# 1NC

## T

#### Restrictions are prohibitions on action --- the aff is a reporting requirement

Jean Schiedler-Brown 12, Attorney, Jean Schiedler-Brown & Associates, Appellant Brief of Randall Kinchloe v. States Dept of Health, Washington, The Court of Appeals of the State of Washington, Division 1, http://www.courts.wa.gov/content/Briefs/A01/686429%20Appellant%20Randall%20Kincheloe%27s.pdf

3. The ordinary definition of the term "restrictions" also does not include the reporting and monitoring or supervising terms and conditions that are included in the 2001 Stipulation.

Black's Law Dictionary, 'fifth edition,(1979) defines "restriction" as;

A limitation often imposed in a deed or lease respecting the use to which the property may be put. The term "restrict' is also cross referenced with the term "restrain." Restrain is defined as; To limit, confine, abridge, narrow down, restrict, obstruct, impede, hinder, stay, destroy. To prohibit from action; to put compulsion on; to restrict; to hold or press back. To keep in check; to hold back from acting, proceeding, or advancing, either by physical or moral force, or by interposing obstacle, to repress or suppress, to curb.

In contrast, the terms "supervise" and "supervisor" are defined as; To have general oversight over, to superintend or to inspect. See Supervisor. A surveyor or overseer. . . In a broad sense, one having authority over others, to superintend and direct. The term "supervisor" means an individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but required the use of independent judgment.

Comparing the above definitions, it is clear that the definition of "restriction" is very different from the definition of "supervision"-very few of the same words are used to explain or define the different terms. In his 2001 stipulation, Mr. Kincheloe essentially agreed to some supervision conditions, but he did not agree to restrict his license.

#### Vote negative-

#### Limits- there are infinite ways the Congress could implement oversight policies over the areas of the topic- the permutations of the composition of the drone court etc are enormous and prevent negative preparation

#### Bidirectionality- allowing oversight affs allows actual increases in executive action in topical areas- for example the aff could argue that the drone court actually would increase the number of acceptable targets for targeted killing

#### Precision-Lexicography is key to understanding the resolution

Dash No Date [Nilardi Sekhar Dash Linguistic Research Unit, Indian Statistical Institute, worked in the area of corpus linguistics and language technology for more than 15 years No Date “Linguistics- The Art of Lexicography” Encyclopedia of Life Support Systems http://www.eolss.net/Sample-Chapters/C04/E6-91-16.pdf]

Lexicography also studies lexicon but from a different angle. While lexicology concentrate on the general properties and features that can be viewed as systematic, lexicography typically deals with the individuality of each lexical unit (Zgusta 1973: 14). Lexicography is thus defined as the art of writing a dictionary or the science of compiling a dictionary. While lexicology studies words as elements of a system, lexicography approaches words as individual units with respect to their meaning and usage. We use a dictionary in order to learn about words in the process of language learning, comprehending a text in a better way or checking correct spellings and pronunciations of words, etc.

## CP

#### By executive order, the President of the United States should commit the Solicitor General & White House Counsel’s Office to advance consultation with the Office of Legal Counsel and require written publication of Office of Legal Counsel opinions over current law regarding targeted killing. The President should publicly pledge to act consistent with these opinions.

#### The Office of Legal Counsel should opine that the best interpretation of current law requires jus ad bellum and jus in bello to apply to the President’s war powers authority to conduct targeted killings.

#### CP competes on ‘authority’ but solves – OLC rulings are binding as settled law, but crafting reduces links to net benefits

Trevor W. Morrison, October 2010 Columbia Law Professor

“STARE DECISIS IN THE OFFICE OF LEGAL COUNSEL,” Columbia Law Review, 110 Colum. L. Rev. 1448.

On the other hand, an OLC that says "yes" too often is not in the client's long-run interest. n49 Virtually all of OLC's clients have their own legal staffs, including the White House Counsel's Office in the White House and the general counsel's offices in other departments and agencies. Those offices are capable of answering many of the day-to-day issues that arise in those components. They typically turn to OLC when the issue is sufficiently controversial or complex (especially on constitutional questions) that some external validation holds special value. n50 For example, when a department confronts a difficult or delicate constitutional question in the course of preparing to embark upon a new program or course of action that raises difficult or politically sensitive legal questions, it has an interest in being able to point to a credible source affirming the [\*1462] legality of its actions. n51 The in-house legal advice of the agency's general counsel is unlikely to carry the same weight. n52 Thus, even though those offices might possess the expertise necessary to answer at least many of the questions they currently send to OLC, in some contexts they will not take that course because a "yes" from the in-house legal staff is not as valuable as a "yes" from OLC. But that value depends on OLC maintaining its reputation for serious, evenhanded analysis, not mere advocacy. n53 The risk, however, is that OLC's clients will not internalize the long-run costs of taxing OLC's integrity. This is in part because the full measure of those costs will be spread across all of OLC's clients, not just the client agency now before it. The program whose legality the client wants OLC to review, in contrast, is likely to be something in which the client has an immediate and palpable stake. Moreover, the very fact that the agency has come to OLC for legal advice will often mean it thinks there is [\*1463] at least a plausible argument that the program is lawful. In that circumstance, the agency is unlikely to see any problem in a "yes" from OLC. Still, it would be an overstatement to say that OLC risks losing its client base every time it contemplates saying "no." One reason is custom. In some areas, there is a longstanding tradition - rising to the level of an expectation - that certain executive actions or decisions will not be taken without seeking OLC's advice. One example is OLC's bill comment practice, in which it reviews legislation pending in Congress for potential constitutional concerns. If it finds any serious problems, it writes them up and forwards them to the Office of Management and Budget, which combines OLC's comments with other offices' policy reactions to the legislation and generates a coordinated administration position on the legislation. n54 That position is then typically communicated to Congress, either formally or informally. While no statute or regulation mandates OLC's part in this process, it is a deeply entrenched, broadly accepted practice. Thus, although some within the Executive Branch might find it frustrating when OLC raises constitutional concerns in bills the administration wants to support as a policy matter, and although the precise terms in which OLC's constitutional concerns are passed along to Congress are not entirely in OLC's control, there is no realistic prospect that OLC would ever be cut out of the bill comment process entirely. Entrenched practice, then, provides OLC with some measure of protection from the pressure to please its clients. But there are limits to that protection. Most formal OLC opinions do not arise out of its bill comment practice, which means most are the product of a more truly voluntary choice by the client to seek OLC's advice. And as suggested above, although the Executive Branch at large has an interest in OLC's credibility and integrity, the preservation of those virtues generally falls to OLC itself. OLC's nonlitigating function makes this all the more true. Whereas, for example, the Solicitor General's aim of prevailing before the Supreme Court limits the extent to which she can profitably pursue an extreme agenda inconsistent with current doctrine, OLC faces no such immediate constraint. Whether OLC honors its oft-asserted commitment to legal advice based on its best view of the law depends largely on its own self-restraint. 2. Formal Requests, Binding Answers, and Lawful Alternatives. - Over time, OLC has developed practices and policies that help maintain its independence and credibility. First, before it provides a written opinion, n55 OLC typically requires that the request be in writing from the head or general counsel of the requesting agency, that the request be as specific and concrete as possible, and that the agency provide its own written [\*1464] views on the issue as part of its request. n56 These requirements help constrain the requesting agency. Asking a high-ranking member of the agency to commit the agency's views to writing, and to present legal arguments in favor of those views, makes it more difficult for the agency to press extreme positions. Second, as noted in the Introduction, n57 OLC's legal advice is treated as binding within the Executive Branch until withdrawn or overruled. n58 As a formal matter, the bindingness of the Attorney General's (or, in the modern era, OLC's) legal advice has long been uncertain. n59 The issue has never required formal resolution, however, because by longstanding tradition the advice is treated as binding. n60 OLC protects that tradition today by generally refusing to provide advice if there is any doubt about whether the requesting entity will follow it. n61 This guards against "advice-shopping by entities willing to abide only by advice they like." n62 More broadly, it helps ensure that OLC's answers matter. An agency displeased with OLC's advice cannot simply ignore the advice. The agency might [\*1465] construe any ambiguity in OLC's advice to its liking, and in some cases might even ask OLC to reconsider its advice. n63 But the settled practice of treating OLC's advice as binding ensures it is not simply ignored. In theory, the very bindingness of OLC's opinions creates a risk that agencies will avoid going to OLC in the first place, relying either on their general counsels or even other executive branch offices to the extent they are perceived as more likely to provide welcome answers. This is only a modest risk in practice, however. As noted above, legal advice obtained from an office other than OLC - especially an agency's own general counsel - is unlikely to command the same respect as OLC advice. n64 Indeed, because OLC is widely viewed as "the executive branch's chief legal advisor," n65 an agency's decision not to seek OLC's advice is likely to be viewed by outside observers with skepticism, especially if the in-house advice approves a program or initiative of doubtful legality. OLC has also developed certain practices to soften the blow of legal advice not to a client's liking. Most significantly, after concluding that a client's proposed course of action is unlawful, OLC frequently works with the client to find a lawful way to pursue its desired ends. n66 As the OLC Guidelines put it, "when OLC concludes that an administration proposal is impermissible, it is appropriate for OLC to go on to suggest modifications that would cure the defect, and OLC should stand ready to work with the administration to craft lawful alternatives." n67 This is a critical component of OLC's work, and distinguishes it sharply from the courts. In addition to "providing a means by which the executive branch lawyer can contribute to the ability of the popularly-elected President and his administration to achieve important policy goals," n68 in more instrumental terms the practice can also reduce the risk of gaming by OLC's clients. And that, in turn, helps preserve the bindingness of OLC's opinions. n69 [\*1466] To be sure, OLC's opinions are treated as binding only to the extent they are not displaced by a higher authority. A subsequent judicial decision directly on point will generally be taken to supersede OLC's work, and always if it is from the Supreme Court. OLC's opinions are also subject to "reversal" by the President or the Attorney General. n70 Such reversals are rare, however. As a formal matter, Dawn Johnsen has argued that "the President or attorney general could lawfully override OLC only pursuant to a good faith determination that OLC erred in its legal analysis. The President would violate his constitutional obligation if he were to reject OLC's advice solely on policy grounds." n71 Solely is a key word here, especially for the President. Although his oath of office obliges him to uphold the Constitution, n72 it is not obvious he would violate that oath by pursuing policies that he thinks are plausibly constitutional even if he has not concluded they fit his best view of the law. It is not clear, in other words, that the President's oath commits him to seeking and adhering to a single best view of the law, as opposed to any reasonable or plausible view held in good faith. Yet even assuming the President has some space here, it is hard to see how his oath permits him to reject OLC's advice solely on policy grounds if he concludes that doing so is indefensible as a legal matter. n73 So the President needs at least a plausible legal basis for [\*1467] disagreeing with OLC's advice, which itself would likely require some other source of legal advice for him to rely upon. The White House Counsel's Office might seem like an obvious candidate. But despite recent speculation that the size of that office during the Obama Administration might reflect an intention to use it in this fashion, n74 it continues to be virtually unheard of for the White House to reverse OLC's legal analysis. For one thing, even a deeply staffed White House Counsel's Office typically does not have the time to perform the kind of research and analysis necessary to produce a credible basis for reversing an OLC opinion. n75 For another, as with attempts to rely in the first place on in-house advice in lieu of OLC, any reversal of OLC by the White House Counsel is likely to be viewed with great skepticism by outside observers. If, for example, a congressional committee demands to know why the Executive Branch thinks a particular program is lawful, a response that relies on the conclusions of the White House Counsel is unlikely to suffice if the committee knows that OLC had earlier concluded otherwise. Rightly or wrongly, the White House Counsel's analysis is likely to be treated as an exercise of political will, not dispassionate legal analysis. Put another way, the same reasons that lead the White House to seek OLC's legal advice in the first place - its reputation for [\*1468] providing candid, independent legal advice based on its best view of the law - make an outright reversal highly unlikely. n76 Of course, the White House Counsel's Office may well be in frequent contact with OLC on an issue OLC has been asked to analyze, and in many cases is likely to make it abundantly clear what outcome the White House prefers. n77 But that is a matter of presenting arguments to OLC in support of a particular position, not discarding OLC's conclusion when it comes out the other way. n78The White House is not just any other client, and so the nature of - and risks posed by - communications between it and OLC on issues OLC is analyzing deserve special attention. I take that up in Part III. n79 My point at this stage is simply that the prospect of literal reversal by the White House is remote and does not meaningfully threaten the effective bindingness of OLC's decisions.

## DA

#### Congress will hold off on additional Iran sanctions now; Obama’s capital key to prevent sanctions which could collapse negotiations and cause Iranian proliferation.

Jim Lobe Iran Sanctions Bill Big Test of Israel Lobby Power December 21 <http://www.lobelog.com/iran-sanctions-bill-big-test-of-israel-lobby-power/>

Republicans, many of whom reflexively oppose President Barack Obama’s positions on any issue and whose core constituencies include Christian Zionists, are almost certain to support the bill by an overwhelming margin. If the bill gets to the floor, the main battle will thus take place within the Democratic majority. The latter find themselves torn between, on the one hand, their loyalty to Obama and their fear that new sanctions will indeed derail negotiations and thus make war more likely, and, on the other, their general antipathy for Iran and the influence exerted by AIPAC and associated groups as a result of the questionable perception that Israel’s security is uppermost in the minds of Jewish voters and campaign contributors (who, by some estimates, provide as much as 40 percent of political donations to Democrats in national campaigns). The administration clearly hopes the Democratic leadership will prevent the bill from coming to a vote, but, if it does, persuading most of the Democrats who have already endorsed the bill to change their minds will be an uphill fight. If the bill passes, the administration will have to muster 34 senators of the 100 senators to sustain a veto – a difficult but not impossible task, according to Congressional sources. That battle has already been joined. Against the 13 Democratic senators who signed onto the Kirk-Menendez bill, 10 Democratic Senate committee chairs urged Majority Leader Harry Reid, who controls the upper chamber’s calendar, to forestall any new sanctions legislation. “As negotiations are ongoing, we believe that new sanctions would play into the hands of those in Iran who are most eager to see negotiations fail,” wrote the 10, who included the chairs of the Intelligence and Armed Services Committees, Dianne Feinstein and Carl Levin, respectively. They also noted that a new intelligence community assessment had concluded that “new sanctions would undermine the prospects for a successful comprehensive nuclear agreement with Iran.” Their letter was followed by the veto threat by White House spokesman Jay Carney and a strong denunciation of the bill by State Department spokesperson Marie Harf. She accused the sponsors of “directly contradict[ing] the administration work. …If Congress passes this bill, …it would be proactively taking an action that would undermine American diplomacy and make peaceful resolution to this issue less possible.”\

#### Despite unpopularity of using Targeted Killing—Critics aren’t touching it because to do so would DESTROY obama’s agenda

HUGHES 2/6/13 White House Correspondent—The Washington Examiner [Brian Hughes, Obama's base increasingly wary of drone program, http://washingtonexaminer.com/obamas-base-increasingly-wary-of-drone-program/article/2520787]

The heightened focus on President Obama's targeted killings of American terror suspects overseas has rattled members of his progressive base who have stayed mostly silent during an unprecedented use of secret drone strikes in recent years.

During the presidency of George W. Bush, Democrats, including then-Sen. Obama, hammered the administration for employing enhanced interrogation techniques, which critics labeled torture.

Liberals have hardly championed the president's drone campaign but have done little to force changes in the practice, even as the White House touts the growing number al Qaeda casualties in the covert war.

The issue grates on some Democrats who backed Obama over Hillary Clinton because of her vote in favor of the war in Iraq, only to see the president ignore a campaign promise to close the detainee holding camp in Guantanamo, Cuba, and mount a troop surge in Afghanistan.

With the confirmation hearing Thursday for John Brennan, Obama's nominee for CIA director -- and the architect of the drone program -- Democrats will have a high-profile opportunity to air their concerns over the controversial killings.

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

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

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

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

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

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

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

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

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

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

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

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

#### New sanctions destroy negotiations- causes Iran prolif and war

Kahl 12-31 [Colin Kahl is an associate professor in the Security Studies Program in the Edmund A. Walsh School of Foreign Service at Georgetown University, where he teaches courses on international relations, international security, the geopolitics of the Middle East, American foreign policy, and civil and ethnic conflict. He is also a senior fellow at the Center for a New American Security (CNAS), a Washington, DC-based think tank. 12-31-2013 “The Danger of New Iran Sanctions” National Interest http://nationalinterest.org/commentary/the-danger-new-iran-sanctions-9651?page=1]

The legislation defies a request by the Obama administration and ten Senate committee chairs to stand down on sanctions while negotiations continue. It also flies in the face of an unclassified intelligence assessment that new sanctions “would undermine the prospects for a successful comprehensive nuclear agreement with Iran.” Proponents of the bill note that the proposed sanctions would only come into force if Iran violates the Geneva agreement or fails to move toward a final deal, and would not kick in for months. But the White House warns that enshrining new economic threats in law now runs counter to the spirit of the Geneva pledge of no new sanctions during negotiations, and risks empowering Iranian forces hoping to scuttle nuclear talks. The legislation also defines congressionally acceptable parameters for a final deal that Iran experts almost universally believe are unachievable, namely the requirement that Iran completely dismantle its uranium enrichment program. For these reasons, the administration believes the bill represents a poison pill that could kill diplomacy, making a nuclear-armed Iran or war more likely. Sanctions hawks disagree, arguing that the legislation will enable, not thwart, diplomatic progress. “Current sanctions brought Iran to the negotiating table,” Senator Robert Menendez, the bill’s leading champion, contends, “and a credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table.”¶ But this logic badly misreads the historical effect of sanctions on Iranian behavior and under-appreciates the role played by Iran’s fractious domestic politics. A careful look at Iranian actions over the past decade suggests that economic pressure has sometimes been effective, but only when it aligns with particular Iranian political dynamics and policy preferences. And once domestic Iranian politics are factored in, the lesson for today’s sanctions debate is clear: the threat of additional sanctions, at this critical juncture, could derail negotiations toward a peaceful solution.

#### Escalates - global nuclear war

Edelman, distinguished fellow – Center for Strategic and Budgetary Assessments, ‘11

(Eric S, “The Dangers of a Nuclear Iran,” *Foreign Affairs*, January/February)

The reports of the Congressional Commission on the Strategic Posture of the United States and the Commission on the Prevention Of Weapons of Mass Destruction Proliferation and Terrorism, as well as other analyses, have highlighted the risk that a nuclear-armed Iran could trigger additional nuclear proliferation in the Middle East, even if Israel does not declare its own nuclear arsenal. Notably, Algeria, Bahrain, Egypt, Jordan, Saudi Arabia,Turkey, and the United Arab Emirates— all signatories to the Nuclear Nonproliferation Treaty (npt)—have recently announced or initiated nuclear energy programs. Although some of these states have legitimate economic rationales for pursuing nuclear power and although the low-enriched fuel used for power reactors cannot be used in nuclear weapons, these moves have been widely interpreted as hedges against a nuclear-armed Iran. The npt does not bar states from developing the sensitive technology required to produce nuclear fuel on their own, that is, the capability to enrich natural uranium and separate plutonium from spent nuclear fuel. Yet enrichment and reprocessing can also be used to accumulate weapons-grade enriched uranium and plutonium—the very loophole that Iran has apparently exploited in pursuing a nuclear weapons capability. Developing nuclear weapons remains a slow, expensive, and di⁄cult process, even for states with considerable economic resources, and especially if other nations try to constrain aspiring nuclear states’ access to critical materials and technology. Without external support, it is unlikely that any of these aspirants could develop a nuclear weapons capability within a decade.¶ There is, however, at least one state that could receive significant outside support: Saudi Arabia. And if it did, proliferation could accelerate throughout the region. Iran and Saudi Arabia have long been geopolitical and ideological rivals. Riyadh would face tremendous pressure to respond in some form to a nuclear-armed Iran, not only to deter Iranian coercion and subversion but also to preserve its sense that Saudi Arabia is the leading nation in the Muslim world. The Saudi government is already pursuing a nuclear power capability, which could be the first step along a slow road to nuclear weapons development. And concerns persist that it might be able to accelerate its progress by exploiting its close ties to Pakistan. During the 1980s, in response to the use of missiles during the Iran-Iraq War and their growing proliferation throughout the region, Saudi Arabia acquired several dozen css-2 intermediate-range ballistic missiles from China. The Pakistani government reportedly brokered the deal, and it may have also oªered to sell Saudi Arabia nuclear warheads for the css-2s, which are not accurate enough to deliver conventional warheads eªectively. There are still rumors that Riyadh and Islamabad have had discussions involving nuclear weapons, nuclear technology, or security guarantees. This “Islamabad option” could develop in one of several diªerent ways. Pakistan could sell operational nuclear weapons and delivery systems to Saudi Arabia, or it could provide the Saudis with the infrastructure, material, and technical support they need to produce nuclear weapons themselves within a matter of years, as opposed to a decade or longer. Not only has Pakistan provided such support in the past, but it is currently building two more heavy-water reactors for plutonium production and a second chemical reprocessing facility to extract plutonium from spent nuclear fuel. In other words, it might accumulate more fissile material than it needs to maintain even a substantially expanded arsenal of its own. Alternatively, Pakistan might oªer an extended deterrent guarantee to Saudi Arabia and deploy nuclear weapons, delivery systems, and troops on Saudi territory, a practice that the United States has employed for decades with its allies. This arrangement could be particularly appealing to both Saudi Arabia and Pakistan. It would allow the Saudis to argue that they are not violating the npt since they would not be acquiring their own nuclear weapons. And an extended deterrent from Pakistan might be preferable to one from the United States because stationing foreign Muslim forces on Saudi territory would not trigger the kind of popular opposition that would accompany the deployment of U.S. troops. Pakistan, for its part, would gain financial benefits and international clout by deploying nuclear weapons in Saudi Arabia, as well as strategic depth against its chief rival, India. The Islamabad option raises a host of difficult issues, perhaps the most worrisome being how India would respond. Would it target Pakistan’s weapons in Saudi Arabia with its own conventional or nuclear weapons? How would this expanded nuclear competition influence stability during a crisis in either the Middle East or South Asia? Regardless of India’s reaction, any decision by the Saudi government to seek out nuclear weapons, by whatever means, would be highly destabilizing. It would increase the incentives of other nations in the Middle East to pursue nuclear weapons of their own. And it could increase their ability to do so by eroding the remaining barriers to nuclear proliferation: each additional state that acquires nuclear weapons weakens the nonproliferation regime, even if its particular method of acquisition only circumvents, rather than violates, the NPT.¶ n-player competition¶ Were Saudi Arabia to acquire nuclear weapons, the Middle East would count three nuclear-armed states, and perhaps more before long. It is unclear how such an n-player competition would unfold because most analyses of nuclear deterrence are based on the U.S.- Soviet rivalry during the Cold War. It seems likely, however, that the interaction among three or more nuclear-armed powers would be more prone to miscalculation and escalation than a bipolar competition. During the Cold War, the United States and the Soviet Union only needed to concern themselves with an attack from the other. Multipolar systems are generally considered to be less stable than bipolar systems because coalitions can shift quickly, upsetting the balance of power and creating incentives for an attack. More important, emerging nuclear powers in the Middle East might not take the costly steps necessary to preserve regional stability and avoid a nuclear exchange. For nuclear-armed states, the bedrock of deterrence is the knowledge that each side has a secure second-strike capability, so that no state can launch an attack with the expectation that it can wipe out its opponents’ forces and avoid a devastating retaliation. However, emerging nuclear powers might not invest in expensive but survivable capabilities such as hardened missile silos or submarinebased nuclear forces. Given this likely vulnerability, the close proximity of states in the Middle East, and the very short flight times of ballistic missiles in the region, any new nuclear powers might be compelled to “launch on warning” of an attack or even, during a crisis, to use their nuclear forces preemptively. Their governments might also delegate launch authority to lower-level commanders, heightening the possibility of miscalculation and escalation. Moreover, if early warning systems were not integrated into robust command-and-control systems, the risk of an unauthorized or accidental launch would increase further still. And without sophisticated early warning systems, a nuclear attack might be unattributable or attributed incorrectly. That is, assuming that the leadership of a targeted state survived a first strike, it might not be able to accurately determine which nation was responsible. And this uncertainty, when combined with the pressure to respond quickly,would create a significant risk that it would retaliate against the wrong party, potentially triggering a regional nuclear war.

## K

#### The 1AC's attempt to restrain the President counteracts itself by constructing threats to justify political reform- their crisis discourse reproduces the very logic that facilitates executive expansionism

Scheuerman 12 – Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

For Ackerman, the emergence of nationally prominent and media-savvy figures such as Colin Powell and David Petraeus, who at crucial junctures have communicated controversial policy positions to a broader public,'^ suggests that this long-standing structural flaw has recently gotten worse. The Goldwater-Nichols Act of 1996, for example, transformed the chair of the Joint Chiefs of Staff from a mediator for the competing services into the military's principal—and hugely influential—spokesperson within the National Security Council (2010, 50). Not only does the military constitute a hugely significant segment of the administrative machinery, but it is now embodied—both in govemment and the public eye—in a single leader whose views carry tremendous weight. The fact that opinion surveys show that the officer corps is increasingly conservative in its partisan orientation, Ackerman notes, only adds to the dangers. Americans need not fear an imminent military putsch, along the lines that destroyed other presidential regimes elsewhere. Nonetheless, we would do well not to be "lulled into a false sense of security" (2010, 87). Having painted a foreboding portrait of institutional trends, Ackerman points to paths we might take to ward off the worst. In light of the obvious seriousness of the illness he has diagnosed, however, his antidotes tend to disappoint: he proposes that we treat cancer with some useful but limited home remedies. Like Shane, Ackerman wants to improve popular deliberation by reforming the mass media and institutionalizing "Deliberation Day" (2010, 125-40). Yet how such otherwise potentially appealing initiatives might counteract the symbiotic relationship between presidentialism and crisis government remains ambiguous. A modernized electoral college, for example, might simply engender executives better positioned to claim to stand in for "we the people" than their historical predecessors. Given Ackerman's own worries about plebiscitarianism, this reform might compound rather than alleviate our problems. More innovatively, Ackerman endorses the idea of a quasi-judicial check within the executive branch, a "Supreme Executive Tribunal" given the task of expeditiously determining the legality of proposed executive action, whose members would be appointed to staggered terms and subject to Senate confirmation. Forced to gain a seal of approval from jurists relatively insulated from sitting presidents, the executive tribunal would act more quickly than an ordinary court and thereby help put a "brake on the presidential dynamic before it can gather steam" (2010,143). Before the president could take the first political move and potentially alter the playing field, he or she might first have to clear the move with a body of legal experts, a requirement that presumably over time would work to undergird the executive branch's commitment to legality. The proposed tribunal could allow the president and Congress to resolve many of their standoffs more expeditiously than is typical today (2010, 146). Congressional representatives, for example, might rely on the tribunal to challenge executive signing statements. Existing exemptions for a significant number of major executive-level actors (e.g., the president's National Security Advisor) from Senate confirmation also need to be abandoned, while the military should promulgate a new Canon of Military Ethics, aimed at clarifying what civilian control means in contemporary real-life settings, in order to counteract its ongoing politicization. Goldwater-Nichols could be revised so as better to guarantee the subordination of military leaders to the Secretary of Defense (2010, 153-65). Ackerman also repeats his previous calls for creating an explicit legal framework for executive emergency action: Congress could temporarily grant the president broad discretionary emergency powers while maintaining effective authority to revoke them if the executive proved unable to gain ever more substantial support from the legislature (2010, 165-70; see also Ackerman 2006). Each of these suggestions demands more careful scrutiny than possible here. Nonetheless, even if many of them seem potentially useful, room for skepticism remains. Why, for example, would the proposed executive tribunal not become yet another site for potentially explosive standoffs between presidents and Congress? Might not highlevel political conflicts end up simply taking the forms of destructive (and misleadingly legalistic) duels? To the extent that one of the tribunal's goals is to decelerate executive decision making, its creation would perhaps leave our already sluggish and slow-moving political system even less able than at the present to deal with fast-paced challenges. Faced with time constraints and the need to gain popular support, executives might then feel even more pressed than at present to circumvent legality. As Ackerman knows, even as it presently operates, the Senate confirmation process is a mess. His proposal to extend its scope might simply end up reproducing at least some familiar problems. Last but not least, given the perils he so alarmingly describes, his proposed military reforms seem unsatisfying. Why not instead simply cut our bloated military apparatus and abandon US imperial pretensions? The obvious Achilles heel is that none of the proposals really deals head-on with what Ackerman himself conceives as the fundamental root of executive-centered government: an independently elected president strictly separated from legislative bodies with which he periodically clashes in potentially destructive ways. Despite Ackerman's ambition, his proposals do not provide structural reform: he concludes that US-based reformers should "take the independently elected presidency as a fixture" (2010, 124). Thus, presidential government is here to stay; reformers can also forget about significantly altering our flawed system of presidential primaries, activist government, and powerful military that intervenes frequently abroad (2010, 124). Given contemporary political developments, one can certainly appreciate why Ackerman is skeptical that the US system might finally be ripe for a productive institutional overhaul. Nonetheless, this just makes an already rather bleak book look even bleaker. His book's title. The Decline and Fall of the Arnerican Republic, is out of step with the somewhat upbeat reformist proposals detailed in its final chapters. Regretfully, the title better captures his core message. Only Ackerman's ultimately disturbing book both adeptly rejects the tendency among recent students of executive power to revert to constitutional nostalgia while forthrightly identifying the very real dangers posed by recent institutional trends. In an age of permanent or at least seemingly endless emergencies, where the very attempt to cleanly distinguish dire crises from "normal" political and social challenges becomes exceedingly difficult, the executive threatens to become an even more predominant— and potentially lawless—institutional player Unfortunately, US-style presidential democracy may be particularly vulnerable to this trend. Ackerman proves more successful than the other authors discussed here because he is best attuned to a rich body of comparative constitutional and political science scholarship that has raised legitimate doubts about the alleged virtues of US-style liberal democracy. Not surprisingly, some of his own reform ideas—for example, his proposed system of emergency law making—draw heavily on foreign examples, including Canada and new democracies such as South Africa. He convincingly argues that we might at least ameliorate the widespread tendency among presidents to manipulate crises for narrow partisan reasons, for example, by relying on the clever idea of a supermajoritarian escalator, which would require every legislative renewal of executive emergency authority to rest on ever more numerous supermajorities (2006). Ackerman is right to suggest that the United States needs to look abroad in order to improve our rather deficient system of emergency rule (Scheuerman 2006, 2008). Our system is broken; it is time to see what can be learned from others. Ackerman's latest book's overly cautious reformism thus seems especially peculiar in light of his own powerful and indeed enthusiastic defense of constrained parliamentarism, which he quite plausibly describes as potentially offering a superior approach to emergency government. The key point is not that we can be absolutely sure that the "grass is greener" in new democracies such as postwar Germany or post-Franco Spain; existing empirical evidence offers, frankly, a mixed picture. Contemporary Germany, for example, has certainly experienced its own fair share of emergency executive excesses (Frankenberg 2010). Scholars have criticized not only the empirical thesis that presidentialism and a strict separation of powers can help explain the substantial growth of executive discretion (Carolan 2009; Gross and Ni Aolain 2006), but also more farreaching assertions about their alleged structural disadvantages (Cheibub 2006). Still others argue that parliamentary regimes even of the "old type" (i.e., the UK Westminster model) have done relatively well in maintaining the rule of law during serious crises (Ewing and Gearty 2000; Bellamy 2007, 249-53). Unfortunately, we still lack wellconceived empirical studies comparing constrained parliamentarism with US-style presidentialism. Too much existing scholarship focuses on single countries, or relies on "foreign" cases but only in a highly selective and anecdotal fashion. Until we have more properly designed comparative studies, however, it seems inaccurate to assume a priori that core institutional features of US presidential democracy are well equipped to tackle the many challenges at hand. As I have tried to argue here, a great deal of initial evidence suggests that this simply is not the case. Admittedly, every variety of liberal democracy confronts structural tendencies favoring the augmentation of executive power: many of the social and economic roots (e.g., social acceleration) of executive-centered crisis govemment represent more-or-less unive+rsal phenomena, likely to rattle even well-designed constitutional systems. One can also easily imagine that in decades to come, extreme "natural" catastrophes— increasingly misnamed, because of their links to human-based climate change— justifying declarations of martial law or states of emergency will proliferate, providing novel possibilities for executives to expand their authority.^° So it would be naive to expect any easy constitutional or political-institutional fix. However, this sobering reality should not lead us to abandon creative institutional thinking. On the contrary, it arguably requires of us that we try to come up with new institutional models, distinct both from existing US-style presidentialism and parliamentarism, constrained or otherwise.

#### Not only is the impact extinction, but this makes warfare, threat construction and human insecurity inevitable. Alt is to reject the aff's state sponsored security discourse

Lal 4 - Master of Arts in International Relations (Preerna, 2004, http://gwu.academia.edu/PrernaLal/Papers/646118/Critical\_Security\_Studies\_Deconstructing\_the\_National\_Security\_State)

Under the lens of critical theory, there are many problems with the current framework of national security. First, security is a paradox for the more we add to the national security agenda, the more we have to fear. As Barry Buzan (1991, 37) points out in People, States and Fear, the security paradox presents us with a cruel irony in that to be secure ultimately, would mean “being unable to escape.” Thus, to secure oneself, one would need to be trapped in a timeless state, for leaving this state would incur risks. The current neo-realist realization of national security is quite narrow and does not take into account threats to human welfare, health, social problems, and domestic sources of insecurity. However, in Security: A New Framework of Analysis, several CSS theorists put forward the case for widening the field of security studies and separating these into five different sectors under state control: military, politics, environment, society and economy (Buzan, De Wilde and Waever 1998, 21-23). But, since these wideners leave¶ the referent object of security as the state, widening the field of security studies becomes even more troubling because it risks more state control over our lives, the militarization of social issues such as drugs and crime, which would further legitimize and justify state violence, leaving us all the more insecure. Accordingly, it becomes clear that a mere re- definition of “security” away from its current neo-realist framework does not solve the security dilemma if the referent object of security is left unchanged. This goes to prove that it is the state as the referent object that requires questioning in terms of its supposed provision of security rather than the problems with widening the field of security. Without a state-centric concept of security, there would be no national security agenda left to widen, as our security concerns would be human-centered, hence, the paradox of security would dissipate.¶ A second part of the security paradox is that security and insecurity are not binary opposites. On a micro-level, if security is the state of being secure, than insecurity should be the state of not being secure. However, what we do feel secure about is neither part of the national security agenda nor a conscious thought or feeling. The state of being secure is thus, not conceptualized as an absence of insecurity. On a policymaking level, Robert Lipschutz (1995, 27), Associate Professor of Politics at University of California, Santa Cruz, notes in On Security that our desire to achieve security through the acquisition of arms and a national missile “defense” system, serves to insecure those whom we label¶ and treat as threats. This encourages the proliferation of weapons of mass destruction and offensive posturing by those we wish to secure ourselves against, causing us to feel more insecure as the end result of our search for security. More recently, when George W. Bush included North Korea in his illogical “Axis of Evil” and named it as a threat to the United States, the peripheral state had no nuclear capability and would never have thought to use the threat of weapons of mass destruction to blackmail Western powers into giving aid. However, alarmed at the thought of being the next Afghanistan or Iraq, North Korea retaliated within a year by revealing its nuclear arsenal. The United States watched helplessly as one more previously benign nation became a real security problem. As a consequence, imagined enemies become real threats due to the ongoing threat construction by the state, and this poses the security dilemma of creating self-fulfilling prophecies in the current framework of security.¶ Our notion of security is what the state says it is, rather than what we feel it is. Yet, this entrenched view of security is epistemologically flawed, which is our second dilemma; meaning that our knowledge of security as it is defined is based in certain realist assumptions that do not hold up under scrutiny. Our perception of what and from whom we need to be secured is not based on the actual threats that exist, but on the¶ threats that we are told to perceive by the state. Thus, terrorists, drugs, illegal immigrants, “Third World” dictators, rogue states, blacks, non-Christians, and the Other, are considered as threats to the national security apparatus, and consequently, as threats to the individual American. This state construction of threats pervades our minds, causing a trickle-down effect that encourages a culture of fear, where the only limit to the coming danger is our imagination. Lipschutz (2000, 44-45) concludes in After Authority: War, Peace, and Global Politics in the 21st Century, “the national security state is brought down to the level of the household, and each one arms itself against the security dilemma posed by its neighbor across the hedge of fence.” Lipschutz seems to be saying that it is national security that eventually encourages the creation of a dichotomy between the self and the Other in our everyday lives. Indeed, it is the discourse of security by the rulers and elites, which creates and sustains our bipolar mindset of the world.¶ A final dilemma presented by the current security framework is that security is ontologically unstable, unable to exist on its own, requiring the creation of certain conditions and categories, specifically, the creation of the Other. James Der Derian (1995, 25), Associate Professor of Political Science at U Mass (Amherst), notes in On Security that we are taught to consider security as “an a priori argument that proves the existence and necessity of only one form of security because there currently happens to be a widespread belief in it.” Yet, national security is a highly unstable concept and changes over time, with the construction of new threats and enemies. Due to its unstable nature, security can then, be considered as a constant fluid that is constructed and re- defined by the discourse of the state and security elites. Ole Waever, a senior researcher at the Center for Peace and Conflict Research, contends that the very act of uttering “security” places it on the security agenda, thereby giving the state and its elite, power over the issue. In On Security, he notes that “in naming a certain development a security problem, the state can claim a special right, one that in the final instance, always be defined by the state and its elites” (1995, 55). This process is termed as “securitization,” which simply means treating an event or issue as a problem of national security rather than first questioning whether it should even be treated as a security issue. Such an act serves the interests of the state and its elites, starting with security discourse by the state, which constructs and perpetuates state identity and existence.

## Case

### Prolif

#### **It’s too late to solve drone prolif – more than 50 countries have the tech and China mass production is inevitable**

Noel Sharkey, December 1, 2011, Professor of AI and Robotics and Professor of Public Engagement at the University of Sheffield and Leverhulme Research Fellow on Battlefield Robots, “The Automation and Proliferation of Military Drones and the Protection of Civilians,” http://ehis.ebscohost.com/ehost/pdfviewer/pdfviewer?sid=03668503-81b1-4af6-9fef-7418e6466828%40sessionmgr104&vid=2&hid=106

There are now at least 50 countries using UAVs.2 Many of these are being developed in-house and many are being bought in (and probably copied). The US sells many of its drones to its closest allies in Europe, and recently the US company General Atomics was granted permission to sell its earlier generation predators in the Middle East and Latin America. Israel has an even wider range of markets, having recently expanded into Latin American countries. Countries that do not have the advantage of being a close ally of the US cannot yet buy armed drones, and so they are having to find other means of acquiring or developing them. India and Pakistan are working hard to develop attack drones, having failed to purchase any from the US or Israel. Russia has shown models of the MiG Skat unmanned combat aircraft, which is intended to carry out strike missions on air defences. It is, according to reports from Russia, able to carry cruise missiles and can strike both ground and naval targets. Iran demonstrated a rocket-launched UAV, the Karrar or ambassador of death, to the press in 2010. It carries two cruise missiles. It is not possible to ascertain how operational the Iranian and Russian craft are, but it is clear that, at the very least, they are moving in the right direction to make the technology. China is showing the greatest commercial potential for selling armed UAVs over the coming decade. It has made a showing of many different types of UAV at its air shows over the last five years, some almost replicas of the US drones. The US-China Economic and Security Review Commission said that China ‘has deployed several types of unmanned aerial vehicles for both reconnaissance and combat’.3 According to the Washington Post, at the Zhuhai air show in China in November 2010, there were more than two dozen Chinese UAV models on display.4 Worryingly, the Washington Post quotes Zhang Qiaoliang of the Chengdu Aircraft Design and Research Institute as saying, ‘The United States doesn’t export many attack drones, so we’re taking advantage of that hole in the market.’ This is worrying because it indicates the opening up of a large and expanding market of which all the major players will want a share. If it looks like China’s combat UAVs threaten to dominate the market, then others will start selling them and every developed nation will have them. This could have a significant impact on how disputes are handled and what constitutes a war.

#### Redundant checks prevent war – communication prevents accidental war

Yang 2004 (Jiemian Yang, visiting fellow with the UCLA Center for Chinese Studies,"CrisisManagementa and US China Relations." 2004, http://www.international.ucla.edu/article.asp?parentid=6171)

In recent years the two sides have been trying to match up better in crisis management. The two countries have learned a lesson in the past two decades of crises and have decided to strive for better crisis management. The two governments are working at better communication and more frequent interaction between the two governments during crises. Moreover, they are increasingly stressing their mutual and common interests, especially in strategic areas like anti-terrorism and non-proliferation. Besides, both China and the United States have become more careful and have adopted preventive measures in sensitive situations that might lead to a crisis. In addition to official communication, there has been an increase in semi-official and non-official efforts. Various kinds of second and third track talks are indeed contributing to preventing and controlling crises. And some farsighted experts and scholars are studying how to gear up the crisis management systems in the two countries.

#### No risk of great power conflict in Central Asia: incentives to de-escalate and stable balance of power

Zhao Huasheng, director of the Center for Russia and Central Asia Studies at Fudan University, February 2005, CEF Quarterly, http://www.silkroadstudies.org/new/docs/CEF/CEF\_Quarterly\_Winter\_2005.doc.pdf, p. 31

China, Russia, and the United States will not go to open confrontation for several reasons. Generally speaking, the relations of the three powers in Central Asia depend on their general relations. In other words, if their general relations sour, their relations in Central Asia will go tense or intensify. Otherwise, if their general relations are good, their relations in Central Asia will not be hostile and openly confrontational. Conversely, in spite of the tripartite configuration among the three powers, especially the confrontation between Russia and the United States, like two tigers gazing at each other in their military bases in Tajikistan and Kyrgyzstan, none of the three powers wants to undermine bilateral relations on the parochial issue of Central Asia. The coexistence of the three powers in Central Asia restrains their open confrontation as well. None of the three powers intends to ally with one against the other. Or, none is pleased to see a united front formed by two against one. At the same time, none wants to see Central Asia to be monopolized by one power. Therefore, the game played by three powers is good for the balance of power and not for open confrontation in any forms.

### Pakistan

#### Pakistan collapse exaggerated – no loose nukes

John Mueller (Woody Hayes Chair of National Security Studies, Mershon Center, and is professor of Political Science, at Ohio State University) 2010 “Atomic Obsession: Nuclear Alarmism from Hiroshima to Al Qaeda” p. 167

Returning closer to reality, there could be dangers in the chaos that would emerge if a nuclear state were utterly to fail, collapsing in full disarray-Pakistan's troubles with the Taliban are frequently brought up in this context. The notion that a few thousand Taliban combatants based in a small, distant, and backward area of Pakistan could terminally disrupt-or even manage to take over and control-the rest of a country with a population of over 150 million that is hostile to them and possessed of a large army does seem to be a considerable stretch. However, even under chaotic conditions, nuclear weapons would likely remain under heavy guard by people who know that a purloined bomb would most likely end up going off in their own territory, would still have locks (and, in the case of Pakistan would be disassembled), and could probably be followed, located, and hunted down by an alarmed international community. The worst-case scenario in this instance requires not only a failed state but a considerable series of additional conditions, including consistent (and perfect) insider complicity and a sequence of hasty, opportunistic decisions or developments that click flawlessly in a manner far more familiar in Hollywood scripts than in real life.

#### Indo-Pak won’t escalate-empirics

Dasgupta, 2013 (Sunil Dasgupta is Director of the University of Maryland Baltimore County Political Science Program at the Universities at Shady Grove and non-resident Senior Fellow at the Brookings Institution, February 25th, 2013 “How will India respond to civil war in Pakistan?” http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/)

In the context of a civil war between Islamists and the army in Pakistan, it is hard to imagine Pakistani refugees streaming into India and triggering intervention as the Bengalis did in 1971. Muslim Pakistanis do not see India as a refuge, and Taliban fighters are likely to seek refuge in Afghanistan, especially if the United States leaves the region. A more selective spillover, such as the increased threat of terrorism, is possible. But a civil war inside Pakistan is more likely to train radical attention on Pakistan itself than on India. In fact, the real problem for India would be in Afghanistan. India has already staked a claim in the Afghan endgame, so if Islamists seek an alliance with an Afghan government favoured by India, New Delhi’s best option might be to side covertly with the Islamists against the Pakistani army. But this is unlikely, because for India to actually side with Islamists, US policy in Pakistan and Afghanistan would have to change dramatically. Conversely, for India to back the Pakistani army over the Islamists, Indian leaders would need to see a full and verifiable settlement of all bilateral disputes with India, including Kashmir, and/or the imminent fall of Pakistani nuclear weapons into the hands of Islamists. In the first case, a Kashmir resolution is not only unrealistic, but also likely to weaken the legitimacy of the Pakistani army itself, jeopardising the army’s prospects in the civil war. In the second case, Indian leaders would need to have independent (non-US/UK) intelligence, or alternatively see US action (such as a military raid on Pakistani nuclear facilities) that convinces them that nuclear weapons are about to pass into terrorist hands. Neither of those triggers is likely to exist in the near future. As it is, India and Pakistan have gone down to the nuclear edge four times — in 1986, 1990, 1999 and 2001–02. In each case, India responded in a manner that did not escalate the conflict. Any incursion into Pakistan was extremely limited. An Indian intervention in a civil war in Pakistan would be subject to the same limitations — at least so long as the Pakistani army maintains its integrity.

#### Bioterrorism is exaggerated – wont cause extinction

Arms Control Center, 2010 (Scientists Working Group on Biological and Chemical Weapons, report in response to the Graham-Talent Commission report on the Prevention of WMD Proliferation and Terrorism, Center for Arms Control and Non-Proliferation, “Biological threats: a matter of balance” January 26, google)

• The bioterrorist threat has been greatly exaggerated. • New bioweapons assessments are needed that take into account the complex set of social and technical issues that shape bioweapons development and use by state and non-state actors, and that focus on more plausible threats than the worst-case scenarios that have largely driven discussion to date. • Continuing to emphasize and spend billions of dollars on measures to specifically counter bioterrorist threat scenarios distorts our national understanding of the important issues in public health, and diverts scarce scientific talent and resources away from more pressing public health and natural disease threats. • While it has been argued that spin-offs from biodefense programs contribute to countering natural diseases, the converse is more likely: direct targeting of effort and expenditure on natural disease threats would provide much greater public health benefit, and spin-offs from these programs would significantly strengthen resistance to bioterrorism. • Bioterrorist threats need to be seen and addressed within a wider public health context--as just one of the many possible ways in which infectious agents may harm human, animal, and plant health How Serious is the Bioterrorist Threat? • Beginning in the early 1990s, an increasing amount was written about the threat of bioterrorism. Prior to 2001 most examples of “bioterrorism” were in fact hoaxes or were only tenuously related to actual threats, with the single exception of the use of Salmonella to contaminate salad bars in Oregon in 1984. Much was made of the Japanese group Aum Shinrykio’s unsuccessful attempts to use anthrax and botulinum toxin without drawing the simple and obvious lesson that achieving success in such attempts is difficult. The 2001 anthrax letters were seen as validating large scale and catastrophic threat scenarios, despite the very real difficulties that isolated individuals or small groups would have had in making such material. By the time the source of those letters was identified in August 2008 as a government laboratory with capabilities vastly in excess of those of any terrorist organization, biodefense programs costing tens of billions of dollars were already established, producing a potent and vocal constituency for continued and increased funding. • Offensive, including terrorist, use of biological agents presents major technical problems. This is why the Soviet Union, United States, United Kingdom and others needed to spend vast sums for decades in order to research and develop biological weapons. Even then the results were considered an unreliable form of warfare, and there was little opposition to their elimination by international agreement (indeed the US unilaterally eliminated its biological weapons stockpiles). • Fictional bioterrorism exercises such as Atlantic Storm and Dark Winter routinely used unrealistic values for critical parameters and were unrealizable by putative perpetrators. They tended to gloss over the very real problems involved in acquiring, growing and disseminating smallpox virus on a sufficient scale to represent a major threat. They also posited unreasonable assumptions about issues such as the rate of disease spread, which skewed the outcomes towards inflated and unlikely results.

### Solvency

**False flag threats turn the case- Vietnam and Iraq prove national defense will always come before Congressional restrictions**

Robert **Bejesky** 20**12** **Law** **Faculty** – **Michigan**, Alma, CMU, U Miami

Fall, 2012 Willamette Law Review 49 Willamette L. Rev. 1 LENGTH: 14999 words ARTICLE: PRECEDENT SUPPORTING THE CONSTITUTIONALITY OF SECTION 5(b) OF THE WAR POWERS RESOLUTION NAME: Robert Bejesky\* BIO: \* M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law (Georgetown). The author has taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, American Government and Constitutional Law courses for Alma College, and business law courses at Central Michigan University and the University of Miami.

The greater danger of unreasonable and unsanctioned use of military force lies in the President offering spurious information to Congress, and Congress relying on falsities to activate war powers. This was the case with the Gulf of Tonkin Resolution for the Vietnam [\*33] War in 1964 and the Iraq War in 2003. 190 Authority in the September 2001 AUMF was also stretched beyond responding to abettors to 9/11 by the Executive's national security prerogatives and interpretation of classified information. 191 The critical nature of Congress needing to be properly informed is codified in the WPR. 192 Congress's ability to act as a voice for the American people and the U.S. military is dependent on possessing accurate data, and the existence of a mass media that will refresh memories over the language of particular war power authorizations. 193 If a President repeatedly urges wartime and security threat atmospheres, and the media broadcast allegations without effectively checking the Executive, the current political landscape may self-perpetuate and potentially permit unilateralism. 194

#### Mass media cultivates a culture of fear that rallies the public behind topical defense initiatives- makes circumvention inevitable

Scheuerman 12 – Professor of Political Science and West European Studies at Indiana University (William E., Summer 2012, "Emergencies, Executive Power, and the Uncertain Future of US Presidential Democracy," Law & Social Inquiry 37(3), EBSCO)

IV. REFORMISM'S LIMITS Bruce Ackerman, one of our country's most observant analysts of its clunky constitutional machinery, is similarly impatient with the "comforting notion that our heroic ancestors" created an ideal constitutional and political system (2010, 10). He even agrees that the US model increasingly seems to overlap with Schmitt's dreary vision of executive-centered plebiscitarianism motored by endless crises and emergencies (2010, 82). In sharp contrast to Posner and Vermeule, however, he not only worries deeply about this trend, but he also discards the unrealistic possibility that it might be successfully countered without recourse to legal and constitutional devices. Although Madison's original tripartite separation of powers is ill-adjusted to the realities of the modern administrative state, we need to reinvigorate both liberal legalism and checks and balances. Unless we can succeed in doing so, US citizens are likely to experience a "quantum leap in the presidency's destructive capacities" in the new century (2010, 119). Despite its alarmist tenor, for which he has been—in my view—unfairly criticized,'' Ackerman's position is grounded in a blunt acknowledgment of the comparative disadvantages of the US constitutional system. More clearly than any of the other authors discussed in this article, he breaks cleanly with the intellectual and constitutional provincialism that continues to plague so much legal and political science research on the United States. In part because as "late developers" they learned from institutional mistakes in the United States and elsewhere, more recently designed liberal democracies often do a better job than our Model T version at guaranteeing both policy effectiveness and the rule of law (2010, 120-22). Following the path-breaking work of his colleague Juan Linz, Ackerman offers a critical assessment of our presidential version of liberal democracy, where an independently elected executive regularly finds itself facing off against a potentially obstructionist Congress, which very well may seek to bury "one major presidential initiative after another" (2010, 5; see also Linz 1994). In the context of either real or imagined crises, executives facing strict temporal restraints (i.e., an upcoming election), while claiming to be the people's best protector against so-called special interests, will typically face widespread calls for swift (as well as legally dubious) action. "Crisis talk," in part endogenously generated by a flawed political system prone to gridlock rather than effective policy making, "prepares the ground for a grudging acceptance of presidential unilateralism" (2010, 6). Executives everywhere have much to gain from crisis scenarios. Yet incentives for declaring and perpetuating emergencies may be especially pronounced in our presidential system. The combination of temporal rigidity (i.e., fixed elections and terms of office) and "dual democratic legitimacy" (with both Congress and the president claiming to speak for "we the people") poses severe challenges to law-based government (Linz 1994). Criticizing US scholarship for remaining imprisoned in the anachronistic binary contrast of "US presidentialism vs. Westminster parliamentarism," Ackerman recommends that we pay closer attention to recent innovations achieved by what he describes as "constrained parliamentarism," basically a modified parliamentary system that circumvents the worst design mistakes of both Westminster parliamentarism and US presidentialism. As he has argued previously in a lengthy Harvard Law Review article, constrained parliamentarism—as found, for example, in recent democracies like Germany and Spain—locates law making in a Westminster-style popular assembly. But in contrast to the UK model, "legislative output is constrained by a higher lawmaking process" (2000, 666). The German Eederal Republic, for example, rests on a written constitution (e.g., the Basic Law) and has a powerful constitutional court. In Ackerman's view, constrained parliamentarism lacks many of the institutional components driving the growth of executive-dominated emergency govemment. Not surprisingly, he posits, it suffers to a reduced degree from many of the institutional pathologies plaguing US-style presidentialism. Ackerman argues that, in contrast, US-style presidential models have regularly collapsed elsewhere (e.g., in Latin and South American countries, where US-style presidentialism has been widely imitated [Linz and Valenzuela 1994]), devolving on occasion into unabated authoritarianism (2000, 646). Ackerman now seems genuinely concerned that a similar fate might soon befall its original version. Even if his most recent book repeats some earlier worries, he has now identified additional perils that he thinks deserve immediate attention. Not surprisingly, perhaps, his anxiety level has noticeably increased. Even Schmitt's unattractive vision of presidential authoritarianism appears "a little old-fashioned," given some ominous recent trends (2010, 82). To an extent unfathomable in Schmitt's day, the executive can exploit quasi-scientific polling data in order to gauge the public pulse. Presidents now employ a small but growing army of media gurus and consultants who allow them to craft their messages in astonishingly well-skilled—and potentially manipulative—ways. Especially during crisis moments, an overheated political environment can quickly play into the hands of a "White House propaganda machine generating a stream of sound bites" (2010, 33). Pundits and opinion makers already tend to blur the crucial divide between polling "numbers" and actual votes, with polls in both elite and popular consciousness tending not only to supplement but increasingly displace election results.'^ The decline of the print media and serious joumalism—about which Ackerman is understandably distressed—means that even the most fantastic views are taken seriously. Thus far, the Internet has failed to pick up the slack; it tends to polarize public opinion.

# 2NC

## K

### Impacts

#### **K turns the case – the extinction scenarios in the 1AC create a logic of securitization that normalizes warfare and any kind of atrocity is legitimized in preventing those threats. This clauswitzian mode of politics is the mindset that allows war to occur in the first place, allowing development of nuclear weapons and eventually cumulating in extinction. Our alternative is to reject the 1ACs dominant framing of security in favor of an epistemological and representational examination. This opens up the space for a theoretical analysis of the 1AC that allows us to form a new discourse outside of securitization that can solve the root cause of their harms.**

### 2NC Epistemology DA

#### Their expert analysis is neither objective or empirical- authors immersed in security discourse hyperbolize threats to maintain the military-industrial complex

Aziz Rana 12, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, July 2012, “NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?,” 44 Conn. L. Rev. 1417

Despite such democratic concerns, a large part of what makes today's dominant security concept so compelling are two purportedly objective sociological claims about the nature of modern threat. As these claims undergird the current security concept, this conclusion assesses them more directly and, in the process, indicates what they suggest about the prospects for any future reform. The first claim is that global interdependence means that the United States faces near continuous threats from abroad. Just as Pearl Harbor presented a physical attack on the homeland justifying a revised framework, the American position in the world since has been one of permanent insecurity in the face of new, equally objective dangers. Although today these threats no longer come from menacing totalitarian regimes like Nazi Germany or the Soviet Union, they nonetheless create a world of chaos and instability in which American domestic peace is imperiled by decentralized terrorists and aggressive rogue states. n310¶ [\*1486] ¶ Second, and relatedly, the objective complexity of modern threats makes it impossible for ordinary citizens to comprehend fully the causes and likely consequences of existing dangers. Thus, the best response is the further entrenchment of the national security state, with the U.S. military permanently mobilized to gather intelligence and to combat enemies wherever they strike-at home or abroad.

Accordingly, modern legal and political institutions that privilege executive authority and insulated decision-making are simply the necessary consequence of these externally generated crises. Regardless of these trade-offs, the security benefits of an empowered presidency-one armed with countless secret and public agencies as well as with a truly global military footprint n311 -greatly outweigh the costs.¶ Yet although these sociological views have become commonplace, the conclusions that Americans should draw about security requirements are not nearly as clear cut as the conventional wisdom assumes. In particular, a closer examination of contemporary arguments about endemic danger suggests that such claims are not objective empirical judgments, but rather are socially complex and politically infused interpretations. Indeed, the openness of existing circumstances to multiple interpretations of threat implies that the presumptive need for secrecy and centralization is not self-evident. And as underscored by high profile failures in expert assessment, claims to security expertise are themselves riddled with ideological presuppositions and subjective biases. All this indicates that the gulf between elite knowledge and lay incomprehension in matters of security may be far less extensive than is ordinarily thought. It also means that the question of who decides-and with it the issue of how democratic or insular our institutions should be-remains open as well.¶ Clearly, technological changes, from airpower to biological and chemical weapons, have shifted the nature of America's position in the [\*1487] world and its potential vulnerability. As has been widely remarked for nearly a century, the oceans alone cannot guarantee our permanent safety. Yet in truth, they never fully ensured domestic tranquility. The nineteenth century was one of near continuous violence, especially with indigenous communities fighting to protect their territory from expansionist settlers. n312 But even if technological shifts make doomsday scenarios more chilling than those faced by Hamilton, Jefferson, or Taney, the mere existence of these scenarios tells us little about their likelihood or how best to address them. Indeed, these latter security judgments are inevitably permeated with subjective political assessments-assessments that carry with them preexisting ideological points of view-such as regarding how much risk constitutional societies should accept or how interventionist states should be in foreign policy.¶ In fact, from its emergence in the 1930s and 1940s, supporters of the modern security concept have-at times unwittingly-reaffirmed the political rather than purely objective nature of interpreting external threats. In particular, commentators have repeatedly noted the link between the idea of insecurity and America's post- World War II position of global primacy, one which today has only expanded following the Cold War. n313 In 1961, none other than Senator James William Fulbright declared, in terms reminiscent of Herring and Frankfurter, that security imperatives meant that "our basic constitutional machinery, admirably suited to the needs of a remote agrarian republic in the 18th century," was no longer "adequate" for the "20th-century nation." n314 For Fulbright, the driving impetus behind the need to jettison antiquated constitutional practices was the importance of sustaining the country's "pre-eminen[ce] in political and military power." n315 Fulbright believed that greater executive action and war- making capacities were essential precisely because the United States found itself "burdened with all the enormous responsibilities that accompany such power." n316 According to Fulbright, the United States had [\*1488] both a right and a duty to suppress those forms of chaos and disorder that existed at the edges of American authority. n317 Thus, rather than being purely objective, the American condition of permanent danger was itself deeply tied to political calculations about the importance of global primacy. What generated the condition of continual crisis was not only technological change, but also the belief that the United States' own national security rested on the successful projection of power into the internal affairs of foreign states.¶

### V2L

#### The quest for survival destroys all human values-this outweights and turns extinction

Callahan 73, (Daniel Callahan, Co-founder and former director of The Hastings Institute, PhD in philosophy from Harvard University, “The Tyranny of Survival” 1973, p 91-93)

There seems to be no imaginable evil which some group is not willing to inflict on another for the sake of survival, no rights, liberties or dignities which it is not ready to suppress. It is easy, of course, to recognize the danger when survival is falsely and manipulatively invoked. Dictators never talk about their aggressions, but only about the need to defend the fatherland, to save it from destruction at the hands of its enemies. But my point goes deeper than that. It is directed even at a legitimate concern for survival, when that concern is allowed to reach an intensity which would ignore, suppress, or destroy other fundamental human rights and values. The potential tyranny of survival as a value is that it is capable, if not treated sanely, of wiping out all other values, Survival can become an obsession and a disease, provoking a destructive singlemindedness that will stop at nothing. We come here to the fundamental moral dilemma. If, both biologically and psychologically, the need for survival is basic to man, and if survival is the precondition for any and all human achievements, and if no other rights make much sense without the premise of a right to life- then how will it be possible to honor and act upon the need for survival, without in the process, destroying everything in human beings which makes them worthy of survival? To put it more strongly, if the price of survival is human degradation, then there is no moral reason why an effort should be made to ensure that survival. It would be the Pyrrhic victory to end all Pyrrhic victories Yet it would be the defeat of all defeats if, because human beings could not properly manage their need to survive, they succeeded in not doing so.

### FW

#### Our interpretation is the judge is a critical scholar - the role of the ballot is to accept or reject the securitized speech act of the 1AC- it is only securitized if you accept their speech act.

#### In the context of war powers, focus on procedural reforms ensures serial policy failure — only an epistemic break solves

Aziz Rana 12, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, July 2012, “NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?,” 44 Conn. L. Rev. 1417

Widespread concerns with the government's security infrastructure are by no means a new phenomenon. In fact, such voices are part of a sixty-year history of reform aimed at limiting state (particularly presidential) discretion and preventing likely abuses. n8 What is remarkable about these reform efforts is that in every generation critics articulate the same basic anxieties and present virtually identical procedural solutions. These procedural solutions focus on enhancing the institutional strength of both Congress and the courts to rein in the unitary executive. They either promote new statutory schemes that codify legislative responsibilities or call for greater court activism. As early as the 1940s, Clinton Rossiter argued that only a clearly established legal framework in which Congress enjoyed the power to declare and terminate states of emergency would prevent executive tyranny and rights violations in times of crisis. n9 After the Iran-Contra scandal, Harold Koh, now State Department Legal Adviser, once more raised this approach, calling for passage of a National Security Charter that explicitly enumerated the powers of both the executive and the legislature, promoting greater balance between the branches and explicit constraints on government action. n10 More recently, [\*1421] Bruce Ackerman has defended the need for an "emergency constitution" premised on congressional oversight and procedurally specified practices. n11 As for increased judicial vigilance, Arthur Schlesinger argued nearly forty years ago, in his seminal book, The Imperial Presidency, that the courts "had to reclaim their own dignity and meet their own responsibilities" by abandoning deference and by offering a meaningful check to the political branches. n12 Today, Laurence Tribe and Patrick Gudridge once more imagine that, by providing a powerful voice of dissent, the courts can play a critical role in balancing the branches. They write that adjudication can "generate[]-even if largely (or, at times, only) in eloquent and cogently reasoned dissent-an apt language for potent criticism." n13¶ The hope-returned to by constitutional scholars for decades-has been that by creating clear legal guidelines for security matters and by increasing the role of the legislative and judicial branches, government abuse can be stemmed. Yet despite this reformist belief, presidential and military prerogatives continue to expand even when the courts or Congress intervene. Indeed, the ultimate result primarily has been to entrench further the system of discretion and centralization. In the case of congressional legislation (from the 200 standby statutes on the books n14 to [\*1422] the post-September 11 and Iraq War Authorizations for the Use of Military Force, to the Detainee Treatment Act and the Military Commissions Acts n15 ), this has often entailed Congress self-consciously playing the role of junior partner- buttressing executive practices by providing its own constitutional imprimatur to them. Thus, rather than rolling back security practices, greater congressional involvement has tended to further strengthen and internalize emergency norms within the ordinary operation of politics. n16 As just one example, the USA PATRIOT Act, while no doubt controversial, has been renewed by Congress a remarkable ten consecutive times without any meaningful curtailments. n17 Such realities underscore the dominant drift of security arrangements, a drift unhindered by scholarly suggestions and reform initiatives. Indeed, if anything, today's scholarship finds itself mired in an argumentative loop, re-presenting inadequate remedies and seemingly incapable of recognizing past failures.¶ What explains both the persistent expansion of the federal government's security framework as well as the inability of civil libertarian solutions to curb this expansion? This Article argues that the current reform debate ignores the broader ideological context that shapes how the balance between liberty and security is struck. In particular, the very meaning of security has not remained static, but rather has changed dramatically since World War II and the beginning of the Cold War. This shift has principally concerned the basic question of who decides on issues of war and emergency. And as the following pages explore, at the center of this shift has been a transformation in legal and political judgments about the capacity of citizens to make informed and knowledgeable decisions in security domains.

#### Reasons to prefer:

#### Critical education – they exclude all critical theory, our inteprt forces debates about mainy highlight educational philosophies.

#### Ground – Ks are core negative ground – need to test the plan from all areas

#### Predictable – Ks, specifically the security K are run every round.

#### Neg flex – Ks are key to having a flexible negative strategy.

#### Reciprocal – the aff picks their plan and the impacts they should be forced to defend their method.

#### And we control your role play / plan focus good args

#### Real world education – most of us won’t become congressman, but we will be policy analysts or professors – we will be forced to evaluate the plans methodology.

### Perm

#### Group them all

#### 1. No net benefit to the permutation – The affirmatives case is just another link – all of our links are only reasons why the perm fails

#### 2. No solvency – the permutation does not change the ontology of the affirmative – if we win our ontology args, we win the debate.

#### 3. The permutation is severance –severs the ontology and its reps – voter for fairness and education because it lack in depth debate.

#### \*\*Sequencing DA — ideological change must proceed institutional reform — otherwise security politics and institutional focus ensure that war powers authority remains centralized

Aziz Rana 12, Assistant Professor of Law, Cornell University Law School; A.B., Harvard College; J.D., Yale Law School; PhD., Harvard University, July 2012, “NATIONAL SECURITY: LEAD ARTICLE: Who Decides on Security?,” 44 Conn. L. Rev. 1417

If the objective sociological claims at the center of the modern security concept are themselves profoundly contested, what does this mean for reform efforts that seek to recalibrate the relationship between liberty and security? Above all, it indicates that the central problem with the procedural solutions offered by constitutional scholars-emphasizing new statutory frameworks or greater judicial assertiveness-is that they mistake a question of politics for one of law. In other words, such scholars ignore the extent to which governing practices are the product of background political judgments about threat, democratic knowledge, professional expertise, and the necessity for insulated decision-making. To the extent that Americans are convinced that they face continuous danger from hidden and potentially limitless assailants-danger too complex for the average citizen to comprehend independently-it is inevitable that institutions (regardless of legal reform initiatives) will operate to centralize power in those hands presumed to enjoy military and security expertise. Thus, any systematic effort to challenge the current framing of the relationship between security and liberty must begin by challenging the underlying assumptions about knowledge and security upon which legal and political arrangements rest. Without a sustained and public debate about the validity of security expertise, its supporting institutions, and the broader legitimacy of secret information, there can be no substantive shift in our constitutional politics. The problem at present, however, is that it remains unclear which popular base exists in society to raise these questions. Unless such a base fully emerges, we can expect our prevailing security arrangements to become ever more entrenched.

### Circumvention

**False flag threats turn the case- Vietnam and Iraq prove national defense will always come before Congressional restrictions**

Robert **Bejesky** 20**12** **Law** **Faculty** – **Michigan**, Alma, CMU, U Miami

Fall, 2012 Willamette Law Review 49 Willamette L. Rev. 1 LENGTH: 14999 words ARTICLE: PRECEDENT SUPPORTING THE CONSTITUTIONALITY OF SECTION 5(b) OF THE WAR POWERS RESOLUTION NAME: Robert Bejesky\* BIO: \* M.A. Political Science (Michigan), M.A. Applied Economics (Michigan), LL.M. International Law (Georgetown). The author has taught international law courses for Cooley Law School and the Department of Political Science at the University of Michigan, American Government and Constitutional Law courses for Alma College, and business law courses at Central Michigan University and the University of Miami.

The greater danger of unreasonable and unsanctioned use of military force lies in the President offering spurious information to Congress, and Congress relying on falsities to activate war powers. This was the case with the Gulf of Tonkin Resolution for the Vietnam [\*33] War in 1964 and the Iraq War in 2003. 190 Authority in the September 2001 AUMF was also stretched beyond responding to abettors to 9/11 by the Executive's national security prerogatives and interpretation of classified information. 191 The critical nature of Congress needing to be properly informed is codified in the WPR. 192 Congress's ability to act as a voice for the American people and the U.S. military is dependent on possessing accurate data, and the existence of a mass media that will refresh memories over the language of particular war power authorizations. 193 If a President repeatedly urges wartime and security threat atmospheres, and the media broadcast allegations without effectively checking the Executive, the current political landscape may self-perpetuate and potentially permit unilateralism. 194

## Case

### Prolif

#### New technology makes drone proliferation by state and non-state actors inevitable

Wood 12 (David, American Drones Ignite New Arms Race From Gaza To Iran To China, Huffington Post, 27 November 2012, http://www.huffingtonpost.com/2012/11/27/american-drones\_n\_2199193.html, da 8-2-13) PC

Obama administration officials have said they are weighing various options to codify the use of armed U.S. drones, because the increased use of drones has been driven more by perceived necessity than by deliberative policy. But that effort is complicated by the wildfire spread of drone technology: how could the U.S. restrict its use of armed drones if others do not?¶ Already, the Pentagon is worried that China not only is engaged in an "alarming" effort to develop and field high-tech drones, but it intends to sell drone technology abroad, according to the Pentagon report.¶ Indeed, the momentum of the drone wars seems irresistible. "The increasing worldwide focus on unmanned systems highlights how U.S. military success has changed global strategic thinking and spurred a race for unmanned aircraft," the Pentagon study reported.¶ Modern drones were first perfected by Israel, but the U.S. Air Force took the first steps in 2001 to mount sophisticated drones with precision weapons. Today the U.S. fields some 8,000 drones and plans to invest $36.9 billion to boost its fleet by 35 percent over the next eight years.¶ Current research on next-generation drones seems certain to exacerbate the drone arms race. The U.S. and other countries are developing "nano" drones, tiny weapons designed to attack in swarms. Both the U.S. and China are working to incorporate "stealth" technology into micro drones. The Pentagon is fielding a new weapon called the Switchblade, a 5.5-pound precision-attack drone that can be carried and fired by one person -- a capability sure to be envied by terrorists.¶ "This is a robotics revolution, but it's not just an American revolution -- everyone's involved, from Hezbollah to paparazzi," Singer, the Brookings Institution expert, told The Huffington Post. "This is a revol

### Asia

#### No central Asian war—China Russia and the US balance conflict to avoid war, none of them wants to get involved—Prefer Huasheng, professor at Fudan University

#### Economic interests and foreign influence.

Olga Oliker (Senior International Policy Analyst RAND) and Thomas S. Szayna. (Associate Director, Strategy, Doctrine, and Resource Program at the RAND Arroyo Center). "Faultllines of Conflict in Central Asia and the South Caucasus." Rand. 2005. http://www.rand.org/pubs/monograph\_reports/2005/RAND\_MR1598.pdf

All that said, there are other factors that make interstate war somewhat less likely. The economic incentives, particularly for the development of Caspian energy resources, appear to balance out the possible spoils that war might bring. While cooperation among regional leaders remains limited, there is a growing recognition that it is necessary, and it is possible that increased foreign involvement may spur more cooperation.64 Moreover, the presence of regional, Russian, and now Western security forces in the region has played a stabilizing role in the past, particularly in Tajikistan, and may do so again in the future.

#### Resources

Olga Oliker (Senior International Policy Analyst RAND) and Thomas S. Szayna. (Associate Director, Strategy, Doctrine, and Resource Program at the RAND Arroyo Center). "Faultllines of Conflict in Central Asia and the South Caucasus." Rand. 2005. http://www.rand.org/pubs/monograph\_reports/2005/RAND\_MR1598.pdf

It is therefore highly likely that coming years will see continued competition among outside powers over the region and its resources and allegiances. This does not necessarily mean, however, that great power conflict will result. In fact, as the exploration of the interests and motivations of various actors undertaken in this chapter willshow, competition is moderated by the many shared interests of the outside powers in question. But strategic and economic interests will also cause foreign states to be increasingly active in the region diplomatically, economically, and militarily. This means that if other factors spur conflict in the region, as analysis elsewhere in this report suggests is likely, there is significant potential for outside powers to get involved—even if their interests are not themselves the reason that conflict emerges. Because there is room for many states to gain from the region’s potential and because regional stability is a shared goal as well, there will be high incentives to cooperate as well as compete. Strategic reasons to maintain good ties among interested third parties will also temper the likelihood of conflict.

#### Shared interest in cooperation.

Olga Oliker (Senior International Policy Analyst RAND) and Thomas S. Szayna. (Associate Director, Strategy, Doctrine, and Resource Program at the RAND Arroyo Center). "Faultllines of Conflict in Central Asia and the South Caucasus." Rand. 2005. http://www.rand.org/pubs/monograph\_reports/2005/RAND\_MR1598.pdf

The incentive structure in place for the major outside actors in the CASC region includes shared interests in economic (especially energy) development, political stability, and counterterror, countercrime, and counterproliferation efforts. These combine with the greater importance that most of these states attach to relations with each other over and above relations with the Caspian states, to exert a moderating influence on the propensity for competition between them to evolve into armed conflict. This will continue to be the case for as long as current incentive structures hold.

#### Fill fill in to prevent conflict

MK Bhadrakumar August 25 2007 http://japanfocus.org/products/details/2503.

How does the West tackle the SCO's "challenge"? Arguably, the West doesn't necessarily have to see the SCO as an antagonist. The stability and security of Central Asia, which is the core mission of the SCO, is as much in the West's interests as Russia's or China's. The modern-day "foreign devils on the Silk Road" - drug traffickers, Islamic warriors or plain terrorists - are of as much concern to the West's security as to the SCO member countries'. On the face of it, there is much merit in what The Financial Times counseled: "The SCO should be a stepping stone to Central Asia's engagement with the rest of the world, not just a jointly owned subsidiary of Moscow and Beijing."

### Pakistan

#### Pakistan nukes are secure—Extend AFP 2007—Even if the government collapses the military will remain intact and protect the arsenal—Components and missiles are separate ensuring safety—Prefer our evidence, it cites Leonard Spector, a scholar at the Monetary Institute of International Studies

#### Pakistani arsenal is safe

CNN November 11 2007 “Experts weigh in on security of Pakistan's nukes,” http://www.cnn.com/2007/WORLD/meast/11/11/pakistan.nuclear/?iref=mpstoryview

But former Deputy Secretary of State Richard Armitage said Pakistan's nuclear weapons are secure, and cautioned against overreacting. "That nuclear arsenal is, one, dispersed, and second, carefully guarded by the army," he told CNN. "I think -- in the short or even medium term -- should things turn badly, we are not going to worry about nuclear weapons in the first instance."

#### Pakistan arsenal is secure- verified by intelligence community

AFP 12/28/2007 “White House confident Pakistan nuclear arsenal is secure”,

http://www.spacewar.com/reports/White\_House\_confident\_Pakistan\_nuclear\_arsenal\_is\_secure\_999.html

The White House on Friday said it was confident that Pakistan's nuclear arsenal was secure and did not risk falling into extremists' hands after the assassination Thursday of Benazir Bhutto. "At this time, as far as I know, it is the assessment of the intelligence community that Pakistan's weapons arsenal is secure," spokesman Scott Stanzel told reporters near the president's ranch in Crawford, Texas.

#### Pakistan military provides stability to nuclear weapon safety—Cadres are well trained and lack Islamic terrorist ties

AFP 12/28/2007 “Pakistan's nuclear weapons safe, despite unrest: analysts”,

http://www.spacewar.com/reports/Pakistans\_nuclear\_weapons\_safe\_despite\_unrest\_analysts\_999.html

"This is not a reassuring set of changes that we're experiencing, but on the other hand I think the military for the moment has a lot of coherence and solidarity. I think we'll see that continue," Spector said. "I think the cadres that actually protect the weapons and guard the sites are fairly disciplined and for the last five years or so I think they've been better trained and individuals with Islamist leanings have been called out.

#### India won’t intervene—Pakistan is resilient

Dasgupta, 2013 (Sunil Dasgupta is Director of the University of Maryland Baltimore County Political Science Program at the Universities at Shady Grove and non-resident Senior Fellow at the Brookings Institution, February 25th, 2013 “How will India respond to civil war in Pakistan?” http://www.eastasiaforum.org/2013/02/25/how-will-india-respond-to-civil-war-in-pakistan/)

India is not likely to initiate an intervention that causes the Pakistani state to fail. Bill Keller of the New York Times has described Pakistani president Asif Ail Zardari as overseeing ‘a ruinous kleptocracy that is spiraling deeper into economic crisis’. But in contrast to predictions of an unravelling nation, British journalist-scholar Anatol Lieven argues that the Pakistani state is likely to continue muddling through its many problems, unable to resolve them but equally predisposed against civil war and consequent state collapse. Lieven finds that the strong bonds of family, clan, tribe and the nature of South Asian Islam prevent modernist movements — propounded by the government or by the radicals — from taking control of the entire country. Lieven’s analysis is more persuasive than the widespread view that Pakistan is about to fail as a state. The formal institutions of the Pakistani state are surprisingly robust given the structural conditions in which they operate. Indian political leaders recognise Pakistan’s resilience. Given the bad choices in Pakistan, they would rather not have anything to do with it. If there is going to be a civil war, why not wait for the two sides to exhaust themselves before thinking about intervening? The 1971 war demonstrated India’s willingness to exploit conditions inside Pakistan, but to break from tradition requires strong, countervailing logic, and those elements do not yet exist. Given the current conditions and those in the foreseeable future, India is likely to sit out a Pakistani civil war while covertly coordinating policy with the United States.

#### Can’t solve—the Pakistani government fuels cross-border terror

Bajoria & Kaplan, 2011 (Jayshree Bajoria, Eben Kaplan, Council on Foreign Relations, May 4, 2011, “The ISI and Terrorism: Behind the Accusations” http://www.cfr.org/pakistan/isi-terrorism-behind-accusations/p11644?cid=nlc-dailybrief-daily\_news\_brief-link5-20110906)

"The ISI probably would not define what they've done in the past as 'terrorism,'" says William Milam, former U.S. ambassador to Pakistan. Nevertheless, experts say the ISI has supported a number of militant groups in the disputed Kashmir region between Pakistan and India, some of which are on the U.S. State Department's Foreign Terrorist Organizations list. While Pakistan has a formidable military presence near the Indian border, some experts believe the relationship between the military and some Kashmiri groups has greatly changed with the rise of militancy within Pakistan. Shuja Nawaz, author of Crossed Swords: Pakistan, its Army, and the Wars Within, says the ISI "has certainly lost control" of Kashmiri militant groups. According to Nawaz, some of the groups trained by the ISI to fuel insurgency in Kashmir have been implicated in bombings and attacks within Pakistan, therefore making them army targets. On Pakistan's western border with Afghanistan, the ISI supported the Taliban up to September 11, 2001, though Pakistani officials deny any current support for the group. Pakistan's government was also one of three countries, along with the United Arab Emirates and Saudi Arabia, that recognized the Taliban government in Afghanistan. The ISI's first major involvement in Afghanistan came after the Soviet invasion in 1979, when it partnered with the CIA to provide weapons, money, intelligence, and training to the mujahadeen fighting the Red Army. At the time, some voices within the United States questioned the degree to which Pakistani intelligence favored extremist and anti-American fighters. Following the Soviet withdrawal, the ISI continued its involvement in Afghanistan, first supporting resistance fighters opposed to Moscow's puppet government, and later the Taliban. Pakistan stands accused of allowing that support to continue. Afghan President Hamid Karzai has repeatedly said Pakistan trains militants and sends them across the border. In May 2006, the British chief of staff for southern Afghanistan told the Guardian, "The thinking piece of the Taliban is out of Quetta in Pakistan. It's the major headquarters." Speaking at the Council on Foreign Relations in September 2006, then-president Pervez Musharraf responded to such accusations, saying, "It is the most ridiculous thought that the Taliban headquarters can be in Quetta." Nevertheless, experts generally suspect Pakistan still provides some support to the Taliban, though probably not to the extent it did in the past. "If they're giving them support, it's access back and forth [to Afghanistan] and the ability to find safe haven," says Kathy Gannon, who covered the region for decades for the Associated Press. Gannon adds that the Afghan Taliban needs Pakistan even less as a safe haven now "because [it has] gained control of more territory inside Afghanistan." Many in the Pakistani government, including slain former prime minister Benazir Bhutto, have called the intelligence agency "a state within a state," working beyond the government's control and pursuing its own foreign policy. But Nawaz says the intelligence agency does not function independently. "It aligns itself to the power center," and does what the government or the army asks it to do, says Nawaz. Indian officials implicated the ISI for the November 2008 terrorist attacks in Mumbai that killed nearly two hundred people. India's foreign ministry said the ISI had links (Reuters) to the planners of the attacks, the banned militant group Lashkar-e-Taiba, which New Delhi blames for the assault. Islamabad denies allegations of any official involvement, but acknowledged in February 2009 that the attack was launched and partly planned (AP) from Pakistan. The Pakistani government has also detained several Islamist leaders, some of them named by India as planners of the Mumbai assault. Gannon says this is an unusual step by Pakistan, which never got enough credit in India because the country was in the middle of a national election. "I don't see any evidence" to believe that the ISI was behind the Mumbai attack, she says. However, she doubts the agency has severed all its ties with groups like Lashkar-e-Taiba which it supported to fight in Indian-administered Kashmir. Indian officials also claim to have evidence that the ISI planned the July 2006 bombing of the Mumbai commuter trains, but these charges seem unlikely to some observers of the long, difficult India-Pakistan relationship. The two nations have a history of finger-pointing, and while some of the allegations hold water, there is a tendency to exaggerate.

# 1NR

### 2NC/1NR Impact Overview

Iran prolif = Extinction

Toon, chair – Department of Atmospheric and Oceanic Sciences – Colorado University, 4/19/’7

(Owen B, climate.envsci.rutgers.edu/pdf/acp-7-1973-2007.pdf)

To an increasing extent, people are congregating in the world’s great urban centers, creating megacities with populations exceeding 10 million individuals. At the same time, advanced technology has designed nuclear explosives of such small size they can be easily transported in a car, small plane or boat to the heart of a city. We demonstrate here that a single detonation in the 15 kiloton range can produce urban fatalities approaching one million in some cases, and casualties exceeding one million. Thousands of small weapons still exist in the arsenals of the U.S. and Russia, and there are at least six other countries with substantial nuclear weapons inventories. In all, thirty-three countries control sufficient amounts of highly enriched uranium or plutonium to assemble nuclear explosives. A conflict between any of these countries involving 50-100 weapons with yields of 15 kt has the potential to create fatalities rivaling those of the Second World War. Moreover, even a single surface nuclear explosion, or an air burst in rainy conditions, in a city center is likely to cause the entire metropolitan area to be abandoned at least for decades owing to infrastructure damage and radioactive contamination. As the aftermath of hurricane Katrina in Louisiana suggests, the economic consequences of even a localized nuclear catastrophe would most likely have severe national and international economic consequences. Striking effects result even from relatively small nuclear attacks because low yield detonations are most effective against city centers where business and social activity as well as population are concentrated. Rogue nations and terrorists would be most likely to strike there. Accordingly, an organized attack on the U.S. by a small nuclear state, or terrorists supported by such a state, could generate casualties comparable to those once predicted for a full-scale nuclear “counterforce” exchange in a superpower conflict. Remarkably, the estimated quantities of smoke generated by attacks totaling about one megaton of nuclear explosives could lead to significant global climate perturbations (Robock et al., 2007). While we did not extend our casualty and damage predictions to include potential medical, social or economic impacts following the initial explosions, such analyses have been performed in the past for large-scale nuclear war scenarios (Harwell and Hutchinson, 1985). Such a study should be carried out as well for the present scenarios and physical outcomes.

Most probable

James A. **Russell,** Senior Lecturer, National Security Affairs, Naval Postgraduate School, **‘9** (Spring) “Strategic Stability Reconsidered: Prospects for Escalation and Nuclear War in the Middle East” IFRI, Proliferation Papers, #26, http://www.ifri.org/downloads/PP26\_Russell\_2009.pdf

Strategic stability in the region is thus undermined by various factors: (1) asymmetric interests in the bargaining framework that can introduce unpredictable behavior from actors; (2) the presence of non-state actors that introduce unpredictability into relationships between the antagonists; (3) incompatible assumptions about the structure of the deterrent relationship that makes the bargaining framework strategically unstable; (4) perceptions by Israel and the United States that its window of opportunity for military action is closing, which could prompt a preventive attack; (5) the prospect that Iran’s response to pre-emptive attacks could involve unconventional weapons, which could prompt escalation by Israel and/or the United States; (6) the lack of a communications framework to build trust and cooperation among framework participants. These systemic weaknesses in the coercive bargaining framework all suggest that escalation by any the parties could happen either on purpose or as a result of miscalculation or the pressures of wartime circumstance. Given these factors, it is disturbingly easy to imagine scenarios under which a conflict could quickly escalate in which the regional antagonists would consider the use of chemical, biological, or nuclear weapons. It would be a mistake to believe the nuclear taboo can somehow magically keep nuclear weapons from being used in the context of an unstable strategic framework. Systemic asymmetries between actors in fact suggest a certain increase in the probability of war – a war in which escalation could happen quickly and from a variety of participants. Once such a war starts, events would likely develop a momentum all their own and decision-making would consequently be shaped in unpredictable ways. The international community must take this possibility seriously, and muster every tool at its disposal to prevent such an outcome, which would be an unprecedented disaster for the peoples of the region, with substantial risk for the entire world.

#### Timeframe - negotiations are now or never – means the link comes before the turn, because waiting too long allows Iranian hardliners to scuttle negotiations

**Haass, 9/29/13** – president of the Council on Foreign Relations (Richard, “A Diplomatic Dance Will Be No Waltz for Either Iran or America” Financial Times,

<http://www.cfr.org/iran/diplomatic-dance-no-waltz-either-iran-america/p31517>)

We will know soon enough. Both sides are in a hurry. The new Iranian leaders worry that time is against them. They fear that conservatives defeated in the June elections will rally, while the public will grow impatient if the sanctions-battered economy does not improve.

Americans worry Iran is using time to get closer to creating an infrastructure able to produce fissile material, weaponise it and put warheads on missiles. Israeli officials do not hide their belief that under Mr Rouhani Iran will "smile its way to the bomb".

All of which means this diplomatic dance will be no waltz. Sooner rather than later – certainly before next year is out – we should know if we will be toasting success or managing a crisis.

### Turns case: Terrorism

Nuclear Iran leads to terrorist attacks and kills heg – increased leverage and risk of nuclear transfer

Brookes, 7

[Peter, Senior Fellow, National Security Affairs and Chung Ju-Yung Fellow for Policy Studies at the Heritage Foundation, April 2, 2007   
 Iran emboldened: Tehran seeks to dominate Middle East politics,” <http://www.heritage.org/Research/Commentary/2007/04/Iran-emboldened-Tehran-seeks-to-dominate-Middle-East-politics>]

According to the U.S. State Department, Iran continues to be the world's most active state sponsor of terrorism. At the request of senior Iranian leadership, Iran's Ministry of Intelligence and Security (MOIS) and Islamic Revolutionary Guard Corps (IRGC) support Palestinian terrorist groups such as Hamas, Palestinian Islamic Jihad, the al Aqsa Martyrs Brigade and the Popular Front for the Liberation of Palestine-General Command with funding, training and weapons. Hezbollah - a Lebanese Shiite terrorist group - is a particular favorite. In fact, Iran established Hezbollah to parry Israel's 1982 invasion of Lebanon. Tehran may fund Hezbollah to the tune of $100 million per year. Last summer, Tehran's military support for Hezbollah was evident. Iran likely gave Hezbollah the green light to ambush an Israeli patrol and kidnap soldiers, which ultimately kicked off the monthlong conflict. In the ensuing days, Hezbollah indiscriminately fired as many as 10,000 Iran-supplied rockets and missiles into Israel. In addition, many were stunned when a C-802 cruise missile struck an Israeli naval vessel off the coast of Lebanon. While the shooter was never identified, the Chinese C-802 is in Iran's inventory. It could have been fired by either Hezbollah or the IRGC. Today, Hezbollah, with Iranian and Syrian support, is threatening to topple Lebanon's democratically elected government unless it is given additional cabinet seats - potentially giving it veto power over Beirut's decisions. Iran would love to add Lebanon to Syria as a client state in its effort to form an arc of Iranian influence across the region. Iran has made a number of not-so-veiled threats that it would deploy its irregular forces and terrorist allies against the U.S. and American interests, if necessary. This is likely not an idle threat. American blood is already on the hands of Iran and its terrorist proxies as a result of the 1983 Beirut Marine barracks attack and the 1996 Khobar Towers bombing in Saudi Arabia, and in Iraq today. It is almost without question that Tehran sees its ability to hold U.S. interests at risk across the globe - including in the U.S. - as leverage against American military action over its nuclear program or meddling in Iraq. Perhaps the most frightening scenario is that Iran might transfer weapons of mass destruction capability to a terrorist ally. While this is risky behavior, it is a possibility. Iran could transfer nuclear capability to a Hezbollah-dominated government in Lebanon, or a Hamas-led Palestinian Authority, significantly increasing the threat to Israeli security. Osama bin Laden has not been shy about his desire for WMD or al-Qaida's readiness to use them. The insurgency's recent use of chlorine gas in Iraq is evidence of a terrorist group's willingness to employ WMD.

#### ( ) Strikes end Muslim cooperation in the War on Terror

Larrabee ‘6

[Stephen,- Corporate Chair in European Security @ RAND 3-9 “Defusing the Iranian Crisis” <http://www.rand.org/commentary/030906OCR.html> //MGW-JV]

Moreover, the political costs would be very high. A military strike would unleash a wave of nationalism and unite the Iranian population behind the current regime, ending any prospect of internal change in the near future and ensuring decades of enmity from the Iranian middle class and youth, who are largely opposed to the current regime. It would also provoke outrage in the Muslim world, probably making any attempt to obtain the support of moderate Muslims in the war on terror impossible.

#### That’s the key internal link to victory

AFP ‘5 [Agence France Presse. “Trust and Confidence of Muslims “Crucial” in Fight Against Terror” 2005. Lexis//MGW-JV]

The United States must use its "soft power" to gain the trust and confidence of Muslims worldwide if it is to "prevail over terrorism", Singapore Prime Minister Lee Hsien Loong said Friday. Opening an international security conference, Lee said one reason why many moderate Muslims are reluctant to condemn and disown religious extremists was the "wide gap that separates the US from the Muslim world". He said the large-scale US assistance to Indonesia, the world's biggest Muslim nation, in the aftermath of the December 26 tsunami disaster had not completely erased the resentment many Muslims feel toward the United States. "The sources of this Muslim anger are historical and complex, but they have been accentuated in recent years by Muslim perceptions of American unilateralism and hostility to the faith," Lee told the audience, which included US Defense Secretary Donald Rumsfeld. Lee cited a survey that found that in 2000 three quarters of Indonesians said they were "attracted" to the United States but that by 2003 the number had fallen to just 15 percent. Lee said US help to bring relief assistance to the tsunami victims in Indonesia had touched the hearts of many Indonesians. "But this singular event has not eliminated the antipathy that many Muslims still feel towards the US," he said. He cited demonstrations worldwide, including in Jakarta and Kuala Lumpur, following a report by the US magazine Newsweek that US interrogators at the Guantanamo Bay detention centre had flushed a copy of the Koran down the toilet. Newsweek later withdrew the report, saying they could not confirm the story with their source. "The US needs to make more use of its 'soft power' to win over international opinion, correct misperceptions and build trust and credibility, especially in the Muslim world," Lee said. "In the long term this is vital if the US is to prevail over terrorism, and to maintain its position of global leadership."

### UQ

#### New sanctions would derail Iranian nuclear agreements – Obama leverage key to avoiding

Sara Rajabova <http://www.azernews.az/analysis/62959.html> U.S. not likely to impose new sanctions on Iran: expert DECEMBER 28 2013, 13:00 (GMT+04:00)

There is a struggle between the White House and Congress, for a while, on imposing new sanctions on Iran if it fails to conclude a nuclear agreement with world powers. The U.S. Congress introduced legislation on new sanctions on Iran last week, which was sharply criticized by the Iranian officials. However, the U.S. President Barack Obama urged the Congress to refrain from imposing new sanctions against Iran, saying these sanctions could scuttle the negotiations. Obama warned he would veto a bill imposing new sanctions on Iran, because it could sink a final deal over Tehran's nuclear program. He said he would support tougher sanctions later if Iran violates the agreement. The author of book "The Evolution of Macroeconomic Theory and Policy", professor of economics at U.S. Northeastern University, Kamran Dadkhah shared his views on this issue with AzerNews. Dadkhah said currently, there is little chance of imposing new significant sanctions on Iran. "Even the bill introduced in the U.S. Senate imposes sanctions if Iran violates the deal reached in Geneva or if it is expired with no long-term agreement. The proponents of the bill argue that this is a clear signal to Iran and will strengthen the hand of the president in negotiations. Iranians have said that such a move would be against the spirit of negotiations and could cause them to abandon the process altogether. Indeed, should this bill pass, President Rohani's team of negotiators would be under pressure from domestic opponents of negotiations to withdraw; hence President Obama has threatened to veto the bill. But the U.S. Treasury has a freehand to strengthen financial sanctions," Dadkhah said.

#### Menendez hasn’t been able to win enough Democrats because Obama’s outreach is working

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

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

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

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

#### Iran sanctions is top of the docket and Obama is spending capital in persuading Democrats to sustain a veto

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Obama influence increasing – Obamacare crisis will dissipate and budget deal proves his power is rising over Republicans who are losing favor.

E.J. Dionne December 29, 2013 at 5:30 PM, updated December 29, 2013 at 5:44 PM

<http://www.oregonlive.com/opinion/index.ssf/2013/12/obamas_year_in_2013_wasnt_as_b.html>

The year 2013 was better than that. It's true that the health care website fiasco threatened to engulf Obama's signature achievement. And Obamacare will undergo new tests in the coming year. The site's "back end" problems in connecting with insurance companies could create more bad news in January as some who thought they had bought policies discover that their purchases failed to go through. But the website's troubles were fixable, and it's remarkable that the repair has gone as quickly as it has. Next year, millions who were never insured will have purchased plans on the exchanges or received coverage through the Medicaid expansion. Republicans are quite confident that Obamacare will still be unpopular come next fall's elections. Obama has at least a fighting chance to prove them wrong. Moreover, something else happened this year that may, over time, prove far more important than the great website flop. In 2013, the tea party began to decline in both real and perceived power, and Republicans began a slow retreat from the politics of absolutism. In this fall's budget fight, Obama did not blink and Democrats did not break ranks when House Speaker John Boehner bowed to tea party pressure to shut down the government. The public was furious. Republicans plummeted in the polls and eventually gave in. This set the stage for this month's moderate reversal of some of the sequester's spending cuts. The deal was championed -- despite tea party opposition -- by Rep. Paul Ryan, the avatar of the anti-spending right. Dozens of House Republicans who had voted for the shutdown in October to fend off primary challenges voted for the compromise in December to put perpetual budget crises behind them. When the roll was called, only 62 Republicans voted no. Even as House Republicans were backing away from their far right, Senate Democrats struck a blow of their own against obstruction by ending the filibuster for presidential nominees, including most judges. It was another move away from near-total gridlock. Curtailing the influence of the extreme wing of the Republican Party certainly did not make Congress productive. The real shame of 2013 lies in the failure of Congress to agree to even modest steps toward enhanced gun safety after the horror of Newtown. The bottling-up of immigration reform in the House is the most obvious case of how internal forces in the GOP have prevented a congressional majority from working its will. The test of how much Republicans have freed themselves from the tea party's sway will be whether Boehner decides next year to act on an issue he knows it's in the interest of his party to deal with. And there was unalloyed good news in the scrambling of both partisan and ideological lines in the debate over the government's post-9/11 surveillance programs. The lack of clear party positioning makes reform more likely in 2014. By the measure of Obama's ambitious State of the Union address, this was a year disheartening enough to justify Julie Pace's question. But on a longer view, 2013 could be remembered as the year when the far right began to weaken, the forces of obstruction began to recede, and the country began moving toward at least the possibility of constructive government.

### 1NC – Drone – Oversight links

#### The plan sparks Congressional turf battles over oversight

**Munoz 13** (Carlo, The Hill, “Turf battle builds quietly in Congress over control of armed drone program”, 04/09/13, <http://thehill.com/homenews/administration/292501-turf-battle-builds-quietly-over-control-of-armed-drone-program->, ZBurdette)

A turf war is quietly building between congressional defense and intelligence committees over who will oversee the Obama administration’s controversial armed drone program.

Lawmakers are scrambling to make their case for or against a White House proposal that would hand control of the drones to the Pentagon.

Gordon Adams, a senior defense analyst at the Stimson Center, called the looming battle a “turf fight in the [disguise] of a policy debate.”

The Pentagon and CIA operate their own armed drone programs, which are both geared toward eliminating senior al Qaeda leaders and other high-level terror targets around the world. Under the Obama administration’s proposal, the CIA would continue to supply intelligence on possible targets, but actual control over the drone strikes would fall to the Pentagon.

Senate Intelligence Committee Chairwoman Dianne Feinstein (D-Calif.) publicly questioned whether the Defense Department (DOD) would be able to shoulder the program alone.

“We’ve watched the intelligence aspect of the drone program, how they function, the quality of the intelligence, watching the agency exercise patience and discretion,” Feinstein told reporters in March. “The military [armed drone] program has not done that nearly as well.”

Sen. John McCain and other defense lawmakers say the drone program would be better off being run by the Pentagon.

“It’s not the job of the Central Intelligence Agency. ... It’s the military’s job,” the Arizona Republican said in March.

The fight is a typical battle over who on Capitol Hill will retain power over the program, according to several analysts, who described it as predictable.

**“There is** always going to be a turf battle**” when dealing with congressional oversight**, said Lawrence Korb, a former DOD official and defense analyst at the liberal-leaning Center for American Progress.

But that battle could become particularly heated, given the high-profile nature of the drone program, which since the Sept. 11, 2001, attacks has become a huge factor in shaping counterterrorism policy, given its success, Korb said.

### 2NC Targeted Killing links

#### Targeted killing restrictions sap political capital – spills over to other issues

Vladeck 13 (Steve – professor of law and the associate dean for scholarship at American University Washington College of Law, “Drones, Domestic Detention, and the Costs of Libertarian Hijacking”, 3/14, http://www.lawfareblog.com/2013/03/drones-domestic-detention-and-the-costs-of-libertarian-hijacking/)

The same thing appears to be happening with targeted killings. Whether or not Attorney General Holder’s second letter to Senator Paul actually answered the relevant question, it certainly appeared to mollify the junior Senator from Kentucky, who declared victory and withdrew his opposition to the Brennan nomination immediately upon receiving it. Thus, as with the Feinstein Amendment 15 months ago, the second Holder letter appears to have taken wind out of most of the libertarian critics’ sails, many of whom (including the Twitterverse) have now returned to their regularly scheduled programming. It seems to me that both of these episodes represent examples of what might be called “libertarian hijacking”–wherein libertarians form a short-term coalition with progressive Democrats on national security issues, only to pack up and basically go home once they have extracted concessions that don’t actually resolve the real issues. Even worse, in both cases, such efforts appeared to consume most (if not all) of the available oxygen and political capital, obfuscating, if not downright suppressing, the far more problematic elements of the relevant national security policy. Thus, even where progressives sought to continue the debate and/or pursue further legislation on the relevant questions (for an example from the detention context, consider Senator Feinstein’s Due Process Guarantee Act), the putative satisfaction of the libertarian objections necessarily arrested any remaining political inertia (as Wells cogently explained in this post on Senator Paul and the DPGA from November).

### Talks work

#### Negotiated solution key to solve Iran proliferation

Joel Rubin 10-24 Iran’s diplomatic thaw with the West <http://thejewishchronicle.net/view/full_story/23914219/article-Iran-s-diplomatic-thaw-with-the-West--?instance=secondary_stories_right_column>

Now that Iran has made a clear decision to engage seriously in diplomatic negotiations with the West over its nuclear program, its intentions should be tested. Members of Congress should be open to seizing this opportunity by making strategic decisions on sanctions policy. The economic sanctions against Iran that are in place have damaged the Iranian economy. A credible military threat — with more than 40,000 American troops in the Persian Gulf — stands on alert. International inspectors are closely monitoring Iran’s every nuclear move. Iran has not yet made a decision to build a bomb, does not have enough medium-enriched uranium to convert to weapons grade material for one bomb and has neither a workable nuclear warhead nor a means to deliver it at long ranges. If Iran were to make a dash for a bomb, the U.S. intelligence community estimates that it would take roughly one to two years to do so. Congress, with its power to authorize sanctions relief, plays a crucial role in deciding whether a deal will be achieved. This gives Congress the opportunity to be a partner in what could potentially be a stunning success in advancing our country’s security interests without firing a shot. Consider the alternative: If the administration negotiates a deal that Congress blocks, then Congress becomes a spoiler and Iran will most likely continue to accelerate its nuclear program. Then lawmakers would be left with a stark choice: either acquiesce to an unconstrained Iranian nuclear program and a potential Iranian bomb or endorse the use of force to attempt to stop it. Most military experts rate the odds of a successful bombing campaign low and worry that failed strikes would push Iran to get the bomb outright. Iran and the United States need a political solution to this conflict. Now is the time to test the Iranians at the negotiating table, not push them away.

#### Deal stops prolif and iran strike

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

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

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

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

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

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

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

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

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

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

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

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

### A2 obamacare

#### Obamacare issues are receding – technical issues have been mostly resolved and enrollment numbers are increasing.

JONATHAN COHN 12-29 <http://www.newrepublic.com/article/116061/obamacare-enrollment-surges-more-1m-sign-thru-healthcaregov> We Don't Know if Obamacare Is Working Well. But We Know It's Working.

Obamacare got off to a lousy start. But things are looking a lot better now. Nearly a million people signed up for private health plans via healthcare.gov in December, according to statistics the Obama Administration released on Sunday morning. That pushed the total number of sign-ups for the year to 1.1 million. Combined with the totals that states are likely to report by year’s end, it probably means more than 2 million people have signed up for private health insurance though the Affordable Care Act’s marketplaces. That doesn’t count several million who enrolled in Medicaid, the newly expanded federal-state program that provides insurance to low-income people. The official enrollment number doesn’t tell us many things. It doesn’t tell us whether these people getting private (or public) coverage had insurance previously—or, if they had insurance, how much they were paying for it. It doesn't tell us how many of these people have actually paid premiums, which is essential for coverage to take effect. It doesn’t tell us whether insurers have proper data on these people or what kind of access and protection the new coverage will give. It doesn’t tell us how many of the enrollees are in relatively good health or how many are in relatively poor health—or how that mix will affect insurance prices going forward. In addition, the numbers do not appear to match the Administration’s own targets. According to internal projections, later reported by the Associated Press, officials expected more than 3.3 million enrollments by year’s end, with about 1.8 million of those coming through the federal website. For all of those reasons, and a few others, it’s premature to say Obamacare is meeting expectations. But those internal enrollment targets don't include people who signed up for coverage directly through insurers. And while lower-than-predicted enrollment could be a sign consumers don’t like the new policies, they could also represent the lingering effects of the site’s technical problems. The internal projections were never particularly scientific: Administration officials extrapolated them from the Congressional Budget Office's projection of overall private plan enrollment in 2014 (about 7 million) and with necessarily imperfect data from prior programs. "What’s important now is that the systems are mostly functioning so that anyone who wants to get coverage can," says Larry Levitt, senior vice president at the Kaiser Family Foundation. "The outreach campaigns and advertising by insurers likely haven’t peaked yet, so I wouldn’t be at all surprised if enrollment in March is even bigger than December." MIT economist Jonathan Gruber, an architect of reforms, has a similarly nuanced take. "Given the technical problems at the start, and given that the important deadline is March 31, what matters right now is the trend in enrollment. In terms of overall enrollment, the trend looks quite good," Gruber says. "What matters more is the mix in terms of the health of those enrolling, and we won't have a clear answer on that until we see 2015 rates from insurers."

### A2 Unemployment extension Thumper

#### Unemployment extension will be fast tracked and is bipartisan – not controversial.

Paul Lewis in Washington and Dominic Rushe in New York theguardian.com, Thursday January 2 2014 12.27 EST <http://www.theguardian.com/world/2014/jan/02/senate-democrats-bill-reinstate-unemployment-benefits>

Democratic leaders in the Senate are planning to fast-track legislation to extend unemployment insurance, a move that would provide a lifeline to more than a million jobless Americans who lost their benefits five days ago. Senator Jack Reed, a Democrat from Rhode Island whose bipartisan bill will ensure a three-month extension of the federal benefits program, told the Guardian the measure would stimulate the economy and alleviate what he called the “mental torment” suffered by those long-term unemployed who now feel abandoned. The benefits, which apply to people who are unemployed for longer than six months, were left to expire on Saturday after a bipartisan budget deal on federal spending for the next two years failed to include a reauthorisation of the program. “On a human level, many of these people are desperate,” Reed said in an interview on Thursday. “It is the difference between being able to pay their mortgage or not. Many of these are people who have worked for decades. They had good jobs, and they’ve been sending out sending out thousands of résumés, but they’re in a job market that is terrible.” Reed’s bill, which is co-authored by the Nevada Republican Dean Heller, will only extend the federal benefits until the end of March – a temporary fix designed to allow congressional committees to work on a more permanent solution for the long-term unemployed. It would be applied retroactively, reimbursing those who lost benefits over the last week.

#### New sanctions collapse negotiations

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

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

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

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

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

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

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

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

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