGS capability has also been discussed as an integral component of “tailored deterrence.” Tailored deterrence envisions integrating nuclear, conventional and non-kinetic capabilities into a single menu of options from which decision-makers can draw from to formulate an appropriate strike plan for a given set of targets and objectives. The logic underlying tailored deterrence is that “deterrence threats based on the generally high nuclear yield of the Cold War arsenal may not appear credible”3 against threats that fall short of a large scale nuclear attack on the United States. Therefore, the United States must fashion tempered force options that are commensurate with the dangers facing it in the contemporary security environment. For instance, the 2006 Quadrennial Defense Review (QDR), one of the key documents defining “tailored deterrence,” lists advanced military competitors, regional WMD states, and non-state terrorist networks as threats that require “more tailored approaches” than the strategic nuclear deterrence that formed the cornerstone of U.S. security policy during the Cold War.4

The PGS mission would contribute to tailored deterrence, its advocates argue, by giving the United States the ability to wield conventional weapons that possess the target-impact speed and global reach of long-range nuclear ballistic missiles, thereby creating a more adaptable deterrent. As described by a DOD spokesman: “The goal of this new strategy is to produce a force capable of assuring allies, dissuading competitors, deterring adversaries, and if necessary defeating enemies…The conventional missile program will help achieve this goal by producing the capability to defeat threats on short notice without crossing the nuclear threshold.”5 Cartwright elaborated on this point, stating that “trying to bring all those pieces together to what will become deterrence, those things that will keep our adversaries at bay whether they are nation states, like the former Soviet Union was, or whether they are as simple as a terrorist, and trying to keep a terrorist to coming to our soil, that is what Global Strike and Space is at the heart of.”6

### solvency

#### History proves –enforcement incentives dilute with time

**Bouie, 11** (Jamelle, American Prospect, Congress Doesn't Care About War Powers, <http://prospect.org/article/congress-doesnt-care-about-war-powers>)

Writing in The Washington Post, Bruce Ackerman and Oona Hathaway note the Obama administration's apparent disregard for the War Powers Act:

This week, the War Powers Act confronts its moment of truth. Friday will mark the 60th day since President Obama told Congress of his Libyan campaign. According to the act, that declaration started a 60-day clock: If Obama fails to obtain congressional support for his decision within this time limit, he has only one option — end American involvement within the following 30 days.

Obama has not only failed but he hasn’t even tried — leaving it to Sen. Richard Lugar, the ranking Republican on the Foreign Relations Committee, to call for a “specific resolution that would give [the president] authority.” Neither the president nor the Democratic congressional leadership has shown any interest. They have been sleep-walking their way to Day 60. [Emphasis mine]

This, I think, is the key point: If Congress were actually interested in controlling the president's ability to make war, then -- already -- it would have either issued War Powers authorization or forced Obama to end the operation in Libya. As it stands, Congress has zero interest in limiting presidential war-making and has long since ceded its prerogative to the executive branch. And in calling for lawmakers to enforce the War Powers Act, Ackerman and Hathaway are hoping for an unlikely reversal in congressional decision making. It's been more than a decade since Congress last cared about presidential warmaking, and at the moment, it shows no signs of reviving that interest.

#### Ackerman and Hathway completely ignore the history of Congressional non-enforcement

**Mataconis, 11** – editor of Below the Beltway blog (Doug, “Obama Killed The War Powers Act? No, Congress Did” 5/18, <http://www.outsidethebeltway.com/obama-killed-the-war-powers-act-no-congress-did/>)

Ackerman and Hathway make the same mistake that many people wh analyze this issue do in that they view the Presidency’s power grab int he area of war powers as a completely one sided matter. They forget that there is more than one branch of the Federal Government. As I noted when the debate over the Libyan engagement began (which was roughly an hour after the President announced it), Congress has nobody to blame but itself for the fact that Presidents have essentially written them out of the war powers process over the past 60 years: What the Constitution says about war powers at this point is largely irrelevant, what matters is nearly 200 years of tradition and history, during which Presidential authority to engage in military action without getting direct Congressional approval has gradually, but incessantly, expanded. It started in 1801 when Thomas Jefferson essentially declared war on the Barbary States (located, ironically enough, in what we now call Libya) for their piracy against American military and merchant vessels. In that instance, Jefferson did inform Congress of his actions, and they did issue what some might call an authorization for the use of force against the pirates. Later, in the 20th Century, Presidents sent forces of various sizes of Latin American nations such as Nicaragua to put down rebellions or maintain control. Then, once the Cold War started, the instances of unilateral action by the President increased exponentially, starting with the Korean War, a three-year long engagement that was never directly authorized by the United States Congress. And, of course, its worth noting that the bloodiest conflict in American history was an undeclared war. There are plenty of reasons to be concerned about the fact that we’ve strayed so far from the intended separation of powers when it comes to the power to make war. However, we are not just talking about a situation where President’s have grabbed power. This has been a willful abdication by a Congress that doesn’t want to get its hands dirty in the foreign policy arena, and doesn’t want to take responsibility for the decisions that they should be making in that area. With but a few notable exceptions, two of which happen to share the last name Paul, no Senator or Congressman of either party has stood up and said anything over the past two months about the President’s decision to commit American military forces to action in a nation that did not attack us and poses no threat to us or our interests, in a conflict where we still aren’t even sure if the “rebels” are any better than the government they’re trying to overthrow. Nobody in Capitol Hill with the power to do so has help hearings on the engagement, or suggested that the matter be put to a vote in the House and the Senate. They have, in other words, proven that Matthew Yglesias to have been absolutely correct when he wrote this: For congress, it’s quite convenient to be able to duck these issues. Handling Libya this way means that those members of congress who want to go on cable and complain about the president’s conduct are free to do so, but those who don’t want to talk about Libya can say nothing or stay vague. Nobody’s forced to take a vote that may look bad in retrospect, and nobody in congress needs to take responsibility for the success or failure of the mission. If things work out well in Libya, John McCain will say he presciently urged the White House to act. If things work out poorly in Libya, McCain will say he consistently criticized the White House’s fecklessness. Nobody needs to face a binary “I endorse what Obama’s doing / I oppose what Obama’s doing” choice. And, while I don’t claim any gift for prescience, I think I got it pretty much right here: As for what will happen with regard to Libya, I think that’s pretty easy to figure out. Congress will do nothing. With American forces committed abroad, and the increasing possibility that ground troops may be necessary at some point, no Congress is going to step in and tel the President he can’t do this, no matter how much they believe that to be the case. The problem is what this means for the future. Once again, Congress has abdicated in the face of a Presidential power grab and that means that, in the future, this President and his successors will feel much more free to act without considering either the desires, or the existence, of Congress. One day, maybe Congress will wake up and realize what’s happened, and when they do they will only need to look in the mirror to find the party responsible for this disaster.

#### Lack of intelligence prevents effective checks – plan can’t overcome institutional barriers

**Kennedy, 10** – Robert, Professor at the Sam Nunn School of International Affairs, Georgia Institute of Technology(*The Road to War*, Praeger Security International, 127-129 //Red)

First, the information needed for effective decision making is often difficult to acquire. President George W. Bush was even more aggressive than Clinton in keeping information out of legislative hands.6a While his administration formally claimed executive privilege only six times,5s it employed **many of the techniques to keep information from Congress** that his father had employed so successfully. **Aware that members of Congress could challenge his preferred policies**, **limiting information often permitted the president** and senior members of his administration **to define the issues and limit congressional scrutiny** and debate. When members of Congress requested information in the form of documents or testimony, frequently administration officials declared their willingness to comply and subsequently frustrated congressional efforts by either delaying delivery, excising content, or both, or refusing to testify. **Such tactics often are highly successful** when a Congress is in the hands of the president's party, as was the case as the decision to attack Iraq was looming. Second, when information is denied congressional committees, if they deem the information critical to their decision-making processes, they can issue a subpoena to acquire the information. However, in the highly politicized and partisan environment that characterized much of Bush's tenure, it is not surprising that congressional subpoenas of administration officials or threats or citations for contempt **were unlikely.** Only the chairman, vice chairman, or member designated by the chairman of the Senate intelligence committee can issues subpoenas.6s House intelligence committee subpoenas can be issued by the chairman of the full committee in consultation, but consultation only with the ranking minority member, or by vote of the committee.6T To take the further step and declare a person in contempt, both committees require a majority decision of committee members to forward the request to their respective houses, which in turn requires a **majority decision in those chambers.** **Such procedures make the use of Congress's subpoena or contempt powers difficult.** This is particularly true when the chamber concerned is in the hands of the party that occupies the White House, which was the case as war approached. Of course **the problem is not peculiar to one party**. However, as former Congressman Mickey Edwards argued, demanding that the executive branch comply with legitimate congressional requests for information is not just "the obligation only of the party that opposes the policies of the President in power." It is the obligation of every congressman. Members are not sitting in Congress as a representative of their party or as a representative of the President of the United States. They are in Congress with "certain constitutional obligations." "It is not supposed to be the opposition party that holds a President accountable, it is supposed to be the opposition institution of government."6s Edwards went on to note: I think what's happened is that **too many members of Congress have allowed their party interests**.. . [**to dominate**], believing that if the president were to have political difficulties it would hurt the party and hurt them and so forth. They have allowed their political and party interests and, quote, "loyalty to the president". .. to **trump their institutional obligations**. . . .6e Finally, as we have seen over time, **Congress has grown accustomed to deferring to the president** on foreign policy and national security. As a consequence, congressional intelligence committees spend much of their time diligently working on intelligence community authorizations, examining their budgets, investigating accusations of intelligence community wrongdoing, and challenging the executive on intelligence efforts that might be contrary to the law. Though the Senate Select Committee on Intelligence is principally tasked to "make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation"7o and its House counterpart is tasked to receive all intelligence from U.S. intelligence agencies, evidence suggests these committees spend relatively little time ensuring that the quality of the intelligence product meets the demands of effective decision making. **This is apparently largely left to the executive branch.** Had the congressional intelligence committees been dutifully fulfilling their statutory mandate, carefully probing the intelligence community on the evidence they possessed that might substantiate the Bush administration contentions, they would have been aware of such deficiencies even before the National Intelligence Estimate was made available to Congress in October 20A2, more than a week before both houses of Congress voted in favor of the Iraq War Resolution. Moreover, once the estimate was made available to members of Congress, few members ever read it. According to one report, no more than six Senators and a handful of representatives read beyond the five-page executive summary.Tl Had they done so they would have found ample evidence that the facile conclusions were supported at best by extremely weak intelligence. They also would have better understood exceptions taken to the overall conclusions by many, including intelligence officials from the departments of State and Energy, and perhaps come to realize that the entire executive branch case for going to war based on Iraq's possession of weapons of mass destruction was built on a house of cards. As a result, they would have been in a better position to inform their colleagues in both houses before the decision was made on whether to authorize the president to go to war. However as one senior intelligence committee member put it to me during an interview, "I don't think most members [of Congress], including myself, doubted the conclusions [of the Intelligence Estimate] that Saddam Hussein had weapons of mass destruction....I believed he had weapons of mass destruction. I didn't feel the need to challenge that conclusion."T2 The failure of Congress to probe the quality of the intelligence/ in many cases to take time to read the National Intelligence Estimate or even, in some cases, to read the executive summary, may have been driven by a variety of factors-**workload, politics, or deference** to the executive branch in the area of foreign policy and security. Whatever the excuse in any individual case may have been, it has led to an appalling loss of lives, heavily taxed the American economy, polarized the nation, caused severe damage to America's reputation abroad, and perhaps even undermined rather than strengthened American security. It is clear that for Congress as a whole and for the congressional committees charged with intelligence oversight, there has been an **abdication of responsibility.**

#### Enforcement isn't self-executing—it requires continual affirmation by Congress

**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. 189-190)

In review, five observations about the sixty-day clock emerge. First, most debates about the war power start with the Constitution, pass through the statutory prism of the War Powers Resolution, and eventually circle back to constitutional theory. The war power debate is irresolvable. For each enumerated presidential authority there is as well a congressional authority. Moreover, each political branch has an inherent incentive to assert the broadest possible authority (in the case of the president to act unilaterally) and to eschew legal concessions, out of concern that policy “precedent” will in some manner serve as future concession in a different context. Further, presidents will do what they believe necessary in the interest of national security. Therefore, presidents and their lawyers unsure of what the future may bring will rarely, if ever, concede a limit to the president’s authority to act in military defense of national security. This will surely remain so in the context of a threat of WMD attack by terrorists or irresponsible nuclear weapon states. Nor is there controlling constitutional case law. For reasons discussed in Chapter 4 courts are hesitant to answer abstract constitutional questions, and where individual rights are concerned usually limit their rulings to narrow constructs. Neither political branch is likely to seek litigation that would result in a definitive statement of constitutional law. For each branch, lack of clarity is preferred to a definitive, but unfavorable ruling. As importantly, as a general matter, neither branch is prepared to defer to the courts on issues of war and peace, which are indeed in practical terms if not in law quintessentially political questions. That being said, case law does instruct regarding the constitutional framework. Youngstown in particular offers two timeless lessons. As the paradigm states, where the president acts pursuant to congressional authority, he acts at the maximum of authority, combining his authority with that the Congress can expressly or implicitly delegate. Similarly, where the president acts in the face of congressional opposition he acts at the nadir of his authority. This is an intuitive truism, but it is a constitutional principle that can be lost in the heat of constitutional combat. Thus, even where the president may (rightly) argue that he does not need legislative authorization (as executive lawyers are invariably prepared to argue based on the theories presented above), he may nonetheless benefit from its existence. A president that acts pursuant to Justice Jackson’s first category will have flexibility to act in unintended ways and is more likely to sustain public support in the face of setbacks and casualties. In the case of a sustained conflict, or a failed conflict, the assent of both political branches adds legitimacy to military action. These policy benefits, of course, must be weighed against the risk of seeking, but not receiving, congressional authorization and thus confronting a situation where the president is operating at the ebb of his authority rather than in the twilight of a Youngstown category two where Congress is silent (or more likely votes to support the troops, but not the president’s policy). Moreover, as a matter of policy, such a category three circumstance may have the same practical effect as a funding cut-off by making the use of military force politically untenable. Second, in practice the congressional war power is not self-executing. In contrast, the president has an affirmative responsibility as commander in chief to defend the country and to conduct foreign affairs. Thus events will compel presidential response; Congress’s authority must be affirmatively exercised. Again to Justice Jackson, “We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.”28 That is what the 93rd Congress sought to accomplish with passage of the War Powers Resolution, and its theoretically self-executing clock. Third, a broad reading of presidential authority is not a modern response to world war, cold war, the nuclear age, or potential WMD terrorism. Recent assertions of authority represent a continuum of precedent with the past. What has changed is the operational means of attack and defense, not the constitutional practice. In this sense, the naval wars of the eighteenth and early nineteenth centuries might parallel the use of air power in support of U.S. interests in later centuries. The WPR itself recognizes that the president has independent authority to use force for certain purposes, including in cases of armed attack. Moreover, whatever the president’s authority is, even in the view of the 93rd Congress, this authority must exist for at least sixty days, for the Resolution states that it “shall not be construed as granting the president authority he would not have had in the absence of this joint resolution.” Fourth, the War Powers Resolution seeks to delimit what the Constitution has left unanswered, and do so in a quantitative manner, for which there is no textual support. Thus, while the Congress clearly possesses “war power,” found for example, in the appropriations power, as well as the textually exclusive authority to “declare war,” nowhere is there a temporal delimitation to these terms. Moreover, in the context of the founders’ time, a sixty-day limitation on the president’s exercise of a shared, or unilateral executive authority, would have been absurd, for any act of projecting U.S. military force beyond U.S. borders, that is, by sea, would necessarily have taken more than sixty days to accomplish. Finally, even if the Resolution’s clock is constitutional in some natural law sense, the Resolution will never control the constitutional outcome, unless the president applies it himself. But the executive branch has not felt bound by the sixty-day clock, either as a matter of law or policy. That will surely not change in the face of a WMD terrorist threat and the advent of new and unstable nuclear powers. As Justice Jackson observed, presidential advisors may not be able (or willing) to define the scope of the president’s powers as commander in chief, but they certainly “would not waive or narrow it by nonassertion.” Presidents, who bear the burden and singular responsibility to protect the United States, feel the same way. In the absence of the president applying the Resolution’s sixty-day limitation, members of Congress seeking to enforce the Resolution in court would have to obtain standing. That is unlikely to happen, as a matter of substance or process. Courts have consistently held that for members to achieve legislative standing to sue the executive they must demonstrate that their votes had been “completely nullified” and that they lacked political recourse.29 Moreover, if Congress has the political will to obtain standing, it should also have the political capacity to effect its constitutional will directly, rather than through litigation. (Arguably a majority in one house might obtain standing; however, the same majority might then assert its will through exercise of the spending power.) In short, one can imagine that a political check on the president’s use of his war power might apply before application of a judicially imposed War Powers Resolution timeline. The argument is succinctly summarized in the D.C. Circuit’s opinion in Campbell. Appellants fail because they continued, after the votes, to enjoy ample legislative power to have stopped prosecution of the ‘war.’ In this case, Congress certainly could have passed a law forbidding the use of U.S. forces in the Yugoslav campaign; indeed, there was a measure . . . [but] it was defeated. Of course, Congress always retains appropriations authority and could have cut off funds for the American role in the conflict. Again there was an effort to do so but it failed; appropriations were authorized.30

### at: power of the purse

#### Congressional power of purse can never check – president can always find funds

Barron, 8

David J. Barron & Martin S. Lederman, Professor of Law, Harvard Law School, Visiting Professor of Law, Georgetown University Law Center, Harvard Law Review, January, 2008

3. The Power of the Purse Ensures that Congress Is Always Supreme. - One variant of the congressional supremacy argument is much more clause-specific. It contends that, whether or not Congress may directly restrict a particular executive power, the question is academic because the legislature can use its powers of the purse to prohibit the expenditure of federal funds for a disfavored military function. The Appropriations Clause, n153 it is said, establishes an absolute barrier to the President's expenditure of funds in violation of a statutory limitation on such expenditures. n154 But this argument rests on an undefended assumption. Even though Congress has very broad Article I powers to place conditions on the expenditure of funds, n155 and even though the Framers viewed the "power of the purse" as a very important "bulwark" against "Executive usurpations," n156 Congress's own obligation to respect the constitutional powers of other branches precludes it from using spending conditions to effect limitations that other provisions of the Constitution would prohibit Congress from imposing directly. Accordingly, as even some pro-legislative scholars have acknowledged, there is no obvious reason to think Congress can use its spending powers to violate limits that might derive from the Commander in Chief Clause, any more than it may use its powers of the purse to violate the First Amendment, the Bill of Attainder Clause, n157 or the Due Process Clause, to require a court to decide a case in a certain way, or to prohibit the President from issuing a particular pardon. n158 Certainly no one believes the [\*740] appropriations power can be used, in effect, to permit Congress to supplant the President with the Secretary of Defense as the chief military commander. Thus, the Appropriations Clause does not explain which expenditure conditions on presidential wartime powers are constitutionally permissible and which are not. n159 It is sometimes said that, regardless of the constitutionality of particular spending restrictions, Congress holds the trump card as a matter of de facto power because it can simply decline to provide the needed funds. To be sure, if there literally were no funds in the treasury, because Congress had not appropriated them, then the federal government could not pay the bills required to run a war. But the treasury will never literally be empty even if Congress has enacted restrictions on expenditures for certain purposes. All that will stand between the President and the available funds is a legal provision set forth in an appropriations bill. Thus, if the President concludes that the spending restriction is unconstitutional, the money the President needs to continue the military operation will literally be available. The question remains, therefore, whether the President is constitutionally justified in disregarding the restriction.

## 1nr

### AT: add on

#### No escalation—executives will be responsible

**Weiner 2007**

Michael Anthony, J.D. Candidate, Vanderbilt School of Law, 2007, “A Paper Tiger with Bite: A Defense of the War Powers Resolution,” http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf

IV. CONCLUSION: THE EXONERATED WPR AND THE WOLF IN SHEEP'S CLOTHING The WPR is an effective piece of war powers legislation. As Part III made clear, no presidential unilateral use of force since 1973 has developed into a conflict that in any way resembles the WPR's impetus, Vietnam. Rather, the great majority of these conflicts have been characterized by their brevity, safety, and downright success. Yes, there have been tragic outcomes in Lebanon and Somalia; but what happened in response to those tragedies? In Lebanon, President Reagan actually submitted to being Congress's "messengerboy," 203 asking for its permission, per the WPR, to continue the operation. And in Somalia, at the first sight of a looming disaster, it was President Clinton who cut short the operation. Thus, from 1973 on, it is easy to argue that sitting Executives have made responsible use of their power to act unilaterally in the foreign affairs realm. The WPR has even contributed to a congressional resurgence in the foreign affairs arena. In many of these conflicts, we have seen Congress conducting numerous votes on whether and how it should respond to a unilaterally warring Executive. In some of the conflicts, Congress has come close to invoking the WPR against rather impetuous Executives. 20 4 In Lebanon, Congress actually succeeded in the task.20 5 It is this Note's contention, though, that even when Congress failed to legally invoke the WPR, these votes had normative effects on the Executives in power. Such votes demonstrate that Congress desires to be, and will try to be, a player in foreign affairs decisions. So, perhaps the enactment of the WPR, the rise of Congress (at least in the normative sense) and the successful string of unilateral presidential uses of force are just a series of coincidences. This Note, however, with common sense as its companion, contends that they are not. Rather, it is self-evident that the WPR has played a significant role in improving the implementation of presidential unilateral uses of force.

### Deterrence High

#### ICBMs solve

**Turner ‘3** (Stansfield, Retired US Navy Admiral and former Dir. CIA and Commander-in-Chief of NATO’s Southern Flank, Naval War College Review, “Is the U.S. Navy being marginalized?” 56:3, Proquest)

Strategic Deterrence. At the peak we had forty-one strategic ballistic missile submarines (SSBNs). We are now approaching eighteen and probably going to ten. In part that is true because of the demise of the Soviet Union. It is also in part because we are beginning to recognize that the prime virtue of the SSBN, its invulnerability, has never been as important as many of us who have written on this subject have contended. This change of mind results from a realization that the threat of even only a few retaliatory nuclear detonations is sufficient to deter anyone. That is because any would-be nuclear aggressor must assume the worst, which is that we would retaliate by attacking his cities. Would the Russians or even the Chinese, let alone ourselves, be willing to lose ten, or five, or even two major cities in the name of initiating and "winning" a nuclear war? Thus, even if we had only the more vulnerable intercontinental ballistic missiles (ICBMs) and no SSBNs at all in our nuclear arsenal, we would still have an adequate strategic deterrent. That would be the case even were some other nuclear power to acquire many more nuclear weapons than we. No such power could assume that any preemptive first strike it undertook would be 100 percent successful-that is, that there would be no nuclear retaliation. There would always be errors of targeting, missiles that failed entirely, missiles that were inaccurate, and human errors in execution. It all adds up to what Clausewitz described as "friction" in war. So a U.S. strategic nuclear deterrent with only ICBMs should suffice. Thus, the Navy's role in this area is going to be looked at more critically, and this mission of the Navy will be seen as less critical to the country than it once was.

### uniqueness cp

#### The CP makes negotiations credible – it combines current sticks with credible carrots

**Waddell, 9/30/13** (Kaveh, “Unwinding Sanctions on Iran Is Going to Be Really Hard” National Journal, <http://www.nationaljournal.com/global-security-newswire/unwinding-sanctions-on-iran-is-going-to-be-really-hard-20130930>)

With a 15-minute phone call on Friday, presidents Hassan Rouhani and Barack Obama publicly signaled a readiness to engage after 34 years of venomous rhetoric and diplomatic silence between Iran and the United States. The day before, U.S. Secretary of State John Kerry sat with his Iranian counterpart, Foreign Minister Mohammad Javad Zarif, to discuss Iran’s nuclear program. In return for a deal that would establish enforceable standards to limit Iran’s nuclear capabilities, Iran expects significant sanctions relief. “In the endgame,” Zarif said after the meeting, Iran wants “a total lifting of sanctions.” In an interview with CBS’s 60 Minutes, Kerry affirmed that Iran and the U.S. could reach a deal in the next three to six months -- sooner, even, if Iran is “forthcoming and clear” in its negotiations.

But shifting from the stick of crippling economic sanctions to the carrot of sanctions relief is a complicated and slow process, and it would be challenging for the process to keep up with the pace of a swift rapprochement.

Iran’s economy has been targeted by sanctions since the Islamic Revolution in 1979, and its prolonged separation from the world economy has taken a toll on the country. Today, unemployment is at 20 percent and inflation above 30 percent. A ban on selling aircraft or repair parts to Iran has contributed to 14 crashes and more than 1,000 fatalities in the past 16 years. Medicine is more scarce and more expensive than ever, and basic staples such as fruit, sugar, and poultry have seen their prices triple or quadruple since a renewed round of sanctions in 2012. “These sanctions are violent, pure and simple,” Rouhani said during his speech to the United Nations General Assembly on Wednesday. “It is the common people who are victimized by these sanctions.” Zarif has made it clear that sanctions relief is Iran’s first priority in these negotiations.

But in reality, 34 years of sanctions are very difficult to disentangle. The sanctions have been imposed by a number of actors for a variety of reasons, and peeling back each punitive measure would be a long and involved process. Ali Vaez, senior Iran analyst at the International Crisis Group, identifies multiple waves of U.S.-imposed sanctions with different objectives, each with a separate list of conditions that must be fulfilled before sanctions can legally be lifted. The first wave, from 1979-1995, was designed to punish Iran for supporting regional terrorist groups. The next wave was aimed at Iran’s nuclear program, and it went for the jugular of Iran’s economy: the oil and gas exports that make up 60 percent of the government’s annual revenue. Starting in 2006, the U.S. added human rights violations to the mix with the most aggressive set of sanctions yet, targeting Iran’s central bank and financial sectors.

To gain relief from sanctions aimed at Iran’s support of terrorism, its nuclear program, and its human rights violations, Iran would have to undertake enormous reforms across the board. The Iranian government would have to prove that it has not supported terrorism in the past six months; it would have to release unconditionally all political prisoners in the country, end its human rights violations, and establish an independent judiciary; and it would have to assure the world that its nuclear program is designed only to provide peaceful nuclear energy. These are not changes that anybody expects to see in the short term from the current Iranian government, if ever.

To further complicate matters, the myriad sanctions on the Islamic Republic originate from different actors. The U.S. has always led the charge for economic sanctions, but since 2006, the United Nations and the European Union have also been involved in creating an international sanctions regime. This means that the U.S. would have to coordinate with the international community to provide any meaningful relief.

Even within the U.S., the origin of sanctions laws varies: the current armada of sanctions is made up of 16 executive orders and nine congressional acts. Obama could annul the executive orders easily enough, but to lift the remaining, harder-hitting sanctions, he would have to go to Congress, hat in hand, at a poisonous moment in American executive-legislative relations. Approving sanctions relief would be an uphill battle: Congress’ most recent vote on the matter was in July, when the House of Representatives elected 400-20 to tighten sanctions on further goods and services. Obama has the authority to temporarily waive some sanctions, but the short time frame of a temporary waiver would preclude international investment or reengagement with the Iranian economy because of uncertainty about the long-term status of the sanctions.

Iran’s sudden enthusiasm for negotiation stems from its urgent need for timely, significant changes to the global sanctions regime. But the U.S. lost sight of the power of economic sanctions when it created a regime so inflexible that incentivizing cooperation through sanctions relief became near-impossible. Unless Obama can unite a divided legislature and rally the international community behind his push for diplomacy with Iran, the enormous inertia of the current system risks keeping it largely immobile. And if the U.S. cannot provide the relief that Iran craves, Iran’s motivation to comply with American demands will quickly deteriorate. A stick without a carrot is hardly worth bargaining for.

### iran uniqueness

#### Syria was a win for Obama – even though Congress would have said no, it never got the chance and the perceived threat was credible. This drove Iran to negotiate over nuclear weapons because the Syria deal disavowed regime change as a goal in US policy

**Sorcher, 9/26**/13 – National Security Correspondent for the National Journal (Sara, “U.S. to Despots: Lose Your Weapons, Keep Your Job” National Journal,

<http://www.nationaljournal.com/magazine/u-s-to-despots-lose-your-weapons-keep-your-job-20130926>

President Obama called for military action in Syria and then stood down when strongman Bashar al-Assad promised to give up his chemical weapons. He did not use cruise missiles when Assad crossed his "red line." But this was not a sign of toothlessness telegraphed to Syria's patron, Iran—another state developing weapons of mass destruction—as some Monday-morning quarterbacks insist. Quite the opposite. Obama's narrow goal had always been to remove chemical weapons from the equation. The real message sent by diplomacy with Syria is that Washington is not secretly aiming for regime change. The move says to Tehran: Forgo your nuclear-weapon dreams and, while other unsavory behavior will be condemned, you will be left alone.

"If we get the chemical-weapons deal in Syria, and acknowledge tacitly [that] Assad will remain in power, that is a useful model for Iran," says Jon Wolfsthal, a former National Security Council director for nonproliferation. Of course, the new Iranian president, Hassan Rouhani, was elected with a mandate to solve his nation's economic woes, which is another impetus for negotiation with the West. But Obama helped his case by signaling that "they don't need weapons of mass destruction and nuclear deterrent. And by trading it away, they might get the legitimacy they crave," says Wolfsthal, now deputy director of the James Martin Center for Nonproliferation Studies.

This approach involved difficult policy trade-offs. The Syria deal sparked criticism from defense hawks who believe Obama let Assad escape military punishment for his crimes. Similarly, a deal with Iran may mean ignoring past violations and human-rights abuses. But the United States has often inked deals with rogue nations, prioritizing its national security over punishing bad behavior—with mostly positive results, especially when coupled with economic pressure and the threat of force, both still on the table in Syria and Iran.

In 2003, the U.S. invaded Iraq over its purported possession of weapons of mass destruction. Suddenly, Libya's Muammar el-Qaddafi wanted to rejoin the international community, apparently realizing his own arsenal and clandestine nuclear program were not worth the potential costs. "The U.S. willingness to negotiate sent the same signal the Syria deal did: 'We will not try to overthrow your regime; we're narrowing our demands,' " says Daniel Drezner, a professor at the Fletcher School of Law and Diplomacy at Tufts University. Qaddafi was implicitly allowed to continue his repressive dictatorship, and the model worked until he began slaughtering his own people during the Arab Spring.

Washington turned on him, which could worry rogue nations looking for security by giving up nonconventional arsenals. But realistically, American policymakers aren't exactly jonesing to use military force in support of humanitarian goals, especially in high-stakes countries such as Iran, North Korea, and Syria. "Washington tends to hold its nose and deal with regimes that it finds distasteful if those regimes are willing to abide by agreements that neutralize their most threatening behavior," says Charles Kupchan, a Georgetown University professor and the author of How Enemies Become Friends. War weariness at home also pushes a president to choose deals over principles.

Myanmar is another case in point. The military junta was working to acquire nuclear and missile technology at the same time it was repressing democracy, presenting the U.S. government with a serious proliferation concern, according to Wolfsthal. So when the country wanted its good standing back, Washington traded financial and diplomatic carrots for disarmament and political reform. Myanmar signed the Additional Protocol, the gold standard for nuclear inspections, after a short visit by Obama in 2012, and later the Comprehensive Nuclear Test Ban Treaty. The U.S. could have been a stickler and punished the junta for every illicit activity, but it compromised.

The same strategy can have beneficial results with allies. Some scientists in South Korea were discovered to be enriching uranium in 2000 in violation of the International Atomic Energy Agency safeguards system. Rather than seeking a U.N. Security Council resolution or condemning the country, Washington worked with Seoul to shut down the program. It did.

Military force can be more coercive in getting adversaries to comply when it's still just a threat. Despite Beltway dillydallying, Russia and Syria both appeared to believe that Washington would strike before agreeing to compromise. Bombing would not have stripped Assad of his chemical weapons or even his ability to use them. Similarly, it would not be easy for the U.S. to simply bomb Iran out of the nuke business without risk of retaliation. Even a Syria strike might have forced Iran (which also despises chemical weapons, dating back to the Iran-Iraq war) to abandon its recent outreach toward the United States.

#### Wavering resolve is still resolve – it sent the message that the US might use force but also that the US might be willing to negotiate instead. Bargaining theory suggests that uncertainty about resolve is what drove a settlement.

**Arena, 9/14/13** - Assistant Professor of Political Science at SUNY Buffalo. He specializes in international conflict (Phil, “How Could US Signals of Weakness bring Russia and Syria to the Table?” <http://www.whiteoliphaunt.com/duckofminerva/2013/09/how-could-us-signals-of-weakness-bring-russia-and-syria-to-the-table.html>)

First, communicating resolve brings one bargaining leverage if and only if one is dealing with an information problem stemming from uncertainty about one’s resolve (and the incentive one has to misrepresent such). This should seem obvious, once stated like that, but this isn’t a trivial point. That Putin proposed a deal only after it became clear that nothing more than an “incredibly small” US intervention was forthcoming, if one was at all, is only puzzling if we assume that what kept Putin from pushing Assad to offer concessions up until that point was a belief that the US wasn’t going to use force. That may be the case. I don’t claim to know the mind of Putin or Assad. But it strikes me as perfectly possible that Putin assumed much the opposite. That all talk of enforcing global taboos was mere pretense for a wider war that would end with regime change. After all, the US invoked lofty liberal principles when justifying its intervention in Libya, but rather than simply preventing a massacre, the US ended up playing the role of rebel air force. And when Saddam Hussein finally started to comply fully with UN weapons inspectors, the US showed no interest in negotiating. One can see how Putin might have come to the conclusion that you can’t believe the US when it says “all we want to do is stop this bad thing from happening; we promise we won’t keep bombing the crap out of you until your government falls and one that’s willing to let us write their constitution for them takes over. Pinky-swear.”

In other words, the most relevant obstacle to negotiation, up until very recently, might well have been a belief on behalf of Putin and Assad that the US couldn’t be appeased. That they faced a commitment problem stemming from the inability of the US to credibly promise to leave Assad alone if he ceased using chemical weapons. Once debate within the US made it clear that regime change wasn’t the goal, that the US really doesn’t much care how many innocent people are raped and killed so long as they aren’t gassed, everything changed. The lack of resolve signaled by the US might have served to convince Putin and Assad that the US could be bought off, and relatively cheaply.

#### Iran is taking concrete steps to boost confidence in talks – Rouhani’s credibility to hold off hardliners is key – he needs to win the behind-the-scenes debate

**Eckel, 10/24/13** (Mike, Christian Science Monitor, “Iran halts 20-percent enrichment. Are nuclear talks working?” <http://www.csmonitor.com/World/Security-Watch/2013/1024/Iran-halts-20-percent-enrichment.-Are-nuclear-talks-working-video>)

By most accounts, the negotiations in Geneva over Iran’s nuclear program are going well.

Diplomats have been tight-lipped, but signals sent by Iran and by diplomats from the US and other world powers indicate the sides are finding common ground in the dispute over Iran's nuclear intentions. Tehran insists its program is for research and electricity generation, but the US and others, particularly Israel, are skeptical.

For optimists, a claim Thursday that Iran has halted enrichment of uranium to the critical 20-percent threshold is a sign that 24 years of bile and bluster between Tehran and Washington may be at an end.

A halt to 20 percent enrichment is among the key concessions wanted by the West, and according to The Associated Press, Iran made that offer at last week's talks. (Twenty percent is important because the most challenging part of uranium enrichment happens below that threshold; once you get to 20 percent, it’s relatively easy to enrich up to bomb-grade levels).

Unnamed US officials say talks are going well.

“I have never had such intense, detailed, straightforward, candid conversations with the Iranian delegation before,” said one US negotiator who gave reporters an off-the-record briefing last week.

The loudest voice in the pessimists' camp is Israeli Prime Minister Benjamin Netanyahu, who wants to force the Iranians to give up their fissile material altogether. He insists Iran open up its underground facilities and says the only reason someone would burrow scientific facilities into mountainsides is to protect them from air strikes, a point he reiterated in meetings with US Secretary of State John Kerry on Wednesday.

"They should get rid of the amassed fissile material, and they shouldn't have underground nuclear facilities," Netanyahu was quoted as saying. Mr. Kerry has insisted the US is proceeding with “eyes wide open” when it comes to negotiating with the Iranians, and that “no deal is better than a bad deal.”

There are plenty of trends pointing toward a breakthrough. Economic sanctions appear to be having a serious impact on the Iranian economy (though they may not be as debilitating as some have suggested.) The West succeeded in getting Iran’s closest ally, Syria, to give up its chemical weapons, for instance.

But there are also obstacles. Iran’s recently elected president, Hassan Rouhani, is considered a centrist among Iranian officials and faces growing criticism from hardliners that Mr. Rouhani and the US-educated foreign minister, Mohammad Javad Zarif, are conceding too much to the US.

Though Rouhani was elected, Iran’s political system means that the person who has ultimate authority is Supreme Leader Ayatollah Ali Khamenei, who has been sending mixed signals about the talks. The comment that gave the optimists most hope was Mr. Khamenei call a few weeks back for “heroic flexibility.” But the commentary from conservative publications in Tehran suggests behind-the-scenes debate.

### selective engagement

#### Doesn’t assume selective engagement strategy - the US is pursuing restraint where it combines threats of force with diplomacy instead of adventurism

**Heilbrunn, 11/1/13** – editor of The National Interest (Jacob, The National Interest, Nov/Dec, “The Myth of the New Isolationism” <http://nationalinterest.org/article/the-myth-the-new-isolationism-9268>)

So habituated have America’s media and foreign-affairs elites become to intervening abroad, however, that a chorus of liberal hawks and neoconservatives is decrying what it sees as a resurgence of nasty isolationist sentiments. The New York Times’ Bill Keller, who previously championed the Iraq War, wrote, “America is again in a deep isolationist mood.” After Obama signed off on the agreement with Russia, Richard Cohen fumed in the Washington Post, “Because of Obama’s fecklessness—abetted by a Congress that has turned darkly isolationist—the world is now a less safe place.” And in the Wall Street Journal, the neoconservative columnist Bret Stephens wrote: “The Syria debate is also exposing the isolationist worm eating its way through the GOP apple.”

Actually, it isn’t. Questioning intervention in Syria is not tantamount to a reversion to the most blinkered isolationist sentiments that percolated on both the right and left before Pearl Harbor. Rather, it represents something else—a healthy and sensible and overdue embrace of prudent foreign-policy principles that have, more often than not, been scanted in recent decades.

A GLANCE back at the history of isolationism helps to clarify what is not at stake today. For likening the contemporary controversy over Syria to the one over World War II obscures more than it reveals. Though there were undoubtedly anti-Semitic conservatives on the isolationist side, its adherents, as both Lynne Olson and Susan Dunn show in recent books, ranged across the political spectrum, with such future liberal stalwarts as Kingman Brewster and Sargent Shriver joining the movement. The debate over intervention was not always as irrational as it might seem in retrospect. The burden of proof, given America’s long-standing detachment, was on those who wanted to make the case for intervention. Nor is this all. Though it often tends to be forgotten, the ferocious debate over entering World War II did serve a valuable purpose. Absent that debate Franklin Roosevelt would not have had a unified country behind him as he battled the Germans and Japanese.

The antipathy toward intervention was largely rooted in bitter disappointment with the outcome of World War I, when the punitive Treaty of Versailles flouted the idealistic principles that Woodrow Wilson had enunciated in his Fourteen Points. Instead of ending conflict, the Great War, as it was known, only seemed to prepare the ground for the next one. There was thus vigorous opposition to entry on both the left and right. Many worried that U.S. participation in yet another war would transform the country itself into a dictatorship. As Sidney Hook observed in his memoir Out of Step, Wilson’s own draconian restrictions on civil liberties during World War I, which included the imprisonment of socialist leader Norman Thomas and the passage of the Espionage Act of 1917 that the Obama administration is currently exploiting to silence government whistle-blowers, left a lasting mark:

The recollection of the reign of terror against political dissenters and radical aliens . . . swept the country in the wake of World War I. Members of the Socialist Party, which had heroically resisted giving support to that war, had very vivid memories of the mob action and official lawlessness of those years. Thoroughly exposed and denounced in the twenties and thirties, the terror was fresh in everyone’s memory.

Perhaps the most powerful current running through the isolationist movement was the conviction that World War II simply amounted to another Old World balance-of-power struggle. This was wrong. The realists—whose ranks included Herbert Hoover and the Wall Street Journal editorial page—were unrealistic. They failed to grasp that Hitler was not simply a new version of Kaiser Wilhelm. He was something far more fearsome—a mad tyrant intent on a global war for racial supremacy. After World War II, the isolationist impulse briefly resurfaced in the GOP as Ohio senator Robert Taft—known as “Mr. Republican”—opposed the Marshall Plan, the establishment of NATO and the Korean War. But it became impotent and obsolete once Dwight Eisenhower crushed Taft in the 1952 Republican primaries and won the presidency. Since then isolationism has been a phenomenon confined to figures such as former representative Ron Paul and columnist Patrick J. Buchanan.

Which, in fact, is what it remains. Yes, the Syria debate has created new blocs on both the right and left that are warning about the perils of attacking Syria. But the concerns that they are raising—about the extent of American commitments, about possibly aiding jihadist factions, about a slippery slope—are commonsense ones that should be enunciated before the United States enters any conflict abroad. To call this a retreat from the world amounts to defining isolationism down.

NO DOUBT this territory appears more virgin to the Republicans than to the Democrats. The Democrats were faster off the mark in reconstituting their antiwar faction during the Iraq War. By contrast, the GOP, goaded on by neoconservative thinkers and writers who defected to it en masse during Ronald Reagan’s first run for the Oval Office, successfully depicted many Democrats, from Jimmy Carter onward, as ninety-eight-pound foreign-policy weaklings. In his 1982 novel The Dean’s December, Saul Bellow acutely captured neoconservative disquiet with liberals: “We are used to peace and plenty, we are for everything nice and against cruelty, wickedness, craftiness, monstrousness. . . . Our outlook requires the assumption that each of us is at heart trustworthy, each of us is naturally decent and wills the good.” After 9/11, the neocons achieved suzerainty over Republican foreign-policy debate during the George W. Bush administration, and it has not been successfully dislodged since then. But as the Republican Party reinvents itself, the neocons may be the ones who find themselves in the minority. The Syria debate, along with the brouhaha between leading Republicans such as New Jersey governor Chris Christie and Senator Rand Paul over the National Security Agency’s spying efforts, indicates that the old consensus in the GOP isn’t just fraying. It’s cracking.

A new generation of leaders is emerging in the Senate. Gone is neoconservative stalwart former senator Joseph Lieberman, who is now huddled together with former senator Jon Kyl at the American Enterprise Institute, where the two issue regular pronunciamentos lamenting America’s purported retreat from the international stage. Senators John McCain and Lindsey Graham have been upstaged by the likes of Senators Rand Paul and Ted Cruz, both of whom opposed the Syria venture (though the latter has adopted a very hard line on Iran). Paul has distanced himself from his father’s views—“there are definite differences,” in his words—and hailed the containment strategy and realist wisdom of George F. Kennan in a February speech at the Heritage Foundation. Among the Democrats, liberal hawks such as Kerry, Ambassador to the United Nations Samantha Power and National Security Adviser Susan Rice seem to have believed that a second Obama term would permit them to embark upon a new crusade for international norms abroad.

They were mistaken. Public opinion does not back such norms, and Americans will not support going to war for the Kennedy School. The proponents of war often act as though military force is the only tool that America can employ. “The inescapable truth is that only the United States can play cop,” says Richard Cohen. “We have the wherewithal. A further inescapable truth is that evil exists and needs to be fought.” This is dangerously solipsistic, the kind of thinking that imputes a unique moral virtue to the United States. It rests on the easy assumption that good intentions are enough to effect even better results. Yet a right to protect does not always mean that the United States is protecting righteously.

Diplomacy, a thriving economy, a vibrant culture—these, too, are powerful (and neglected) tools for spreading the American credo. The framework agreement struck by Kerry and Russian foreign minister Sergei Lavrov on verifying and dismantling Syrian stockpiles of chemical weapons could serve as the basis for a broader rapprochement between Moscow and Washington. Obama’s support for talks with Iran also represents engagement, not isolation. Republicans would do well to recall that past presidents such as George H. W. Bush and advisers like Henry Kissinger united diplomacy and force to exercise American leadership abroad. By contrast, if the United States were to apply the unilateralist prescription of the hawks for remedying the world’s ills consistently, then their fear of isolation would become a self-fulfilling prophecy. Which is another way of saying that it isn’t those counseling restraint that are imperiling America’s engagement with the rest of the world, but, rather, those with a proclivity for recommending a militarized form of confrontation, whenever and wherever possible.

#### It doesn’t assume the Syria deal, which had the same effect as their turn – proves the current deal solves and boosts credibility

**Miller, 9/16/13** - vice president for new initiatives and a distinguished scholar at the Woodrow Wilson International Center for Scholars (Aaron, “The Tally”, <http://www.foreignpolicy.com/articles/2013/09/16/the_tally_winners_and_losers_syria?page=full>)

In the wake of this deal, will the president and his activist secretary of state be viewed as strategic geniuses, exquisite masters of the calibration of force and diplomacy? I don't think so. It's too late for that. Too many twists and turns, ups and downs, false starts and stops, and inconsistencies in language and tactics. But there's no doubt that the two are looking much better now than they have since the crisis began. After all, it was the president's willingness (however reluctantly) to put force on the table and his pivot to Congress (however weak it made him appear, particularly when he didn't have the votes) that opened up the space for Putin's seizing on an idea that had been raised before.

Let's also remember that the Syrian crisis has been a dog's lunch for the president from the get-go. Until now, Obama had three options on Syria, all of them bad: do nothing in the face of the largest single use of chemical weapons against civilians since Saddam Hussein used them against the Kurds; develop a comprehensive military strategy, including arming the rebels with serious weapons; or take the middle road of a limited strike. Now, the president has a fourth option: avoid military action and maybe get Assad's chemical weapons offline, weaken him, and perhaps, in cooperation with the Russians, initiate a broader process to end the civil war.

What's more, even if the follow-up proves fantastical, the new framework will be welcomed by the American public and by Congress, more so than a limited strike. If the administration doesn't try to oversell the deal or portray themselves as a bunch of Talleyrands, Gladstones, and Metternichs, it could get out of this crisis without any more damage to its image -- which has suffered from the Keystone Cops-style handling of the situation -- and with a fair share of the credit, too.

(5) Iran

For Iran, a diplomatic solution to the chemical weapons crisis is far preferable to a military strike. Whether or not congressional opposition to U.S. military action in Syria will encourage Iran to believe that Obama won't act against its nuclear program is impossible to say. But Tehran -- which is no fan of chemical weapons, given Iraq's use of gas against Iranians during the Iran-Iraq war -- has done much to preserve the military balance on the ground in Assad's favor. A political deal keeps their man in Damascus in power. Also, like the Russians, Iran probably fears the impact of repeated strikes. Once the glass ceiling on military action is broken, the pressure, and even expectations, for U.S. action might rise. For now, that's no longer a concern.