## t stuff

### 1nc

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

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

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

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

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

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

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

### In

#### Into means entry

Meriam Webster 13, http://www.merriam-webster.com/dictionary/into

Full Definition of INTO

1—used as a function word to indicate entry, introduction, insertion, superposition, or inclusion <came into the house> <enter into an alliance>

### Healy

#### The soldier who presses the button to launch the nuke isn’t in hostilities --- NDAA proves

Healey & Wilson 13 – Jason Healey is the director of the Cyber Statecraft Initiative at the Atlantic Council. AND\*\*\* A.J. Wilson is a visiting fellow at the

Atlantic Council, 2013, “Cyber Conflict and the War Powers

Resolution: Congressional Oversight

of Hostilities in the Fifth Domain,” jnslp.com/wp-content/uploads/2010/08/11\_Dycus.pdf‎

War Powers and Offensive Cyber Operations¶ In a report submitted to Congress in November 2011, pursuant to a mandate in section 934 of the National Defense Authorization Act for fiscal year 2011, the Pentagon, quoting the WPR’s operative language, stated that:8 **Cyber operations might not include the introduction of armed forces personnel into the area of hostilities.** Cyber operations may, however, be a component of larger operations that could trigger notification and reporting in accordance with the War Powers Resolution. The Department will continue to assess each of its actions in cyberspace to determine when the requirements of the War Powers Resolution may apply to those actions. With the focus on “personnel,” this passage makes clear that the WPR will typically not apply to exclusively cyber conflicts. With cyber warriors executing such operations from centers inside the United States, such as the CYBERCOM facility at Fort Meade, Maryland, at a significant distance from the systems they are attacking and well out of harm’s way. Thus, there is no relevant “introduction” of armed forces. Without such an “introduction,” even the reporting requirements are not triggered. ¶ The view that there can be no introduction of forces into cyberspace **follows naturally from the administration’s argument that the purpose of the WPR is simply to keep US service personnel out of harm’s way** unless authorized by Congress. If devastating unmanned missions do not fall under the scope of the resolution, it is reasonable to argue that a conflict conducted in cyberspace does not either.¶ Arguing the point, an administration lawyer might ask, rhetorically, what exactly do cyber operations “introduce”? On a literal, physical level, electrical currents are redirected; but nothing is physically added to—nor, for that matter, taken away from—the hostile system. To detect any “introduction” at all, we must descend into metaphor; and even there, all that is really introduced is lines of code, packets of data: in other words, information. At most, this information constitutes the cyber equivalent of a weapon. “Armed forces,” by contrast, consist traditionally of weapons plus the flesh and blood personnel who wield them. And that brings us back to our cyber-soldier who, without leaving leafy Maryland, can choreograph electrons in Chongqing. Finally, even if armed forces are being introduced, there are no relevant “hostilities” for the same reason: no boots on the ground, no active exchanges of fire, and no body bags.

### Opderbeck

#### Hostilities implies units of US armed forces engaged in an active exchange of fire with opposing units --- weapons systems don’t count

David W. Opderbeck 13, Professor of Law, Seton Hall University School of Law, 8/2/13, “Drone Courts,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2305315

The WPR does not indicate that Congress has any authority to oversee or control the President’s deployment of armed forces in circumstances other than those involving actual or immanent “hostilities.” Recently the Obama administration has interpreted what “hostilities” means in this context very narrowly in connection with U.S. military involvement in the revolution that overthrew Libyan leader Mohammar Quadaffi.176 As Harold Koh, Legal Advisor to the Department of State, testified before the Senate Committee on Foreign Relations in 2011, “as virtually every lawyer recognizes, the operative term, ‘hostilities,’ is an ambiguous standard, which is nowhere defined in the statute.”177 Koh further noted that “[a]pplication of these provisions often generates difficult issues of interpretation that must be addressed in light of a long history of military actions abroad, without guidance from the courts, involving a Resolution passed by a Congress that could not have envisioned many of the operations in which the United States has since become engaged.”178

In light of these ambiguities, Koh testified, the Executive branch, in league with Congress, has engaged in casuistic efforts to determine when a particular situation does or does not involve “hostilities.”179 Koh noted that a particularly influential effort to frame principles for application was developed in 1975 by his predecessor Monroe Leigh and Defense Department General Counsel Martin Hoffmann, in a letter that has become canonical in this context.180 The Leigh-Hoffmann letter states that “hostilities” implies “a situation in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces.”181 As Koh interpreted the Leigh-Hoffman letter, if the mission, exposure of U.S. forces, and risk of elevation are each limited, the military forces are not engaged in “hostilities.”182 Koh therefore argued that the involvement of U.S. forces in airstrikes against Quaddafi’s forces did not constitute “hostilities.”

If the practice of previous administrations supplies guiding precedent, Koh’s argument was sound. As Koh noted, the WPR’s requirements for “hostilities” were not invoked for military operations in Grenada, Lebanon, El Salvador, Iraq (Operation Desert Storm), Kosovo, or Somalia.183 It seems that the use of combat drones for targeted strikes also would not ordinarily constitute “hostilities,” since there is usually no “exchange of fire” under such circumstances.

### Lobel

#### Restrictions on war powers could include restrictions on any weapons system – nuclear weapons, land mine bans, cluster bombs, chemical weapons – it’s why we need a ‘human’ limit

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf>)

The third theory—based on the distinction between general rules and specific tactics—also has surface appeal, but is unworkable when applied to specific issues because the line between policy and tactic is too amorphous and hazy to be useful in real world situations. For example, how does one decide whether the use of waterboarding as a technique of interrogation is a policy or specific tactic? Even if it is arguably a specific tactic, Congress could certainly prohibit that tactic as antithetical to a policy prohibiting cruel and inhumane treatment. So too, President Bush’s surge strategy in Iraq could be viewed as a tactic to promote a more stable Iraq, or as a general policy which Congress should be able to limit through use of its funding power. Congress can limit tactical decisions to use particular weapons such as chemical weapons, nuclear weapons, or cluster bombs by forbidding the production or use of such weapons, or simply refusing to fund them.42 Congress could also, however, enact more limited and specific restrictions to prohibit the use of nuclear weapons or land mines in a particular conflict or even a particular theater of war. Indeed, most specific tactics could be permitted or prohibited by a rule. In short, the distinctions between strategies and tactics, rules and detailed instructions, or policies and tactics are simply labels which are virtually indistinguishable. Labeling an activity with one of these terms is largely a distinction without a difference. Accordingly, these labels are not helpful to the real problem of determining the respective powers of Congress and the President.43

### Taylor

#### Broad interpretations cause unmanageable research burdens

Taylor III, now a JD from William and Mary, 2005

(Jarred, “Searching for a More Perfect Union,” https://docs.google.com/document/d/1ypiOXjRVPWzNxDsFVJ0S1n-QfIGtXzp7Y59meEwd-bE/edit?hl=en\_US)

**It would take even the most seasoned scholar years of research and hundreds of pages to** adequately **analyze** the development of **any presidential power** over the course of American history; **war power is** certainly **no exception**. Every President since George Washington has interpreted the martial prerogatives of his office in different ways, and most have set some sort of precedent for succeeding officeholders. Nevertheless, some of the major changes in executive military power bear highlighting.

### Lorber (2)

#### Ground – troops are the true controversy:

Lorber, JD University of Pennsylvania, January 2013

(Eric, “Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?” 15 U. Pa. J. Const. L. 961, Lexis)

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

### USstratcom

#### Topic coherence – if their interpretation is correct, then including ‘offensive cyber operations’ in the topic would be redundant and unnecessary, since cyber command falls under the uniformed services – this means their interpretation isn’t predictable

**USSTRATCOM, 13** (“U.S. Cyber Command” current as of August, http://www.stratcom.mil/factsheets/Cyber\_Command/)

USCYBERCOM is a sub-unified command subordinate to U. S. Strategic Command (USSTRATCOM). Service elements include: Army Cyber Command (ARCYBER); Air Forces Cyber (AFCYBER); Fleet Cyber Command (FLTCYBERCOM); and Marine Forces Cyber Command (MARFORCYBER). The Command is also standing up dedicated Cyber Mission Teams to accomplish the three elements of our mission.

### Farlex/US Code

#### USAF = regular components of DOD

Farlex 13 The Free Dictionary By Farlex, “United States Armed Forces,” Accessed 7-23, http://www.thefreedictionary.com/United+States+Armed+Forces

Used to denote collectively only the regular components of the Army, Navy, Air Force, Marine Corps, and Coast Guard. See also Armed Forces of the United States.

#### US Code excludes weapons from the air force

US Code No Date – "10 USC § 8062 - Policy; composition; aircraft authorization" www.law.cornell.edu/uscode/text/10/8062

(a) It is the intent of Congress to provide an Air Force that is capable, in conjunction with the other armed forces, of—¶ (1) preserving the peace and security, and providing for the defense, of the United States, the Commonwealths and possessions, and any areas occupied by the United States;¶ (2) supporting the national policies;¶ (3) implementing the national objectives; and¶ (4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.¶ (b) There is a United States Air Force within the Department of the Air Force.¶ (c) In general, the Air Force includes aviation forces both combat and service not otherwise assigned. It shall be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations. It is responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.¶ (d) The Air Force consists of—¶ (1) **the Regular Air Force, the Air National Guard of the United States, the Air National Guard while in the service of the United States, and the Air Force Reserve;**¶ (2) all persons appointed or enlisted in, or conscripted into, the Air Force without component; and¶ (3) all Air Force units and other Air Force organizations, with their installations and supporting and auxiliary combat, training, administrative, and logistic elements; and all members of the Air Force, including those not assigned to units; necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency.¶ (e) Subject to subsection (f) of this section, chapter 831 of this title, and the strength authorized by law pursuant to section 115 of this title, the authorized strength of the Air Force is 70 Regular Air Force groups and such separate Regular Air Force squadrons, reserve groups, and supporting and auxiliary regular and reserve units as required.¶ (f) There are authorized for the Air Force 24,000 serviceable aircraft or 225,000 airframe tons of serviceable aircraft, whichever the Secretary of the Air Force considers appropriate to carry out this section. **This subsection does not apply to guided missiles.**¶ (g)¶ (1) Effective October 1, 2011, the Secretary of the Air Force shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 301 aircraft. Effective on the date that is 45 days after the date on which the report under section 141(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 is submitted to the congressional defense committees, the Secretary shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 275 aircraft.¶ (2) In this subsection:¶ (A) The term “strategic airlift aircraft” means an aircraft—¶ (i) that has a cargo capacity of at least 150,000 pounds; and¶ (ii) that is capable of transporting outsized cargo an unrefueled range of at least 2,400 nautical miles.¶ (B) The term “outsized cargo” means any single item of equipment that exceeds 1,090 inches in length, 117 inches in width, or 105 inches in height.¶ (h)¶ (1) Beginning October 1, 2011, the Secretary of the Air Force may not retire more than six B–1 aircraft.¶ (2) The Secretary shall maintain in a common capability configuration not less than 36 B–1 aircraft as combat-coded aircraft.¶ (3) In this subsection, the term “combat-coded aircraft” means aircraft assigned to meet the primary.

### Friedman

#### Here is evidence for that

**Friedman, 99 –** US District Court Judge (TOM CAMPBELL, et al., Plaintiffs, v. WILLIAM JEFFERSON CLINTON, President of the United States, Defendant. Civil Action No. 99-1072 (PLF) UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA 52 F. Supp. 2d 34; 1999 U.S. Dist. LEXIS 8630 June 8, 1999, Decided, lexis)

Finally, the War Powers Resolution explicitly provides that authority to introduce forces into hostilities shall not be inferred "from any provision of law . . . including any provision contained in any appropriations Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]," or "from any treaty . . . unless such [\*\*6] treaty is implemented by legislation specifically authorizing the introduction of United States [\*37] Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]." 50 U.S.C. § 1547(a) (emphasis added).

### Ravens Hansen

#### Here is a nuclear specific card that there was a specific amendment during the war powers debate, and it was rejected in the WPR – it was intended to exclude nuclear weapons from that particular phrase

Peter Raven-Hansen October 1989; Professor of Law, George Washington University National Law Center “SPECIAL ISSUE: THE UNITED STATES CONSTITUTION IN ITS THIRD CENTURY: FOREIGN AFFAIRS: DISTRIBUTION OF CONSTITUTIONAL AUTHORITY: NUCLEAR WAR POWERS” The American Society of International Law, American Journal of International Law 83 A.J.I.L. 786; Lexis Nexis Academic

The statutory argument against delegation rests on the War Powers Resolution. Section 8(a)(1) of the Resolution provides that authorization for the introduction of U.S. armed forces into hostilitiesshall not be inferred from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes [such introduction] and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution. n35 Congress has never specifically delegated nuclear war power to the President. How specific that delegation would have to be to satisfy this provision of the Resolution is unclear. The Court has long applied a canon of liberal statutory construction to legislation affecting the war powers, n36 and it has declined "to require the Congress to employ magical passwords" to satisfy the same kind of rule of construction in the Administrative Procedure Act. n37 It would not make sense, moreover, to require appropriations acts or other legislation predating the Resolution to contain "magical passwords" acknowledging an intent to authorize military force within the meaning of the Resolution. Nor, in light of its legislative history, is it tenable to argue that the Resolution itself cut off all prior delegations of nuclear war power resting on appropriations. During debate on an early version of the war powers legislation, the Senate overwhelmingly defeated an amendment that would have required "the prior, explicit authorization of Congress" for first use of nuclear weapons. n38 Even Senator Eagleton, a vigorous opponent of presidential claims of independent war power, argued and voted against the amendment, explaining that "[t]his bill is not the proper vehicle for restricting the President's use of weapons previously appropriated by Congress to the executive arsenal. . . ." n39

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### 1nc politics

#### Obama’s pressuring the GOP with a strong display of Presidential strength and staying on message – the GOP will blink

**Dovere, 10/1/13** (Edward, Politico, “Government shutdown: President Obama holds the line”

<http://www.politico.com/story/2013/10/government-shutdown-president-obama-holds-the-line-97646.html?hp=f3>)

President Barack Obama started September in an agonizing, extended display of how little sway he had in Congress. He ended the month with a display of resolve and strength that could redefine his presidency. All it took was a government shutdown. This was less a White House strategy than simply staying in the corner the House GOP had painted them into — to the White House’s surprise, Obama was forced to do what he so rarely has as president: he said no, and he didn’t stop saying no. For two weeks ahead of Monday night’s deadline, Obama and aides rebuffed the efforts to kill Obamacare with the kind of firm, narrow sales pitch they struggled with in three years of trying to convince people the law should exist in the first place. There was no litany of doomsday scenarios that didn’t quite come true, like in the run-up to the fiscal cliff and the sequester. No leaked plans or musings in front of the cameras about Democratic priorities he might sacrifice to score a deal. After five years of what’s often seen as Obama’s desperation to negotiate — to the fury of his liberal base and the frustration of party leaders who argue that he negotiates against himself. Even his signature health care law came with significant compromises in Congress. Instead, over and over and over again, Obama delivered the simple line: Republicans want to repeal a law that was passed and upheld by the Supreme Court — to give people health insurance — or they’ll do something that everyone outside the GOP caucus meetings, including Wall Street bankers, seems to agree would be a ridiculous risk. “If we lock these Americans out of affordable health care for one more year,” Obama said Monday afternoon as he listed examples of people who would enjoy better treatment under Obamacare, “if we sacrifice the health care of millions of Americans — then they’ll fund the government for a couple more months. Does anybody truly believe that we won’t have this fight again in a couple more months? Even at Christmas?” The president and his advisers weren’t expecting this level of Republican melee, a White House official said. Only during Sen. Ted Cruz’s (R-Texas) 21-hour floor speech last week did the realization roll through the West Wing that they wouldn’t be negotiating because they couldn’t figure out anymore whom to negotiate with. And even then, they didn’t believe the shutdown was really going to happen until Saturday night, when the House voted again to strip Obamacare funding. This wasn’t a credible position, Obama said again Monday afternoon, but rather, bowing to “extraneous and controversial demands” which are “all to save face after making some impossible promises to the extreme right wing of their political party.” Obama and aides have said repeatedly that they’re not thinking about the shutdown in terms of political gain, but the situation’s is taking shape for them. Congress’s approval on dealing with the shutdown was at 10 percent even before the shutters started coming down on Monday according to a new CNN/ORC poll, with 69 percent of people saying the House Republicans are acting like “spoiled children.” “The Republicans are making themselves so radioactive that the president and Democrats can win this debate in the court of public opinion” by waiting them out, said Jim Manley, a Democratic strategist and former aide to Senate Majority Leader Harry Reid who has previously been critical of Obama’s tactics. Democratic pollster Stan Greenberg said the Obama White House learned from the 2011 debt ceiling standoff, when it demoralized fellow Democrats, deflated Obama’s approval ratings and got nothing substantive from the negotiations. “They didn’t gain anything from that approach,” Greenberg said. “I think that there’s a lot they learned from what happened the last time they ran up against the debt ceiling.” While the Republicans have been at war with each other, the White House has proceeded calmly — a breakthrough phone call with Iranian President Hassan Rouhani Friday that showed him getting things done (with the conveniently implied juxtaposition that Tehran is easier to negotiate with than the GOP conference), his regular golf game Saturday and a cordial meeting Monday with his old sparring partner Israeli Prime Minister Benjamin Netanyahu. White House press secretary Jay Carney said Monday that the shutdown wasn’t really affecting much of anything. “It’s busy, but it’s always busy here,” Carney said. “It’s busy for most of you covering this White House, any White House. We’re very much focused on making sure that the implementation of the Affordable Care Act continues.” Obama called all four congressional leaders Monday evening — including Boehner, whose staff spent Friday needling reporters to point out that the president hadn’t called for a week. According to both the White House and Boehner’s office, the call was an exchange of well-worn talking points, and changed nothing. Manley advised Obama to make sure people continue to see Boehner and the House Republicans as the problem and not rush into any more negotiations until public outrage forces them to bend. “He may want to do a little outreach, but not until the House drives the country over the cliff,” Manley said Monday, before the shutdown. “Once the House has driven the country over the cliff and failed to fund the government, then it might be time to make a move.” The White House believes Obama will take less than half the blame for a shutdown – with the rest heaped on congressional Republicans. The divide is clear in a Gallup poll also out Monday: over 70 percent of self-identifying Republicans and Democrats each say their guys are the ones acting responsibly, while just 9 percent for both say the other side is. If Obama is able to turn public opinion against Republicans, the GOP won’t be able to turn the blame back on Obama, Greenberg said. “Things only get worse once things begin to move in a particular direction,” he said. “They don’t suddenly start going the other way as people rethink this.”

#### Plan consumes capital, fractures Dems, and wrecks his position

**Lillis, 9/7/13** (Mike, The Hill, “Fears of wounding Obama weigh heavily on Democrats ahead of vote”

Read more: http://thehill.com/homenews/house/320829-fears-of-wounding-obama-weigh-heavily-on-democrats#ixzz2gWiT9H8u

The prospect of wounding President Obama is weighing heavily on Democratic lawmakers as they decide their votes on Syria. Obama needs all the political capital he can muster heading into bruising battles with the GOP over fiscal spending and the debt ceiling. Democrats want Obama to use his popularity to reverse automatic spending cuts already in effect and pay for new economic stimulus measures through higher taxes on the wealthy and on multinational companies. But if the request for authorization for Syria military strikes is rebuffed, some fear it could limit Obama's power in those high-stakes fights. That has left Democrats with an agonizing decision: vote "no" on Syria and possibly encourage more chemical attacks while weakening their president, or vote "yes" and risk another war in the Middle East. “I’m sure a lot of people are focused on the political ramifications,” a House Democratic aide said. Rep. Jim Moran (D-Va.), a veteran appropriator, said the failure of the Syria resolution would diminish Obama's leverage in the fiscal battles. "It doesn't help him," Moran said Friday by phone. "We need a maximally strong president to get us through this fiscal thicket. These are going to be very difficult votes." “Clearly a loss is a loss,” a Senate Democratic aide noted. Publicly, senior party members are seeking to put a firewall between a failed Syria vote — one that Democrats might have a hand in — and fiscal matters. Rep. Gerry Connolly (D-Va.) said Friday that the fear of damaging Obama just eight months into his second term "probably is in the back of people's minds" heading into the Syria vote. But the issue has not percolated enough to influence the debate. "So far it hasn't surfaced in people's thinking explicitly," Connolly told MSNBC. "People have pretty much been dealing with the merits of the case, not about the politics of it — on our side." Moran said he doesn't think the political aftershocks would be the “deciding factor” in their Syria votes. "I rather doubt that most of my colleagues are looking at the bigger picture," he said, "and even if they were, I don't think it would be the deciding factor." Moran said the odds of passing the measure in the House looked slim as of Friday. Other Democrats are arguing that the Syria vote should be viewed in isolation from other matters before Congress. “I think it’s important each of these major issues be decided on its own — including this one,” Rep. Sander Levin (Mich.), senior Democrat on the House Ways and Means Committee, said Friday. With Obama scheduled to address the country Tuesday night, several Democrats said the fate of the Syria vote could very well hinge on the president's ability to change public opinion. “This is going to be a fireside chat, somewhat like it was in the Thirties," Levin said. "I wasn’t old enough to know, one has to remember how difficult it was for President Roosevelt in WWII." Rep. Elijah Cummings (D-Md.), who remains undecided on the Syria question, agreed. "It's very, very important that the case for involvement in Syria not only be made to the members of Congress and the Senate, but it must also be made to the American people," Cummings said Friday in the Capitol. Still other Democrats, meanwhile, are arguing that the ripple effects of a Syria vote are simply too complicated to game out in advance. Some said the GOP has shown little indication it will advance Obama’s agenda even after his reelection, so a Syria failure would do little damage. “There is a constant wounding [of Obama] going on with the Tea Party on budgets, appropriations and the debt ceiling,” said Rep. Sheila Jackson Lee (D-Texas). “I am going to reach out to my colleagues, Tea Party or not, and ask is this really the way you want to project the political process?” Jackson Lee said using Syria to score political points would be “frolicking and frivolity” by the Tea Party. Yet others see a more serious threat to the Democrats' legislative agenda if the Syria vote fails. A Democratic leadership aide argued that Republicans — some of whom are already fundraising on their opposition to the proposed Syria strikes — would only be emboldened in their fight against Obama's agenda if Congress shoots down the use-of-force resolution. "It's just going to make things harder to do in Congress, that's for sure," the aide said Friday. But other aides said Obama could also double down on fighting the cuts from sequestration if he becomes desperate for a win after Syria, and the net effect could be positive. A leading Republican strategist echoed that idea. “Should the President lose the vote in Congress, he will be severely weakened in the eyes of public opinion, the media, the international crowd and the legislative branch," The Hill columnist John Feehery said Friday on his blog.

#### Taking Obama off message undermines the pressure strategy

**Milbank, 9/27/13** – Washington Post Opinion Writer (Dana, “Obama should pivot to Dubya’s playbook” Washington Post, <http://www.washingtonpost.com/opinions/dana-milbank-obama-should-try-pivoting-to-george-bushs-playbook/2013/09/27/c72469f0-278a-11e3-ad0d-b7c8d2a594b9_story.html>)

If President Obama can stick to his guns, he will win his October standoff with Republicans. That’s an awfully big “if.” This president has been consistently inconsistent, predictably unpredictable and reliably erratic. Consider the events of Thursday morning: Obama gave a rousing speech in suburban Washington, in defense of Obamacare, on the eve of its implementation. “We’re now only five days away from finishing the job,” he told the crowd. But before he had even left the room, his administration let slip that it was delaying by a month the sign-up for the health-care exchanges for small businesses. It wasn’t a huge deal, but it was enough to trample on the message the president had just delivered. Throughout his presidency, Obama has had great difficulty delivering a consistent message. Supporters plead for him to take a position — any position — and stick with it. His shifting policy on confronting Syria was the most prominent of his vacillations, but his allies have seen a similar approach to the Guantanamo Bay prison, counterterrorism and climate change. Even on issues such as gun control and immigration where his views have been consistent, Obama has been inconsistent in promoting his message. Allies are reluctant to take risky stands, because they fear that Obama will change his mind and leave them standing alone. Now come the budget showdowns, which could define the rest of his presidency. Republican leaders are trying to shift the party’s emphasis from the fight over a government shutdown to the fight over the debt-limit increase, where they have more support. A new Bloomberg poll found that Americans, by a 2-to-1 margin, disagree with Obama’s view that Congress should raise the debt limit without any conditions. But Obama has a path to victory. That poll also found that Americans think lawmakers should stop trying to repeal Obamacare. And that was before House Republicans dramatically overplayed their hand by suggesting that they’ll allow the nation to default if Obama doesn’t agree to their laundry list of demands, including suspending Obamacare, repealing banking reforms, building a new oil pipeline, easing environmental regulations, limiting malpractice lawsuits and restricting access to Medicare. To beat the Republicans, Obama might follow the example of a Republican, George W. Bush. Whatever you think of what he did, he knew how to get it done: by simplifying his message and repeating it, ad nauseam, until he got the result he was after. Obama instead tends to give a speech and move along to the next topic. This is why he is forever making “pivots” back to the economy, or to health care. But the way to pressure Congress is to be President One Note. In the debt-limit fight, Obama already has his note: He will not negotiate over the full faith and credit of the United States. That’s as good a theme as any; it matters less what the message is than that he delivers it consistently. The idea, White House officials explained to me, is to avoid getting into a back-and-forth over taxes, spending and entitlement programs. “We’re right on the merits, but I don’t think we want to argue on the merits,” one said. “Our argument is not that our argument is better than theirs; it’s that theirs is stupid.” This is a clean message: Republicans are threatening to tank the economy — through a shutdown or, more likely, through a default on the debt — and Obama isn’t going to negotiate with these hostage-takers. Happily for Obama, Republicans are helping him to make the case by being publicly belligerent. After this week’s 21-hour speech on the Senate floor by Sen. Ted Cruz (R-Tex.), the publicity-seeking Texan and Sen. Mike Lee (R-Utah) objected to a bipartisan request to move a vote from Friday to Thursday to give House Republicans more time to craft legislation avoiding a shutdown. On the Senate floor, Sen. Bob Corker (R-Tenn.) accused them of objecting because they had sent out e-mails encouraging their supporters to tune in to the vote on Friday. The Post’s Ed O’Keefe caught Cruz “appearing to snicker” as his colleague spoke — more smug teenager than legislator. Even if his opponents are making things easier for him, Obama still needs to stick to his message. As in Syria, the president has drawn a “red line” by saying he won’t negotiate with those who would put the United States into default. If he retreats, he will embolden his opponents and demoralize his supporters.

#### Economic collapse

**Davidson, 9/10/13** – co-founder of NPR’s Planet Money (Adam, “Our Debt to Society” New York Times, <http://www.nytimes.com/2013/09/15/magazine/our-debt-to-society.html?pagewanted=all>)

If the debt ceiling isn’t lifted again this fall, some serious financial decisions will have to be made. Perhaps the government can skimp on its foreign aid or furlough all of NASA, but eventually the big-ticket items, like Social Security and Medicare, will have to be cut. At some point, the government won’t be able to pay interest on its bonds and will enter what’s known as sovereign default, the ultimate national financial disaster achieved by countries like Zimbabwe, Ecuador and Argentina (and now Greece). In the case of the United States, though, it won’t be an isolated national crisis. If the American government can’t stand behind the dollar, the world’s benchmark currency, then the global financial system will very likely enter a new era in which there is much less trade and much less economic growth. It would be, by most accounts, the largest self-imposed financial disaster in history. Nearly everyone involved predicts that someone will blink before this disaster occurs. Yet a small number of House Republicans (one political analyst told me it’s no more than 20) appear willing to see what happens if the debt ceiling isn’t raised — at least for a bit. This could be used as leverage to force Democrats to drastically cut government spending and eliminate President Obama’s signature health-care-reform plan. In fact, Representative Tom Price, a Georgia Republican, told me that the whole problem could be avoided if the president agreed to drastically cut spending and lower taxes. Still, it is hard to put this act of game theory into historic context. Plenty of countries — and some cities, like Detroit — have defaulted on their financial obligations, but only because their governments ran out of money to pay their bills. No wealthy country has ever voluntarily decided — in the middle of an economic recovery, no less — to default. And there’s certainly no record of that happening to the country that controls the global reserve currency. Like many, I assumed a self-imposed U.S. debt crisis might unfold like most involuntary ones. If the debt ceiling isn’t raised by X-Day, I figured, the world’s investors would begin to see America as an unstable investment and rush to sell their Treasury bonds. The U.S. government, desperate to hold on to investment, would then raise interest rates far higher, hurtling up rates on credit cards, student loans, mortgages and corporate borrowing — which would effectively put a clamp on all trade and spending. The U.S. economy would collapse far worse than anything we’ve seen in the past several years.

#### Nuclear war

**Friedberg and Schoenfeld 8**

[Aaron, Prof. Politics. And IR @ Princeton’s Woodrow Wilson School and Visiting Scholar @ Witherspoon Institute, and Gabriel, Senior Editor of Commentary and Wall Street Journal, “The Dangers of a Diminished America”, 10-28, <http://online.wsj.com/article/SB122455074012352571.html>]

Then there are the dolorous consequences of a potential collapse of the world's financial architecture. For decades now, Americans have enjoyed the advantages of being at the center of that system. The worldwide use of the dollar, and the stability of our economy, among other things, made it easier for us to run huge budget deficits, as we counted on foreigners to pick up the tab by buying dollar-denominated assets as a safe haven. Will this be possible in the future? Meanwhile, traditional foreign-policy challenges are multiplying. The threat from al Qaeda and Islamic terrorist affiliates has not been extinguished. Iran and North Korea are continuing on their bellicose paths, while Pakistan and Afghanistan are progressing smartly down the road to chaos. Russia's new militancy and China's seemingly relentless rise also give cause for concern. If America now tries to pull back from the world stage, it will leave a dangerous power vacuum. The stabilizing effects of our presence in Asia, our continuing commitment to Europe, and our position as defender of last resort for Middle East energy sources and supply lines could all be placed at risk. In such a scenario there are shades of the 1930s, when global trade and finance ground nearly to a halt, the peaceful democracies failed to cooperate, and aggressive powers led by the remorseless fanatics who rose up on the crest of economic disaster exploited their divisions. Today we run the risk that rogue states may choose to become ever more reckless with their nuclear toys, just at our moment of maximum vulnerability. The aftershocks of the financial crisis will almost certainly rock our principal strategic competitors even harder than they will rock us. The dramatic free fall of the Russian stock market has demonstrated the fragility of a state whose economic performance hinges on high oil prices, now driven down by the global slowdown. China is perhaps even more fragile, its economic growth depending heavily on foreign investment and access to foreign markets. Both will now be constricted, inflicting economic pain and perhaps even sparking unrest in a country where political legitimacy rests on progress in the long march to prosperity. None of this is good news if the authoritarian leaders of these countries seek to divert attention from internal travails with external adventures.

### 1nc executive cp

#### The Executive Branch of the United States should issue an executive order prohibiting first use of nuclear forces without congressional approval. U.S. Strategic Command should codify this directive in the Nuclear Forces Employment Plan.

#### Solves the aff

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

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

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

#### Solves the aff without triggering authority fights

**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. 25-27)

Understanding process also entails an appreciation as to how to effectively engage the constitutional process between branches. Unilateral executive action has advantages in surprise, speed, and secrecy. In context, it is also functionally imperative. As discussed in Chapter 8, for example, military command could hardly function if it were subject to interagency, let alone, interbranch application. Unilateral decision and action have other advantages. Advantage comes in part from the absence of objection or dissent and in the avoidance of partisan political obstruction. In the view of some experts, during the past fifteen years, “party and ideology routinely trump institutional interests and responsibilities” in the Congress.6 These years coincide with the emergence of the jihadist threat.

However, there are also security benefits that derive from the operation of external constitutional appraisal. These include the foreknowledge of objection and the improvements in policy or execution that dissent might influence. Chances are, if the executive cannot sell a policy to members of Congress, or persuade the courts that executive actions are lawful, the executive will not be able to convince the American public or the international community.

A sustained and indefinite conflict will involve difficult public policy trade-offs that will require sustained public support; that means support from a majority of the population, not just a president’s political base or party. Such support is found in the effective operation of all the constitutional branches operating with transparency. Where members of Congress of both parties review and validate a policy, it is more likely to win public support. Likewise, where the government’s legal arguments and facts are validated through independent judicial review, they are more likely to garner sustained public support. Thus, where there is more than one legal and effective way to accomplish the mission, as a matter of legal policy, the president and his national security lawyers should espouse the inclusive argument that is more likely to persuade more people for a longer period of time. The extreme and divisive argument should be reserved for the extraordinary circumstance. In short, congressional and judicial review, not necessarily decision, offers a source of independent policy and legal validation that is not found in the executive branch alone.

Further, while the president alone has the authority to wield the tools of national security and the bureaucratic efficiencies to do so effectively, that is not to say the president does not benefit from maximizing his authority through the involvement and validation of the other branches of government. Whatever can be said of the president’s independent authority to act, as the Jacksonian paradigm recognizes, when the president acts with the express or implied authorization of the Congress in addition to his own inherent authority, he acts at the zenith of his powers. Therefore, those who believe in the necessity of executive action to preempt and respond to the terrorist threat, as I do, should favor legal arguments that maximize presidential authority. In context, this means the meaningful and transparent participation of the Congress and the courts.

Risk-taking in the field also increases where the government exercises shared authority. For sure, this statement is hard to demonstrate. The concept is nonetheless real. We know, of course, that Armed Forces’ morale improves with the knowledge of public support. But I am talking as well about the intelligence instrument, and specifically, risk-taking. As reflected in statements made to the National Commission on Terrorist Attacks Upon the United States (9/11 Commission), there is a cultural perception in the intelligence community that there is danger in acting too aggressively when the authority to do so is unclear or subject to political change. Where authority is embedded in statute, intelligence actors are on their surest footing. There can be no legitimate debate as to what was or was not authorized and therefore no excuse for not leaning forward in execution (unless the law itself is written with intentional or inadvertent ambiguity). As President Carter stated when he signed the Foreign Intelligence Surveillance Act (FISA) into law, “it assures that those who serve this country in intelligence positions will have the affirmation of Congress that their activities are lawful.”7

The inclusion of independent checks on executive action also reduces the potential for mistake because the executive takes particular care in what it tells the Congress and what it says in court. War powers reports, for example, may be bland, but they necessitate an internal process before they are submitted that causes senior officials to check their assumptions and their arguments before they send the report to the president and then to the Congress. More generally, the executive process of review tends to be more rigorous and more inclusive of views than when a decision is taken unilaterally, just as an inter-agency review is more inclusive than single intra-agency review, within the executive branch. That does not mean mistakes are frequent, but they tend to be devastating to public diplomacy, and create lasting and sometime erroneous impressions when they do occur, as in the case of the erroneous bombing of the Chinese Embassy during the Kosovo conflict or the rendition of an erroneous subject. Additional checks do not necessarily eliminate mistakes; they diminish the potential for error. And they demonstrate confidence in policy choice and legal arguments and a willingness to account for effect.

### 1nc prolif

#### No modeling, leadership, or NPT cred

Pierre Hassner 2007, Emeritus Research Director and Research Associate at The Centre for International Studies and Research, Sciences Po, Paris, France; Who killed nuclear enlightenment? International Affairs 83: 3 (2007) 427–430)

Probably the most important reason for the crisis of the nuclear order, and for my rather pessimistic assessment of its chances of being solved any time soon, is the sharp decline of the international political order on which the NPT was based. The two elements on which any such order has to rely—power and legitimacy—have been profoundly modified in a direction unfavourable to the West. As a result, inequality is seen by the have-nots as less inevitable and acceptable, and belief in reciprocity is in short supply, both among the nuclear powers and among the nonnuclear states aspiring either to join the club or to fight it. The authority of the West, in particular of the United States, and that of the international institutions it has created but within which its control is increasingly challenged, have been considerably weakened in the last few years. Conversely, the rise of new centres of powers outside the West (whether potential challengers like China and India, a Russia newly powerful thanks to the energy crisis, violent and fanatical but wealthy and technologically able subnational or transnational groups, or armed militias resisting conventional armies) has given rise to a general feeling in ‘the rest’ that they no longer have to accept and follow rules which they have not created and which they feel are intended to perpetuate a domination which belongs to the past. As Bruno Tertrais has pointed out, to the regional reasons which are usually predominant in the decision to acquire nuclear weapons is added a global one: the feeling that the old international order is no longer legitimate, that the world is entering a period of uncertainty where new rules have to be written, and that these rules should be written less by a declining ‘West’ than by an ascending ‘Rest’.10 This feeling has, of course, been enormously strengthened and accelerated by the Iraq disaster. The loss in American prestige and influence since 2003 is quite unprecedented. Some of the reasons for this are profoundly debatable: practically all Muslim countries and most countries of the South see not only the Iraq war but also the Afghan war as basically anti-Islamic, or neo-colonial, or both, and most of us now accept this lumping together of the two interventions. Other reasons are shared even by those of America’s allies that believe in the necessity of fighting terrorism, genocide and the proliferation of weapons of mass destruction. The way the Iraq war has been conducted projects an image of recklessness, of mendacity, of resort to immoral practices like torture and, on top of all this, of ineffectiveness and incoherence. All this has eroded whatever trust previously existed in America’s promises and protection, and in its wisdom and predictability, and this loss of trust obviously has deeply damaging consequences for the NPT bargain. Other actions or omissions by the Bush administration are more directly linked to the nuclear issue. The tolerance of the nuclearization of Israel, India and Pakistan that preceded it has been more wholehearted under its tenure. It may have justified the agreement to help India in nuclear matters, in violation at least of the spirit of the NPT, by appealing to political circumstances. But in any case such decisions show a clear choice of political alliances over general collective security and the general doctrine of non-proliferation. The legalistic argument that these countries had not signed the treaty, as if that made their possession of the bomb any less dangerous, is not very convincing. Similarly, the Bush administration’s commitment to regime change, coupled with the contrast between the overthrow of Saddam Hussein and the lack of military action against the no less evil but nuclear-armed North Korea, creates a clear incentive for any ‘rogue state’ or member of the ‘axis of evil’ to acquire nuclear arms as quickly as possible.11 Of course, the United States and the West more generally are not alone in wishing the failure of such attempts. They are joined in this wish by China and Russia, who play the role of balancers or arbiters, and by the regional neighbours and rivals of countries like North Korea or Iran, who fear their domination or their aggressiveness and would not mind being spared agonizing decisions by the success of western sanctions. But even these regional adversaries of the would-be proliferators are not immune to the powerful and ubiquitous wave of anti-American and, by extension, anti-western resentment and accusations of hypocrisy. As Kishore Mahbubani has put it, ‘All across the world, from street bazaars to university corridors, from corporate boardrooms to government offices, in daily conversations there is disbelief that America is “threatening” Iran with UN Security Council sanctions when America itself has demonstrated—most clearly in the case of Iraq—that it will not accept the authority of the council.’ Similarly, ‘while the treaty remains alive on paper, it has become spiritually dead. Many middle powers have quietly decided that it is a question of when, and not if, they will go nuclear.’12 None of these countries would find it acceptable to be branded as criminal or punished by nuclear powers for trying to follow in their footsteps. Only ‘country-neutral’ measures which apply equally to all have a chance of being accepted. **Even** a proposal such as that formulated by George Shultz, William Perry, Henry Kissinger and Sam Nunn in January 2007,13 aiming at a world free of nuclear weapons and calling for **intermediate measures** that run counter to current American policies (such as the ratification of the Comprehensive Test Ban Treaty), **is likely to be greeted by the non-nuclear states with irony and distrust**. They are bound to ask why respected American statesmen who for decades made the case for nuclear deterrence are suddenly in favour of banning the bomb. They are bound to think that the American strategic establishment saw nothing wrong with nuclear weapons as long as they were confined to the developed world and has discovered their madness when they have become accessible to newcomers. Their response is bound to be: ‘Start by abandoning your own nuclear weapons, or wait until we join the club and abandon them together.’ The situation, then, is every bit as dire as Walker sees it; but its roots are deeper than he implies and the remedies he suggests are not very likely to succeed. Sticking to the Non-Proliferation Treaty and relying on the IAEA and the UN Security Council to enforce it, while permitting and encouraging civilian nuclear energy, **looks more and more like a losing proposition.** Governments are not seriously intending to commit themselves to the revolutionary step of the universal renunciation of nuclear weapons; and while this goal is making new converts, its chances of adoption are rather decreasing than increasing, for reasons both technical (easier access to the weapons, even, probably, by non-state groups) and political (lack of mutual trust).

#### No solvency—norms fail and extended deterrence offsets solvency

Pierre Hassner 2007, Emeritus Research Director and Research Associate at The Centre for International Studies and Research, Sciences Po, Paris, France; Who killed nuclear enlightenment? International Affairs 83: 3 (2007) 427–430)

I shall dwell a little more on the strategic and moral dimensions of the ‘nuclear bargain’. The first concerns the promise of extended deterrence and its role in limiting proliferation. This involves a series of dilemmas and a debate which predates the Non-Proliferation Treaty and may well be re-emerging today in connection with the Middle East. Advocates of the NPT are normally also advocates of minimum deterrence as a step towards nuclear disarmament, and of ‘no first use’ of nuclear weapons as a step towards their marginalization and as a way to emphasize that their only use is to deter their use by others, or even that this deterrence should operate by their existence alone. The result in terms of a nuclear order should then be based on ‘mutual assured destruction’. This posture has the virtue of avoiding the ‘mad momentum’ of a nuclear arms race and the illusion of victory in a nuclear war. However, both its credibility and its morality if deterrence fails have been strongly criticized. Its real weakness, I think, is in terms of extended deterrence. It may be the least bad solution if states have only to deter an attack against themselves, but what is its credibility if they have to deter an attack upon their allies, let alone upon other non-nuclear states party to the NPT? Would they not need what Herman Kahn used to call a ‘not too uncredible threat of a first strike’, and does that not mean a strike which would not be suicidal? Would this kind of strike not require a counterforce capability and would it not be enhanced by missile defense? Hence the anti-MAD, pro-counterforce school has argued that the best strategy against the proliferation of nuclear weapons is one that maintains the flexibility and, if possible, the superiority made impossible by ‘minimum’ or, even more, by ‘existential’ mutual deterrence. But if one adopts this argument, does it not set us on the road to what Walker calls ‘counter-enlightenment’—that is, the refusal of universality and reciprocity in favour of war-fighting postures, the mutual search for superiority, the likelihood of an intensified arms race and an increased risk of nuclear war? The only possible way of avoiding both the pitfalls of mutual vulnerability and the dangers of the search for unilateral invulnerability may be essentially political, involving a tightening of alliances and a strategy of engagement materialized by visible physical presence on the territory of one’s non-nuclear allies. But this would look more like NATO than like collective security, and it would leave the unattached without a credible security guarantee unless the alliance were extended to the whole world, which would give it all the characteristics of an empire. These dilemmas are insoluble; I mention them not as an argument for inaction, but to indicate that, like enlightenment in general according to Adorno and Horkheimer, nuclear enlightenment may lead to dialectical reversals and unwanted results. Above all, they indicate that while universal treaties (like the convention against genocide) and declarations of intention are inspiring and legitimizing documents or institutions, their application can never be detached from political interests and priorities, from relations of power and of alliance, of dependence or of rivalry. The question is whether their value as inspirations, as guides or, in Kantian terms, as ‘regulatory ideas’ is morally useful or can lead to hypocrisies and disaffections when confronted with reality. Here lies my main political and moral objection to the idealized picture presented by William Walker of nuclear enlightenment in general and of the Nuclear Non-Proliferation Treaty in particular. It is contained in one word: hypocrisy. Walker directs all his attacks against the cynicism or scepticism of counter-enlightenment, represented by the Bush administration, and its abandonment of the goal of denuclearization. It has certainly made matters much worse, in particular by de-emphasizing the distinction between deterrence and war-fighting, and between nuclear and conventional weapons. But what Walker tends to forget or to downplay is the hypocrisy which prevailed almost without exception among nuclear powers, and to a large extent also among non-nuclear states, about getting rid of their own nuclear weapons and reaching universal nuclear disarmament. I think it is fair to say that none of the leaders of the nuclear powers, with the possible exceptions of Gorbachev and Reagan, ever seriously contemplated following the South African example and abandoning nuclear weapons. At any rate I have no hesitation whatsoever in stating that the thought never crossed the mind of any French political or military authority. Nor can I blame them for their skepticism in this respect, even though I emphatically do not share their belief in the automatic stabilizing, equalizing and, above all, moderating effect of nuclear weapons. I remain convinced that you cannot eliminate knowledge, that nuclear weapons cannot be dis-invented, and that the calculations of the most serious of arms controllers, such as Thomas Schelling in the 1960s, according to which a situation of minimal deterrence, with a few tens of nuclear missiles instead of thousands, would be more stable than the abolition of nuclear weapons, which could not be verified and would give rise to permanent suspicion of surprise attack, remain valid. Nor do I believe that the non-fulfilment by the great powers of their pledge to work towards total nuclear disarmament is a basic cause of proliferation. I think that if they were to keep their word, the power of their example would not be sufficient, in most cases, to prevail against the motivations in terms of status, domination or security that may push some of the non-nuclear states to seek nuclear status. The non-compliance of the nuclear powers with article VI of the treaty simply provides these other states with a ready-made alibi for continuing their quest, and some of them might even be encouraged or reinforced in their decision to go nuclear by the removal of the threat of nuclear retaliation by one of the existing nuclear powers.

#### Turn—NPT malthus

**Wesley, 2005**

[Michael S., executive director of the Lowy Institute for International Policy and former Professor of International Relations at Griffith University, “It’s time to scrap the NPT,” Australian Journal of International Affairs, Vol. 59, No. 3, ed. by W. Tow pp. 283-299]

My central argument is that the horizontal proliferation of nuclear weapons will probably continue at the rate of one or two additional nuclear weapons states per decade, whether or not the NPT is retained. Persisting with the NPT will make this proliferation much more dangerous than if the NPT is replaced with a more practical regime. I argue that the NPT is a major cause of opaque proliferation, which is both highly destabilising and makes use of transnational smuggling networks which are much more likely than states to pass nuclear components to terrorists. On the other hand, scrapping the NPT in favour of a more realistic regime governing the possession of nuclear weapons would help put transnational nuclear smuggling networks out of business and stabilise the inevitable spread of nuclear weapons. The NPT was always a flawed regime, based on an unequal distribution of status and security. Its apparent effectiveness in containing nuclear proliferation was largely due to other factors. The events of the past 15 years have only magnified the NPT’s flaws. The end of the Cold War decoupled the possession of nuclear weapons from the global power structure. While many commentators were applauding the expansion of the number of NPT signatories, and South Africa, South Korea, Brazil and Argentina renounced plans to acquire nuclear weapons, deeper and more insistent proliferation pressures were building among the emerging great powers of Asia. The succession of Persian Gulf wars demonstrated to many insecure states that only nuclear\*/not chemical or biological\*/weapons deter conventional military attack. The international community was repeatedly surprised by the extent and sophistication of Iraq’s, Pakistan’s, North Korea’s and Libya’s progress in acquiring nuclear materials and know-how, each time underlining the inadequacies of the non-proliferation regime. After the 1998 South Asian nuclear tests, India’s highly effective rhetorical defence of its policy and the world’s half-hearted and short-lived sanctions against India and Pakistan damaged the moral authority of the NPT regime, perhaps terminally. Even worse than being ineffective, the NPT is dangerous, because it increases the pressures for opaque proliferation and heightens nuclear instability. Equally flawed, I argue, is the current counter-proliferation doctrine of the United States. I advocate scrapping the NPT (and the doctrine of counter-proliferation) and starting again, because the NPT is a failing regime that is consuming diplomatic resources that could be more effectively used to build an alternative arms control regime that is responsive to current circumstances. We need to confront the practicalities of scrapping the NPT\*/the positives and the negatives\*/and think clearly about the requirements of a replacement regime.

#### No prolif, no spillover, no impact

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

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

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

#### Turn—conventional reliance

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

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

#### Turn—allied prolif

Keith B. Payne 2011; Keith B. Payne, PhD, is president of the National Institute for Public Policy and professor and head of the Graduate Department of Defense and Strategic Studies at Missouri State University (Washington campus). He served as a deputy assistant secretary of defense and as a member of the congressional commission on US strategic posture. “Maintaining Flexible and Resilient Capabilities for Nuclear Deterrence” STRATEGIC STUDIES QUARTERLY ♦ SUMMER 2011 http://webcache.googleusercontent.com/search?q=cache:r-RNK7I75UsJ:www.au.af.mil/au/ssq/2011/summer/payne.pdf+&cd=1&hl=en&ct=clnk&gl=us

Will adequate flexibility and resilience ensure deterrence? Of course not; nothing can do that. But it should reduce the risk that deterrence will fail be- cause we do not have the threat options suitable for the occasion. Correspond- ingly, it can help to assure allies who rely on the US nuclear umbrella and may otherwise fear that the degradation of US deterrent capabilities endangers their own security. These fears could lead some allies and friends to reconsider their own need for nuclear weapons and thereby promote nuclear prolifera- tion. We already see this dynamic in play among some allies.49 It is useful to close with the observation that our preferred force numbers and types should follow the demands of strategy, not the reverse. This is no less true when that strategy is deterrence. Credible deterrence is a pre- cious product that defies easy or precise prediction. But, we do know that in the past, nuclear deterrence contributed to preventing conflict or esca- lation, and it may be necessary to do so again when we face severe risks. Consequently, the maintenance of credible nuclear deterrence should continue to be a national priority.

#### Reject prolif alarmism

Robert Farley 11, assistant professor at the Patterson School of Diplomacy and International Commerce at the University of Kentucky, 11/16/11, “Over the Horizon: Iran and the Nuclear Paradox,” http://www.worldpoliticsreview.com/articles/10679/over-the-horizon-iran-and-the-nuclear-paradox

But states and policymakers habitually overestimate the impact of nuclear weapons. This happens among both proliferators and anti-proliferators. Would-be proliferators seem to expect that possessing a nuclear weapon will confer “a seat at the table” as well as solve a host of minor and major foreign policy problems. Existing nuclear powers fear that new entrants will act unpredictably, destabilize regions and throw existing diplomatic arrangements into flux. These predictions almost invariably turn out wrong; nuclear weapons consistently fail to undo the existing power relationships of the international system. ¶ The North Korean example is instructive. In spite of the dire warnings about the dangers of a North Korean nuclear weapon, the region has weathered Pyongyang’s nuclear proliferation in altogether sound fashion. Though some might argue that nukes have “enabled” North Korea to engage in a variety of bad behaviors, that was already the case prior to its nuclear test. The crucial deterrent to U.S. or South Korean action continues to be North Korea’s conventional capabilities, as well as the incalculable costs of governing North Korea after a war. Moreover, despite the usual dire predictions of nonproliferation professionals, the North Korean nuclear program has yet to inspire Tokyo or Seoul to follow suit. The DPRK’s program represents a tremendous waste of resources and human capital for a poor state, and it may prove a problem if North Korea endures a messy collapse. Thus far, however, the effects of the arsenal have been minimal. ¶ Israel represents another case in which the benefits of nuclear weapons remain unclear. Although Israel adopted a policy of ambiguity about its nuclear program, most in the region understood that Israel possessed nuclear weapons by the late-1960s. These weapons did not deter Syria or Egypt from launching a large-scale conventional assault in 1973, however. Nor did they help the Israeli Defense Force compel acquiescence in Lebanon in 1982 or 2006. Nuclear weapons have not resolved the Palestinian question, and when it came to removing the Saddam Hussein regime in Iraq, Israel relied not on its nuclear arsenal but on the United States to do so -- through conventional means -- in 2003. Israeli nukes have thus far failed to intimidate the Iranians into freezing their nuclear program. Moreover, Israel has pursued a defense policy designed around the goal of maintaining superiority at every level of military escalation, from asymmetrical anti-terror efforts to high-intensity conventional combat. Thus, it is unclear whether the nuclear program has even saved Israel any money. ¶ The problem with nukes is that there are strong material and normative pressures against their use, not least because states that use nukes risk incurring nuclear retaliation. Part of the appeal of nuclear weapons is their bluntness, but for foreign policy objectives requiring a scalpel rather than a sledgehammer, they are useless. As a result, states with nuclear neighbors quickly find that they can engage in all manner of harassment and escalation without risking nuclear retaliation. The weapons themselves are often more expensive than the foreign policy objectives that they would be used to attain. Moreover, normative pressures do matter. Even “outlaw” nations recognize that the world views the use of nuclear -- not to mention chemical or biological -- weapons differently than other expressions of force. And almost without exception, even outlaw nations require the goodwill of at least some segments of the international community. ¶ Given all this, it is not at all surprising that many countries eschew nuclear programs, even when they could easily attain nuclear status. Setting aside the legal problems, nuclear programs tend to be expensive, and they provide relatively little in terms of foreign policy return on investment. Brazil, for example, does not need nuclear weapons to exercise influence in Latin America or deter its rivals. Turkey, like Germany, Japan and South Korea, decided a long time ago that the nuclear “problem” could be solved most efficiently through alignment with an existing nuclear power. ¶ Why do policymakers, analysts and journalists so consistently overrate the importance of nuclear weapons? The answer is that everyone has a strong incentive to lie about their importance. The Iranians will lie to the world about the extent of their program and to their people about the fruits of going nuclear. The various U.S. client states in the region will lie to Washington about how terrified they are of a nuclear Iran, warning of the need for “strategic re-evaluation,” while also using the Iranian menace as an excuse for brutality against their own populations. Nonproliferation advocates will lie about the terrors of unrestrained proliferation because they do not want anyone to shift focus to the manageability of a post-nuclear Iran. The United States will lie to everyone in order to reassure its clients and maintain the cohesion of the anti-Iran block. ¶ None of these lies are particularly dishonorable; they represent the normal course of diplomacy. But they are lies nevertheless, and serious analysts of foreign policy and international relations need to be wary of them. ¶ Nonproliferation is a good idea, if only because states should not waste tremendous resources on weapons of limited utility. Nuclear weapons also represent a genuine risk of accidents, especially for states that have not yet developed appropriately robust security precautions. Instability and collapse in nuclear states has been harrowing in the past and will undoubtedly be harrowing in the future. All of these threats should be taken seriously by policymakers. Unfortunately, as long as deception remains the rule in the practice of nuclear diplomacy, exaggerated alarmism will substitute for a realistic appraisal of the policy landscape.

### 1nc modernization

#### No China mod

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

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

#### China NFU resilient

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

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

#### Only minimum modernization – and missile defense kills solvency

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

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

#### Changes in US policy are irrelevant

Bruce M. Sugden 2008; defense analyst in the Washington, DC area. He does consulting for the Department of Defense and commercial clients on combating weapons of mass destruction, future global strike force structure alternatives, nuclear policy and strategy, and emerging deterrence requirements and technology issues. He earned master's degrees in international relations and public policy studies at the University of Chicago and served for six years in the U.S. Air Force as a missile launch officer; ASSESSING THE STRATEGIC HORIZON; Nonproliferation Review, Vol. 15, No. 3, November 2008

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

#### They don’t secure Chinese doctrine

Zhang 8 - Baohui Zhang, Associate Professor of Political Science, Lingnan University, Hong Kong, March 2008, “The Taiwan Strait and the Future of China's No-First-Use Nuclear Policy,” Comparative Strategy, Vol. 27, No. 2, p. 164-182

For the above reasons the no-first-use principle remained unchallenged until the 1990s, when a series of new issues began to force some in China to rethink its nuclear principles. These include the ascendance of the Taiwan issue as the central security challenge for China (and, as a result, the increased likelihood of American military intervention in the Taiwan Strait), and the revolution in military affairs (RMA) that has given the United States vast conventional advantage over China. According to John Wilson Lewis and Xue Litai, during the 1990s Taiwan's tendency to move toward de jure independence led to an increasingly pessimistic view inside China that the Taiwan issue could not be peacefully resolved. More and more Chinese analysts believed that, due to the internal political dynamics of a democratic Taiwan and the rise of Taiwanese identity among its people, peaceful reunification between Taiwan and the mainland has become increasingly hopeless.13 In fact, Jiang Zemin made the famous remark that “a war across the Taiwan Strait is unavoidable.”14 As a result, Taiwan has become the number-one security issue for China, and preparing for a war to prevent Taiwan's independence has become an obsession of the Chinese leadership and military. The problem for China is that it also increasingly believes that American military intervention can be expected in the event of war in the Taiwan Strait. Inside the Chinese military, due to “America's proclaimed geostrategic interests and recent military actions the prevailing opinion was that U.S. forces would undoubtedly intervene.”15 This scenario presents an extremely daunting challenge: how to defeat the world's most powerful military. This task is particularly daunting since the Chinese military recognizes that the revolution in military affairs has given the United States vast advantages over China. According to military observers, the 1991 Gulf War and the 1999 NATO war against Serbia demonstrated the revolutionary change in warfare through the use of precision-guided weapons linked to information technologies in areas such as intelligence, command and control, and weapon guidance. The Chinese military was keenly aware of the new trend and organized systematic studies of how the American military conducted its operations in this new kind of war.16 In fact, the Chinese military was awed by the American dominance in conventional warfare. As observed by General Wang Baocun, a prominent strategist at the PLA Academy of Military Sciences, the U.S. revolution in military affairs has resulted in a new kind of gap with other countries. Previously, the gap was merely generational. This time, there is a “time gap” in that the U.S. military and others are fighting as if they were from different historical periods. According to Wang, “The time gap in military technologies allows the superior side to possess an absolute advantage while leaving the other side in a position of absolute disadvantage. … The time gap makes it impossible for developing countries to overcome their military disadvantage in confrontations with the United States.” Wang thus reaches a gloomy conclusion: “The military time gap results in serious threats to the national and military security of developing countries. In fact, they are almost in a defenseless situation.”17 Major General Xu Hezhen, who is the Commandant of PLA Army Command Academy in Shijiazhuang, suggests that the RMA allows the U.S. to conduct “no-contact combat” against other militaries through beyond visual range sensor technologies and precision-strike weapons. This revolution in combat “creates a battlefield situation where 'I can see you and hit you but you can't see me and hit back. The situation leaves the weaker side in a position of perpetual disadvantage until it loses the will of resistance.”18 The RMA thus presents a serious problem for China's military planners: how to defeat a technologically far superior enemy such as the United States. In fact, China is no longer confident it can defeat such an enemy due to the vast gap with the United States in conventional military technologies. As Lewis and Xue observe, “As senior PLA planners dissected the American strategy from the Gulf War of 1991 to the lightening war against Iraq in 2003, it was to become painfully evident that no war with the United States could be won or even brought to a reasonable draw.”19 This bleak assessment by Chinese officers of the U.S. conventional dominance in the Taiwan Strait is echoed by American analysis. In a research project for the U.S. Department of Defense, the Rand Corporation analyzed how China may choose to conduct a war against the American military. According to Rand, in the coming decades the U.S. will possess “even greater military advantages over Chinese forces than it currently enjoys.”20 Therefore, if the China intends to fight the U.S. through conventional military modernization, “this option, taken alone, potentially condemns the PLA to evolving relative obsolescence.”21 How to prevent a disastrous defeat in the Taiwan Strait led some in China to question the separation of conventional and nuclear doctrines in Chinese military thinking. While the no-first-use policy can prevent a nuclear attack against China, it cannot deter a large-scale conventional war by a technologically superior enemy. Some believe that the policy can no longer protect China's core national interests, such as preventing de jure independence of Taiwan. According to Alastair Iain Johnston, who was the first Western analyst to notice this trend in the 1990s, some Chinese strategists began to argue that China should develop a nuclear doctrine “suitable for economically and technologically weak states.”22

#### No solvency—they have ZERO signal evidence about Congress—all their ev is from the 80s

#### First use key to beat China to the button—solves escalation

Lieber and Press 7 - Keir A. Lieber, Assistant Professor of Political Science at the University of Notre Dame, and Daryl G. Press, Associate Professor of Political Science at the University of Pennsylvania, Winter 2007, “U.S. Nuclear Primacy and the Future of the Chinese Deterrent,” China Security, Issue No. 5, online: http://www.wsichina.org/cs5\_5.pdf

Ironically, one of the clearest explanations for how the United States may use nuclear primacy in a crisis or war with China appears in an earlier article by Blair. His recent article with Chen labels our suggestion that the United States might use nuclear threats “the zenith of provocation” and “unthinkable.”23 However, in the autumn 2005 issue of China Security, Blair describes exactly the crisis dynamics we envision leading to U.S. nuclear threats and perhaps even a preemptive nuclear attack. He notes that if China were to alert its strategic nuclear forces during a war with the United States over Taiwan, “the United States would likely act to beat China to the punch.” He continues, “Given constant U.S. surveillance of Chinese nuclear launch sites, any major Chinese preparations to fire peremptorily would be detected and countered by a rapid U.S. preemptive strike against the sites by U.S. conventional or nuclear forces… The United States could easily detect and react inside of the lengthy launch cycle time of Chinese forces.”24 Blair’s words mirror our argument and suggest the two ways that nuclear primacy may benefit the United States. First, if the Chinese were to threaten nuclear escalation in the context of a Taiwan war, the U.S. could strike first and likely destroy the Chinese force on the ground – “beat China to the punch,” as Blair puts it. Second, China’s knowledge of its vulnerability to nuclear preemption might prevent China from alerting its nuclear force – or even attacking Taiwan – in the first place.

#### China would perceive any decline in primacy as a green-light

CAGS, Center on American and Global Security, 2009, Weapons of Mass Destruction and the Future of U.S. National Security: From Present Problems to Future Challenges, http://www.indiana.edu/~cags/docs/WMDReportFINAL.pdf

Third, the impact of China’s achievement of MAD with the United States would affect calculations concerning unresolved territorial disputes in Asia, especially concerning Taiwan. Under the scenario, the balance of conventional and nuclear forces in Asia has shifted away from the United States towards China, perhaps **increasing China’s willingness to risk conventional war to settle the Taiwan issue** or other territorial disputes it has. The bet would be that the United States would not risk nuclear war with China over Taiwan once China achieves MAD status. This incentive could be another factor influencing China’s decision to go for MAD. However, there is no precedent for determining the escalation risks of two established nuclear powers fighting a conventional war.4

#### No Asian arms race

Brad Roberts 2013; Brad Roberts was a visiting fellow at the National Institute for Defense Studies of the Ministry of Defense of Japan in spring 2013. From 2009 to early 2013 Dr. Roberts served in the Obama administration as Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy; “Extended Deterrence and Strategic Stability in Northeast Asia” NIDS Visiting Scholar Paper Series, No.1, 9th August 2013

Abstract A changed and changing security environment has created interest in Northeast Asia in the role of U.S. extended deterrence and the requirements of strategic stability in the 21st century. North Korea’s continued progress in developing long-range missiles and nuclear weapons brings with it new challenges, as does China’s progress in military modernization and its increasingly prominent regional military role. The Obama administration is pursuing a three-part strategy to: (1) comprehensively strengthen the regional deterrence architecture, (2) preserve strategic stability with China (and Russia), and (3) cooperate with allies towards these ends. In recent years, Japan and the United States have taken significant steps to strengthen their cooperation for deterrence and stability, with positive results. **The regional deterrence architecture is strong and getting stronger**, especially with the introduction of non-nuclear elements such as ballistic missile defense. Japan’s contributions to this regional deterrence architecture are significant and increasing, and add credibility to U.S. security guarantees. As Japan and the United States continue to work together to advance this strategy, they face a number of emerging policy questions. Four such questions are likely to attract significant attention in both Tokyo and Washington in the coming months and years. First, on missile defense of Japan: how much is enough? Second, on conventional strike: what should Japan contribute, if anything? Third, on the U.S. nuclear umbrella: is more tailoring of the U.S. posture required for Northeast Asia? Fourth, on strategic stability: can China, the United States, and Japan agree on the requirements? The analytic communities in all of the interested countries can help generate the new insights needed to advance policy objectives.

#### The aff reduces Asian assurance—turns case

Rob Lyon 2013; Fellow - International Strategy at the Australian Strategic Policy Institute; “The challenges confronting US extended nuclear assurance in Asia” International Affairs 89: 4, 2013 International Affairs © 2013 The Royal Institute of International Affairs, Wiley

I said earlier in this article that Asian strategists were less attracted than their European counterparts to the abstractions of nuclear order. It might well be the case that Asian worries about the nuclear future can be compressed into an ordering model—very likely more than one model—but only by finding a formula tolerant of a degree of selective renuclearization rather than relentless denuclearization. For western publics who have been raised on a belief that nuclear weapons numbers are on a steady glide path towards zero, even small increases in numbers might well be unpalatable. They might find, though, that a non-linear glide path gives them more of what they want in the long run. That is because strategic stability in a transformational Asia is going to be a major factor in the global strategic environ- ment over coming decades, and strategic stability in Asia is going to turn upon having interlinked systems of deterrence and assurance that fit their environment. What are the principal challenges to deterrence and assurance? Strategic dynamism; regional variation; the contracting size and changing shape of the US nuclear arsenal and—consequently—**its ability to support extended nuclear assur- ances.** A transformational Asia is coming into its own during a difficult time on the world stage—when existing western power centres are comparatively weak, when there is a sad dearth of global leadership among the rising powers, and when old historical animosities still linger among key regional players in Asia. But it is also coming into its own at a time when extended nuclear assurance seems weaker than it has in past decades. Asian transformation is still more heavily felt as an economic fact than as a strategic one. In almost all the important countries in Asia we still find a malnour- ished public debate about nuclear weapons and their future place in Asia, but it is not beyond the bounds of possibility that a proliferation chain could unfold relatively quickly in East Asia. Proliferation chains are not that uncommon in nuclear history—Chinese, Indian and Pakistani proliferation already demonstrates such a chain, albeit one that took the better part of two decades to unfold. Since then the world has become accustomed to proliferation as an activity pursued, slowly and ponderously, by rogue states—but proliferation by advanced, techno- logically adept states **would be substantially quicker.** Unless there is a way of recasting extended nuclear assurance to fit the changing Asian strategic environment, there is a high potential for assurance there to become a national enterprise rather than an international one. Both nationalism and doctrines of defence self-reliance have been articulated with increasing frequency across the region in recent decades, and it might not require too much wrenching to bring both into alignment with nuclear aspirations.22

#### Sole purpose and NFU declarations crush credibility – they eliminate a valuable strike option and make counterforce strikes impossible

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

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

There are two major problems with this goal. First, it requires the U.S. to return to a countervalue strategy because under a minimal deterrence strategy the U.S. would be unable to hold at risk the spectrum of military and political targets that foes need to attack the U.S. or its allies with strategic weapons. Rather, minimal deterrence necessitates the U.S. maintain a small nuclear force and establish a targeting policy and targeting requirements that would inflict enough pain so as to deter first use. The only target sets that fit this description with minimal numbers of nuclear weapons are large population centers. As already discussed, indiscriminately targeting population centers to cause as many fatalities and economic damage as possible is immoral and contrary to American values. It is also ineffective due to the lack of credibility that a U.S. President would ever order such an attack. Second, if the “sole purpose”—as opposed to the chief purpose—of U.S. nuclear weapons is to deter, one would deduce that this means that the U.S. is effectively barring itself from launching the first nuclear strike and therefore can only be the recipient of a first strike if deterrence fails. More importantly, the logic of this policy dictates that if the U.S. is attacked with nuclear weapons—meaning deterrence has failed—its nuclear weapons would no longer serve any purpose because the policy would not permit the U.S. to retaliate with nuclear weapons. Moreover, if the U.S. maintains a minimal force, it would lack survivability and likely would be completely destroyed by the enemy’s first strike in the event deterrence does fail.

#### Won’t go nuclear

**Pike 11** – last modified 5/7/2011(John, manager, Global Security, China’s Options in the Taiwan Confrontation, http://www.globalsecurity.org/military/ops/taiwan-prc.htm)

China would almost certainly not contemplate a nuclear strike against Taiwan, nor would Beijing embark on a course of action that posed significant risks of the use of nuclear weapons. The mainland's long term goal is to liberate Taiwan, not to obliterate it, and any use of nuclear weapons by China would run a substantial risk of the use of nuclear weapons by the United States. An inability to control escalation beyond "demonstrative" detonations would cause utterly disproportionate destruction.

#### No impact – Indian politics prevent it

Kanwal, 12 (“India’s Military Modernization: Plans and Strategic Underpinnings,” <http://www.nbr.org/research/activity.aspx?id=275#.UlM_LVCcfYk>

Nonetheless, India’s modernization plans are moving ahead at a very slow pace. Policy paralysis in New Delhi due to the **vagaries of coalition politics** in a parliamentary democracy, along with the reduction in the defense budget as a share of India’s GDP due to sluggish growth in the economy, has further exacerbated the difficulties in increasing the pace of modernization. However, the process is certainly underway, and there is hope that it will receive bipartisan support across the political spectrum because of the realization that no alternative exists for addressing emerging threats and challenges but for India to quickly modernize its armed forces.

#### India modernization is stabilizing

Kanwal, 12 (“India’s Military Modernization: Plans and Strategic Underpinnings,” <http://www.nbr.org/research/activity.aspx?id=275#.UlM_LVCcfYk>)

Given that India faces complex strategic scenarios and is located in an increasingly unstable neighborhood, it is in New Delhi’s interest to encourage a cooperative model of regional security and work with all friendly countries toward that end. At the same time, New Delhi finds it pragmatic to hedge just in case worst-case scenarios—such as the collapse of China or China’s use of military force for territorial gains—begin to unfold and threaten India’s economic development or territorial integrity. The increasing emphasis on maritime cooperation, particularly with the United States, is part of India’s continuing efforts to fulfill growing obligations and responsibilities as a regional power. **New Delhi is now working to cooperate with all the major Asian powers in order to maintain peace and stability** in the Indian Ocean and the Asia-Pacific more generally, though without aligning militarily with any one power. Toward this end, the armed forces are working together to achieve joint warfare capabilities for intervention operations in India’s area of strategic interest. In sum, **a rising India will soon become a net contributor to security** in the Indian Ocean region, together with strategic partners such as the United States.

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

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

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

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

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

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

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

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

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

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

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

#### No war

**Nalapat, 11 –** Vice-Chair, Manipal Advanced Research Group, UNESCO Peace Chair & Professor of Geopolitics, Manipal University, Haryana State, India (MD, Pakistan Observer, “China wary as India looks East,” 11/3/, http://pakobserver.net/detailnews.asp?id=123356

The rapid economic growth since China took firmly to the Path of Peace is evidence that conflict may not be the best way to promote the national interest. Those who glibly talk of going to war against Vietnam and India, for instance, ought to examine the condition of China during the 1950s or the 1960s and see it in the 21st century, the second-biggest economy in the world, with $3 trillion worth of cash reserves, almost higher than the rest of the globe combined. Indeed, Sino-Indian trade has zoomed over the past decade, now crossing $60 billion and headed to $100 billion in two years time. In fact, the prospects are for trade between India and China to cross $300 billion in ten years, providing income and employment to millions of people on both sides of the border. This prosperity would be at risk, were there to be the cataclysmic event of a fresh Sino-Indian war.  
**Both the leaders** of India as well as China are aware of the centrality of peace and friendship to the economic health of both countries. Which is why the **hotheads who write** vituperative **essays** against the other country are ignored by the top leadership in Beijing or Delhi. Indeed, both Prime Minister Manmohan Singh and Premier Wen Jiabao are to meet in the beautiful island of Bali on November 19,when they attend the East Asia Summit. Both will also be meeting (albeit separately) with President Obama of the US. Such meetings will help ensure that temperatures remain cool and that differences over the South China Sea get resolved peacefully, and in a way that ensures access to resources and economic development for all sides.

### extra time

#### Congress fails—leads to miscalc and wartime mistakes

Edwin M. Smith 1987; Edwin M. Smith, the Leon Benwell Professor of Law and International Relations at USC, “Congressional Authorization of Nuclear First Use: Problems of Implementation” First Use of Nuclear Weapons: Under the Constitution, Who Decides? P 169

Even if information gathering were an uncomplicated process, analysis of the data would be no simple matter. Analysis of collected information allows the production of “net intelligence assessments” of the goals, capabilities, and strategies of other nations in order to construct interaction proﬁles suggesting the manner in which that nation may respond in particular contexts.5 Analysts in different agencies, encountering extreme difficulty in distinguishing the “sig- nal” of important intelligence from the “noise” of mountains of routinely col- lected information, may dismiss important facts.“ Bureaucratic boundaries may cause analysts to miss important patterns in data existing in different organiza- tions. Parochial conflicts over particular intelligence-gathering programs and methods may frustrate the coordinated collection of essential data.7 Analysts in successive levels of bureaucracy may fail to communicate important ambiguities in that information, causing “uncertainty absorption” which may lead decision makers to place more reliance on the information than is warranteds The wartime expansion of raw data necessary to be analyzed can only exac- erbate the problems of effective assessment. While the peacetime assessment process is highly centralized, the wartime performance of much of the assessment function will devolve to those tactical combat units immediately concerned, since higher commands will only be able to assess that intelligence essential to the function of controlling larger units. The vast amounts of intelligence gathered at the tactical level may not even be transmitted to high-level headquarters. Such a devolution is consistent with historical pattems of hierarchically organized c/onventional military forces Evaluation of information regarding an opponent's intentions involves addi- tional inherent difficulties. Assessments of enemy intentions may prove to be unreliable because adversaries may have multiple goals or goals which evolve with the situation.” The uncertainty regarding an opponent's intentions may even reﬂect that opponent’s real ambivalence." '

#### Nuclear counterforce strikes controls conflict escalation – all crises are worse without U.S. nuclear threats

Lieber and Press, November-December 2009 - Keir A. Lieber, Assistant Professor of Political Science at the University of Notre Dame, and Daryl G. Press, Associate Professor of Political Science at the University of Pennsylvania, November-December 2009, “The Nukes We Need: Preserving the American Deterrent,” Foreign Affairs, p. 50-51

A second criticism of the argument for retaining and improving certain counterforce capabilities is that the cure could be worse than the disease. Counterforce capabilities may mitigate escalation during a conflict—for example, by dissuading adversaries from nuclear saber rattling, by reassuring allies that the United States can defend them, and, if necessary, by giving the United States the ability to pursue regime change if adversaries brandish or use nuclear weapons. But they may also exacerbate the problem of controlling escalation if an adversary feels so threatened that it adopts a hair-trigger nuclear doctrine. Specifically, the United States’ ability to launch a disarming strike without killing millions of civilians might increase the escalatory pressures that already exist because of the nature of the U.S. military’s standard wartime strategy. Conventional air strikes on radar systems, communication links, and leadership bunkers may look even more like the precursors of a preemptive disarming strike if adversaries know that the United States possesses a well-honed nuclear counterforce capability. This second criticism has merit. Nevertheless, the benefits of maintaining effective counterforce capabilities trump the costs. Strong counterforce capabilities should make adversaries expect that escalating a conventional war will lead to a disarming attack, not a cease-fire. Beyond deterrence, these capabilities will provide a more humane means of protecting allies who are threatened by nuclear attack and give U.S. leaders the ability to pursue regime change if an adversary acts in a truly egregious fashion. Moreover, some danger of escalation is unavoidable because the style of U.S. conventional operations will inevitably blind, rattle, and confuse U.S. adversaries. If the United States has powerful counterforce tools, these may dissuade its enemies from escalating in desperate times, and U.S. leaders would have a much more acceptable option if deterrence fails. The nuclear forces the United States builds today must be able to act as a reliable deterrent, even in much darker times. Many of those who recommend a much smaller U.S. nuclear arsenal—and assign little importance to a nuclear counterforce option—fail to consider the great difficulties of maintaining deterrence during conventional wars. The U.S. nuclear arsenal should retain sufficient counterforce capabilities to make adversaries think very carefully before threatening to use, putting on alert, or actually using a nuclear weapon. Any nuclear arsenal should also give U.S. leaders options they can stomach employing in these high-risk crises. Without credible and effective options for responding to attacks on allies or U.S. forces, the United States will have difficulty deterring such attacks. Unless the United States maintains

potent counterforce capabilities, U.S. adversaries may conclude—perhaps correctly—that the United States’ strategic position abroad rests largely on a bluff.

## 2nc

### spillover

#### US won’t exert leadership

Cleary 12

Richard Cleary, American Enterprise Institute Research Assistant, 8/13/12, Richard Cleary: Persuading Countries to Forgo Nuclear Fuel-Making, npolicy.org/article.php?aid=1192&tid=30

The cases above offer a common lesson: The U.S., though constrained or empowered by circumstance, can exert considerable sway in nonproliferation matters, **but** often elects not to apply the most powerful tools at its disposal for fear of jeopardizing other objectives. The persistent dilemma of how much to emphasize nonproliferation goals, and at what cost, has contributed to cases of nonproliferation failure. The **inconsistent** or incomplete **application** of U.S. power in nonproliferation cases is most harmful when it gives the impression to a nation that either sharing sensitive technology or developing it is, or will become, acceptable to Washington. **U.S. reticence** historically, with some exceptions, to prioritize nonproliferation—and in so doing reduce the chance of success in these cases—**does not leave room for** great **optimism about future U.S. efforts at persuading countries to forgo nuclear fuel-making**.

#### NPT fails

**Simpson**, PhD, director of the Mountbatten Centre for International Studies at University of Southhampton, expert of international standing on the NPT, awarded the Order of the British Empire; **‘9** (John. “The Future of the NPT,” in Combating Weapons of Mass Destruction: The Future of International Nonproliferation Policy, Eds. Busch, N.E. & Joyner, D.H. University of Georgia Press, p. 57-59)

a. Breakouts. In a breakout, a state in good standing has acquired all the necessary capabilities to both make and deliver a nuclear device and has sufficient stockpiled fissile material to move from zero nuclear weapons to tens immediately on reaching the end of its three months' notice period for withdrawal. Having the ability to act in this way has been characterized as being a latent or virtual proliferator. It is unclear how many states are currently in this position. However, advances in the general state of technology, the operation of clandestine state and nonstate procurement networks such as that fashioned by A.Q. Khan, and the projected revival of nuclear power reactor building and operations on a global scale suggest that their numbers will inexorably increase. Two developments feed into this scenario. The threat of nuclear terrorism in generating a conflict between the commitments contained in the NPT and the knowledge NNWS may regard as essential for creating effective response mechanisms. Where should the line now be drawn between the injunction in Article II to "not otherwise acquire nuclear weapons or other nuclear explosive devices" and such defensive nuclear research? Secondly, many nuclear technologies are inherently dual use in nature, and the inherent technical barriers to nuclear proliferation at the core of the IAFA safeguards mechanisms are degrading. The diffusion of centrifuge enrichment technology for civil purposes is shortening the' time between the availability of hard evidence of a state's intention to proliferate and the movement of a proliferating state to an irreversible breakout situation. In some cases, the political "warning time" may 110W he too short for coercive political (and military?) action to be mobilized to prevent it. Future nonproliferation policies may thus have to be based on noncorroborated intelligence or changes in the rules concerning legitimate and illegitimate fuel cycle activities. This situation is itself closely linked to the second type of withdrawal, crawling out, h. Crawl outs. Crawling out implies that states are engaged in a purposeful process to give theni an eventual ability to break out from the Ni"l'. The weaponization element of this is likely to be clandestine and difficult to confirm with any certainty due to the dual use technology involved. Missile or aircraft delivery activities are likely to be more visible but are not subject to international control through all inclusive regime. In addition, unclear and conventional delivery may he distinguishable only from observation of the flight profiles used in training. Finally, the fissile material needed for weapons might he produced rapidly in bulk by manufacturing safeguarded low enriched uranium suitable for power reactors and then further enriching it using the same basic technology. Crawling out is central to contemporary concerns over Iran's nuclear program. Moreover sonic in the United States would argue that the situation goes beyond an inability to deal with this specific ease. They would argue that what is occurring is "dysfunctional multilateralism."45 Not only is the NPT unable to prevent proliferation, but it actively assists it by providing a legal umbrella under which proliferators can take shelter while awaiting an opportune moment to proliferate. For over a number of years a "crawl out state" could position itself to "break out" without being overtly noncompliant with either the NPT or its IAEA safeguards agreements. Only three methods of stopping this from happening appear feasible. One is to change the rules of global nuclear power activity to ones similar to those envisaged for peaceful nuclear explosives in Article V of the NPT. This would give to a very few states the right to enrich uranium and separate plutonium from used fuel, accompanied by arrangements under which NPT parties would he guaranteed preferential access to nuclear fuel made from these materials. This would alleviate some current proliferation concerns, but it would also create a new form of discrimination and thus be difficult to agree to by consensus. The second method would be to give the IAEA new powers of intrusive inspection within national territories, including the task of investigating nuclear weaponization in all its aspects. Again this appears unlikely to gain consensus support. Finally there appears to be the option of military action against the key facilities involved once notice of withdrawal from the NPT has been given, something which would be contrary to international law unless the UNSC were to specifically authorize it.

#### International arms control mechanisms fail

**Thakur et al**, Center for Nonproliferation and Disarmament Director, **08**

(Ramesh e-, Professor at ANU College of Asia and the Pacific, Jane Boulden, Canada Research Chair in International Relations and Security Studies at Royal Military College of Canada, and Thomas G. Weiss, Professor of Political Science at CUNY Graduate Center, “Can the NPT Regime be fixed or should it be abandoned?”, Dialogue on Globalization, October 2008, 7/23/12, atl)

There are several major gaps in the arms control and disarmament NPT regime: 26

• The lack of universality.

• The continuing existence of stockpiles of nuclear weapons.

• The lack of a nuclear weapons convention outlawing the possession and use of nuclear weapons by all actors.

• The lack of veriﬁ cation machinery and compliance mechanisms for the disarmament obligations (Article 6).

• The lack of a credible and binding inspections regime for non-proliferation.

• The lack of agreed criteria to assess proliferation threats.

• The lack of a basis in international law to enforce non-proliferation norms for states outside the treaty regimes.

• The inapplicability of norms and regimes to nonstate actors.

Some NPT weaknesses were intentional. For example, the wording of Articles 1 and 2 deliberately permits the NWS to transfer nuclear weapons to other countries (Cold War allies at the time)—that is, engage in geographical proliferation—as long as control of the weapons remained in NWS hands. The subsequent popularity of regional nuclear-weapon-free zones (NWFZs) owed much to the desire to plug this loophole. Such zones cover virtually the entire Southern Hemisphere but are conspicuously scarce North of the equator. 27 The desire to marry two possibly incompatible goals—US President Dwight Eisenhower’s vision of “atoms for peace” and non-proliferation—produced the odd juxtaposition of Articles 3 and 4, which eventually opened the door for developments in North Korea and Iran. Nuclear energy for peaceful purposes can be pursued legitimately to the point of being perhaps a **screwdriver turn away** from a weapons capability.

Other NPT weaknesses became apparent with the beneﬁ t of hindsight. By failing to include a clear timetable with legally binding, veriﬁ able, and enforceable disarmament commitments, it temporarily legitimized N5 arsenals. The imbalance of reporting, veriﬁ cation, and compliance mechanisms between non-proliferation and disarmament in the NPT regime has also, over time, eroded seriously the legitimacy of this centerpiece of global arms control. By relying on the promise of signatories to use nuclear materials, facilities, and technology for peaceful purposes only, it empowered them to operate dangerously close to a nuclear-weapons capability. It proscribed non-nuclear states from acquiring nuclear weapons, but it failed to design a strategy for dealing with non-signatory states. It permits withdrawals much too easily: North Korea joined the NPT in 1985, but in January 2003 announced its intention to withdraw. Because there is no standing agency or secretariat, the NPT depends on ﬁ ve-year review conferences for resolving implementation problems. These operate by consensus, which does not make for decisive resolution of contentious issues. Veriﬁ cation and enforcement are one step removed to the extent that the IAEA acts as a buffer between the NPT and the Security Council.

The Iraq experience shows the enormous difﬁculty of ensuring compliance with international norms and commitments, 28 even with respect to one of the world’s most odious regimes pursuing the world’s most destructive weapons. The failure to ﬁnd WMDs since the war cannot eradicate the known historical record of Saddam Hussein’s past pursuit of them and his will to use them against outsiders as well as Iraqis. Moreover, there is an inherent tension between the IAEA’s mandate for promoting peaceful nuclear energy use and the overall strategic goal of non-proliferation. This is best illustrated by the fact that India and Pakistan, outside the NPT regime, are on the IAEA Board of Governors. It is also increasingly a problem because more and more of nuclear technology, materials, and equipment are dual use. When the chief distinction between peaceful and offensive use rests on intent, there is a problem.

#### Institutions fail—attempting to use treaties to back up safe tech transfers will backfire

**Thakur et al,** Center for Nonproliferation and Disarmament Director, **08**

(Ramesh e-, Professor at ANU College of Asia and the Pacific, Jane Boulden, Canada Research Chair in International Relations and Security Studies at Royal Military College of Canada, and Thomas G. Weiss, Professor of Political Science at CUNY Graduate Center, “Can the NPT Regime be fixed or should it be abandoned?”, Dialogue on Globalization, October 2008, 7/23/12, atl)

Today both pillars are crumbling. Some commentators fear that arms control is at an impasse, and disarmament could be reversed. Tellingly, there are neither ongoing discussions between the nuclear powers for reducing their nuclear stockpiles nor the intensity of concerns and demands from non-nuclear states from earlier decades. Treaties already negotiated and signed could unravel through non-ratiﬁ cation or breakouts. The testing of nuclear weapons could be resumed. The lengthening list of proliferation-sensitive concerns include North Korea’s nuclear weapons capability and its nuclear test of 2006; 4 worries expressed by the International Atomic Energy Agency (IAEA) about Iran’s nuclear program; 5 reports that Saudi Arabia may be contemplating an off-the-shelf purchase of nuclear weapons; 6 reports of misdeeds by South Korea, 7 Taiwan, 8 and Egypt; 9 apprehensions of a new uranium enrichment plant that would give Brazil a nuclear breakout capability; 10 disappointment at the under-funding of the Nunn-Lugar Cooperative Threat Reduction program; dismay at Russia’s retreat, beginning in the 1990s, from its historical commitment to a no-ﬁ rst-use policy; anxieties about the 27,000 nuclear warheads with a total yield of 5,000 megatons held by the ﬁ ve nuclear powers (with Russia and the United States accounting for more than 26,000); fears that Washington is lowering the threshold of normative barriers to the use of a new generation of nuclear weapons; evidence of an extensive multinational nuclear black market that demonstrated the inadequacy of the existing export controls system; and the prospect of terrorists’ acquiring nuclear weapons. Pakistan is often dubbed the most dangerous place on earth because of the lethal nexus of an unstable military dictatorship, Islamist groups bitterly hostile to the West, terrorists, and nuclear weapons. 11 Washington announced its commitment to negotiate a legally binding ﬁssile material cut-off treaty but without veriﬁcation provisions. Space talks remain blocked. The Six Party Talks make but ﬁtful progress in keeping North Korea from establishing a fully functioning nuclear weapons program. Iran sends conﬂicting messages on compliance with NPT commitments and its pursuit of a nuclear energy program for peaceful purposes. For four decades, the world has lived with ﬁ ve, then eight and now nine nuclear powers. Can we live with a tenth, if that be Iran? Can we live with a tenth if it increases the likelihood of an eleventh, twelfth, or more? The disquieting trend of a widening circle of NPT-licit and extra-NPT nuclear weapons powers in turn has a self-generating effect in drawing other countries into the game of nuclear brinkmanship. Concerns persist about the potential leakage of “loose nukes” from Russia to terrorists. Worst-case scenarios see terrorists using nuclear or radiological weapons to kill hundreds of thousands of people. As far as we know, however, no terrorist group has the competence to build nuclear weapons. Nor is there any ﬁ rm evidence to suggest that nuclear weapons have been transferred to terrorist organizations. The only good news stories are that Libya walked away from that path in December 2003, 12 Iraq does not have such weapons, and North Korea shut down its plutonium production in July 2007 under international inspection and destroyed the cooling tower at its nuclear weapons plant in June 2008. 13 The global governance mechanisms for non-proliferation and disarmament are in a sorry state. The Conference on Disarmament has been immobilized, unable even to agree on an agenda for a decade. In a speech in January 2008, SecretaryGeneral Ban Ki-moon could only declare helplessly that he was “deeply troubled” by its “impasse over priorities” and warned that it was “in danger of losing its way.” 14 The World Summit in 2005 failed to agree on a single sentence on the hot and essential subject. Reliance on the Security Council as the forum of choice for enforcing compliance is deeply problematical for three reasons. China, France Russia, the United Kingdom and the United States, the council’s ﬁ ve permanent members (P-5), are the ﬁ ve NPT-licit nuclear powers (N5); the council is severely unrepresentative and unaccountable; and the P-5/N5 have been among the most arms-exporting and war-prone countries since 1945. The normative barriers to the acquisition and use of nuclear weapons appear lowered. While consciousness of the risks of nuclear weapons falling into the hands of terrorists, militant fanatics, and other nonstate groups has grown enormously, the collective memories of the horrors of Hiroshima and Nagasaki have begun to fade beyond Japan (where the memory remains intensely painful and powerful). In January 2007, the doomsday clock of the Bulletin of Atomic Scientists was set at 11.55—the closest to doomsday since the end of the Cold War 15 —where it remains today. The rising anxieties about nuclear weapons are rooted in two major and parallel developments: the so-called renaissance of nuclear power and a resurgence of old-fashioned national security threats that supposedly had ebbed with the end of the Cold War. Between them, they highlight how all three legs of the NPT stool— nuclear power for civilian use, nuclear non-proliferation, and nuclear disarmament—are straining the regime, perhaps close to the breaking point. The widening circle of NPT-licit, extra-NPT, and NPT-noncompliant nuclear weapons powers indicates the extent to which the contradictions and tensions inherent to the NPT have ripened and the regime’s weaknesses have become increasingly apparent. When the regime’s many weaknesses and anomalies are factored in, we begin to understand why its fabric seems so frayed. Can it be repaired and continue to form the centerpiece of global nuclear arms control policy? Or would it be better to abandon the NPT and look to a new nuclear weapons convention as the chief cure for the world’s nuclear ailment?

### uniqueness

#### Tech diffusion’s already happened, but prolif is glacially slow

Jacques E.C. Hymans 12, Assistant Professor in the School of International Relations at the University of Southern California, May/June 2012, “Botching the Bomb,” Foreign Affairs, Vol. 91, No. 3

"TODAY, ALMOST any industrialized country can produce a nuclear weapon in four to five years," a former chief of Israeli military intelligence recently wrote in The New York Times, echoing a widely held belief. Indeed, the more nuclear technology and know-how have diffused around the world, the more the timeline for building a bomb should have shrunk. But in fact, rather than speeding up over the past four decades, proliferation has gone into slow motion.

Seven countries launched dedicated nuclear weapons projects before 1970, and all seven succeeded in relatively short order. By contrast, of the ten countries that have launched dedicated nuclear weapons projects since 1970, only three have achieved a bomb. And only one of the six states that failed -- Iraq -- had made much progress toward its ultimate goal by the time it gave up trying. (The jury is still out on Iran's program.) What is more, even the successful projects of recent decades have needed a long time to achieve their ends. The average timeline to the bomb for successful projects launched before 1970 was about seven years; the average timeline to the bomb for successful projects launched after 1970 has been about 17 years.

International security experts have been unable to convincingly explain this remarkable trend. The first and most credible conventional explanation is that the Nuclear Nonproliferation Treaty (NPT) has prevented a cascade of new nuclear weapons states by creating a system of export controls, technology safeguards, and on-site inspections of nuclear facilities. The NPT regime has certainly closed off the most straightforward pathways to the bomb. However, the NPT became a formidable obstacle to would-be nuclear states only in the 1990s, when its export-control lists were expanded and Western states finally became serious about enforcing them and when international inspectors started acting less like tourists and more like detectives. Yet the proliferation slowdown started at least 20 years before the system was solidified. So the NPT, useful though it may be, cannot alone account for this phenomenon.

#### Their authors are hacks

Hymans 12

Jacques Hymans, USC Associate Professor of IR, 4/16/12, North Korea's Lessons for (Not) Building an Atomic Bomb, www.foreignaffairs.com/articles/137408/jacques-e-c-hymans/north-koreas-lessons-for-not-building-an-atomic-bomb?page=show

Washington's miscalculation is not just a product of the difficulties of seeing inside the Hermit Kingdom. It is also a result of the broader tendency to overestimate the pace of global proliferation. For decades, Very Serious People have predicted that strategic weapons are about to spread to every corner of the earth. Such warnings have routinely proved wrong - for instance, the intelligence assessments that led to the 2003 invasion of Iraq - but they continue to be issued. In reality, despite the diffusion of the relevant technology and the knowledge for building nuclear weapons, the world has been experiencing a great proliferation slowdown. Nuclear weapons programs around the world are taking much longer to get off the ground - and their failure rate is much higher - than they did during the first 25 years of the nuclear age.

As I explain in my article "Botching the Bomb" in the upcoming issue of Foreign Affairs, the key reason for the great proliferation slowdown is the absence of strong cultures of scientific professionalism in most of the recent crop of would-be nuclear states, which in turn is a consequence of their poorly built political institutions. In such dysfunctional states, the quality of technical workmanship is low, there is little coordination across different technical teams, and technical mistakes lead not to productive learning but instead to finger-pointing and recrimination. These problems are debilitating, and they cannot be fixed simply by bringing in more imported parts through illicit supply networks. In short, as a struggling proliferator, North Korea has a lot of company.

### commitment traps

#### Doesn’t exist – and flexibility is preferable to limiting out options

Timothy P. Fischer 2012; Lieutenant Colonel United States Army “Post Cold War Nuclear Weapons Policy” United States Army War College Strategy Research Report

The current U.S. policy on the employment of nuclear weapons is not to use them against a non-nuclear state, nor to use them in a first strike. The purpose, according to the Administration, “is either to assure, dissuade, deter, or defeat”.56 Historically, the U.S. maintained a policy of retaliation in kind in regards to WMD. This policy allowed the U.S. the ability to retaliate for any attack with a WMD by an attack with a like weapon. If the U.S. was attacked with a chemical weapon, the U.S. would respond with a chemical weapon. In 1985 when Congress directed the Department of Defense to destroy its entire stockpile of chemical weapons under Public Law 99-145, the U.S. and established a policy that included using nuclear weapons in retaliation for any attack with a WMD to include chemical attacks. As pointed out in the 2010 Nuclear Posture Review, “. . .after the United States gave up its own chemical and biological weapons (CBW) pursuant to international treaties (while some states continue to possess or pursue them), it reserved the right to employ nuclear weapons to deter CBW attack on the United States and its allies and partners”.57 The U.S. policy was intentionally ambiguous and worked well. The ambiguity included in a policy that includes the possibility of responding to any attack perpetrated with a WMD provides a **wide range of options to the President.** An intentionally ambiguous police **does not create a condition that requires a nuclear response**, but it does provide more options for a response.

### no nfu change

#### No doctrine reversal – arsenal size

NTI 2013; Nuclear Threat Initiative “Country Profiles: China” http://www.nti.org/country-profiles/china/nuclear/

The Future of China's Nuclear Modernization There is much speculation that China's nuclear modernization program may be geared toward developing the capacity to move from a strategy of minimum deterrence to one of limited deterrence. Under a "limited deterrence" doctrine, China would need to target nuclear forces in addition to cities, which would require expanded deployments. However, such a limited deterrence capability may still be a long way off. According to Alastair Johnston, "It is fairly safe to say that Chinese capabilities come nowhere near the level required by the concept of limited deterrence."[41]

#### Concerns are overstated – misreads Chinese white papers

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

On April 16, the Chinese Ministry of Defense released the eighth edition of China’s bi-annual white paper on defense since 1998. However, unlike the previous editions, this one does not reiterate China’s long-standing doctrine of no-first-use nuclear weapons. The obvious omission has sparked a debate over whether China is changing its nuclear doctrine. If China abandons its no-first-use nuclear pledge, which has guided China’s nuclear strategy since its first nuclear test in 1964, it would severely undermine the global disarmament process, potentially preventing the U.S. and Russian from further reducing their nuclear arsenals and even encouraging the U.S. to expand its nuclear forces. Is China really changing its nuclear policy? Colonel Yang Yujun, a spokesman for China’s Ministry of Defense, answered this question unambiguously during a briefing on April 25 when he stated: “China repeatedly reaffirms that China has always pursued no-first-use nuclear weapons policy, upholds its nuclear strategy of self-defense, and never takes part in any form of nuclear arms race with any country. **The policy has never been changed**. The concern about changes of China’s nuclear policy is unnecessary.” Colonel Yang also explained that all former White Papers (with the same general title “China’s National Defense”) were comprehensive (zonghe xing), and elaborated on China’s nuclear policy in detail in sections on “national defense policy” and “arms control.” But this latest edition for the first time adopts a “thematic” model (zhuanti xing) and focuses specifically on the employment of China’s armed forces; it does not address nuclear policy in detail. While the new white paper does not explore generally its no-first-use policy, it emphasizes that the PLA Second Artillery Force (PLASAF) is “primarily responsible for deterring other countries from using nuclear weapons against China, and carrying out nuclear counterattack.” It also explains clearly how the PLASAF employs its nuclear force during peace and war time:

### A2 Counterforce Impossible

#### Arguments against counterforce effectiveness rely on outdated arsenal modeling

Keir A. Lieber and Daryl G. Press 2013; Keir A. Lieber, author of War and the Engineers: The Primacy of Politics over Technology, is Assistant Professor of Political Science at the University of Notre Dame. Daryl G. Press, author of Calculating Cred- ibility: How Leaders Assess Military Threats, is Associate Professor of Political Science at the Univer-sity of Pennsylvania; “The New Era of Nuclear Weapons, Deterrence, and Conflict” Strategic Studies Quarterly Spring 2013

The first set of arguments is about an important, yet virtually unnoticed, consequence of changes in military technology and the balance of power. In a nutshell, the same revolution in accuracy that has transformed conventional warfare has had equally momentous consequences for nuclear weapons and deterrence.2 Very accurate delivery systems, new reconnaissance technologies, and the downsizing of arsenals from Cold War levels have made both conventional and nuclear counterforce strikes against nuclear arsenals much more feasible than ever before. Perhaps most surprising, pairing highly accurate delivery systems with nuclear weapons permits target strategies that would create virtually no radioactive fallout, hence, vastly reduced fatalities. For nuclear analysts weaned on two seeming truths of the Cold War era—that nuclear arsenals reliably deter attacks via the threat of retaliation, and that nuclear weapons use is tantamount to mass slaughter—the implications of the counterforce revolution should be jarring. The conventional view linking nuclear weapons to stalemate and slaughter was correct during the latter decades of the Cold War. By the mid 1960s, a truly effective nuclear counterforce strike by either side— that is, a disarming blow by one superpower against the nuclear arsenal of the other—had become impossible.3 Each of the superpowers wielded an enormous arsenal, which was deployed on a diverse set of delivery systems. The sheer number of targets that would have to be destroyed, combined with the limitations of contemporary guidance systems, virtually guaranteed that any disarming attack would fail, leaving the enemy with a large number of surviving weapons with which to retaliate. Furthermore, any significant counterforce strike would have produced enormous quantities of lethal radioactive fallout and hence caused millions of civilian casualties.4 Most Cold War strategists—many of whom are still active in the nuclear analytical community today—came to instinctively associate nuclear weapons with stalemate and nuclear use with Armageddon. But nuclear weapons—like virtually all other weapons—have changed dramatically over the past four decades. Modern guidance systems permit nuclear planners to achieve “probabilities of damage” against hardened nuclear targets that were unheard of during the Cold War. And heightened accuracy also permits nontraditional targeting strategies that would further increase the effectiveness of counterforce strikes and greatly reduce casualties.5 The revolution in accuracy and sensors, and the relatively small contemporary arsenals, mean that nuclear balances around the world—for example, between the United States and China, the United States and North Korea, and perhaps in the future between Iran and Israel—bear little resemblance to the Cold War superpower standoff. To illustrate the revolution in accuracy, in 2006 we modeled the hardest case for our claim: a hypothetical US first strike on the next largest nuclear arsenal in the world, that of Russia. The same models that were used during the Cold War to demonstrate the inescapability of stalemate—the condition of “mutual assured destruction,” or MAD—now suggested that even the large Russian arsenal could be destroyed in a disarming strike.6 Furthermore, the dramatic leap in accuracy—which is the foundation for effective counterforce—is based on widely available technologies within reach of other nuclear-armed states, including Russia, China, Pakistan, and others. Our overriding message is not about the US-Russian nuclear balance per se. Rather, our point is that key beliefs about nuclear weapons have been overturned; scholars and analysts need to reexamine their underlying assumptions about nuclear stalemate and deterrence.

#### Credible nuclear primacy would deter China from escalating or intervening – they’d have no other option

Keir A. Lieber and Daryl G. Press , 2007; Keir A. Lieber, Assistant Professor of Political Science at the University of Notre Dame, and Daryl G. Press is Associate Professor of Government at Dartmouth, 2007, Superiority Complex, http://www.theatlantic.com/doc/print/200707/china-nukes

The most plausible flash point for a serious U.S.-China conflict is Taiwan. Suppose Taiwan declared independence. China has repeatedly warned that such a move would provoke an attack, probably a major air and naval campaign to shatter Taiwan’s defenses and leave the island vulnerable to conquest. If the United States decided to defend Taiwan, American forces would likely thwart China’s offensive, since aerial and naval warfare are strengths of the U.S. military. But looming defeat would place great pressure on China’s leaders. Losing the war might mean permanently losing Taiwan. This would undermine the domestic legitimacy of the Chinese Communist Party, which increasingly relies on the appeal of nationalism to justify its rule. A crippling defeat would also strain relations between political leaders in Beijing and the Chinese military. To stave off a regime-threatening disaster, the political leaders might decide to raise the stakes by placing part of the Chinese nuclear force on alert in hopes of coercing the United States into accepting a negotiated solution (for example, a return to Taiwan’s pre-declaration status). By putting its nuclear forces on alert, however, China’s leaders would compel a U.S. president to make a very difficult decision: to accede to blackmail (by agreeing to a cease-fire and pressuring the Taiwanese to renounce independence), to assume that the threat is a bluff (a dangerous proposition, given that each Chinese ICBM carries a city-busting 4,000-kiloton warhead), or to strike the Chinese missiles before they could be launched. How do America’s growing counterforce capabilities affect this scenario? First, **American nuclear primacy may prevent such a war in the first place.** China’s leaders understand that their military now has little hope of defeating U.S. air and naval forces. If they also recognize that their nuclear arsenal is vulnerable—and that placing it on alert might trigger a preemptive strike—the leaders may conclude that war is a no-win proposition. Second, if a war over Taiwan started anyway, U.S. nuclear primacy might help **contain the fighting** at the conventional level. Early in the crisis, Washington could quietly convey to Beijing that the United States would act decisively if China put its vulnerable nuclear arsenal on alert.

### A2 No cred

#### Wrong – nuclear threats are still highly credible and perceived by adversaries

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

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

Some advocates of nuclear disarmament speculate that nuclear weapons should necessarily play a lesser role in U.S. security planning because nuclear deterrence no longer “works” in the post–Cold War world in which the several nuclear powers vary in character and intentions.[13] Yet no evidence supports this argument. To the contrary, the growing complexity and uncertainty of the global threats suggest that the U.S. should increase its options to deter and defend, not decrease them. The motivations and character of the modern threats may have changed since the Cold War, but the basic principles of deterrence have not. At the heart of nuclear deterrence is the foe’s perception that the consequences of attacking the U.S. or U.S. allies with strategic weapons would far outweigh the benefit of doing so. Put another way, “[d]eterrence is a state of mind brought about by the existence of a credible threat of unacceptable counteraction."[14] As such, determining an effective U.S. targeting policy begins with assessing the character of each foe and identifying the instruments of power they value most.

#### Nuclear weapons are highly credible in crisis situations – they’re perceived as an existential risk

Lieber and Press 9 - Keir A. Lieber, Assistant Professor of Political Science at the University of Notre Dame, and Daryl G. Press, Associate Professor of Political Science at the University of Pennsylvania, November-December 2009, “The Nukes We Need: Preserving the American Deterrent,” Foreign Affairs, p. 39-41

The primary purpose of U.S. nuclear forces is to deter nuclear attacks on the United States and its allies. During peacetime, this is not a demanding mission. The chance that leaders in Beijing, Moscow, or even Pyongyang will launch a surprise nuclear attack tomorrow is vanishingly small. But peacetime deterrence is not the proper yardstick for measuring the adequacy of U.S. nuclear forces. Rather, the United States’ arsenal should be designed to provide robust deterrence in the most difficult of plausible circumstances: during a conventional war against a nuclear-armed adversary. In the coming decades, the United States may find itself facing nuclear-armed states on the battlefield. U.S. alliances span the globe, and the United States is frequently drawn into regional conflicts. Washington has launched six major military operations since the fall of the Berlin Wall: in Panama, Somalia, Kosovo, Afghanistan, and twice in Iraq. Furthermore, most of the United States’ potential adversaries have developed—or seem to be developing—nuclear weapons. Aside from terrorism, the threats that dominate U.S. military planning come from China, North Korea, and Iran: two members of the nuclear club, and one intent on joining it. The central problem for U.S. deterrence in the future is that even rational adversaries will have powerful incentives to introduce nuclear weapons—that is, threaten to use them, put them on alert, test them, or even use them—during a conventional war against the United States. If U.S. military forces begin to prevail on the battlefield, U.S. adversaries may use nuclear threats to compel a cease-fire or deny the United States access to allied military bases. Such threats might succeed in pressuring the United States to settle the conflict short of a decisive victory. Such escalatory strategies are rational. Losing a conventional war to the United States would be a disastrous outcome for any leader, and it would be worth taking great risks to force a cease-fire and avert total defeat. The fate of recent U.S. adversaries is revealing. The ex-dictator of Panama, Manuel Noriega, remains in a Miami prison. The former Bosnian Serb leader, Radovan Karadzic, awaits trial in The Hague, where Yugoslav President Slobodan Milosevic died in detention three years ago. Saddam Hussein’s punishment for losing the 2003 war was total: his government was toppled, his sons were killed, and he was hanged on a dimly lit gallows, surrounded by enemies. Even those leaders who have eluded the United States—such as the Somali warlord Muhammad Farah Aidid and Osama bin Laden—have done so despite intense U.S. efforts to capture or kill them. The United States’ overseas conflicts are limited wars only from the U.S. perspective; to adversaries, they are existential. It should not be surprising if they use every weapon at their disposal to stave off total defeat. Coercive nuclear escalation may sound like a far-fetched strategy, but it was NATO’s policy during much of the Cold War. The Western allies felt that they were hopelessly outgunned in Europe at the conventional level by the Warsaw Pact. Even though NATO harbored little hope of prevailing in a nuclear war, it planned to initiate a series of escalating nuclear operations at the outbreak of war—alerts, tactical nuclear strikes, and wider nuclear attacks—to force the Soviets to accept a cease-fire. The United States’ future adversaries face the same basic problem today: vast conventional military inferiority. They may adopt the same solution. Leaders in Beijing may choose gradual, coercive escalation if they face imminent military defeat in the Taiwan Strait—a loss that could weaken the Chinese Communist Party’s grip on power. And if U.S. military forces were advancing toward Pyongyang, there is no reason to expect that North Korean leaders would keep their nuclear weapons on the sidelines. Layered on top of these challenges are two additional ones. First, U.S. conventional military doctrine is inherently escalatory. The new American way of war involves launching simultaneous air and ground attacks throughout the theater to blind, confuse, and overwhelm the enemy. Even if the United States decided to leave the adversary’s leaders in power (stopping short of regime change so as to prevent the confrontation from escalating), how would Washington credibly convey the assurance that it was not seeking regime change once its adversary was blinded by attacks on its radar and communication systems and command bunkers? A central strategic puzzle of modern war is that the tactics best suited to dominating the conventional battlefield are the same ones most likely to trigger nuclear escalation. Furthermore, managing complex military operations to prevent escalation is always difficult. In 1991, in the lead-up to the Persian Gulf War, U.S. Secretary of State James Baker assured Iraq’s foreign minister, Tariq Aziz, that the United States would leave Saddam’s regime in power as long as Iraq did not use its chemical or biological weapons. But despite Baker’s assurance, the U.S. military unleashed a major bombing campaign targeting Iraq’s leaders, which on at least one occasion nearly killed Saddam. The political intent to control escalation was not reflected in the military operations, which nearly achieved a regime change. In future confrontations with nuclear-armed adversaries, the United States will undoubtedly want to prevent nuclear escalation. But the leaders of U.S. adversaries will face life-and-death incentives to use their nuclear arsenals to force a cease-fire and remain in power.

#### And conventional deterrence can’t replace it

Keith B. Payne 2009; President of The National Institute for Public Policy, Spring 2009, “On Nuclear Deterrence and Assurance,” Strategic Studies Quarterly, p. 50-51

Of course, the explanations of apparent Iraqi restraint offered by Tariq Aziz, Wafic Al Sammarai, and Hussein Kamal do not close the issue; they do, however, suggest that nuclear deterrence was at least part of the answer as to why Saddam Hussein did not use WMD in 1991 when he apparently had the option to do so. These explanations also suggest the profound error of those prominent commentators who asserted with such certainty immediately after the 1991 war that nuclear weapons were “incredible as a deterrent and therefore irrelevant,”28 and the fragility of similar contemporary claims that US nuclear threats are incredible and thus useless for contemporary regional deterrence purposes.29 Prominent American commentators can assert that nuclear weapons are incredible and thus useless in such cases; their speculation about US threat credibility, however, ultimately is irrelevant. For deterrence purposes, it is the opponent’s belief about US threat credibility that matters, and that cannot be ascertained from the views of American domestic commentators. The 1991 Gulf War appears to demonstrate that Iraqi officials perceived US threats as nuclear and sufficiently credible to deter, and that this perception was more important to US deterrence strategy than were actual US intentions. Nuclear deterrence appears to have played a significant role despite the fact that US leaders apparently saw no need to employ nuclear weapons and had no intention of doing so. There is little doubt that US nuclear threats have contributed to the deterrence of additional past opponents who otherwise may have been particularly resistant to US nonnuclear threats. This deterrent effect is a matter of adversary perceptions—which can be independent of our preferences or intentions regarding the use of force. However we might prefer to deter or plan to employ force, the actual behavior of adversaries on occasion suggests that there can be a difference between the deterring effects of nuclear and nonnuclear weapons. In some past cases, given the adversary’s views and the context, it has been “the reality of nuclear deterrence” that has had the desired “restraining effect.”30 In the future, as in the past, the working of deterrence on such occasions may be extremely important.

#### Forgoing nuclear strike capabilities crushes prolif credibility effectiveness – adversaries need a great equalizer

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

In this respect, it is arguable that a growing US reliance upon advanced conventional weaponry to dissuade new nuclear challengers **will further undermine the possibility for nuclear reductions.** It is difficult to see how such states could feel secure without building and developing at least a rudimentary nuclear weapons capability to act as a ‘‘great equalizer’’ to US conventional superiority. This has been very publicly demonstrated in diplomatic engagements with both North Korea and Iran, whereby neither state has felt inclined to trade away its actual or potential nuclear programs for a US-backed security guarantee. Nevertheless, it is at least conceivable that a move away from nuclear weapons by the United States will reinforce the norm of nonproliferation and theoretically make it harder for these countries to acquire their own nuclear weapons. Moreover, the deployment of these capabilities in Europe, East Asia, and the Middle East may provide a more credible US commitment to the region, assuring other nations of US support, and thus making them less inclined to pursue their own weapons programs. In this regard, it may be that the major positive impact of a move towards US conventional superiority is that it reinforces international non-nuclear norms and thereby makes it both politically and militarily harder for these states to acquire and develop nuclear weapons. While advanced conventional weaponry is arguably a necessary and prudent response to the challenges posed by new nuclear aspirants (and even terrorist groups), in particular by protecting against a surprise missile launch, it is unclear that such developments will assist the abolition agenda. More specifically, advanced US conventional weaponry appears to be one of the drivers of rogue state nuclear proliferation (amongst other factors), and it would seem that both North Korea and Iran fear the combination of missile defense and global strike programs in much the same way that China does. This is arguably why nuclear weapons appear to have such utility for these regimes. When these dynamics are taken into consideration it is hard to see how the Obama plan can lead to a situation where either current or future ‘‘rogue states’’ are less likely to pursue the acquisition of nuclear weapons. The same requirement to accept some degree of vulnerability applies to trust building, no matter how limited\*even with nuclear aspirants\*and therefore the invulnerability provided by BMD and PGS works against future progress.38

### Link Turns Case - NFU

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

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

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

### A2 Causes Miscalc

#### Nuclear deterrence reduces the risk of Chinese miscalculation over Taiwan

Dunn, 07 – former Assistant Director of the U.S. Arms Control and Disarmament Agency and served as Ambassador to the 1985 Nuclear Non-Proliferation Treaty Review Conference. (Summer 07, Lewis A. Dunn, IFRI Security Studies Center, Proliferation Papers, “Deterrence Today Roles, Challenges and Responses,” http://www.ifri.org/files/Securite\_defense/Deterrence\_Today\_Dunn\_2007.pdf, JMP)

Unlike the case with Russia, **a U.S.-China nuclear crisis or even confrontation is not inconceivable.** Precipitous action by Taiwan could be one trigger; a decision by Chinese officials to act against Taiwan another. In any such confrontation over Taiwan, it is conceivable that Chinese officials could miscalculate the readiness of the United States to support Taiwan. Chinese officials also could miscalculate their ability to manage the risks of escalation. In that regard, some Chinese experts have stated informally that such an asymmetry of stakes would put the United States at a fundamental disadvantage in any China-Taiwan-U.S. crisis. That is, in their view, given asymmetric stakes, the United States would be reluctant to escalate even after a Chinese limited use of a nuclear weapon.30 The U.S.-China strategic relationship also is characterized by mutual uncertainties about each other’s longer-term strategic intentions in both Washington and Beijing. In Washington, the scope and goals of China’s planned nuclear modernization as well as its readiness to play a constructive role in dealing with pressing non-proliferation problems remain open questions. Beijing’s decision to test an anti-satellite weapon in January, 2007 clearly reinforced those uncertainties. In Beijing, the scope and goals of U.S. deployment of missile defenses and advanced conventional weapons is being closely watched given concerns about a possible U.S. pursuit of a disarming first strike against China’s nuclear arsenal. For their part, China’s experts and officials have signaled that the scope and pace of China’s nuclear modernization is linked to those American deployments. So viewed**, China is prepared to do whatever it takes** to preserve a limited nuclear deterrent.31 Against this backdrop, **the U.S. extended nuclear deterrent has a role to play** in **lessening the risk of Chinese miscalculation over Taiwan.** More broadly, as suggested above, the American presence in Asia and the U.S. nuclear deterrent also is seen by some Japanese and other officials as a reassuring factor in the context of China’s growing military capabilities and political rise in Asia. U.S. officials need to continue to make clear U.S. support for a peaceful resolution of the Taiwan question. U.S. officials need to be prepared to counter Chinese perceptions that an asymmetry of stakes reduces the risks of China of threats or use of force should any confrontation over Taiwan occur. The steps set out above to buttress the U.S.- Japan and U.S.-Korea alliance relationship also provide a broader reassurance vis-à-vis China.

## 1nr

### In

#### Into means entry

Meriam Webster 13, http://www.merriam-webster.com/dictionary/into

Full Definition of INTO

1—used as a function word to indicate entry, introduction, insertion, superposition, or inclusion <came into the house> <enter into an alliance>

### Healy

#### The soldier who presses the button to launch the nuke isn’t in hostilities --- NDAA proves

Healey & Wilson 13 – Jason Healey is the director of the Cyber Statecraft Initiative at the Atlantic Council. AND\*\*\* A.J. Wilson is a visiting fellow at the

Atlantic Council, 2013, “Cyber Conflict and the War Powers

Resolution: Congressional Oversight

of Hostilities in the Fifth Domain,” jnslp.com/wp-content/uploads/2010/08/11\_Dycus.pdf‎

War Powers and Offensive Cyber Operations¶ In a report submitted to Congress in November 2011, pursuant to a mandate in section 934 of the National Defense Authorization Act for fiscal year 2011, the Pentagon, quoting the WPR’s operative language, stated that:8 **Cyber operations might not include the introduction of armed forces personnel into the area of hostilities.** Cyber operations may, however, be a component of larger operations that could trigger notification and reporting in accordance with the War Powers Resolution. The Department will continue to assess each of its actions in cyberspace to determine when the requirements of the War Powers Resolution may apply to those actions. With the focus on “personnel,” this passage makes clear that the WPR will typically not apply to exclusively cyber conflicts. With cyber warriors executing such operations from centers inside the United States, such as the CYBERCOM facility at Fort Meade, Maryland, at a significant distance from the systems they are attacking and well out of harm’s way. Thus, there is no relevant “introduction” of armed forces. Without such an “introduction,” even the reporting requirements are not triggered. ¶ The view that there can be no introduction of forces into cyberspace **follows naturally from the administration’s argument that the purpose of the WPR is simply to keep US service personnel out of harm’s way** unless authorized by Congress. If devastating unmanned missions do not fall under the scope of the resolution, it is reasonable to argue that a conflict conducted in cyberspace does not either.¶ Arguing the point, an administration lawyer might ask, rhetorically, what exactly do cyber operations “introduce”? On a literal, physical level, electrical currents are redirected; but nothing is physically added to—nor, for that matter, taken away from—the hostile system. To detect any “introduction” at all, we must descend into metaphor; and even there, all that is really introduced is lines of code, packets of data: in other words, information. At most, this information constitutes the cyber equivalent of a weapon. “Armed forces,” by contrast, consist traditionally of weapons plus the flesh and blood personnel who wield them. And that brings us back to our cyber-soldier who, without leaving leafy Maryland, can choreograph electrons in Chongqing. Finally, even if armed forces are being introduced, there are no relevant “hostilities” for the same reason: no boots on the ground, no active exchanges of fire, and no body bags.

### Opderbeck

#### Hostilities implies units of US armed forces engaged in an active exchange of fire with opposing units --- weapons systems don’t count

David W. Opderbeck 13, Professor of Law, Seton Hall University School of Law, 8/2/13, “Drone Courts,” http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2305315

The WPR does not indicate that Congress has any authority to oversee or control the President’s deployment of armed forces in circumstances other than those involving actual or immanent “hostilities.” Recently the Obama administration has interpreted what “hostilities” means in this context very narrowly in connection with U.S. military involvement in the revolution that overthrew Libyan leader Mohammar Quadaffi.176 As Harold Koh, Legal Advisor to the Department of State, testified before the Senate Committee on Foreign Relations in 2011, “as virtually every lawyer recognizes, the operative term, ‘hostilities,’ is an ambiguous standard, which is nowhere defined in the statute.”177 Koh further noted that “[a]pplication of these provisions often generates difficult issues of interpretation that must be addressed in light of a long history of military actions abroad, without guidance from the courts, involving a Resolution passed by a Congress that could not have envisioned many of the operations in which the United States has since become engaged.”178

In light of these ambiguities, Koh testified, the Executive branch, in league with Congress, has engaged in casuistic efforts to determine when a particular situation does or does not involve “hostilities.”179 Koh noted that a particularly influential effort to frame principles for application was developed in 1975 by his predecessor Monroe Leigh and Defense Department General Counsel Martin Hoffmann, in a letter that has become canonical in this context.180 The Leigh-Hoffmann letter states that “hostilities” implies “a situation in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces.”181 As Koh interpreted the Leigh-Hoffman letter, if the mission, exposure of U.S. forces, and risk of elevation are each limited, the military forces are not engaged in “hostilities.”182 Koh therefore argued that the involvement of U.S. forces in airstrikes against Quaddafi’s forces did not constitute “hostilities.”

If the practice of previous administrations supplies guiding precedent, Koh’s argument was sound. As Koh noted, the WPR’s requirements for “hostilities” were not invoked for military operations in Grenada, Lebanon, El Salvador, Iraq (Operation Desert Storm), Kosovo, or Somalia.183 It seems that the use of combat drones for targeted strikes also would not ordinarily constitute “hostilities,” since there is usually no “exchange of fire” under such circumstances.

### Lobel

#### Restrictions on war powers could include restrictions on any weapons system – nuclear weapons, land mine bans, cluster bombs, chemical weapons – it’s why we need a ‘human’ limit

**Lobel, 8** - Professor of Law, University of Pittsburgh Law School (Jules, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War” 392 OHIO STATE LAW JOURNAL [Vol. 69:391, <http://moritzlaw.osu.edu/students/groups/oslj/files/2012/04/69.3.lobel_.pdf>)

The third theory—based on the distinction between general rules and specific tactics—also has surface appeal, but is unworkable when applied to specific issues because the line between policy and tactic is too amorphous and hazy to be useful in real world situations. For example, how does one decide whether the use of waterboarding as a technique of interrogation is a policy or specific tactic? Even if it is arguably a specific tactic, Congress could certainly prohibit that tactic as antithetical to a policy prohibiting cruel and inhumane treatment. So too, President Bush’s surge strategy in Iraq could be viewed as a tactic to promote a more stable Iraq, or as a general policy which Congress should be able to limit through use of its funding power. Congress can limit tactical decisions to use particular weapons such as chemical weapons, nuclear weapons, or cluster bombs by forbidding the production or use of such weapons, or simply refusing to fund them.42 Congress could also, however, enact more limited and specific restrictions to prohibit the use of nuclear weapons or land mines in a particular conflict or even a particular theater of war. Indeed, most specific tactics could be permitted or prohibited by a rule. In short, the distinctions between strategies and tactics, rules and detailed instructions, or policies and tactics are simply labels which are virtually indistinguishable. Labeling an activity with one of these terms is largely a distinction without a difference. Accordingly, these labels are not helpful to the real problem of determining the respective powers of Congress and the President.43

### Taylor

#### Broad interpretations cause unmanageable research burdens

Taylor III, now a JD from William and Mary, 2005

(Jarred, “Searching for a More Perfect Union,” https://docs.google.com/document/d/1ypiOXjRVPWzNxDsFVJ0S1n-QfIGtXzp7Y59meEwd-bE/edit?hl=en\_US)

**It would take even the most seasoned scholar years of research and hundreds of pages to** adequately **analyze** the development of **any presidential power** over the course of American history; **war power is** certainly **no exception**. Every President since George Washington has interpreted the martial prerogatives of his office in different ways, and most have set some sort of precedent for succeeding officeholders. Nevertheless, some of the major changes in executive military power bear highlighting.

### Lorber (2)

#### Ground – troops are the true controversy:

Lorber, JD University of Pennsylvania, January 2013

(Eric, “Executive Warmaking Authority and Offensive Cyber Operations: Can Existing Legislation Successfully Constrain Presidential Power?” 15 U. Pa. J. Const. L. 961, Lexis)

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

### USstratcom

#### Topic coherence – if their interpretation is correct, then including ‘offensive cyber operations’ in the topic would be redundant and unnecessary, since cyber command falls under the uniformed services – this means their interpretation isn’t predictable

**USSTRATCOM, 13** (“U.S. Cyber Command” current as of August, http://www.stratcom.mil/factsheets/Cyber\_Command/)

USCYBERCOM is a sub-unified command subordinate to U. S. Strategic Command (USSTRATCOM). Service elements include: Army Cyber Command (ARCYBER); Air Forces Cyber (AFCYBER); Fleet Cyber Command (FLTCYBERCOM); and Marine Forces Cyber Command (MARFORCYBER). The Command is also standing up dedicated Cyber Mission Teams to accomplish the three elements of our mission.

### Farlex/US Code

#### USAF = regular components of DOD

Farlex 13 The Free Dictionary By Farlex, “United States Armed Forces,” Accessed 7-23, http://www.thefreedictionary.com/United+States+Armed+Forces

Used to denote collectively only the regular components of the Army, Navy, Air Force, Marine Corps, and Coast Guard. See also Armed Forces of the United States.

#### US Code excludes weapons from the air force

US Code No Date – "10 USC § 8062 - Policy; composition; aircraft authorization" www.law.cornell.edu/uscode/text/10/8062

(a) It is the intent of Congress to provide an Air Force that is capable, in conjunction with the other armed forces, of—¶ (1) preserving the peace and security, and providing for the defense, of the United States, the Commonwealths and possessions, and any areas occupied by the United States;¶ (2) supporting the national policies;¶ (3) implementing the national objectives; and¶ (4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.¶ (b) There is a United States Air Force within the Department of the Air Force.¶ (c) In general, the Air Force includes aviation forces both combat and service not otherwise assigned. It shall be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations. It is responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.¶ (d) The Air Force consists of—¶ (1) **the Regular Air Force, the Air National Guard of the United States, the Air National Guard while in the service of the United States, and the Air Force Reserve;**¶ (2) all persons appointed or enlisted in, or conscripted into, the Air Force without component; and¶ (3) all Air Force units and other Air Force organizations, with their installations and supporting and auxiliary combat, training, administrative, and logistic elements; and all members of the Air Force, including those not assigned to units; necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency.¶ (e) Subject to subsection (f) of this section, chapter 831 of this title, and the strength authorized by law pursuant to section 115 of this title, the authorized strength of the Air Force is 70 Regular Air Force groups and such separate Regular Air Force squadrons, reserve groups, and supporting and auxiliary regular and reserve units as required.¶ (f) There are authorized for the Air Force 24,000 serviceable aircraft or 225,000 airframe tons of serviceable aircraft, whichever the Secretary of the Air Force considers appropriate to carry out this section. **This subsection does not apply to guided missiles.**¶ (g)¶ (1) Effective October 1, 2011, the Secretary of the Air Force shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 301 aircraft. Effective on the date that is 45 days after the date on which the report under section 141(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 is submitted to the congressional defense committees, the Secretary shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 275 aircraft.¶ (2) In this subsection:¶ (A) The term “strategic airlift aircraft” means an aircraft—¶ (i) that has a cargo capacity of at least 150,000 pounds; and¶ (ii) that is capable of transporting outsized cargo an unrefueled range of at least 2,400 nautical miles.¶ (B) The term “outsized cargo” means any single item of equipment that exceeds 1,090 inches in length, 117 inches in width, or 105 inches in height.¶ (h)¶ (1) Beginning October 1, 2011, the Secretary of the Air Force may not retire more than six B–1 aircraft.¶ (2) The Secretary shall maintain in a common capability configuration not less than 36 B–1 aircraft as combat-coded aircraft.¶ (3) In this subsection, the term “combat-coded aircraft” means aircraft assigned to meet the primary.

### Friedman

#### Here is evidence for that

**Friedman, 99 –** US District Court Judge (TOM CAMPBELL, et al., Plaintiffs, v. WILLIAM JEFFERSON CLINTON, President of the United States, Defendant. Civil Action No. 99-1072 (PLF) UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA 52 F. Supp. 2d 34; 1999 U.S. Dist. LEXIS 8630 June 8, 1999, Decided, lexis)

Finally, the War Powers Resolution explicitly provides that authority to introduce forces into hostilities shall not be inferred "from any provision of law . . . including any provision contained in any appropriations Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]," or "from any treaty . . . unless such [\*\*6] treaty is implemented by legislation specifically authorizing the introduction of United States [\*37] Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]." 50 U.S.C. § 1547(a) (emphasis added).

### Ravens Hansen

#### Here is a nuclear specific card that there was a specific amendment during the war powers debate, and it was rejected in the WPR – it was intended to exclude nuclear weapons from that particular phrase

Peter Raven-Hansen October 1989; Professor of Law, George Washington University National Law Center “SPECIAL ISSUE: THE UNITED STATES CONSTITUTION IN ITS THIRD CENTURY: FOREIGN AFFAIRS: DISTRIBUTION OF CONSTITUTIONAL AUTHORITY: NUCLEAR WAR POWERS” The American Society of International Law, American Journal of International Law 83 A.J.I.L. 786; Lexis Nexis Academic

The statutory argument against delegation rests on the War Powers Resolution. Section 8(a)(1) of the Resolution provides that authorization for the introduction of U.S. armed forces into hostilitiesshall not be inferred from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes [such introduction] and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution. n35 Congress has never specifically delegated nuclear war power to the President. How specific that delegation would have to be to satisfy this provision of the Resolution is unclear. The Court has long applied a canon of liberal statutory construction to legislation affecting the war powers, n36 and it has declined "to require the Congress to employ magical passwords" to satisfy the same kind of rule of construction in the Administrative Procedure Act. n37 It would not make sense, moreover, to require appropriations acts or other legislation predating the Resolution to contain "magical passwords" acknowledging an intent to authorize military force within the meaning of the Resolution. Nor, in light of its legislative history, is it tenable to argue that the Resolution itself cut off all prior delegations of nuclear war power resting on appropriations. During debate on an early version of the war powers legislation, the Senate overwhelmingly defeated an amendment that would have required "the prior, explicit authorization of Congress" for first use of nuclear weapons. n38 Even Senator Eagleton, a vigorous opponent of presidential claims of independent war power, argued and voted against the amendment, explaining that "[t]his bill is not the proper vehicle for restricting the President's use of weapons previously appropriated by Congress to the executive arsenal. . . ." n39