# 1AC

### Plan Text

#### Plan: The United States federal government should increase statutory restrictions on the President of the United States’ war power authority to introduce naval forces into hostilities by codifying the appropriate articles of the Law of the Sea Treaty.

### Contention 1- China

#### South China sea conflict coming now- naval disputes- firebrand nationalist are taking control of Chinese foreign policy

Smith 14 (Jeff is the director of South Asia Programs and the Kraemer Strategy Fellow at the American Foreign Policy Council in Washington, D.C., 1/15, “Drawing a Red Line for China”, http://www.usnews.com/opinion/blogs/world-report/2014/01/15/us-must-draw-red-line-for-china-in-the-western-pacific)

In recent months, the world's attention has been focused on China's provocative behavior in its Senkaku/Diaoyu island dispute with Japan, and for good reason. That dispute demands our utmost attention, and poses a tangible risk of for interstate conflict in the years to come.¶ However, the issue of maritime sovereignty in the East and South China Seas encompasses more than simply China's territorial disputes with its neighbors. It also involves a volatile disagreement between the U.S. and China over the type of sovereignty China is claiming in its 200-nautical-mile Exclusive Economic Zone, or EEZ, and specifically the right of the U.S. military to conduct surveillance operations there. ¶ Our dispute derives from differing interpretations of the U.N. Convention on the Law of the Sea, or UNCLOS, a treaty the U.S. has not signed but whose maritime boundary distinctions we observe in practice. Under Beijing's interpretation of the treaty, China enjoys expansive sovereign rights in its EEZ, including the right to deny the U.S. military access to conduct surveillance operations. China is not alone in this interpretation – at least 16 other countries share Beijing's position – but China is the only country that has operationally challenged U.S. forces, leading to more than a half-dozen dangerous confrontations at sea over the past decade.¶ The U.S. and most countries of the world reject this interpretation of UNCLOS, arguing that China cannot treat the Exclusive Economic Zone as if it were China's sovereign territorial sea. And U.S. scholars have thoroughly debunked Beijing's reading of the treaty.¶ Yet the confrontations continue, as an incident with the USS Cowpens and a Chinese amphibious dock ship in December 2013 vividly demonstrated. If the U.S. and China don't come to a modus vivendi on a code of maritime conduct in the Western Pacific, the possibility for escalation and confrontation is very real. The U.S. has in the past attempted to create a code of conduct with China on these matters; however, talks have been stalled on Chinese demands that the U.S. end arms sales to Taiwan, put an end to surveillance activities in its EEZ and repeal provisions of the 2000 National Defense Authorization Act, which limits U.S. military cooperation with China. ¶ Further aggravating the situation is the poor military-to-military relationship between our two countries. Though we have taken some small steps forward engaging in recent years, military-to-military cooperation remains the most underdeveloped and concerning aspect of bilateral relations.¶ While the political and professional Chinese elite are experiencing an unprecedented level of exposure to the outside world, this encouraging trend has not reached the People's Liberation Army, which tightly restricts contacts with the U.S., particularly for junior officers. By design, the PLA ranks remain conspiracy-minded, hawkish and insulated from the Western world and even to liberal influences within China. ¶ This is worrying because many Chinese nationalists inside and outside the PLA see the U.S. as engaged in a containment strategy designed to prevent China's rise and undermine its security. Firebrand nationalists are taking to the airwaves and webpages to denounce a U.S. foreign policy they believe is encouraging provocative behavior from Japan, the Philippines and Vietnam. And China's leaders are increasingly pandering to these vocal nationalists, escalating their own hawkish rhetoric and in the process restricting their freedom to maneuver in the future. ¶ When the U.S. and other countries have faltered in the face of this policy, as was the case with the Philippines in the Scarborough Shoal, China has advanced its goals and established a new status quo. However, where the U.S. has held firm in its position and demonstrated resolve, Beijing has backed down.¶ The same resolve must be committed to surveillance activities in China's EEZ. America's position on this issue is not only within the U.S. national interest, it is fully supported by domestic and international law. ¶ Were we to accept China's interpretation of UNCLOS, U.S. military vessels could be barred from operating in large swathes of the world's oceans, an outcome that is clearly unacceptable to Washington — and one that was never envisioned by the drafters of UNCLOS.¶ The U.S. should do everything at its disposal to ensure future incidents do not escalate, but it must reaffirm that U.S. policy will not be subject to fear, intimidation, coercion or reckless behavior from Chinese naval forces.¶ Furthermore, Washington must do a better job drawing clear red lines around unacceptable behavior in the maritime arena, and enforce those red lines when they are crossed. To that end, the U.S. should continue an active schedule of surveillance activities, patrolling and freedom of navigation operations.¶ America carries a special burden on this issue. While Beijing views its neighbors as subservient regional powers subject to intimidation, the Chinese leadership acknowledges and respects American power, even as they increasingly resent it. As perhaps the only country capable of drawing and enforcing red lines with China, America's allies in the region are depending on the U.S. to be a firewall against Chinese aggression in the Western Pacific.

#### No defense- nuclear escalation is guaranteed

Klare 13 -- (Michael, professor of peace and world security studies at Hampshire College, “The Next War”, Realclearworld.com, January 23, 2013, http://www.realclearworld.com/articles/2013/01/23/the\_next\_war\_100500.html)

Don't look now, but conditions are deteriorating in the western Pacific. Things are turning ugly, with consequences that could prove deadly and spell catastrophe for the global economy.¶ In Washington, it is widely assumed that a showdown with Iran over its nuclear ambitions will be the first major crisis to engulf the next secretary of defense -- whether it be former Senator Chuck Hagel, as President Obama desires, or someone else if he fails to win Senate confirmation. With few signs of an imminent breakthrough in talks aimed at peacefully resolving the Iranian nuclear issue, many analysts believe that military action -- if not by Israel, then by the United States -- could be on this year's agenda.¶ Lurking just behind the Iranian imbroglio, however, is a potential crisis of far greater magnitude, and potentially far more imminent than most of us imagine. China's determination to assert control over disputed islands in the potentially energy-rich waters of the East and South China Seas, in the face of stiffening resistance from Japan and the Philippines along with greater regional assertiveness by the United States, spells trouble not just regionally, but potentially globally.¶ Islands, Islands, Everywhere¶ The possibility of an Iranian crisis remains in the spotlight because of the obvious risk of disorder in the Greater Middle East and its threat to global oil production and shipping. A crisis in the East or South China Seas (essentially, western extensions of the Pacific Ocean) would, however, pose a greater peril because of the possibility of a U.S.-China military confrontation and the threat to Asian economic stability.¶ The United States is bound by treaty to come to the assistance of Japan or the Philippines if either country is attacked by a third party, so any armed clash between Chinese and Japanese or Filipino forces could trigger American military intervention. With so much of the world's trade focused on Asia, and the American, Chinese, and Japanese economies tied so closely together in ways too essential to ignore, a clash of almost any sort in these vital waterways might paralyze international commerce and trigger a global recession (or worse).¶ All of this should be painfully obvious and so rule out such a possibility -- and yet the likelihood of such a clash occurring has been on the rise in recent months, as China and its neighbors continue to ratchet up the bellicosity of their statements and bolster their military forces in the contested areas. Washington's continuing statements about its ongoing plans for a "pivot" to, or "rebalancing" of, its forces in the Pacific have only fueled Chinese intransigence and intensified a rising sense of crisis in the region. Leaders on all sides continue to affirm their country's inviolable rights to the contested islands and vow to use any means necessary to resist encroachment by rival claimants. In the meantime, China has increased the frequency and scale of its naval maneuvers in waters claimed by Japan, Vietnam, and the Philippines, further enflaming tensions in the region.¶ Ostensibly, these disputes revolve around the question of who owns a constellation of largely uninhabited atolls and islets claimed by a variety of nations. In the East China Sea, the islands in contention are called the Diaoyus by China and the Senkakus by Japan. At present, they are administered by Japan, but both countries claim sovereignty over them. In the South China Sea, several island groups are in contention, including the Spratly chain and the Paracel Islands (known in China as the Nansha and Xisha Islands, respectively). China claims all of these islets, while Vietnam claims some of the Spratlys and Paracels. Brunei, Malaysia, and the Philippines also claim some of the Spratlys.¶ Far more is, of course, at stake than just the ownership of a few uninhabited islets. The seabeds surrounding them are believed to sit atop vast reserves of oil and natural gas. Ownership of the islands would naturally confer ownership of the reserves -- something all of these countries desperately desire. Powerful forces of nationalism are also at work: with rising popular fervor, the Chinese believe that the islands are part of their national territory and any other claims represent a direct assault on China's sovereign rights; the fact that Japan -- China's brutal invader and occupier during World War II -- is a rival claimant to some of them only adds a powerful tinge of victimhood to Chinese nationalism and intransigence on the issue. By the same token, the Japanese, Vietnamese, and Filipinos, already feeling threatened by China's growing wealth and power, believe no less firmly that not bending on the island disputes is an essential expression of their nationhood.¶ Long ongoing, these disputes have escalated recently. In May 2011, for instance, the Vietnamese reported that Chinese warships were harassing oil-exploration vessels operated by the state-owned energy company PetroVietnam in the South China Sea. In two instances, Vietnamese authorities claimed, cables attached to underwater survey equipment were purposely slashed. In April 2012, armed Chinese marine surveillance ships blocked efforts by Filipino vessels to inspect Chinese boats suspected of illegally fishing off Scarborough Shoal, an islet in the South China Sea claimed by both countries.¶ The East China Sea has similarly witnessed tense encounters of late. Last September, for example, Japanese authorities arrested 14 Chinese citizens who had attempted to land on one of the Diaoyu/Senkaku Islands to press their country's claims, provoking widespread anti-Japanese protests across China and a series of naval show-of-force operations by both sides in the disputed waters.¶ Regional diplomacy, that classic way of settling disputes in a peaceful manner, has been under growing strain recently thanks to these maritime disputes and the accompanying military encounters. In July 2012, at the annual meeting of the Association of Southeast Asian Nations (ASEAN), Asian leaders were unable to agree on a final communiqué, no matter how anodyne -- the first time that had happened in the organization's 46-year history. Reportedly, consensus on a final document was thwarted when Cambodia, a close ally of China's, refused to endorse compromise language on a proposed "code of conduct" for resolving disputes in the South China Sea. Two months later, when Secretary of State Hillary Rodham Clinton visited Beijing in an attempt to promote negotiations on the disputes, she was reviled in the Chinese press, while officials there refused to cede any ground at all.¶ As 2012 ended and the New Year began, the situation only deteriorated. On December 1st, officials in Hainan Province, which administers the Chinese-claimed islands in the South China Sea, announced a new policy for 2013: Chinese warships would now be empowered to stop, search, or simply repel foreign ships that entered the claimed waters and were suspected of conducting illegal activities ranging, assumedly, from fishing to oil drilling. This move coincided with an increase in the size and frequency of Chinese naval deployments in the disputed areas.¶ On December 13th, the Japanese military scrambled F-15 fighter jets when a Chinese marine surveillance plane flew into airspace near the Diaoyu/Senkaku Islands. Another worrisome incident occurred on January 8th, when four Chinese surveillance ships entered Japanese-controlled waters around those islands for 13 hours. Two days later, Japanese fighter jets were again scrambled when a Chinese surveillance plane returned to the islands. Chinese fighters then came in pursuit, the first time supersonic jets from both sides flew over the disputed area. The Chinese clearly have little intention of backing down, having indicated that they will increase their air and naval deployments in the area, just as the Japanese are doing.¶ Powder Keg in the Pacific¶ While war clouds gather in the Pacific sky, the question remains: Why, pray tell, is this happening now?¶ Several factors seem to be conspiring to heighten the risk of confrontation, including leadership changes in China and Japan, and a geopolitical reassessment by the United States.¶ \* In China, a new leadership team is placing renewed emphasis on military strength and on what might be called national assertiveness. At the 18th Party Congress of the Chinese Communist Party, held last November in Beijing, Xi Jinping was named both party head and chairman of the Central Military Commission, making him, in effect, the nation's foremost civilian and military official. Since then, Xi has made several heavily publicized visits to assorted Chinese military units, all clearly intended to demonstrate the Communist Party's determination, under his leadership, to boost the capabilities and prestige of the country's army, navy, and air force. He has already linked this drive to his belief that his country should play a more vigorous and assertive role in the region and the world.¶ In a speech to soldiers in the city of Huizhou, for example, Xi spoke of his "dream" of national rejuvenation: "This dream can be said to be a dream of a strong nation; and for the military, it is the dream of a strong military." Significantly, he used the trip to visit the Haikou, a destroyer assigned to the fleet responsible for patrolling the disputed waters of the South China Sea. As he spoke, a Chinese surveillance plane entered disputed air space over the Diaoyu/Senkaku islands in the East China Sea, prompting Japan to scramble those F-15 fighter jets.¶ \* In Japan, too, a new leadership team is placing renewed emphasis on military strength and national assertiveness. On December 16th, arch-nationalist Shinzo Abe returned to power as the nation's prime minister. Although he campaigned largely on economic issues, promising to revive the country's lagging economy, Abe has made no secret of his intent to bolster the Japanese military and assume a tougher stance on the East China Sea dispute.¶ In his first few weeks in office, Abe has already announced plans to increase military spending and review an official apology made by a former government official to women forced into sexual slavery by the Japanese military during World War II. These steps are sure to please Japan's rightists, but certain to inflame anti-Japanese sentiment in China, Korea, and other countries it once occupied.¶ Equally worrisome, Abe promptly negotiated an agreement with the Philippines for greater cooperation on enhanced "maritime security" in the western Pacific, a move intended to counter growing Chinese assertiveness in the region. Inevitably, this will spark a harsh Chinese response -- and because the United States has mutual defense treaties with both countries, it will also increase the risk of U.S. involvement in future engagements at sea.¶ \* In the United States, senior officials are debating implementation of the "Pacific pivot" announced by President Obama in a speech before the Australian Parliament a little over a year ago. In it, he promised that additional U.S. forces would be deployed in the region, even if that meant cutbacks elsewhere. "My guidance is clear," he declared. "As we plan and budget for the future, we will allocate the resources necessary to maintain our strong military presence in this region." While Obama never quite said that his approach was intended to constrain the rise of China, few observers doubt that a policy of "containment" has returned to the Pacific.¶ Indeed, the U.S. military has taken the first steps in this direction, announcing, for example, that by 2017 all three U.S. stealth planes, the F-22, F-35, and B-2, would be deployed to bases relatively near China and that by 2020 60% of U.S. naval forces will be stationed in the Pacific (compared to 50% today). However, the nation's budget woes have led many analysts to question whether the Pentagon is actually capable of fully implementing the military part of any Asian pivot strategy in a meaningful way. A study conducted by the Center for Strategic and International Studies (CSIS) at the behest of Congress, released last summer, concluded that the Department of Defense "has not adequately articulated the strategy behind its force posture planning [in the Asia-Pacific] nor aligned the strategy with resources in a way that reflects current budget realities."¶ This, in turn, has fueled a drive by military hawks to press the administration to spend more on Pacific-oriented forces and to play a more vigorous role in countering China's "bullying" behavior in the East and South China Seas. "[America's Asian allies] are waiting to see whether America will live up to its uncomfortable but necessary role as the true guarantor of stability in East Asia, or whether the region will again be dominated by belligerence and intimidation," former Secretary of the Navy and former Senator James Webb wrote in the Wall Street Journal. Although the administration has responded to such taunts by reaffirming its pledge to bolster its forces in the Pacific, this has failed to halt the calls for an even tougher posture by Washington. Obama has already been chided for failing to provide sufficient backing to Israel in its struggle with Iran over nuclear weapons, and it is safe to assume that he will face even greater pressure to assist America's allies in Asia were they to be threatened by Chinese forces.¶ Add these three developments together, and you have the makings of a powder keg -- potentially at least as explosive and dangerous to the global economy as any confrontation with Iran. Right now, given the rising tensions, the first close encounter of the worst kind, in which, say, shots were unexpectedly fired and lives lost, or a ship or plane went down, might be the equivalent of lighting a fuse in a crowded, over-armed room. Such an incident could occur almost any time. The Japanese press has reported that government officials there are ready to authorize fighter pilots to fire warning shots if Chinese aircraft penetrate the airspace over the Diaoyu/Senkaku islands. A Chinese general has said that such an act would count as the start of "actual combat." That the irrationality of such an event will be apparent to anyone who considers the deeply tangled economic relations among all these powers may prove no impediment to the situation -- as at the beginning of World War I -- simply spinning out of everyone's control.¶ Can such a crisis be averted? Yes, if the leaders of China, Japan, and the United States, the key countries involved, take steps to defuse the belligerent and ultra-nationalistic pronouncements now holding sway and begin talking with one another about practical steps to resolve the disputes. Similarly, an emotional and unexpected gesture -- Prime Minister Abe, for instance, pulling a Nixon and paying a surprise goodwill visit to China -- might carry the day and change the atmosphere. Should these minor disputes in the Pacific get out of hand, however, not just those directly involved but the whole planet will look with sadness and horror on the failure of everyone involved.

#### That goes nuclear

Lowther ‘13 (William Lowther, Staff Rreporter in Washington, “Taiwan could spark nuclear war: report”, <http://www.taipeitimes.com/News/taiwan/archives/2013/03/16/2003557211>, March 16, 2013)

Taiwan is the most likely potential crisis that could trigger a nuclear war between China and the US, a new academic report concludes. “Taiwan remains the single most plausible and dangerous source of tension and conflict between the US and China,” says the 42-page report by the Washington-based Center for Strategic and International Studies (CSIS). Prepared by the CSIS’ Project on Nuclear Issues and resulting from a year-long study, the report emphasizes that Beijing continues to be set on a policy to prevent Taiwan’s independence, while at the same time the US maintains the capability to come to Taiwan’s defense. “Although tensions across the Taiwan Strait have subsided since both Taipei and Beijing embraced a policy of engagement in 2008, the situation remains combustible, complicated by rapidly diverging cross-strait military capabilities and persistent political disagreements,” the report says. In a footnote, it quotes senior fellow at the US Council on Foreign Relations Richard Betts describing Taiwan as “the main potential flashpoint for the US in East Asia.” The report also quotes Betts as saying that neither Beijing nor Washington can fully control developments that might ignite a Taiwan crisis. “This is a classic recipe for surprise, miscalculation and uncontrolled escalation,” Betts wrote in a separate study of his own. The CSIS study says: “For the foreseeable future Taiwan is the contingency in which nuclear weapons would most likely become a major factor, because the fate of the island is intertwined both with the legitimacy of the Chinese Communist Party and the reliability of US defense commitments in the Asia-Pacific region.” Titled Nuclear Weapons and US-China Relations, the study says disputes in the East and South China seas appear unlikely to lead to major conflict between China and the US, but they do “provide kindling” for potential conflict between the two nations because the disputes implicate a number of important regional interests, including the interests of treaty allies of the US. The danger posed by flashpoints such as Taiwan, the Korean Peninsula and maritime demarcation disputes is magnified by the potential for mistakes, the study says. “Although Beijing and Washington have agreed to a range of crisis management mechanisms, such as the Military Maritime Consultative Agreement and the establishment of a direct hotline between the Pentagon and the Ministry of Defense, the bases for miscommunication and misunderstanding remain and draw on deep historical reservoirs of suspicion,” the report says. For example, it says, it is unclear whether either side understands what kinds of actions would result in a military or even nuclear response by the other party. To make things worse, “neither side seems to believe the other’s declared policies and intentions, suggesting that escalation management, already a very uncertain endeavor, could be especially difficult in any conflict,” it says.

#### No self-fulfilling prophecy

Blumenthal et al ‘11 (Dan Blumenthal, current commissioner and former vice chairman of the U.S.-China Economic and Security Review Commission, Mark Stokes, Michael Mazza, 9/6/11, “Avoiding Armageddon with China” http://shadow.foreignpolicy.com/posts/2011/09/06/avoiding\_armageddon\_with\_china?wpisrc=obinsite)

The balancing and hedging strategy should involve options to avoid what Traub rightfully describes as "Armageddon." We call for a myriad of conventional options short of striking the nuclear-armed PRC, in the hope that such a strategy enhances deterrence in the first place and avoids Armageddon should deterrence fail. The strategy aims to slow escalation rather than quicken it. The idea of a self-fulfilling prophecy -- of turning China into an enemy by treating it as one -- is like a unicorn; it is a make believe creature that still has its believers. The United States has done more than any other country to "turn China into a friend" by welcoming it into the international community. Alas, China has not fulfilled this U.S. "prophesy of friendship." Instead China has built what all credible observers call a destabilizing military that has changed the status quo by holding a gun to Taiwan's head even as Taiwan makes bold attempts at peace, by claiming ever more territory in the South China Sea, and by attempting to bully and intimidate Japan. Traub asks whether our allies and partners will be willing to participate in an "anti-Chinese coalition," as he describes it. As the paper says, all allies, partners, and potential partners are already modernizing their militaries in response to China. And they will continue to do so regardless of whether the U.S. pursues what Traub would see as an "anti-China" strategy. Even laid-back Australia has plans to double its submarine fleet -- it is not doing so to defend against Fiji. The paper argues that it is time for the United States to offer more serious assistance so that matters do not get out of hand. A strong U.S. presence and commitment to the region's security can help avoid a regional nuclear arms race, for example. The United States can be a force multiplier by providing the intelligence, surveillance, and reconnaissance that only Washington possesses, and by training, and equipping our allies and friends. This strategy is one way of beginning to put Asia back in balance as China changes the status quo. Not doing so, we fear, would lead to Armageddon.

### Contention 2- Arctic

#### Scenario one is border conflict

#### Arctic border disputes go nuclear

Wallace and Staples 10(Michael Wallace and Steven Staples. \*Professor Emeritus at the University of British Columbia and President of the Rideau Institute in Ottawa “Ridding the Arctic of Nuclear Weapons: A Task Long Overdue,”http://www.arcticsecurity.org/docs/arctic-nuclear-report-web.pdf)

The fact is, the Arctic is becoming a zone of increased military competition. Russian President Medvedev has announced the creation of a special military force to defend Arctic claims. Last year Russian General Vladimir Shamanov declared that Russian troops would step up training for Arctic combat, and that Russia’s submarine fleet would increase its “operational radius.” 55 Recently, two Russian attack submarines were spotted off the U.S. east coast for the first time in 15 years. 56 In January 2009, on the eve of Obama’s inauguration, President Bush issued a National Security Presidential Directive on Arctic Regional Policy. It affirmed as a priority the preservation of U.S. military vessel and aircraft mobility and transit throughout the Arctic, including the Northwest Passage, and foresaw greater capabilities to protect U.S. borders in the Arctic. 57 The Bush administration’s disastrous eight years in office, particularly its decision to withdraw from the ABM treaty and deploy missile defence interceptors and a radar station in Eastern Europe, have greatly contributed to the instability we are seeing today, even though the Obama administration has scaled back the planned deployments. The Arctic has figured in this renewed interest in Cold War weapons systems, particularly the upgrading of the Thule Ballistic Missile Early Warning System radar in Northern Greenland for ballistic missile defence. The Canadian government, as well, has put forward new military capabilities to protect Canadian sovereignty claims in the Arctic, including proposed ice-capable ships, a northern military training base and a deep-water port. Earlier this year Denmark released an all-party defence position paper that suggests the country should create a dedicated Arctic military contingent that draws on army, navy and air force assets with shipbased helicopters able to drop troops anywhere. 58 Danish fighter planes would be tasked to patrol Greenlandic airspace. Last year Norway chose to buy 48 Lockheed Martin F-35 fighter jets, partly because of their suitability for Arctic patrols. In March, that country held a major Arctic military practice involving 7,000 soldiers from 13 countries in which a fictional country called Northland seized offshore oil rigs. 59 The manoeuvres prompted a protest from Russia – which objected again in June after Sweden held its largest northern military exercise since the end of the Second World War. About 12,000 troops, 50 aircraft and several warships were involved. 609 Ridding the Arctic of Nuclear Weapons: A Task Long Overdue Jayantha Dhanapala, President of Pugwash and former UN under-secretary for disarmament affairs, summarized the situation bluntly: “From those in the international peace and security sector, deep concerns are being expressed over the fact that two nuclear weapon states – the United States and the Russian Federation, which together own 95 per cent of the nuclear weapons in the world – converge on theArctic and have competing claims. These claims, together with those of other allied NATO countries – Canada, Denmark, Iceland, and Norway – could, if unresolved, lead to conflict escalating into the threat or use of nuclear weapons.” 61 Many will no doubt argue that this is excessively alarmist, but no circumstance in which nuclear powers find themselves in military confrontation can be taken lightly. The current geo-political threat level is nebulous and low – for now, according to Rob Huebert of the University of Calgary, “[the] issue is the uncertainty as Arctic states and non-Arctic states begin to recognize the geo-political/economic significance of the Arctic because of climate change.” 62

#### Realism defines these energy escalations

Stephan et al. ‘11 (Hannes R. Stephan, John Vogler, and Fariborz Zelli, “Energy Security and Climate Security: Synergy or Conflict?”, Paper presented at the Third Global International Studies Conference (17-20 August 2011, Porto, Portugal), August 17-20, 2011)

Historically, realist theoretical assumptions have dominated thinking on energy security. Widespread recognition of the role of energy resources during the build-up and conduct of the 5 Second World War ensured the status of energy as an issue belonging to the 'high' politics of national security. The role of energy as a "strategic good" par excellence is not only related to its essential function in 'fuelling' military activities. Its price level and availability also play a fundamental role in a country's economic performance and socio-political stability (Lesage et al. 2010: 183). For instance, there is considerable evidence that a large number of post-war recessions in the US have – at least partly – been caused by spikes in oil prices (Bordoff et al. 2009: 215). A realist interpretation of energy security was further reinforced by events in the 1970s when a trend towards the nationalisation of energy supplies and the sporadic use of oil embargoes, orchestrated by the Organization of Petroleum-Exporting Countries (OPEC), highlighted the dangers of energy dependence. Even today the privileged position of major energy-exporting countries still represents a constraint on the foreign policy agenda of major importers (Müller-Kraenner 2008: 27). Market expansion and low energy prices from the 1980s until the mid-2000s encouraged the development of liberal approaches to energy security. Greater diversification of sources, a gradual shift to coal and natural gas, and a consolidating world oil market all but eliminated the threat of an effective use of the 'oil weapon'. Well-functioning global markets for oil – and potentially for liquefied natural gas – have been increasingly promoted as effective mechanisms to provide cheaper energy inputs in an increasingly competitive, global economy and guard against both structural undersupply and short-term supply disruptions (Goldthau and Witte 2009). The US economy, for example, is now substantially less vulnerable to fluctuations in oil markets than in previous decades. However, realist notions of energy security have not been superseded. On the contrary, Brazil, Russia, India, and China – the so-called BRIC states – are not just consuming increasing amounts of fossil fuels. They also employ the traditional, statist tools of energy security policy such as bilateral contracts and the promotion of national energy champions (Lesage et al. 2010: 27). China and India have struck numerous energy deals with oil- and gas-exporting countries from the around the world, even if this has meant giving economic and military aid to 'pariah' states in Africa and Latin America (Müller-Kraenner 2008: 72). While this has served to raise rather than lower the availability of fossil fuels on global markets, it demonstrates that – given an uncertain future – no major power will rely exclusively on the market allocation of energy supplies. When it comes to natural gas, a commodity still largely reliant on pipeline infrastructure and long-term supply contracts, overtly political considerations have remained dominant. The European Union, although founded upon an agreement on coal and steel, has yet to produce a coherent energy policy or to perfect a ‘real internal energy market’ (Commission 2007:6). There are very significant differences in the energy mix and strategies of member states whose perspectives remain stubbornly national. Thus, the Commission’s principal approach has been to seek energy security through the perfection of a properly functioning, interconnected and transparent internal energy market. There has also been a largely 6 unsuccessful attempt to extend EU liberalising regulatory practices to the EU’s gas suppliers in its eastern ‘neigbourhood’. Failure was demonstrated in the twin Ukrainian gas crises of 2006 and 2009. In January 2009, ostensibly for commercial reasons (a dispute with Naftogaz of Ukraine) , Gazprom interrupted gas supplies with the serious knock-on effect of reducing EU gas availability by 20%, which affected 12 member states (Commission 2009: 7). The crisis again revealed the EU's vulnerability and the lack of internal planning and emergency coordination. It was only resolved through an EU-mediated political agreement between Russia and Ukraine (ibid: 4). Russia, having rejected the EU’s invitation to subscribe to the Energy Charter Treaty, increasingly relies on its economic power derived from natural resources and energy services. It uses the mechanism of 'pipeline politics' to compensate for its loss of superpower status and to preserve its zone of influence, particularly in the Caspian region and Central and Eastern Europe (Baran 2007; Müller-Kraenner 2008: 47-56). The EU counterpart is the suggestion that security of supply can be achieved through diversification involving new pipelines circumventing Russian territory, Nabucco providing the best known example. Youngs (2009) has suggested that in fact the EU is in fact caught on the horns of a dilemma, between attempts to install market based governance of energy supplies and an essentially realist approach to the geopolitics of pipelines. Certainly one of the significant outcomes of the gas crises has been the call for energy policy to play a major role in the Union’s external relations in building up a network of bilateral energy supply deals with its neighbours in the Caspian region, in North Africa and beyond (Commission 2007: 23). In the US, by contrast, new shale gas discoveries over the last few years have – for now – made the country virtually independent from imports. The situation is, of course, completely different for oil supplies even though the US – if it was minded to incur the costs – could achieve a degree of autarchy in this sector too.

#### Scenario two is the Environment

#### Arctic overfishing leads to arctic cod extinction- they are a keystone species

PEW 10 (Environmental group studying northern oceans, “COMMERCIAL FISHING”, <http://www.oceansnorth.org/commercial-fishing>)

Fortunately, the North American Arctic has largely been spared this legacy of overfishing, habitat destruction and bycatch. There is still an opportunity to avoid this fate. Overfishing in Arctic waters could have huge consequences for its entire ecosystem because linkages in the food web here are shorter than in more temperate waters. A fishery targeting Arctic cod could severely affect other fish populations, seabirds and marine mammals. In the words of U.S. Arctic fishery managers: “Arctic cod is identified as a keystone species which needs to remain close to current carrying capacity in order for the marine ecosystem to retain its present structure.” Precautionary, Ecosystem-Based Management The rapidly changing Arctic marine ecosystem and lack of information on fish populations makes it impossible to predict if and how sustainable commercial fishing could take place. For that reason, the United States closed nearly the entire U.S. Arctic Ocean in December 2009 to any commercial fishing. This measure had the full support of Alaska Native leaders, scientists and the commercial fishing industry. The closure will remain until enough information can be gathered to ensure that commercial fishing will not jeopardize the health of the ecosystem or the people who depend on it. “Without careful management, exploitation could easily destabilize the marine ecosystem at a time when it is already under extraordinary pressure….There is at present too little known about how marine ecosystem function in the Arctic, let alone how they will respond to the dramatic changes in progress, to prescribe safe harvest levels for living marine resources in the U.S. Arctic.” – Statement of 43 scientists to the North Pacific Fishery Management Council “We recognized early on that climate change in the high Arctic was causing a rate of change in that region that argued for a unique precautionary approach to fishery management. There are many concerns regarding the loss of sea ice in the Arctic, and existing scientific research hasn't answered these concerns. Preventing the incursion of commercial fisheries until the science is available to make sound decisions is the only logical approach to management in this region.” – Marine Conservation Alliance (organization representing 60 percent of Bering Sea Commercial fishing industry)

#### Keystone species loss results in an avalanche affect- collapses overall biod

Wooldridge 09, Frosty. Guest lecturer at Cornell University. “Our troubled country; species extinction” March 16 2009 http://www.examiner.com/x-3515-Denver-Political-Issues-Examiner~y2009m3d16-Our-troubled-country-species-extinction

What might be the optimum number of extinct species that would fall short of the “cascading effect?” At what point would we supersede the “cascading effect” to create an avalanche of even more extinctions of other creatures that depended on the web of life? At what point would that affect human survival as in the case of the pollinators? As you can see, we already create horrific consequences in the natural world with our current 306 million Americans. It’s not only here in the USA, but worldwide! As you will read in “Chapter 18: Destroying our Oceans,” PBS showed hundreds of thousands of tons of discarded fishing nets retrieved by Scuba divers. The nets had been destroying reefs and marine life because nothing in nature could deal with the nylon. It rolled around the ocean bottom, washed by eternal tides, while it destroyed millions of marine creatures caught in its indolent grasp. Fishing captains cut it loose—knowing the kind of death their nets created for all marine life victimized by those man-made products. On a worldwide scale, we kill 100 million sharks annually along with uncounted other creatures. How morally unconscionable and utterly reprehensible! Let’s fast-forward to 2035 with another 100 million people added to North America. Remember, the human race globally will have added two billion more humans by that time. Their impact can only multiply our global impact for devastating species extinction unprecedented in history. In fact, scientists tell us that five extinction sessions occurred since the dawn of time. The sixth one moves forward in this century. What causes it? The human race!

#### That outweighs your impacts- guarantees extinction and is irreversible

Chen 2k—Professor of Law and Vance K. Opperman Research Scholar, University of Minnesota Law School (Jim, Globalization and Its Losers, Winter 2000, 9 Minn. J. Global Trade 157, Lexis)

Ellipses in original

Conscious decisions to allow the extinction of a species or the destruction of an entire ecosystem epitomize the "irreversible and irretrievable commitments of resources" that NEPA is designed to retard. 312 The original Endangered Species Act gave such decisions no quarter whatsoever; 313 since 1979, such decisions have rested in the hands of a solemnly convened "God Squad." 314 In its permanence and gravity, natural extinction provides the baseline by which all other types of extinction should be judged. The Endangered Species Act explicitly acknowledges the "esthetic, ecological, educational, historical, recreational, and scientific value" of endangered species and the biodiversity they represent. 315 Allied bodies of international law confirm this view: 316 global biological diversity is part of the commonly owned heritage of all humanity and deserves full legal protection. 317 Rather remarkably, these broad assertions understate the value of biodiversity and the urgency of its protection. A Sand County Almanac, the eloquent bible of the modern environmental movement, contains only two demonstrable biological errors. It opens with one and closes with another. We can forgive Aldo Leopold's decision to close with that elegant but erroneous epigram, "ontogeny repeats phylogeny." 318 What concerns [\*208] us is his opening gambit: "There are some who can live without wild things, and some who cannot." 319 Not quite. None of us can live without wild things. Insects are so essential to life as we know it that if they "and other land-dwelling anthropods ... were to disappear, humanity probably could not last more than a few months." 320 "Most of the amphibians, reptiles, birds, and mammals," along with "the bulk of the flowering plants and ... the physical structure of most forests and other terrestrial habitats" would disappear in turn. 321 "The land would return to" something resembling its Cambrian condition, "covered by mats of recumbent wind-pollinated vegetation, sprinkled with clumps of small trees and bushes here and there, largely devoid of animal life." 322 From this perspective, the mere thought of valuing biodiversity is absurd, much as any attempt to quantify all of earth's planetary amenities as some trillions of dollars per year is absurd. But the frustration inherent in enforcing the Convention on International Trade in Endangered Species (CITES) has shown that conservation cannot work without appeasing Homo economicus, the profit-seeking ape. Efforts to ban the international ivory trade through CITES have failed to stem the slaughter of African elephants. 323 The preservation of biodiversity must therefore begin with a cold, calculating inventory of its benefits. Fortunately, defending biodiversity preservation in humanity's self-interest is an easy task. As yet unexploited species might give a hungry world a larger larder than the storehouse of twenty plant species that provide nine-tenths of humanity's current food supply. 324 "Waiting in the wings are tens of thousands of unused plant species, many demonstrably superior to those in favor." 325 As genetic warehouses, many plants enhance the productivity of crops already in use. In the United States alone, the [\*209] genes of wild plants have accounted for much of "the explosive growth in farm production since the 1930s." 326 The contribution is worth $ 1 billion each year. 327 Nature's pharmacy demonstrates even more dramatic gains than nature's farm. 328 Aspirin and penicillin, our star analgesic and antibiotic, had humble origins in the meadowsweet plant and in cheese mold. 329 Leeches, vampire bats, and pit vipers all contribute anticoagulant drugs that reduce blood pressure, prevent heart attacks, and facilitate skin transplants. 330 Merck & Co., the multinational pharmaceutical company, is helping Costa Rica assay its rich biota. 331 A single commercially viable product derived "from, say, any one species among ... 12,000 plants and 300,000 insects ... could handsomely repay Merck's entire investment" of $ 1 million in 1991 dollars. 332 Wild animals, plants, and microorganisms also provide ecological services. 333 The Supreme Court has lauded the pesticidal talents of migratory birds. 334 Numerous organisms process the air we breathe, the water we drink, the ground we stroll. 335 Other species serve as sentries. Just as canaries warned coal miners of lethal gases, the decline or disappearance of indicator species provides advance warning against deeper [\*210] environmental threats. 336 Species conservation yields the greatest environmental amenity of all: ecosystem protection. Saving discrete species indirectly protects the ecosystems in which they live. 337 Some larger animals may not carry great utilitarian value in themselves, but the human urge to protect these charismatic "flagship species" helps protect their ecosystems. 338 Indeed, to save any species, we must protect their ecosystems. 339 Defenders of biodiversity can measure the "tangible economic value" of the pleasure derived from "visiting, photographing, painting, and just looking at wildlife." 340 In the United States alone, wildlife observation and feeding in 1991 generated $ 18.1 billion in consumer spending, $ 3 billion in tax revenues, and 766,000 jobs. 341 Ecotourism gives tropical countries, home to most of the world's species, a valuable alternative to subsistence agriculture. Costa Rican rainforests preserved for ecotourism "have become many times more profitable per hectare than land cleared for pastures and fields," while the endangered gorilla has turned ecotourism into "the third most important source of income in Rwanda." 342 In a globalized economy where commodities can be cultivated almost anywhere, environmentally [\*211] sensitive locales can maximize their wealth by exploiting the "boutique" uses of their natural bounty. The value of endangered species and the biodiversity they embody is "literally ... incalculable." 343 What, if anything, should the law do to preserve it? There are those that invoke the story of Noah's Ark as a moral basis for biodiversity preservation. 344 Others regard the entire Judeo-Christian tradition, especially the biblical stories of Creation and the Flood, as the root of the West's deplorable environmental record. 345 To avoid getting bogged down in an environmental exegesis of Judeo-Christian "myth and legend," we should let Charles Darwin and evolutionary biology determine the imperatives of our moment in natural "history." 346 The loss of biological diversity is quite arguably the gravest problem facing humanity. If we cast the question as the contemporary phenomenon that "our descendants [will] most regret," the "loss of genetic and species diversity by the destruction of natural habitats" is worse than even "energy depletion, economic collapse, limited nuclear war, or conquest by a totalitarian government." 347 Natural evolution may in due course renew the earth with a diversity of species approximating that of a world unspoiled by Homo sapiens -- in ten million years, perhaps a hundred million. 348

#### Causes risks food wars

Roughhead 11– US Navy Four Star Admiral (Gary, quoted in “Changes in the Arctic: Background and Issues for Congress”, 6/15/12; original statement made 6/20/11; < http://www.fas.org/sgp/crs/misc/R41153.pdf>)//AB

The U.S. Navy’s interests in the Arctic are not new, of course. We have many decades of experience with exploration and, indeed, episodic operations in the waters of the Arctic Circle.... But never has our interest encountered the confluence of trends, as projected by the U.S. Geological Survey in 2008 and the National Research Council this past March, that promises to change the Arctic so pervasively, and in so doing affect the global environment for which we plan and program our future fleet.... In projecting the impact of climate change in the northern latitudes, however, I’m reminded of what Dr. Lubchenco observed just this past March, when she said, “what happens in the Arctic does not stay there.” The trends we discuss here, in a similar timeframe, promise more disruption and disorder in a world whose population is growing rapidly, and moving to megacities on or near the coasts of almost every continent. The prospects of sea level rise, for some megacities, or the coral islands of the Maldives, are similarly daunting. We also have to consider the likely frictions that arise as fishing stocks migrate with changing sea temperatures, and the very real possibility that conflicts in the future will be fought over access to dwindling natural supplies of fresh water. It is because of these projections that our Navy is preparing for increased demand, both in the region - where we will maintain our access and uphold the freedom of navigation as a global good - and beyond, where we expect developments to expose the costs of our national reluctance on the Law of the Sea convention and to test our present understanding of customary legal guarantees to the very freedoms behind our global operations today. We are considering the technical requirements for polar operations to support our strategic objective of a safe, stable, and secure Arctic region where our national interests are safeguarded – namely, how and when to build forces capable and competent for the harsh northern climes.

#### Those escalate

CRIBB 2010 (Julian, Julian Cribb is a science communicator, journalist and editor of several newspapers and books. His published work includes over 7,000 newspaper articles, 1,000 broadcasts, and three books and has received 32 awards for science, medical, agricultural and business journalism. He was Director, National Awareness, for Australia's science agency, CSIRO, foundation president of the Australian Science Communicators, and originated the CGIAR's Future Harvest strategy. He has worked as a newspaper editor, science editor for "The Australian "and head of public affairs for CSIRO. He runs his own science communication consultancy, “The coming famine: the global food crisis and what we can do to avoid it,” p. 26)

This is the most likely means by which the coming famine will affect all citizens of Earth, both through the direct consequences of refugee floods for receiving countries and through the effect on global food prices and the cost to public revenues of redressing the problem. Coupled with this is the risk of wars breaking out over local disputes about food, land, and water and the dangers that the major military powers may be sucked into these vortices, that smaller nations newly nuclear-armed may become embroiled, and that shock waves propagated by these conflicts will jar the global economy and disrupt trade, sending food prices into a fresh spiral. Indeed, an increasingly credible scenario for World War III is not so much a confrontation of superpowers and their allies as a festering, self-perpetuating chain of resource conflicts driven by the widening gap between food and energy supplies and peoples' need to secure them.

#### Independently- Arctic ecosystem collapse leads to extinction

WWF 2010 (December 1, 2010 “Drilling for Oil in the Arctic: Too Soon, Too Risky” World Wildlife Fund http://www.worldwildlife.org/what/wherewework/arctic/WWFBinaryitem18711.pdf)

Planetary Keystone The Arctic and the subarctic regions surrounding it are important for many reasons. One is their enormous biological diversity: a kaleidoscopic array of land and seascapes supporting millions of migrating birds and charismatic species such as polar bears, walruses, narwhals and sea otters. Economics is another: Alaskan fisheries are among the richest in the world. Their $2.2 billion in annual catch fills the frozen food sections and seafood counters of supermarkets across the nation. However, there is another reason why the Arctic is not just important, but among the most important places on the face of the Earth. A keystone species is generally defined as one whose removal from an ecosystem triggers a cascade of changes affecting other species in that ecosystem. The same can be said of the Arctic in relation to the rest of the world. With feedback mechanisms that affect ocean currents and influence climate patterns, the Arctic functions like a global thermostat. Heat balance, ocean circulation patterns and the carbon cycle are all related to its regulatory and carbon storage functions. Disrupt these functions and we effect far-reaching changes in the conditions under which life has existed on Earth for thousands of years. In the context of climate change, the Arctic is a keystone ecosystem for the entire planet

#### Neglect of the environment causes extinction- some management key

Soule ‘95 (Michael E., Professor and Chair of Environmental Studies, UC-Santa Cruz, REINVITING NATURE? RESPONSES TO POSTMODERN DECONSTRUCTION, Eds: Michael E. Soule and Gary Lease, p. 159-160)

Should We Actively Manage Wildlands and Wild Waters? The decision has already been made in most places. Some of the ecological myths discussed here contain, either explicitly or implicitly, the idea that nature is self-regulating and capable of caring for itself. This notion leads to the theory of management known as benign neglect – nature will do fine, thank you, if human beings just leave it alone. Indeed, a century ago, a hands-off policy was the best policy. Now it is not. Given natures`s current fragmented and stressed condition, neglect will result in an accelerating spiral of deterioration. Once people create large gaps in forests, isolate and disturb habitats, pollute, overexploit, and introduce species from other continents, the viability of many ecosystems and native species is compromised, resiliency dissipates, and diversity can collapse. When artificial disturbance reaches a certain threshold, even small changes can produce large effects, and these will be compounded by climate change. For example, a storm that would be considered normal and beneficial may, following widespread clearcutting, cause disastrous blow-downs, landslides, and erosion. If global warming occurs, tropical storms are predicted to have greater force than now. Homeostasis, balance, and Gaia are dangerous models when applied at the wrong spatial and temporal scales. Even fifty years ago, neglect might have been the best medicine, but that was a world with a lot more big, unhumanized, connected spaces, a world with one-third the number of people, and a world largely unaffected by chain saws, bulldozers, pesticides, and exotic, weedy species. The alternative to neglect is active caring – in today`s parlance, an affirmative approach to wildlands: to maintain and restore them, to become stewards, accepting all the domineering baggage that word carries. Until humans are able to control their numbers and their technologies, management is the only viable alternative to massive attrition of living nature. But management activities are variable in intensity, something that antimanagement purists ignore. In general, the greater the disturbance and the smaller the habitat remnant, the more intense the management must be. So if we must manage, where do we look for ethical guidance?

### Contention 3- Solvency

#### Solves China-

#### Having a seat at EEZ disputes is key to solve China and freedom of navigation laws solves the reason for escalation- codification independently solves Asian arms races

Glaser 12 (Bonnie S. Glaser, Senior Fellow, Center for Strategic and International Studies, April, “Armed Clash in the South China Sea”, http://www.cfr.org/world/armed-clash-south-china-sea/p27883)

The risk of conflict in the South China Sea is significant. China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have competing territorial and jurisdictional claims, particularly over rights to exploit the region's possibly extensive reserves of oil and gas. Freedom of navigation in the region is also a contentious issue, especially between the United States and China over the right of U.S. military vessels to operate in China's two-hundred-mile exclusive economic zone (EEZ). These tensions are shaping—and being shaped by—rising apprehensions about the growth of China's military power and its regional intentions. China has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities to enforce its sovereignty and jurisdiction claims by force if necessary. At the same time, it is developing capabilities that would put U.S. forces in the region at risk in a conflict, thus potentially denying access to the U.S. Navy in the western Pacific.¶ Given the growing importance of the U.S.-China relationship, and the Asia-Pacific region more generally, to the global economy, the United States has a major interest in preventing any one of the various disputes in the South China Sea from escalating militarily.¶ The Contingencies¶ Of the many conceivable contingencies involving an armed clash in the South China Sea, three especially threaten U.S. interests and could potentially prompt the United States to use force.¶ The most likely and dangerous contingency is a clash stemming from U.S. military operations within China's EEZ that provokes an armed Chinese response. The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent. China insists that reconnaissance activities undertaken without prior notification and without permission of the coastal state violate Chinese domestic law and international law. China routinely intercepts U.S. reconnaissance flights conducted in its EEZ and periodically does so in aggressive ways that increase the risk of an accident similar to the April 2001 collision of a U.S. EP-3 reconnaissance plane and a Chinese F-8 fighter jet near Hainan Island. A comparable maritime incident could be triggered by Chinese vessels harassing a U.S. Navy surveillance ship operating in its EEZ, such as occurred in the 2009 incidents involving the USNS Impeccable and the USNS Victorious. The large growth of Chinese submarines has also increased the danger of an incident, such as when a Chinese submarine collided with a U.S. destroyer's towed sonar array in June 2009. Since neither U.S. reconnaissance aircraft nor ocean surveillance vessels are armed, the United States might respond to dangerous behavior by Chinese planes or ships by dispatching armed escorts. A miscalculation or misunderstanding could then result in a deadly exchange of fire, leading to further military escalation and precipitating a major political crisis. Rising U.S.-China mistrust and intensifying bilateral strategic competition would likely make managing such a crisis more difficult.¶ A second contingency involves conflict between China and the Philippines over natural gas deposits, especially in the disputed area of Reed Bank, located eighty nautical miles from Palawan. Oil survey ships operating in Reed Bank under contract have increasingly been harassed by Chinese vessels. Reportedly, the United Kingdom-based Forum Energy plans to start drilling for gas in Reed Bank this year, which could provoke an aggressive Chinese response. Forum Energy is only one of fifteen exploration contracts that Manila intends to offer over the next few years for offshore exploration near Palawan Island. Reed Bank is a red line for the Philippines, so this contingency could quickly escalate to violence if China intervened to halt the drilling.¶ The United States could be drawn into a China-Philippines conflict because of its 1951 Mutual Defense Treaty with the Philippines. The treaty states, "Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes." American officials insist that Washington does not take sides in the territorial dispute in the South China Sea and refuse to comment on how the United States might respond to Chinese aggression in contested waters. Nevertheless, an apparent gap exists between American views of U.S. obligations and Manila's expectations. In mid-June 2011, a Filipino presidential spokesperson stated that in the event of armed conflict with China, Manila expected the United States would come to its aid. Statements by senior U.S. officials may have inadvertently led Manila to conclude that the United States would provide military assistance if China attacked Filipino forces in the disputed Spratly Islands.¶ With improving political and military ties between Manila and Washington, including a pending agreement to expand U.S. access to Filipino ports and airfields to refuel and service its warships and planes, the United States would have a great deal at stake in a China-Philippines contingency. Failure to respond would not only set back U.S. relations with the Philippines but would also potentially undermine U.S. credibility in the region with its allies and partners more broadly. A U.S. decision to dispatch naval ships to the area, however, would risk a U.S.-China naval confrontation.¶ Disputes between China and Vietnam over seismic surveys or drilling for oil and gas could also trigger an armed clash for a third contingency. China has harassed PetroVietnam oil survey ships in the past that were searching for oil and gas deposits in Vietnam's EEZ. In 2011, Hanoi accused China of deliberately severing the cables of an oil and gas survey vessel in two separate instances. Although the Vietnamese did not respond with force, they did not back down and Hanoi pledged to continue its efforts to exploit new fields despite warnings from Beijing. Budding U.S.-Vietnam relations could embolden Hanoi to be more confrontational with China on the South China Sea issue.¶ The United States could be drawn into a conflict between China and Vietnam, though that is less likely than a clash between China and the Philippines. In a scenario of Chinese provocation, the United States might opt to dispatch naval vessels to the area to signal its interest in regional peace and stability. Vietnam, and possibly other nations, could also request U.S. assistance in such circumstances. Should the United States become involved, subsequent actions by China or a miscalculation among the forces present could result in exchange of fire. In another possible scenario, an attack by China on vessels or rigs operated by an American company exploring or drilling for hydrocarbons could quickly involve the United States, especially if American lives were endangered or lost. ExxonMobil has plans to conduct exploratory drilling off Vietnam, making this an existential danger. In the short term, however, the likelihood of this third contingency occurring is relatively low given the recent thaw in Sino-Vietnamese relations. In October 2011, China and Vietnam signed an agreement outlining principles for resolving maritime issues. The effectiveness of this agreement remains to be seen, but for now tensions appear to be defused.¶ Warning Indicators¶ Strategic warning signals that indicate heightened risk of conflict include political decisions and statements by senior officials, official and unofficial media reports, and logistical changes and equipment modifications. In the contingencies described above, strategic warning indicators could include heightened rhetoric from all or some disputants regarding their territorial and strategic interests. For example, China may explicitly refer to the South China Sea as a core interest; in 2010 Beijing hinted this was the case but subsequently backed away from the assertion. Beijing might also warn that it cannot "stand idly by" as countries nibble away at Chinese territory, a formulation that in the past has often signaled willingness to use force. Commentaries and editorials in authoritative media outlets expressing China's bottom line and issuing ultimatums could also be a warning indicator. Tough language could also be used by senior People's Liberation Army (PLA) officers in meetings with their American counterparts. An increase in nationalistic rhetoric in nonauthoritative media and in Chinese blogs, even if not representing official Chinese policy, would nevertheless signal pressure on the Chinese leadership to defend Chinese interests. Similar warning indicators should be tracked in Vietnam and the Philippines that might signal a hardening of those countries' positions.¶ Tactical warning signals that indicate heightened risk of a potential clash in a specific time and place include commercial notices and preparations, diplomatic and/or military statements warning another claimant to cease provocative activities or suffer the consequences, military exercises designed to intimidate another claimant, and ship movements to disputed areas. As for an impending incident regarding U.S. surveillance activities, statements and unusual preparations by the PLA might suggest a greater willingness to employ more aggressive means to intercept U.S. ships and aircraft.¶ Implications for U.S. Interests¶ The United States has significant political, security, and economic interests at stake if one of the contingencies should occur.¶ Global rules and norms. The United States has important interests in the peaceful resolution of South China Sea disputes according to international law. With the exception of China, all the claimants of the South China Sea have attempted to justify their claims based on their coastlines and the provisions of UNCLOS. China, however, relies on a mix of historic rights and legal claims, while remaining deliberately ambiguous about the meaning of the "nine-dashed line" around the sea that is drawn on Chinese maps. Failure to uphold international law and norms could harm U.S. interests elsewhere in the region and beyond. Ensuring freedom of navigation is another critical interest of the United States and other regional states. Although China claims that it supports freedom of navigation, its insistence that foreign militaries seek advance permission to sail in its two-hundred-mile EEZ casts doubt on its stance. China's development of capabilities to deny American naval access to those waters in a conflict provides evidence of possible Chinese intentions to block freedom of navigation in specific contingencies.¶ Alliance security and regional stability. U.S. allies and friends around the South China Sea look to the United States to maintain free trade, safe and secure sea lines of communication (SLOCs), and overall peace and stability in the region. Claimants and nonclaimants to land features and maritime waters in the South China Sea view the U.S. military presence as necessary to allow decision-making free of intimidation. If nations in the South China Sea lose confidence in the United States to serve as the principal regional security guarantor, they could embark on costly and potentially destabilizing arms buildups to compensate or, alternatively, become more accommodating to the demands of a powerful China. Neither would be in the U.S. interest. Failure to reassure allies of U.S. commitments in the region could also undermine U.S. security guarantees in the broader Asia-Pacific region, especially with Japan and South Korea. At the same time, however, the United States must avoid getting drawn into the territorial dispute—and possibly into a conflict—by regional nations who seek U.S. backing to legitimize their claims.¶ Economic interests. Each year, $5.3 trillion of trade passes through the South China Sea; U.S. trade accounts for $1.2 trillion of this total. Should a crisis occur, the diversion of cargo ships to other routes would harm regional economies as a result of an increase in insurance rates and longer transits. Conflict of any scale in the South China Sea would hamper the claimants from benefiting from the South China's Sea's proven and potential riches.¶ Cooperative relationship with China. The stakes and implications of any U.S.-China incident are far greater than in other scenarios. The United States has an abiding interest in preserving stability in the U.S.-China relationship so that it can continue to secure Beijing's cooperation on an expanding list of regional and global issues and more tightly integrate China into the prevailing international system.

#### There are no alt causes- EEZ disputes necessary and sufficient to prevent conflict- SCS resolution is key to overall LOST credibility

Bower and Poling 12 (Ernest Z- Senior Adviser and Sumitro Chair for Southeast Asia Studies CSIS, Gregory B- Fellow, Sumitro Chair for Southeast Asia Studies and Pacific Partners Initiative CSIS, May 25, “Advancing the National Interests of the United States: Ratification of the Law of the Sea”, http://csis.org/publication/advancing-national-interests-united-states-ratification-law-sea)

The credibility of the United States in the Asia Pacific is at stake on a decision whether to ratify the United Nations Convention on the Law of the Sea (UNCLOS). While there are other compelling arguments for ratification, none is as urgent as the requirement for the United States to solidify its commitment to the rule of international law, including in the Asia Pacific. This is particularly true in regard to one of the world’s most important foreign policy and security challenges: resolving disputes in the South China Sea.¶ This week, the Obama administration went all in on UNCLOS and sent Secretary of State Hillary Clinton, Defense Secretary Leon Panetta, and the chair of the Joint Chiefs of Staff, General Martin Dempsey, to testify before the Senate Foreign Relations Committee in support of ratification. The ball is now in the Senate’s court.¶ A decision to anchor the United States in UNCLOS is one that cannot be delayed. The president has wisely refocused the country on Asia to advance U.S. interests, from economic recovery and growth to regional peace and security to developing new sources of innovation. Countries around the Asia Pacific are assessing whether the United States has the political will, the pocketbook, and the commitment to further institutionalize its presence in the region. UNCLOS ratification is necessary to answer those important questions in the affirmative.¶ The debate over ratifying of the treaty began in 1982 when President Ronald Reagan refused to send it to Congress even for a discussion. The argument grew more heated following the renegotiation of the treaty leading to its entering into force in 1994. Those renegotiations addressed most of Reagan’s concerns and drew the active support of President Bill Clinton, though not of his opponents in the Congress.¶ More recently, the treaty was vigorously advanced by President George W. Bush and brought before the Senate Foreign Relations Committee in 2007. That effort failed to reach the Senate floor and the bill was shelved again.¶ This month, a new effort is under way amid a substantially changed international context. Senator John Kerry, chair of the Foreign Relations Committee, has scheduled a series of hearings, led off by strong statements from both Hillary Clinton and Leon Panetta May 23. General Dempsey also testified, asking the Senate to act to support the national security interests of the United States. Among other reasons given, Dempsey noted that “joining the convention would provide us another way to stave off conflict with less risk of escalation.” That message of support for ratification is consistent with the views of every chairman of the Joint Chiefs since 1994.¶ What sets the upcoming hearings apart from those that preceded them is that the United States is entering an era when leadership and credulity are earned by actions and influence sustained through consistency. A rising China will continue to test the limits of its power in the Asia Pacific. History shows that nations, including our own, have consistently explored converting economic power to political might. We do not know what China wants or what it wants to be. So U.S. strategy involves convincing China and other nations in the Asia-Pacific region that China’s interests will be most effectively and sustainably advanced by engaging in regional frameworks in which it makes the rules along with others, by abiding by international laws, and by promoting and investing in public goods. This process will take time, but it can be successful only if other countries believe the United States is willing to commit itself to these standards and norms.¶ The other factor that is different this time as the Senate considers ratification is the overwhelming support of U.S. business. Manufacturers along with oil, telecommunications, and shipping companies, and every other sector of the economy with a stake in access to sea lines of communication and undersea resources support ratification of the convention. Both the American Petroleum Institute and the U.S. Chamber of Commerce have voiced their support. Senator Kerry is taking advantage of this support from U.S. businesses by including their representatives in upcoming hearings.¶ In a rare show of solidarity, American labor and the environmental community have joined hands in supporting accession. The AFL-CIO and the Seafarers International Union of North America both sent letters to the administration in the last year expressing support. A group of nine environmental conservation groups, including the Environmental Defense Fund, the Natural Resources Defense Council, the Ocean Conservancy, and the World Wildlife Fund, sent a letter to Secretary Clinton in October voicing support for ratification.¶ The Law of the Sea has been ratified by 162 countries, including every other member of the UN Security Council and every other industrialized nation on the planet. It undergirds the modern international order in the maritime domain, an order built by the United States and its allies. It is the only comprehensive treaty recognized worldwide that lays out the rules for vessels on the high seas. The U.S. Navy and U.S. Coast Guard, recognizing its value, operate under its guidelines even in the absence of ratification. So why has it repeatedly failed to receive Senate approval? Opponents have presented four general arguments:¶ ¶ The Law of the Seas restrictions would interfere with U.S. military interests.¶ The International Seabed Authority (ISA), which determines rights to seabed mining, would block U.S. economic interests.¶ The Law of the Sea’s taxation scheme for exploitation of resources within a nation’s exclusive economic zone would redistribute revenues unfairly.¶ The treaty would limit U.S. sovereignty.¶ Fortunately for the law’s proponents, each of these ideological battles has been fought and won, especially following the treaty’s renegotiation. The first objection has largely been dropped in the face of more than two decades of overwhelming support from every branch of the U.S. military. The second is clearly not a concern to the U.S. industries actively pushing U.S. ratification. The ISA’s 39 staff and narrow jurisdiction have little chance of bullying the United States or anyone else. U.S. mining interests meanwhile are sitting on the sidelines while the ocean’s resources are claimed by others, and U.S. telecom companies lack the protections and dispute resolution mechanisms for undersea cables that all their international competitors enjoy.¶ Regarding the third concern, the taxation on resource extraction in exclusive economic zones amounts to just over 2 percent on average, a price that mining and hydrocarbon companies have signaled they are willing to pay as the world’s energy markets hunger for new resources and prices of commodities climb. As for revenue redistribution, opponents too often overlook the fact that following renegotiation of the Law of the Sea, the United States is guaranteed the only permanent veto on how funds are distributed. It is also exempt from any future amendments to the treaty without Senate approval. In other words, the United States would enjoy a position of unequaled privilege, not unfair treatment, within UNCLOS.¶ The final, and currently most prominent, argument against ratification surrounds sovereignty. Opponents say that, by limiting itself to a 200 nautical mile exclusive economic zone and whatever extended continental shelf it can claim, the United States is restricting its jurisdictional sovereignty. What this argument misses, however, is that the United States’ continental shelf is the largest of any—up to 600 miles offshore in the Arctic alone. John Norton Moore of the University of Virginia School of Law has argued that ratification would “massively increase [U.S.] sovereign jurisdiction” by more than the size of the Louisiana Purchase and Alaska combined.¶ The arguments against ratification have been steadily weakened in the last three decades and were overwhelmingly addressed in 1994. The most important reason, however, for U.S. accession has remained unchanged for 30 years: a rules-based international order is in the United States’ interests. The current global order and the U.S. preeminence within it are built upon legal norms and rules. Those rules do not unfairly constrain the United States. They constrain those that would overturn the system, and they prevent a return to an earlier era of great-power competition and might-makes-right diplomacy. General Dempsey said May 9 at a forum on the Law of the Sea, “Force of arms should not be our only national security instrument. [A] stable legal framework has never been more important to the United States.”¶ Much attention surrounding the Law of the Sea debate has focused on the Arctic. But the waters that best illustrate the need for an agreed-upon system of rules for the world’s oceans and a U.S. seat at the table are in the South China Sea, where a rising great power, China, decided to assert its maritime claims over smaller neighbors. It did so most aggressively when it submitted the infamous “9-dash line” claim to the United Nations in 2009. That claim has no basis in international law—a fact acknowledged by experts in China—and instead recalls an earlier era when the only rule of international relations was the prerogative of the mighty.¶ Beijing has walked back its assertive claims. But it did so not because of its ASEAN neighbors’ opposition to the “9-dash line” in May 2009. It did so only when Washington made clear—first with Secretary of State Clinton’s statements at the ASEAN Regional Forum in July 2010 and most recently with President Barack Obama’s appearance at the East Asia Summit last November—that preserving international maritime law, embodied in the Law of the Sea, is a vital U.S. national interest .Without accession, however, the U.S. position is considerably weakened by charges of hypocrisy, a fact not lost on Beijing and of real concern to China’s neighbors who rely on the United States.¶ The United States need not take a position on the claims of parties in the South China Sea dispute or in any other dispute. It need only ensure that whatever resolutions are reached are within the bounds of international law. If China or any other party is permitted to simply ignore the rules of one facet of the international system—in this case the Law of the Sea—then the entire system loses legitimacy. Commandant of the Coast Guard, Admiral Robert Papp said it best at the same May 9 forum: “Our legitimacy as a sovereign state and as a world leader…rests with the rule of law.”¶ The Senate should act to assert the national interests of the United States and ratify UNCLOS as soon as possible. Asserting U.S. credibility in the Asia Pacific and globally by standing by the rule of law is in our economic and security interests. In fact, U.S. ratification of UNCLOS will determine whether the twenty-first century resembles the relatively stable order of the late-twentieth century or is more like the competitive free-for-all of the nineteenth.

#### Specifically- China is claiming it’s EEZ policies through Article 301 of LOST

David 10 (Conrad- Captain US Navy, “Lawfare in the Near Seas: How China’s Maritime Claims Impact Regional Security”, pdf)

The PRC often cites the provisions of UNCLOS that it feels are to the coastal States advantage, such as Article 301, which provides for peaceful uses of the seas. Article 301 proclaims that all States “shall refrain from any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations." 22 The PRC relies on a selective interpretation of the provisions of the Convention to assert its rights as a coastal State, but neglects its duty to extend due regard to other States operating in its EEZ. This goes against Article 300 which enjoins States to fulfill their obligations in good faith.23¶ The PRC Interpretation of UNCLOS¶ It is important to examine the extent that China’s expansive claims rely upon the internationally recognized provisions of UNCLOS. It is worth mentioning that the PRC is a signatory to the agreement, and that U.S. policy accepts UNCLOS as customary and binding international law. 24 In fact, UNCLOS has also been ratified by all rival states in the PRC's maritime disputes. Aside from any historical assertions, all claimants to the resources and territory of the South China Sea and East China Sea base their claims at least in part on the provisions of UNCLOS. In addition to its own historically based claims, The PRC bases its claims on both EEZ provisions and the continental shelf principle contained in UNCLOS.25¶ Beijing has employed national scholars who use the language of UNCLOS to advance its legal arguments. For example, two of China’s more notable legal scholars, Ren Xiaofeng and Cheng Xizhong of the China Institute for International Strategic Studies, have advocated the authority of the coastal State to restrict foreign military activity in its EEZ. In an article entitled "A Chinese Perspective", they argued that the EEZ is an area where "the traditional freedom of the high seas does not exist”, and furthermore that freedoms of navigation and overflight (and other internationally lawful uses) enjoyed by other States in the EEZ may be restricted by coastal states using the rules of the Convention and other international laws.26¶ While the authors acknowledge that UNCLOS provides for freedoms of navigation and overflight, they contend that military and reconnaissance activities constitute an abuse of that freedom. In their view, the freedoms of navigation and overflight do not include "... the freedom to conduct military and reconnaissance activities in the EEZ and its superjacent airspace. Such activities encroach or infringe on the national security interests of the coastal State, and can be considered a use of force or a threat to use force against that State." 27 Ren and Cheng further state that military abuses of freedoms of navigation and overflight in the EEZ constitute a form of battlefield preparation. They liken it to "an electronic prelude to invasion and thus a threat to use force, and therefore not a “peaceful use” of the sea.”28 The provision for peaceful use under Article 301 is often misapplied by PRC scholars to decry the U.S. Navy’s use of high sea freedoms in their EEZ; they characterize U.S. military activities as either internationally unlawful or incompatible with the provisions of the Convention.29 Zhang Haiwen, Senior Researcher at the China Institute for Marine Affairs and Secretary of the Chinese Society of the Law of the Sea, has suggested that the concept of freedom of navigation has become obsolete. 30 In a recent article published in the Chinese Journal of International Law concerning the U.S. reconnaissance activities in the EEZ, Zhang Haiwen states, “I think the problem of the United States is not just a violation of Article 301 of the Convention, but also a violation of Article 300.” 31

#### Codification is key to prevent ambiguity over article 301- US lead key

David 10 (Conrad- Captain US Navy, “Lawfare in the Near Seas: How China’s Maritime Claims Impact Regional Security”, pdf)

Lastly, while it has long operated within its dictates of the law of the sea, the U.S it should now ratify UNCLOS. Admiral Willard, Commander, U.S. Pacific Command, recently testified that non-party status to UNCLOS is a constraint for the U.S. Navy. Ratifying UNCLOS would add credibility to U.S. leadership in freedom of navigation issues, and remove a common criticism from the PRC repertoire. It would also allow the U.S. to reclaim its role as the lead advocate for freedom of navigation rights as provided by the tenets of the Law of the Sea. Non-ratification abdicates leadership to China, which already sits as judge on the International Tribunal for the Law of the Sea.79 The seas are vital to the economic and security interests of both the United States and The PRC. The traditional freedoms of the sea are not static; it will take a strong commitment by freedom loving nations to preserve freedoms of navigation and overflight going forward.

#### Solves Arctic disputes-

#### Codification is key to resolve Arctic border and Northwest Passage sovereignty disputes, overfishing, and arctic ecosystem collapse

Huebert 9 (Rob- Associate Professor, Department of Political Science¶ University of Calgary, May, “THE RELUCTANT¶ ARCTIC POWER”, pdf)

The United Nations Convention on the Law of the Sea (UNCLOS) is the final major¶ multilateral action that is reshaping the Arctic. This international treaty, negotiated between¶ 1973 and 1982, codifies existing international maritime law and creates new international law.¶ The Convention is one of the most sweeping international agreements created to date. The US¶ history with the Convention, which came into force in 1996, has been interesting.¶ Successive US administrations, including those of presidents Nixon, Ford, and Carter,¶ supported the treaty’s development because its US negotiators were successful in protecting¶ core US interests. Just as the Convention was completed in 1981, however, the newly elected¶ Reagan administration reviewed the treaty and decided that, unlike the previous Carter¶ administration, it could not accept it because of its opposition to Part XI, which would have¶ given the developing world a share of the ocean resources of the highs seas beyond national¶ control. The Reagan administration argued that this section would place an unfair burden on¶ US industries if deep-sea mining were to occur — that US companies would be made to share¶ a portion of their profit and technology with the developing world. Given the need for the¶ United States to accept the treaty, the international community went back to the drawing board¶ and gutted the offending section of the treaty, which calmed the Reagan administration’s¶ objections on that issue.¶ Yet, the United States still has not accepted UNCLOS — there is still a sufficient number of¶ Republican senators in Congress who view the treaty as an affront to US interests to continue¶ to assure its passage remains blocked. Recent gains by Democrats might make US accession to¶ the treaty more likely — certainly, the 2009 Arctic Policy explicitly makes the point that it is in¶ the United States’ interest to join UNCLOS, specifically calling for the US government to¶ “(c)ontinue to seek advice and consent of the United States Senate to accede to the 1982 Law¶ of the Sea Convention.”33¶ The Convention affects the Arctic in several ways. The most important is through article 76,¶ which allows a state to extend control of its seabed and subsoil adjacent to its coasts beyond its¶ existing 200-nautical-mile exclusive economic zone (EEZ) if it can show that it has a¶ continental shelf. It is possible that Canada, Greenland (Denmark), Russia, and the United¶ States all have the right to do so in the Arctic. Currently, Canada, Russia, and Denmark are¶ engaged in scientific research to determine if they have a northern extension of their¶ continental shelf. The United States began to address this question with research of its own in¶ 2001 and in cooperation with Canada in the fall of 2008. 34 The problem the United States has¶ to contend with is that, by not being party to the Convention, it is unable to submit a claim to¶ the appropriate UN body (the Commission on the Limits of the Continental Shelf) for¶ verification. The other Arctic states appear willing to engage the Americans on this issue, as¶ evidenced by their inclusion in a meeting in Ilulissat, Greenland in May 2008 with the other¶ Arctic continental shelf claimants. How long the Americans will be included in these discussions is unknown, but the United States cannot submit its claim to the UN until it¶ accedes to the Convention.35 The effect of the Americans as a non-party on any overlap with¶ Canadian and Russian Arctic continental shelf claims is also unknown. This is one of those¶ cases where most senior US leaders know they must act but have not figured out how to get¶ beyond the Senate. It remains to be seen whether this will change under the Obama¶ administration.¶ Boundary disputes regarding the continental shelf are not the only such issues the Americans¶ face in the Arctic. They also have an ongoing maritime boundary issue with Canada over the¶ Beaufort Sea, and they disagree with both Canada and Russia over the status of the Northwest¶ Passage and Northern Sea Route. Another issue, which had been thought resolved, may be¶ arising over the maritime boundary between the Bering Strait and the Beaufort Sea.¶ The Bering Sea maritime border case between the United States and the USSR/Russia was¶ supposed to have been resolved in 1990, when the two countries agreed on a boundary.¶ However, while the US Senate has given its approval, the Russian Duma refuses to do so¶ because of the impact of the boundary agreement on control of the region’s resources. 36 Some¶ US senators and Alaska state officials have expressed concern over the status of several islands¶ on the Russian side of the boundary, although the State Department has publicly stated the¶ issue is closed. 37¶ The issue of the so-called donut hole is more problematic for the United States and Russia. As¶ a result of the geography of the US and Russian coastlines, within their 200-mile EEZs, a¶ section of the Bering Sea is outside their control — that is, considered to be the high seas.¶ Japan, Taiwan, South Korea, and Poland all send large trawlers into this area, seriously¶ depleting the fishing industry in the entire region. 38 Efforts to reach agreement among all these¶ states have been limited, and there is ongoing fear that the entire eco-system could soon¶ collapse. It is unclear how to resolve the situation.

#### It’s reverse casual- our refusal to codify navigational provisions increases Arctic aggression

Smith 11[Reginald, Militray Professor in National Security Studies, Colonel, Masters in National Security and strategic Studies from U.S. Naval War College, "The Arctic A New Partnership Paradigm or Next 'Cold War'?", 2011, pdf]

The significance of the declaration is paramount to cooperation in that UNCLOS provides the international rallying point for the Arctic states.78 Similarly important, by virtue of the unanimous and strong affirmation of UNCLOS, the declaration effectively delegitimized the notion to administer the Arctic along the lines of an Antarctic-like treaty preserving the notions of sovereignty and resource exploitation in the region.79 With U.S. participation and declaration of support for UNCLOS in these venues, failure to ratify the treaty suggests that U.S. credibility and legitimacy, and hence the ability to build cohesive multilateral partnerships, are appreciably degraded. This conclusion is illustrated in Malaysia’s and Indonesia’s refusal to join the Proliferation Security Initiative using the U.S. refusal to accede to UNCLOS as their main argument.80 Accession to the treaty appears to be a key first step to preserving U.S. vital interests in the Arctic and building necessary credibility for regional and global partnerships in the political spectrum. Equally important to political partnerships in the region are those available through military collaboration of the Arctic nations.

#### \*\*Plan: The United States federal government should increase statutory restrictions on the President of the United States’ war power authority to introduce naval forces into hostilities by codifying the appropriate articles of the Law of the Sea Treaty.

#### LOST Codification is key to credibility- voluntary adherence makes your DA’s non-unique, and the executive CP is the status quo

Glaser 12 (Bonnie S. Glaser, Senior Fellow, Center for Strategic and International Studies, April, “Armed Clash in the South China Sea”, http://www.cfr.org/world/armed-clash-south-china-sea/p27883)

First, the United States should ratify UNCLOS; though it voluntarily adheres to its principles and the Obama administration has made a commitment to ratify the convention, the fact that the United States has not yet ratified the treaty lends credence to the perception that it only abides by international conventions when doing so aligns with its national interests. Ratifying UNCLOS would put this speculation to rest. It would also bolster the U.S. position in favor of rules-based behavior, give the United States a seat at the table when UNCLOS signatories discuss such issues as EEZ rights, and generally advance U.S. economic and strategic interests.

#### The plan adopts a Madisonian approach to international treaties- allows us to get the seat at LOST tribunal discussions over navigational rights, but doesn’t bind us into the bad parts of treaties

Kyl 12 (Jon- United States Senator, June 4, “The Perils of Global Governance¶ Jon Kyl¶ United States Senator¶ Conference on Global Governance and the Challenge to the U.S. Constitution¶ American Enterprise Institute”, pdf)

I want to emphasize that this view does not arise out of any aversion on my part to¶ international law as such. I believe America and the world benefit from proper international legal order. America has an interest in promoting respect for international¶ law abroad and at home in a manner that strengthens rather than undermines our¶ constitutional system. Application of the Madisonian principles I described could help¶ legitimate and strengthen international law, consistent with our Constitution.¶ Because it focuses on the democratic process, the Madisonian approach may point the¶ way toward the solution of other difficult foreign relations issues, such as the Law of the¶ Sea. Although the United States participated in the drafting of the U.N. Law of the Sea¶ Convention, the Reagan administration wisely declined to seek Senate advice and consent¶ for the agreement. The Convention contains important provisions that remain within our¶ national interest: it recognizes the right of free passage through territorial waters, among¶ other navigation rights, which are critical to the operations of the U.S. Navy. But, despite¶ alterations, UNCLOS also contains provisions that harm our national interest and¶ undermine American sovereignty: for example, the treaty creates a new multinational¶ bureaucracy — designated an “Authority” — that claims exclusive authority to govern¶ economic development of the resources of the deep seabed and would require half of all¶ royalties paid to the federal or state governments to be given to the U.N. for redistribution¶ to poor countries.¶ As Jeane Kirkpatrick, former ambassador to the United Nations and a long-time fellow¶ here at AEI, testified before the Senate Armed Service Committee, “The Law of the Sea¶ Treaty was, and I believe, is disadvantageous to American industry — especially in the¶ participation in seabed mining — and to American interests generally.” She explained the Reagan administration’s decision: “Viewed from the perspective of U.S. interests and¶ Reagan administration principles, it was a bad bargain.”¶ I have long agreed with Ambassador Kirkpatrick’s analysis of the Law of the Sea Treaty,¶ and I have opposed Senate ratification because it would harm our national security and¶ economic interests. Nevertheless, we are now told the Treaty (unamendable) could be¶ considered by the Senate this year. A Madisonian approach might give us a way out of¶ the “bad bargain.” Congress could enact a statute that makes the navigational parts of the¶ treaty, which codify the historical practice of seafaring nations, the law of the land. Then¶ the Senate need not ratify the treaty, which still contains unacceptable provisions,¶ including issues related to the exploitation of the seabed. A statute, in effect, can separate¶ the wheat from the chaff. And the United States will contribute to the clarification of¶ customary international law, by contributing its practices and legal opinions on the law of¶ the sea.

#### The plan is the necessary starting point to resolve coastal states concerns and remedy EEZ disputes- total ratification isn’t needed

Beckman and Davenport 12 (Robert Beckman is the Director, Centre for International Law (CIL)¶ and Associate Professor, Faculty of Law, National University of¶ Singapore (NUS), Singapore; Tara Davenport is a Research Fellow,¶ Centre for International Law (CIL), Faculty of Law, National¶ University of Singapore (NUS), Singapore, May, “Securing the Ocean for the Next Generation”, pdf)

However, it is also fair to say that some coastal States such as Brazil¶ persistently objected to this interpretation.103 For example, Brazil’s declaration on¶ the signing of the Convention expressly stated that the “provisions of the¶ convention do not authorize other States to carry out military exercises or¶ manoeuvres, within the exclusive economic zone, particularly when these¶ activities involve the use of weapons or explosives.” 104 Such States also emphasize Article 301 on peaceful purposes of the sea and the obligation to¶ refrain from the threat or use of force against other States to reinforce the¶ argument that military activities are not allowed in the EEZ. As noted by some¶ writers, “the apparent exclusion of the subject from formal negotiations,¶ combined with the ‘remarkable’ silence of the Convention ‘on legal questions¶ connected with military use’ (a silence that might logically follow from exclusion¶ of the subject in negotiations) render suspect, to some, the conclusion that military¶ uses were intended to be permitted under the Convention regime.”105¶ The question is how can such a divergence of views be resolved when it is¶ attributable to a deliberate or constructive ambiguity that can be used to support¶ two opposing arguments? First, as a starting point, both coastal States and other¶ States should understand that if other States have a right to conduct military¶ activities in the EEZ, there are certain limitations on this right and this may help¶ alleviate the concerns of coastal States. Such lawful uses of the sea must be¶ compatible with the other provisions of the Convention, including the provisions¶ on peaceful purposes (article 88) and abuse of rights (article 300). Second, other¶ States are under an obligation to have due regard to the rights and duties of the¶ coastal State in the EEZ when exercising their rights. If it is accepted that the¶ rights and duties of the coastal State are limited to the exploration and¶ exploitation of the natural resources and other economic activities, the question is¶ whether other States should notify and consult the coastal State to ensure that it¶ does not unduly interfere with its rights and duties over resources and economic¶ activities. This seems reasonable for certain types of military activities, such as¶ those involving live firing exercises. However, this may not be reasonable for¶ other military activities, such as reconnaissance on naval assets or coastal¶ defenses.

# 2AC

## Case

### Solvency

### Circumvention

#### No means- Power of the purse solves

Elsea et al ’13 (Jennifer K. Elsea, Legislative Attorney; Michael John Garcia, Legislative Attorney; Thomas J. Nicola, Legislative Attorney; CRS Report for Congress, “Congressional Authority to Limit Military Operations”, <http://fpc.state.gov/documents/organization/206121.pdf>, February 19, 2013)

The Purpose Statute states that funds may be used only for purposes for which they have been appropriated; by implication it precludes using funds for purposes that Congress has prohibited. When Congress states that no funds may be used for a purpose, an agency would violate the Purpose Statute if it should use funds for tha8t purpose; it also in some circumstances could contravene a provision of the Antideficiency Act, 31 U.S.C. Section 1341. Section 1341 prohibits entering into obligations or expending funds in advance of or in excess of an amount appropriated unless authorized by law. If Congress has barred using funds for a purpose, entering into an obligation or expending any amount for it would violate the act by exceeding the amount— zero—that Congress has appropriated for the prohibited purpose.

#### No motivation- Obama already conformed us to UNCLOS (and the plan is popular, others push the aff, and other treaties thump the DA)

Block 13 (Ben- taff writer with the Worldwatch Institute, “U.S. Leaders Support Law of the Sea Treaty”, http://www.worldwatch.org/node/5993)

During last week's Cabinet confirmation hearings, leaders in both the U.S. Senate and the administration of newly elected President Barack Obama conveyed support for the treaty, known as the United Nations Law of the Sea Convention, suggesting an end to decades of dispute over U.S. accession.¶ The treaty already has support from a diverse coalition of U.S. interest groups that represent national security, industry, and the environment. Yet continued opposition from Republican lawmakers may stall ratification, in a test for whether the Obama administration can galvanize support for international environmental agreements, observers said.¶ The Law of the Sea has set international standards for fishing, deep sea mining, and navigation since the majority of the world's countries signed it in 1982. It provides coastal nations with exclusive rights to ocean resources within 200 nautical miles of their borders - areas known as "exclusive economic zones," or EEZs.¶ The agreement also oversees an international tribunal to settle fishing, pollution, and property rights disputes, as well as the International Seabed Authority, a body formed to assign mining rights beyond the EEZs.¶ If the United States approves the treaty, the agreement would include the country with the largest EEZ in the world, while also potentially clearing the way for U.S. oil companies to mine the Arctic Ocean.¶ U.S. Presidents Bill Clinton and George W. Bush supported the treaty during their tenures, but conservative members of Congress repeatedly blocked its ratification due to concerns that it would limit commerce and allow international bodies to wield greater control over U.S. interests.¶ President Obama's administration and current Senate leaders have already expressed support for the treaty. During the confirmation hearing for Secretary of State Hilary Clinton, Republican Senator Lisa Murkowski of Alaska asked whether the treaty would be a priority.¶ "Yes, it will be, and it will be because it is long overdue," Clinton said in response. "If people start drilling in areas that are now ice free most of the year, and we don't know where they can and can't drill or whether we can, we're going to be disadvantaged. So I think that you will have a very receptive audience in our State Department and in our administration."¶ Democratic Senator John Kerry of Massachusetts, chair of the foreign relations committee, followed Clinton's response with his own support for the treaty. "We are now laying the groundwork for and expect to try to take up the Law of the Sea Treaty. So that will be one of the priorities of the committee," Kerry said. "The key here is just timing."¶ President Obama and the Congress are focusing foremost on national economic recovery. The House of Representatives is debating an $825 billion financial bailout that would provide $550 billion for government spending in several environmentally related infrastructure projects and $275 billion in tax cuts for families and businesses.¶ Among the international treaties that President Obama supported during his campaign - including a nuclear test ban, a global bill of rights for women, biodiversity accords, and a renewed climate change agreement - the Law of the Sea is likely to face less opposition, according to observers. It is supported by a wide array of interest groups, including the U.S. Navy and Coast Guard, international environmental groups, and the mining, fishing, shipping, and telecommunications industries.

#### Exposing secrecy and furthering public engagement through the 1AC resolves Glennon

ACLU 14, Privacy SOS campaign from Massachusetts ACLU, “When it comes to fighting the 'double state', knowledge is power”, 1/20, http://privacysos.org/node/1304

As Glennon argues in the Harvard National Security Journal, the danger in the United States is likely not the sudden takeover of government by an authoritarian monster like Hitler. The very real and present danger is the slow erosion of the Madisonian institutions, and the untouchable and growing supremacy of the efficient ones. Like frogs boiling in a pot, the danger is that by the time a large number of us realize what’s happened, it will be too late to turn back the clock.¶ What can we do to avert this disaster in the making? If the efficient institutions thrive when the public is ignorant, we must speak out loudly and more often. If the deep state can only sustain its power under cover of darkness, we must open the closets and turn on the lights. And if its excesses can only be justified to a fearful population, we must reject fearmongering and the Islamophobia that serves as its carrier.¶ So no matter who is the president, let's resolve to speak out against government secrecy and autocracy; support and defend the courageous whistleblowers who risk life and limb to tell the public the truth; and call out anti-Muslim racism and discrimination everywhere we see it. All of that might not avert this disaster in the making, but if we fail to do these things we can be sure that the country our children inherit will be a democracy in name only, no matter what the Bill of Rights has to say about it.

## T

### T- Prohibit

#### We meet – plan changes the rules of combat for naval ops- that’s a restriction

Lobel 8 (Jules – Professor of Law, University of Pittsburgh Law School, “Conflicts Between the Commander in Chief and Congress: Concurrent Power over the Conduct of War”, 2008, Ohio State Law Journal, 69 Ohio St. L.J. 391, lexis)

More generally, the Court held that Congress has the power to authorize limited, undeclared war in which the President's power as Commander in Chief would be restricted. In such wars, the Commander in Chief's power would extend no further than Congress had authorized. As President Adams recognized, Congress had as a functional matter "declared war within the meaning of the Constitution" against France, but "under certain restrictions and limitations." n123 Under this generally accepted principle in our early constitutional history, Congress could limit the type of armed forces used, the number of such forces available, the weapons that could be utilized, the theaters of actions, and the rules of combat. In short, it could dramatically restrict the President's power to conduct the war.

#### C/I --- Restriction is limitation, NOT prohibition

CAC 12,COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, COUNTY OF LOS ANGELES, Plaintiff and Respondent, v. ALTERNATIVE MEDICINAL CANNABIS COLLECTIVE et al., Defendants and Appellants, DIVISION ONE, 207 Cal. App. 4th 601; 143 Cal. Rptr. 3d 716; 2012 Cal. App. LEXIS 772

We disagree with County that in using the phrases “further restrict the location or establishment” and “regulate the location or establishment” in [\*615] section 11362.768, subdivisions (f) and (g), the Legislature intended to authorize local governments to ban all medical marijuana dispensaries that are otherwise “authorized by law to possess, cultivate, or distribute medical marijuana” (§ 11362.768, subd. (e) [stating scope of section's application]); the Legislature did not use the words “ban” or “prohibit.” Yet County cites dictionary definitions of “regulate” (to govern or direct according to rule or law); “regulation” (controlling by rule or restriction; a rule or order that has legal force); “restriction” (a limitation or qualification, including on the use of property); “establishment” (the act of establishing or state or condition of being established); “ban” (to prohibit); and “prohibit” (to forbid by law; to prevent or hinder) to attempt to support its interpretation. County then concludes that “the ordinary meaning [\*\*\*23] of the terms, ‘restriction,’ ‘regulate,’ and ‘regulation’ are consistent with a ban or prohibition against the opening or starting up or continued operation of [a medical marijuana dispensary] storefront business.” We disagree.¶CA(9)(9) The ordinary meanings of “restrict” and “regulate” suggest a degree of control or restriction falling short of “banning,” “prohibiting,” “forbidding,” or “preventing.” Had the Legislature intended to include an outright ban or prohibition among the local regulatory powers authorized in section 11362.768, subdivisions (f) and (g), it would have said so. Attributing the usual and ordinary meanings to the words used in section 11362.768, subdivisions (f) and (g), construing the words in context, attempting to harmonize subdivisions (f) and (g) with section 11362.775 and with the purpose of California's medical marijuana [\*\*727] statutory program, and bearing in mind the intent of the electorate and the Legislature in enacting the CUA and the MMP, we conclude that HN21Go to this Headnote in the case.the phrases “further restrict the location or establishment” and “regulate the location or establishment” in section 11362.768, subdivisions (f) and (g) do not authorize a per se ban at the local level. The Legislature [\*\*\*24] decided in section 11362.775 to insulate medical marijuana collectives and cooperatives from nuisance prosecution “solely on the basis” that they engage in a dispensary function. To interpret the phrases “further restrict the location or establishment” and “regulate the location or establishment” to mean that local governments may impose a blanket nuisance prohibition against dispensaries would frustrate both the Legislature's intent to “[e]nhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects” and “[p]romote uniform and consistent application of the [CUA] among the counties within the state” and the electorate's intent to “ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes” and “encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.”

#### Counter-interpretation- Judicial interpretation of treaty authority is the same as interpreting statutory authority

Morrison, professor of law at Minnesota, 2010

(Fred L., The Protection of Foreign Investment In The United States of America+, 58 Am. J. Comp. L. 437, Lexis)

**Treaties**, **like federal law**, **are** also **part of the supreme law of the land**. A formal treaty must be ratified with the advice and consent of two-thirds of the members of the Senate. n14 A treaty has the same status as a federal law, so a subsequently enacted federal law can supersede a treaty for domestic purposes, even though the treaty may still be binding as a matter of international law. n15 A properly ratified treaty can alter previous federal law and override state law, if it is self-executing. n16 The United States also enters into other international obligations called executive agreements. These instruments are either authorized by statute, n17 by the customary practice of the Congress, n18 or are based upon specific authorities expressly granted to the President by the Constitution. n19 They have essentially the same authority in domestic law as formal treaties. n20

Some treaties and executive agreements are, however, non-self-executing and do not become part of the domestic law of the United [\*440] States. Then a federal law must be adopted to implement them. n21 Whether a treaty is self-executing depends primarily on the language of the instrument and whether it can be implemented without providing further detail. n22 Thus a treaty that provided that "each High Contracting Party will pay the full market value of property taken" would be self-executing, while one that provided that "each High Contracting Party will enact legislation that will ensure the payment of full market value of property taken" would not be. n23 Similarly, a treatythat would require implementation by a court or agency would not be self-executing **until that court or agency was identified by statute**. In recent years the U.S. Supreme Court has found several international treaties not to be self-executing.

[NOTE: RELEVANT FOOTNOTES—]

n14. U.S. Const. art 2, § 2, cl. 2.

n15. See, Restatement of the Foreign Relations Law of the United States (third) § 115 (1987) (An act of Congress supersedes an earlier rule of international law or a provision of an international agreement as law of the United States if the purpose of the act is to supersede the earlier rule or provision is clear or if the act and the earlier rule or provision cannot be fairly reconciled.).

n16. According to the Supreme Court, **a** "**self executing treaty**" **needs** "**no domestic legislation**" **to** "**give it force of law in the U**nited **S**tates." Trans World Airlines, Inc. v. Franklin Mint Corp., 466 U.S. 243, 252 (1984). Chief Justice Marshall asserted that a self-executing **treaty** "**operates of itself**, **as** : **a rule for the Court**," "**equivalent to an act of the legislature**." Foster v. Neilson, 27 U.S. 253, 314 (1829).

n17. 1. U.S.C.A. § 112b (West 2009).

n18. Dames & Moore v. Regan, 453 U.S. 654 (1981).

n19. U.S. Const. art 2, § 2.

n20. See, e.g., Dames & Moore v. Regan, 453 US 654 (1981); U.S. v. Pink, 313 U.S. 203 (1942).

n21. Restatement of the Foreign Relations Law of the United States (third) § 111 ("Courts in the United States are bound to give effect to international law and to international agreements of the United States, except that a "non-self-executing" agreement will not be given effect as law in the absence of necessary implementation.").

n22. Medellin v. Texas, 128 S.Ct. 1346 (2008) ("**The interpretation of a treaty**, **like the interpretation of a statue**, begins with its text."); (**a treaty** is "equivalent to an act of the legislature," and hence self-executing, when it "**operates of itself without the aid of any legislative provision**.") (Citing Foster v. Neilson, 27 U.S. 253, 254 (1829).).

n23. Restatement (Third) of the Foreign Relations Law of the United States § 141 ("The United States and state A make a treaty providing that each of the parties shall take all necessary action to give full faith and credit to the final judgments rendered by courts in the other. On the basis of the 'necessary and proper' clause, the Congress has the power to enact legislation requiring federal and state courts to give full faith and credit to judgments of A.").

#### Our aff IS the exception to your T argument – legislation means that it falls under the auspices of the WPR.

Niksch 94 (Larry A., Specialist in Asain Affairs, Foreign Affairs and National Defense Division, Congressional REsearch Service, "Congressional Research Service: Report for Congress, No 94-300, April 1, 1994)

The question was raised at that time as to whether statutory¶ authorization was given in mutual defense treaties.¶ As finally passed, the resolution states:¶ Sec. 8 (a) Authority to introduce United States Armed Forces¶ into hostilities or into situations wherein involvement in¶ hostilities is clearly indicated by the circumstances shall¶ not be inferred--¶ (1) from any provision of law (whether or not in effect¶ before the date of the enactment of this joint resolution),¶ including any provision contained in any appropriation Act,¶ unless such provision specifically authorizes the¶ introduction of United States Armed Forces into hostilities¶ or into such situations and states that it is intended to¶ constitute specific- statutory authorization within the¶ meaning of this joint resolution; or¶ (2) from any treaty heretofore to hereafter ratified unless¶ such treaty is implemented by legislation specifically¶ authorizing the introduction of United States Armed Forces¶ into hostilities or into such situations and stating that it¶ is intended to constitute specific statutory authorization¶ within the meaning of this joint resolution.

## K

### Security/ Legalism

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#### Discursive theory hurts political theory

Tuathail ‘96 (Gearoid, Department of Georgraphy at Virginia Polytechnic Institute, Political Geography, 15(6-7), p. 664, science direct)

While theoretical debates at academic conferences are important to academics, the discourse and concerns of foreign-policy decision- makers are quite different, so different that they constitute a distinctive problem- solving, theory-averse, policy-making subculture. There is a danger that academics assume that the discourses they engage are more significant in the practice of foreign policy and the exercise of power than they really are. This is not, however, to minimize the obvious importance of academia as a general institutional structure among many that sustain certain epistemic communities in particular states. In general, I do not disagree with Dalby’s fourth point about politics and discourse except to note that his statement-‘Precisely because reality could be represented in particular ways political decisions could be taken, troops and material moved and war fought’-evades the important question of agency that I noted in my review essay. The assumption that it is representations that make action possible is inadequate by itself. Political, military and economic structures, institutions, discursive networks and leadership are all crucial in explaining social action and should be theorized together with representational practices. Both here and earlier, Dalby’s reasoning inclines towards a form of idealism. In response to Dalby’s fifth point (with its three subpoints), it is worth noting, first, that his book is about the CPD, not the Reagan administration. He analyzes certain CPD discourses, root the geographical reasoning practices of the Reagan administration nor its public-policy reasoning on national security. Dalby’s book is narrowly textual; the general contextuality of the Reagan administration is not dealt with. Second, let me simply note that I find that the distinction between critical theorists and post- structuralists is a little too rigidly and heroically drawn by Dalby and others. Third, Dalby’s interpretation of the reconceptualization of national security in Moscow as heavily influenced by dissident peace researchers in Europe is highly idealist, an interpretation that ignores the structural and ideological crises facing the Soviet elite at that time. Gorbachev’s reforms and his new security discourse were also strongly self- interested, an ultimately futile attempt to save the Communist Party and a discredited regime of power from disintegration. The issues raised by Simon Dalby in his comment are important ones for all those interested in the practice of critical geopolitics. While I agree with Dalby that questions of discourse are extremely important ones for political geographers to engage, there is a danger of fetishizing this concern with discourse so that we neglect the institutional and the sociological, the materialist and the cultural, the political and the geographical contexts within which particular discursive strategies become significant. Critical geopolitics, in other words, should not be a prisoner of the sweeping ahistorical cant that sometimes accompanies ‘poststructuralism nor convenient reading strategies like the identity politics narrative; it needs to always be open to the patterned mess that is human history.

#### No impact and Libya and Syria show complexity

Traub ’12 (James Traub, columnist at foreignpolicy.com, a fellow at the Center on International Cooperation and the author of “The Freedom Agenda.”, “The End of American Intervention”

<http://dinmerican.wordpress.com/2012/02/20/the-end-of-american-intervention/>, February 20, 2012)

FOR the last 20 years we have lived amid the furious clangor of war — and debates over how to wage it. The intense and urgent clashes in the 1990s over “humanitarian intervention” gave way to pitched battles over “regime change” and “democracy promotion” after 9/11, and then to arguments over “counterinsurgency strategy,” a new battle for hearts and minds, as Barack Obama ramped up the war in Afghanistan. The foreign policy debate has often felt like an ideological cockfight. And now, although we have not yet realized it, that era has come to an end.¶ For proof, you need look no further than the Pentagon’s new “strategic guidance” document, issued last month in the wake of Mr. Obama’s pledge to cut $485 billion from the defense budget over the coming decade. It repeats many of the core objectives of recent American national security strategy: defeat Al Qaeda, deter traditional aggressors, counter the threat from unconventional weapons.¶ But it also states, “In the aftermath of the wars in Iraq and Afghanistan, the United States will emphasize nonmilitary means and military-to-military cooperation to address instability and reduce the demand for significant U.S. force commitments to stability operations.” It goes on to note that “U.S. forces will no longer be sized to conduct large-scale, prolonged stability operations.”¶ With this paragraph military planners signaled an abrupt end to the post-9/11 era of intervention. Only a few years ago the wars in Iraq and Afghanistan — wars of occupation, nation-building and counterinsurgency — looked like the face of modern conflict. Now they don’t. Americans don’t believe in them and can’t afford them anymore.¶ The strategic guidance hit one other very new note: While American forces will continue to maintain a significant presence in the Middle East, the planners wrote, “We will of necessity rebalance towards the Asia-Pacific region.” This is bureaucratic code for “we will stand up to China,” which, the Obama administration has concluded, has superseded Al Qaeda as the chief future threat to American national security.¶ To say this is not merely to assert that one region has taken precedence over another but that the traditional threat of the expansionist state has supplanted the threat of the stateless actor that emerged after 9/11. Of course, global problems like climate change, epidemic disease, nuclear proliferation and terrorism won’t go away. But in matters of war and peace, we seem to be returning to a more familiar world in which great powers maneuver for advantage.¶ We left that world behind, or so we thought, with the end of the cold war, which deprived America of its traditional enemy and thus raised the question of whether and when we would resort to force.¶ The answer came in the mid-1990s, when the Clinton administration felt compelled to respond to political chaos in Haiti and mass violence in the Balkans. Force could be used in the pursuit of justice. During the 2000 election campaign, George W. Bush vowed to put an end to these moralistic enterprises and to focus instead on great-power relations.¶ But 9/11 turned those plans upside down. Indeed, the Bush administration’s 2002 national security strategy asserted that “America is now threatened less by conquering states than we are by failing ones.” Mr. Bush, far more than Mr. Clinton, yoked the use of force to a transcendent principle, insisting that America “must defend liberty and justice because these principles are right and true for all people everywhere.”¶ Those were fighting words, and not just abroad. The debate over the war in Iraq revived many of the old debates from the Clinton era. Liberal internationalists like the British prime minister, Tony Blair, joined American neoconservatives like William Kristol and Robert Kagan in arguing for the use of force to bring about transformative political change, while “realists” on the left and right warned of the danger of reckless adventures.¶ The era we have now entered will be a less ideologically charged one. The questions raised by China’s growing ambitions are categorically different from those provoked by 9/11. China is an emerging power, and once having found their footing, emerging powers usually seek to expand at the expense of their neighbors.¶ he world is accustomed to dealing with this kind of problem, which involves persuading the bumptious power that its interests lie in cooperation rather than in confrontation. And there is a fair amount of consensus in policy circles about how to deal with it. Conservatives have been sounding alarms about China’s military ambitions for several years, and the Obama administration has now begun to execute a “pivot” to Asia. On a visit to the region, President Obama announced that America would station 2,500 Marines in Australia, even as it decreased military commitments elsewhere.¶ WHATEVER policy the Obama administration or its successor adopts toward China, the broader East Asian region, unlike the Middle East, is filled with stable, and largely democratic, states. The United States does not have to defend liberty and justice there. Regime change, democracy promotion and nation-building will be off the table. So, for that matter, will war.¶ America is not about to go to war with China, or with anyone else in Asia. The struggle to balance Chinese ambition will be left mostly to the Navy and Air Force, and our allies in the region. And it will not be a metaphysical one: the very complicated relationship with China is much less a clash of worldviews than of interests.¶ Finally, there is the elemental fact that America can no longer afford its own ambitions. The failure of last year’s bipartisan effort to solve the deficit crisis triggered automatic cuts that are supposed to double the half-trillion dollars already scheduled to be sliced from the Pentagon budget.¶ In his 2010 book, “The Frugal Superpower,” Michael Mandelbaum argued that the contraction of the American economy meant that “the defining fact of foreign policy in the second decade of the 21st century and beyond will be ‘less.’ ” Mr. Mandelbaum, himself a leading realist, suggested that the chief victim of the new austerity will be “intervention.”¶ It may be so, though the NATO air campaign in Libya shows that humanitarian intervention is neither defunct nor doomed to failure. Such ventures, however, will be very rare, as the current stalemate over Syria implies. The coming years may well be a period of at least relative austerity, modesty and realism. Should we feel relieved?

#### The world is complex- pragmatic realism key- one-size models fail

Pillar ’13 (Paul R. Pillar, Paul R. Pillar is a contributing editor at The National Interest. He is also a nonresident senior fellow at the Brookings Institution and a nonresident senior fellow at Georgetown University’s Center for Security Studies, “The Age of Nationalism”, September-October 2013)

THE URGE to apply era-defining labels to global affairs is strong and enduring. A label and a few easy-to-understand attributes associated with it can impart a reassuring simplicity to what is actually a complex and often-intractable reality. While the disadvantages of era labeling, including oversimplification, are probably as great as the advantages, the practice is here to stay. Indeed, American analysts and commentators have struggled with this era-defining business ever since the collapse of the Soviet Union and of Communism in Eastern Europe. The Cold War between the United States and the USSR was such a dominant backdrop for U.S. foreign policy for so long that it overshadowed every attempt to characterize international affairs in any other terms during those years. The strength of the Cold War paradigm was demonstrated during the first decade after the Cold War, when the defining term most often heard was “the post–Cold War era.” That inherently unsatisfying nomenclature described what the era wasn’t but not what it was. Some attempted to encapsulate the times some other way, usually with an emphasis on economically oriented nonstate actors, but no one formula seemed to catch on. Then, with the terrorist attacks of September 2001, after which the administration of George W. Bush declared a global “war on terror,” many thought we finally had a new defining theme. Some saw in this struggle nothing less than a looming “World War IV,” to be waged against radical Islam (with the Cold War viewed as the third world war after the two hot global conflicts of the twentieth century). This notion persists in many minds, but neither terrorism nor radical Islam provides a valid basis for understanding and characterizing current international affairs as a whole. Terrorism is only a tactic, and one that has been around for millennia. Radical Islamists are a fringe of a larger phenomenon in world politics, hardly of sufficient worldwide weight to reshape global affairs. Hence, much of this reasoning represents in large part an overreaction to a single terrorist incident. And therein lies a problem with the era-defining enterprise. Most such efforts use too short a time frame and attempt to extract too broad a theme from single episodes, such as the breakup of the Soviet Union or Al Qaeda’s 9/11 attacks on American soil. But an understanding of the present requires that we look much further into the past, not to stretch the time frame of various eras but rather to get a sufficient sweep of political, social and technological developments to truly understand how the present has flowed from what came before. By looking far back into history, we can see in the past two decades the long-in-coming consequences of that phenomenon known as nationalism but now in full and unfettered form. It took three and a half centuries for the basic components—the sovereign state, popular attachment to the state and worldwide spread of this popular attachment—to emerge in full force. It took two centuries to shake off the occluding and delaying effects of empire and of Left-Right competition that culminated in the dominating East-West conflict known as the Cold War. The ingredients of nationalism may be centuries old, but the combined result, viewed globally, is new. We are living today in the nationalist era. THIS REALITY of our time has been obscured in recent years by the intellectual struggles of the early post–Cold War period to define the era and then by the impact of the 9/11 attacks on the American consciousness. In some instances, the two together have generated an added layer of muddle. Some of the ideas about World War IV, for example, reflect the concept of clashing civilizations developed by the late Samuel P. Huntington, who argued that among the many dimensions of civilizations, as he defined them, the most important is religion. Huntington was on to something, as demonstrated by the role of religion in many armed conflicts, large and small, in recent times. Yet there is plenty of evidence to support the chief legitimate criticism of Huntington’s concept, which is that there is at least as much conflict within civilizations as between them. We are seeing that in spades today with conflicts within Islam, one of Huntington’s civilizations. More generally, ask any group of reasonably well-informed observers to name the principal characteristics of the current global system, and you are likely to get agreement on a few essentials. The United States is still the preeminent military power. China is the most conspicuous and important rising power, with its strength manifesting itself so far more on the economic than the military front. Demographic trends underlie decline in Russia and Japan. And so forth. All true, but the essentials do not add up to a single, clear, era-defining concept. The polarity of the international system—the number of major powers or blocs of powers that have disproportionate weight in world affairs—is a favorite basis for trying to distinguish one era from another. A generation of students of international relations has been taught that the world of the Cold War was bipolar and the world since the Cold War is something else. Exactly what that something else is, however, has been a matter of disagreement. Some say we live in a unipolar world, with the United States being the single pole. What commentator Charles Krauthammer termed the “unipolar moment” in 1990 continues in some eyes as much more than a moment. This view is held not only by those who share Krauthammer’s neoconservative objectives but also by analysts who look at how far the United States is still ahead of all other countries, based on several measures of strength. An alternative concept is multipolarity, with different possible formulations of who exactly, besides the United States, qualifies as a pole. China surely is one, and another is the European Union—which contains most of what were once the great powers in an earlier period of multipolarity and whose economy today, considered as a unit, is the world’s largest. Some focus on a duopoly of China and the United States, with talk of a G-2 as being more important than the G-8 or G-20. Even with this focus, how should one characterize the relationship of the Big Two, which cannot simply be equated with the U.S.-Soviet relationship during the Cold War? Harvard Law School’s Noah Feldman suggests the term “Cool War” to capture both a traditional struggle for power and deep economic interdependence. Clever, though probably not catchy enough to come into general use. In any event, this and other possible descriptions of the U.S.-Chinese relationship—which does not have the kind of globally preoccupying impact, including proxy wars in far-flung places, that the Cold War did—do little to characterize contemporary world affairs as a whole. Richard Haass, president of the Council on Foreign Relations, advances another option by saying that we live in a time of “nonpolarity,” in which power is diffused among many different state and nonstate actors. This idea, along with ongoing disagreements among others about how many poles the current international system has, suggests that the whole concept of polarity doesn’t really help define the current era of global affairs. One problem is the multiplicity of dimensions by which to measure national power and thus to assess who qualifies as a major power. Another is that a large portion of what matters, and what is troubling or challenging, in world affairs today does not have much to do with the number, relative strength or relationships of major powers, important as they are. Haass’s idea of nonpolarity reflects this reality, but like “the post–Cold War era,” it says more about what today’s world isn’t than about what it is. ALL THIS debate over how best to define our time brings us back to the nation-state. Over the entire history of human organization, from bands of hunter-gatherers to the international institutions of today, its emergence is one of the most important developments of humankind. Those international-relations courses that drill into students the concept of Cold War bipolarity also teach them that the modern nation-state was born in the mid-seventeenth century. The birth certificate was the Peace of Westphalia of 1648, which marked the end of the religion-driven Thirty Years’ War and codified the concept of state sovereignty. What is sometimes called the Westphalian system is reflected in the clean lines drawn between states on today’s world map. During the first century and a half of that system in Europe, it provided the board on which monarchs and their ministers competed in a multiplayer chess game. This was classical European balance-of-power politics, history’s most pristine example of multipolarity in action, in which the number and relative strength of major powers mattered much more than ideologies or internal politics. Rulers formed alliances, occasionally fought restrained wars with small armies, and otherwise maneuvered to try to add more land and people to their realms. The masses were not players in this game other than as part of the booty that occasionally was won by one ruler and lost by another. This elegant game was upset by the French Revolution, in which the masses first made themselves heard in a big way. They did so not only in internal affairs but also in conflicts between France and the other European powers, with the levy en masse becoming for the first time a major part of international wars and the increasingly large armies that would fight them. Large citizen armies, even if formally an output of conscription, were made politically possible by a strong sense of loyalty and attachment of the general population to its nation-state—a sense that had been missing during the earlier monarchical chess game. The combination of the Westphalian state and popular, emotional identification with it produced true nationalism, in which both statehood (actual or aspirational) and mass sentiment based on the nation are the key ingredients. The full impact of nationalism on world affairs and even European affairs would be delayed, however, by other developments. One was the force of empire. Napoleon Bonaparte’s attempt at empire was short lived, but Russian, Prussian and Austrian power expanded to subsume much of Europe, while the Ottomans clung to earlier conquests in the southeastern part of the Continent. State sovereignty was divorced from many nationalities other than the few that were at the top of an imperial heap. Many others were repressed or divided, such as the Poles, or co-opted, such as the Magyars in what became the dual monarchy of Austria-Hungary. Although this remained the political structure of Europe into the twentieth century, other processes were percolating that would add to the strength of future nationalism. The historian E. H. Carr, in a short book entitled Nationalism and After, describes some of these, which he calls the “socialization of the nation.” Relevant trends during the last third of the nineteenth century, seen especially in Germany, included extension of the franchise and an increased economic role of the state. Together, these factors further increased the sense among ordinary citizens not only that their primary loyalty belonged to their own nation-state but also that their own fortunes were wrapped up with the nation-state’s fortunes. These trends continued into the great nationalism-fueled European bloodletting known as World War I. That war did not reverse the increase in nationalism, and not only because revanchism left from the war was at least as strong as revulsion over the bloodshed. Carr points to a couple of other reasons: autarkic policies that further identified citizens’ economic prospects with those of only their own state and not others; and the large increase in the number of European nation-states as empires were broken up. There was plenty of nationalist sentiment left to fuel a second round of carnage two decades later. Carr wrote during the closing days of that World War II bloodletting. Showing tinges of the Marxism that would characterize some of his later work, he believed that after this war nationalism would finally subside—hence the “and after” part of his title. Some of his predictions turned out to be rather good. He expected that advances in military technology, especially air power, would render national frontiers strategically less significant than before. He anticipated the establishment of multiple regional organizations and what would become United Nations peacekeeping forces. He foresaw that Great Britain would have to establish closer ties with Western Europe. He advocated humanitarian exceptions to state sovereignty—a posture that today is called the “responsibility to protect” doctrine. And he foreshadowed Huntington in talking about civilizations as “great multinational units in which power will be concentrated.” On his basic prognosis for nationalism, however, Carr was badly mistaken. Given his firm conviction that the end of World War II would mark the end “of the old fissiparous nationalism, of the ideology of the small nation as the ultimate political and economic unit,” it seems reasonable to suspect he would be taken aback in our time to see nations as small as Kosovo gaining independence. And he would be chagrined to find that in his native Britain, even though it did get closer to the Continent in the postwar years, there is more talk today about getting out of Europe than about getting more deeply in. THE FULL extent to which strong and inexorable nationalism would prove Carr wrong would not become visible until after a couple of other developments. One was decolonization in the less developed world, which peaked around 1960 but continued well after that. This process has added new nation-states whose numbers dwarf the new European states that were created after World War I and that Carr identified as part of what propelled nationalism in the interwar years. The Westphalian state has been sold successfully worldwide, despite its made-in-Europe label. The other development harks back again to the French Revolution, which began two centuries in which competition between ideologies of the Left and the Right was a dominant theme of global politics and conflict. Between the fall of the Bastille in 1789 and the fall of the Berlin Wall in 1989, Left-Right conflict had many manifestations, from the Holy Alliance and Three Emperors’ League on the right to the Comintern and Socialist International on the left. Whatever the exact form it took, the Left-Right dimension was so dominant for so long—more than half the lifetime of the modern nation-state—that it preempted, disguised or diverted much of what would have been consequences of the growth of nation-states and popular attachment to them. Left-Right conflict intruded in significant ways even in the nationalism-fueled conflict of the first part of the twentieth century, exemplified by the Bolsheviks’ quick relinquishment at Brest-Litovsk of large amounts of the Russian empire to get out of World War I and by the role that fear of Communism played in the rise of European fascism. The final phase of these two centuries was the Cold War, in which competition between the Left and the Right became competition between East and West. This phase, too, delayed or disguised many of the consequences of nationalism, subordinating them to the East-West conflict. Suppression of German nationalism, for example, was inextricably linked to the West’s confrontation with the East, as rearmament of West Germany was permitted only within the context of the Western alliance’s integrated military command. Britain’s willingness to tiptoe into European integration, as a founding member of the Western Union Defence Organization in 1948, was all about the need for cohesion in the West to stand up to a new Soviet threat. Soviet domination of Eastern Europe also delayed completion of the process, begun at Versailles after World War I, of giving postimperial European nationalities their own states. It was only after that domination ended that Germany was made whole and the southern Slavs of Yugoslavia and northern Slavs of Czechoslovakia got their own states. As did, of course, the national republics of the Soviet Union, which became the biggest recent class of entrants into the Westphalian club. And so we see the emergence of the nation-state as the defining reality of our time, surpassing in significance all the recent preoccupations over civilizational clash, globalization, history’s end and great-power polarity. Indeed, it could be argued that the age of nationalism actually is a product of the human condition. That the nation-state should be the primary focus of loyalties and conflicts flows directly from human nature and how it evolved. Possession (or hoped-for possession) of a well-defined patch of the earth’s surface is a manifestation of the “territorial imperative” that author and screenwriter Robert Ardrey popularized in a book of that name almost fifty years ago and that is a dominant trait of many species most closely related to humans. Attachment to a nationality whose home is more or less coterminous with that patch is also a deeply rooted, birds-of-a-feather trait. Once established, a nation-state adds institutional imperatives to the biological and evolutionary ones to make it even more the focus of attention. The state becomes the source of both obligations and, as Carr notes of the late nineteenth century, benefits. National myths, which help to achieve cohesion and cement loyalty within nationalities, often exacerbate suspicions and resentment between nationalities; think, for example, of how some Serbian national mythology centers on memories of a military defeat by the Turks more than seven centuries ago. Perhaps nation-states, including small ones, are not, as Carr puts it, the “ultimate” type of economic and political unit, but it should not be surprising that the intense attachments to them that constitute nationalism underlie a large proportion of the policies, conflicts and problems prevalent in today’s world. NATIONALISM INFUSES and drives many of the most salient and active confrontations around the globe. The object of the Obama administration’s foreign-policy pivot—East Asia and the western Pacific—is a prime example. The most visible conflicts there largely take the classic nationalist form of territorial disputes. This is chiefly true of unresolved differences between China and its neighbors over islands in the East and South China Seas and over the land border in the Himalayas with India. Some of the disputes involve economic interests such as hoped-for undersea hydrocarbons, but all of them involve more visceral sentiments of competing nationalities, exhibiting their individual territorial imperatives, that a given piece of real estate is historically and rightfully theirs. Nationalism in China, as in most other nations, is a combination of natural sentiment bubbling up from below and exploitation of that sentiment from above. President Xi Jinping voices nationalist themes, and needs to voice them, not only to preserve national unity but also to sustain political support for necessary reforms and to claim legitimacy for the regime now that Communist ideology no longer does the trick. China, which owes its growth and prosperity to its three-decade capitalist trek, epitomizes how the receding of the great Left-Right struggle of the past has opened the way to more unreserved expressions of nationalism. China also illustrates how some of the globalizing forces such as border-hopping information technology, which often have been seen as eroding the role of the nation-state, can actually enhance that role and increase popular identification with the nation. In a country as large and previously undeveloped as China, modern mass communications have expanded the exposure and perspective of millions from village or district to the nation as a whole. In general, modern electronic communications enhance the symbols and affinities of a nation (as well as the powers of a national government) more than they do those of a tribe or subnational region. The role of nationalism is just as apparent on the non-Chinese side of those East Asian territorial disputes. In Japan, the resurgent nationalism that is identified most often with Prime Minister Shinzo Abe reflects the broader yearning of an exceptionally homogeneous population that has taken decades to find a capacity for the kind of assertiveness that was crushed by the disaster of World War II. In Vietnam, the nationalism that the United States failed to recognize as its actual adversary during the Vietnam War, when it was obsessed with Communist ideology, is now expressed so clearly and strongly that even the most obtuse could not miss it. Amid the disputes over islands in the South China Sea, demonstrators in the streets of Hanoi shout, “Down with the henchmen of China.” The Vietnamese regime knows that suppressing rather than identifying with such feelings toward China would risk turning the demonstrations squarely against the government. The magnificent supranational experiment in Europe is an obvious challenge to the proposition that identification with the nation-state is the dominant pattern in world politics today. That experiment has indeed solidified an apparently irreversible shift in which war is now unthinkable between some states that have warred often in the past. But a reassertion of nationalism is a major part of the European Union’s current troubles, in ways that go beyond the economic issues conventionally viewed as the main problems. Efforts to deal with debt problems in the euro zone have been plagued as much by national stereotypes, in which northern Europeans see southerners as lazy and southerners see the northerners as arrogant, as they have by the technical problems of having a common monetary policy without a common fiscal policy. The growing strength of nation-based sentiment in Europe shows up in many endeavors that are still organized along national lines, from soccer tournaments to the Eurovision Song Contest. Britain’s shaky involvement with European integration illustrates some of the larger trends involved. When Britain was first negotiating for entry into what was then the European Economic Community, most of the issues were narrowly defined economic ones, such as what would happen to imports of butter from New Zealand. Today the issue of Britain’s relationship with the Continent is addressed in broader terms centered on the meaning and importance of British nationality. This trend coincides with the rise of the United Kingdom Independence Party (UKIP), which calls for British withdrawal from the European Union. Prime Minister David Cameron once dismissed the party as “a bunch of fruitcakes, loonies and closet racists,” but the UKIP’s electoral success—it garnered a quarter of the vote in local council elections this May—has forced opponents to take it seriously. The Cameron government’s toughened stance on immigration and commitment to hold a referendum on British membership in the EU are some of the results. Cameron also has agreed with Scottish nationalists to hold a referendum on independence. This is an example of how the transfer of some powers from national capitals to Brussels, far from diminishing nationalist sentiment, has provided a supranational umbrella under which some nationalities, especially ones unhappy with the arrangements within their current states, have become more assertive. These include Flemings and Catalonians as well as Scots. However successful the European experiment will ultimately be economically and in forever banishing intra-European war, it has far to go in establishing a sense of continent-wide identity that can displace national identities grounded in language and culture. Even greater cultural and linguistic commonality may, as the example of Latin America suggests, be insufficient to overshadow the histories and identities of nation-states. The Liberator, Simón Bolívar, thought a shared Hispanic culture could be the basis for a region-wide federation, but it was not to be. Today the Andean country named after Bolívar does not even have full diplomatic relations with its neighbor Chile, due to a territorial dispute left over from a nineteenth-century war. Africa continues to be a monument to the strength of the nation-state as a point of reference and object of competition, no matter how arbitrarily drawn its boundaries or deficient its central governments’ control over their territories. The secession of South Sudan was a rare exception to a continent-wide resistance to tampering with the colonial boundaries left by European powers. A similar pattern has prevailed since the breakup of the Soviet Union in Central Asia, where arbitrary boundaries are the product of Stalin’s divide-and-rule line drawing. The arbitrariness underlies some intrastate ethnic tensions such as those between Uzbeks and Kyrgyz, but nationalist themes also have helped such figures as Nursultan Nazarbayev of Kazakhstan to transition successfully from a provincial Communist Party boss to a national leader with a secure hold on power. The USSR’s principal successor state, Russia, has exhibited a surge of nationalism since the Communist regime’s dissolution. The process partly parallels the one in China, in which the old Communist ideology could no longer serve as a unifier and legitimizer. But in Russia there is also popular anger over economic dislocation and the lack of growth, as well as perceived threats to ethnic Russians from minorities that are still part of the Russian Federation. The term “Russian nationalist” is thus most closely associated with a xenophobic and extreme-right sensibility, although the nationalist resurgence in Russia extends far beyond that. Some of the intensified Russian nationalism has in effect been exported in the form of migrants to Israel. The migrants shared with all Soviet citizens the illiberal and undemocratic political culture of the Communist era, along with racially tinged attitudes toward nationalities of the Caucasus. But Russian Jews did not have their own national republic to cling to when the union broke up. Today, immigrants from Russia constitute one of the most fervidly nationalist segments of Israel’s population. The region surrounding Israel would appear to constitute another challenge to the idea of the dominance of nationalism, given the conspicuous attention to religion rather than nationality and especially to what is commonly perceived as a region-wide conflict between Sunni and Shia. That attention is a reminder that no one way of labeling the world explains everything, and religious conflict certainly explains a lot in the Middle East. Many of the recent and ongoing conflicts in that region, however, can properly be characterized, at least in part, as struggles to liberate nation-states from the yoke of particular clans, ruling families or religious sects, or from the influence of foreign powers. That certainly is true, for example, of the wars in Iraq and Syria. Nationality has trumped religion when the two have directly conflicted, as when Iraqi Shia fought for Sunni-controlled Iraq during the eight-year war against Shia Iran. Identification with individual nation-states has been more durable even than region-wide “Arab nationalism,” including the Arab nationalism of Pan-Arabism’s leading champion, Gamal Abdel Nasser, whose political union between Egypt and Syria was short lived. The boundary lines drawn during World War I by Mark Sykes and Francois Georges-Picot have lasted, just like the colonial boundaries in Africa. The leading challenge to those lines, in northern Iraq, has come from the biggest unrealized nationalist aspiration left over from the post–World War I treaties: that of the Kurds. Likewise, the most salient long-running conflict with the broadest repercussions in the Middle East is a clash between two nationalist ambitions: those of Israeli Jews and Palestinian Arabs. THE FACT that nationalism in the Middle East has not yet gotten completely out from the shadow of religious conflict, as nation-states in Europe did in the seventeenth century, is part of a larger regional historical lag in which the Middle East also has been slower to get out from the shadow of empire. Historian Niall Ferguson, explaining why the twenty-first century is likely to be less bloody in most of the world than the twentieth, cites as one reason the fact that the messy dissolution of empires is now mostly behind us. But he names one major, conflict-ridden regional exception—the Middle East—where an empire is troubled but not yet dissolved, by which he means the American empire. Troubled empire or not, the United States exhibits as much nationalism as anyone else—even though Americans do not call it nationalism. More often it is termed “American exceptionalism,” which carries the connotation not just of assertion of national identity and values but also of being something bigger and better than anyone else’s nationalism. Exceptionalism is what the citizens of a superpower get to call their own nationalism. The United States also is part of the worldwide trend of increased and intensified nationalism during the past quarter century. Politically, this has partly taken the form of one of the two major U.S. parties moving away from the internationalism and realism of Eisenhower and Nixon in favor of a foreign policy of neoconservatism, the most muscular expression of American exceptionalism. A perceptive analyst of American nationalism, Anatol Lieven, suggests that this party can now most appropriately be called the American Nationalist Party. The trends involved are not limited to one side of the political spectrum, however; they are reflected in prevailing American habits and attitudes ranging from the wearing of flag pins on lapels to unquestioningly imputing goodness to a wide range of U.S. actions overseas simply because it is the United States that is doing them. The intensity of American nationalism points to the chief prescriptive implications of living in the nationalist era, which come under the heading of knowing oneself. Americans should understand how much their own first inclinations for interacting with the rest of the world stem from the same kind of nationalist urges that underlie inclinations in other countries, however much the American version is portrayed differently by affixing the label of exceptionalism. They should bear in mind that first inclinations and urges are not always in the best interest of the nation that is the object of their affection and attachment. U.S. policy makers should be continually conscious of how U.S. actions may step on someone else’s nationalist sentiments, eliciting the sort of counteractions that almost always are elicited when competing nationalist perspectives confront each other. In assessing sundry problems overseas and how to deal with them, one of the first questions that should be asked is how a problem reflects nationalist sensibilities and ambitions, of masses as well as elites, in other countries. The resulting perspective is more apt to yield sound, policy-relevant insights than is a vision of transnational contests between good and evil, between moderates and extremists, or between democrats and autocrats. Sometimes the policy implication may be for the United States to do less; other times it may be to do more—as perhaps, for example, with the Israeli-Palestinian conflict, where a two-state solution appears increasingly out of reach but where a one-state formula seems inconsistent with the strong nationalist aspirations of both sides. No single model of the world can generate an all-purpose grand strategy. But the best fit for the nationalist era is a pragmatic realism that takes as the basic ingredient of global affairs the sometimes conflicting and sometimes parallel interests of individual nation-states—while recognizing the power that can be generated by nationalist sentiments within nation-states.

#### Rejecting security causes violent lashout

Weaver 2k (Ole, International relations theory and the politics of European integration, pages 284-285)

The other main possibility is to stress' responsibility. Particularly in a field like security one has to make choices and deal with the challenges and risks that one confronts – and not shy away into long-range or principled trans-formations. The meta political line risks (despite the theoretical commitment to the concrete other) implying that politics can be contained within large 'systemic questions. In line with he classical revolutionary tradition, after the change (now no longer the revolution but the meta-physical trans-formation), there will be no more problems whereas in our situation (until the change) we should not deal with the 'small questions' of politics, only with the large one (cf. Rorty 1996). However, the ethical demand in post-structuralism (e.g. Derrida's 'justice') is of a kind that can never be instantiated in any concrete political order – It is an experience of the undecidable that exceeds any concrete solution and reinserts politics. Therefore, politics can never be reduced to meta-questions there is no way to erase the small, particular, banal conflicts and controversies. In contrast to the quasi-institutionalist formula of radical democracy which one finds in the 'opening' oriented version of deconstruction, we could with Derrida stress the singularity of the event. To take a position, take part, and 'produce events' (Derrida 1994: 89) means to get involved in specific struggles. Politics takes place 'in the singular event of engagement' (Derrida 1996: 83). Derrida's politics is focused on the calls that demand response/responsibility contained in words like justice, Europe and emancipation. Should we treat security in this manner? No, security is not that kind of call. 'Security' is not a way to open (or keep open) an ethical horizon. Security is a much more situational concept oriented to the handling of specifics. It belongs to the sphere of how to handle challenges – and avoid 'the worst' (Derrida 1991). Here enters again the possible pessimism which for the security analyst might be occupational or structural. The infinitude of responsibility (Derrida 1996: 86) or the tragic nature of politics (Morgenthau 1946, Chapter 7) means that one can never feel reassured that by some 'good deed', 'I have assumed my responsibilities ' (Derrida 1996: 86). If I conduct myself particularly well with regard to someone, I know that it is to the detriment of an other; of one nation to the detriment of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would he no ethical problems or decisions. (ibid.; and parallel argumentation in Morgenthau 1946; Chapters 6 and 7) Because of this there will remain conflicts and risks - and the question of how to handle them. Should developments be securitized (and if so, in what terms)? Often, our reply will be to aim for de-securitization and then politics meet meta-politics; but occasionally the underlying pessimism regarding the prospects for orderliness and compatibility among human aspirations will point to scenarios sufficiently worrisome that responsibility will entail securitization in order to block the worst. As a security/securitization analyst, this means accepting the task of trying to manage and avoid spirals and accelerating security concerns, to try to assist in shaping the continent in a way that creates the least insecurity and violence - even if this occasionally means invoking/producing `structures' or even using the dubious instrument of securitization. In the case of the current European configuration, the above analysis suggests the use of securitization at the level of European scenarios with the aim of preempting and avoiding numerous instances of local securitization that could lead to security dilemmas and escalations, violence and mutual vilification.

## Politics

### 2AC

#### Patent reform will get delayed

Brown et al 3-28-14 [Brendan Sasso, Laura Ryan, and Dustin Volz – Writers for the National Journal, “Patent Action Delayed and the FCC’s Tech is Outdated” <http://www.nationaljournal.com/tech-edge/patent-action-delayed-and-the-fcc-s-tech-is-outdated-20140328>]

SENATE JUDICIARY DELAYS PATENT MARKUP: The committee Thursday delayed the long-awaited markup of Chairman Patrick Leahy's patent reform legislation until at least April 3, an expected move announced amid chatter that members are earnestly working to forge a grand compromise on how to best slay patent trolls. Leahy promised he is "working closely with other members of this committee to craft a manager's amendment that will bring in additional provisions" and said a compromise could be brokered "in the next few days."¶ Still, onlookers have heard this tune before, and many are again growing worried that April could slip by without anything passed out of committee. And while Leahy gave lip service to Sen. Hatch's bill on fee shifting and a bill from Sen. Cornyn aimed at shell companies, notably absent was any such endorsement of Sen. Schumer's crusade to expand review methods to guard against low-quality patents. Schumer, for his part, said he would continue fighting for the controversial measure.

#### No litigation explosion AND reform fails- not enough data and bill fails

-addresses the wrong issue

- there’s not enough data to get the solution right

Merritt, 3-12 – EE Times news correspondent, Silicon Valley bureau chief; citing Daniel F. Spulber, research director of Northwestern University's Searle Center on Law

[Rick, "Patent Data Missing in Troll Debate," EE Times, 3-12-14, http://www.eetimes.com/document.asp?doc\_id=1321364&\_mc=MP\_IW\_EDT\_STUB, accessed 3-13-14]

Patent Data Missing In Troll Debate

Congress and the Supreme Court are poised to take action on patent suits, but data to inform ongoing debates is missing, experts say. This is the first of a series of ongoing stories exploring the current debate about the US patent system. While the US Congress debates legislation aimed at addressing a troubling increase in patent infringement suits from so-called trolls, experts are debating whether the rise even exists or should trouble anyone. A handful of studies and papers say patent cases are not rising significantly. The non-practicing entities (NPEs) that assert patents but do not make products are not playing a destructive role, they argue. However, some experts say more data still needs to be collected. "Right now it's like the fear of the unknown -- we actually don't know that much about patents despite a large amount of study," says Daniel F. Spulber, research director of Northwestern University's Searle Center on Law, which received a $2 million grant from Qualcomm that's funding a five-year research project. The program is focusing on so-called "standards-essential" patents from the top three of an estimated 700 standards organizations that release thousands of technical standards a year. "What I hope to do is create as comprehensive a database as is feasible. Then empirically analyze the standards and organizations and make that data available for free to academic researchers," says Spulber. "We've barely begun to scratch the surface of what we need to know, so policy makers should probably not rush to judgment." However, he does have his own opinions. "I do not believe there is a problem with patent suits and NPEs in particular -- **there's no evidence, and** even **people** who [say there is] **are relying on horror stories and anecdotes**." A **rise of patent** infringement **suits** from NPEs **is not** **the big problem**, according to an August 2013 report from the US Government Accounting Office. The real issue is a rise in cases about software patents and a lack of clarity about what software patents mean and who owns them, it said, concluding: Our analysis indicates that regardless of the type of litigant, lawsuits involving software-related patents accounted for about 89 percent of the increase in defendants between 2007 and 2011, and most of the suits brought by [NPEs] involved software-related patents. This suggests that the focus on the identity of the litigant -- rather than the type of patent -- may be misplaced. The report noted the patent office started working with the software industry in November 2011 to clarify the language used in software patents. It also called for linking data on patent suits to data on examinations of related patents at the patent office. Software patents (purple) have grown much faster than overall patents (light blue) in the 1991-2011 period, the GAO report said.

#### XOs solve

Kash, 3-3 -- InformationWeek Government editor

[Wyatt, "Vowing to combat patent trolls, the White House recently announced a series of executive actions," 3-3-14, InformationWeek, www.informationweek.com/government/leadership/patent-reform-tech-firms-attorneys-weigh-in/d/d-id/1114070, accessed 3-13-14]

Among other measures, the White House and the USPTO: • established new educational and legal resources to help inventors and others caught in patent disputes, • drafted new rules requiring patent owners to disclose more detail about who has investment interests in their patents, making it harder for the trolls to hide behind shell companies, and • launched a crowdsourcing initiative that makes it easier for companies, experts, and the general public to submit hard-to-find "prior art," essentially technical evidence that would help USPTO examiners and patent applicants determine whether an invention is truly novel. President Obama has taken a harsh view of how some companies have exploited patent laws in ways the USPTO never intended. "They're just trying to essentially leverage and hijack somebody else's idea and see if they can extort some money out of them," the president said a year ago, promising to build on patent reforms enacted in 2011 by the Leahy-Smith America Invents Act. Even Washington skeptics say these announced actions set some novel precedents for the USPTO. For the most part, the USPTO has stuck to its role examining and administering patents, leaving the litigation of patents to the courts, says Washington patent attorney Michael Messinger, of Sterne, Kessler, Goldstein & Fox. That's changed with the introduction last week of a Patent Litigation Toolkit on the USPTO's website designed to help companies and individuals who "find themselves being sued or are on the receiving end of a [royalty] demand letter," Messinger says. The new section includes advice on determining whether or not you are infringing a patent and recommendations on how to respond to a lawsuit. It also provides a variety of resources, including links to legal aid groups, sites that track patent lawsuits and the companies that initiate them, Q&A forums on patent issues, and numerous public and private sector organizations offering assistance. The USPTO also took the unusual step of appointing a full-time pro bono legal coordinator and calling on members of the patent bar to help inventors who lack legal representation. The website still "encourages people to contact their patent attorney," Messinger says, "but it's a step forward for the public... and IT leaders will benefit from the expanded number of resources." The administration also hopes to crack down on abusive patent litigation practices with new rules designed to expose those who have a stake in patent assertion cases, including investors who hide behind shell companies. "The new rules introduce the concept of attributable ownership," says Messinger, calling it a material improvement. "A lot of parties are supportive of this move." The White House also took aim at one of the USPTO's biggest challenges: finding the technical information examiners need to determine whether an invention is truly novel. Borrowing a page from the Obama administration's campaign playbook, patent officials are expanding crowdsourcing efforts begun more than a year ago aimed at helping patent examiners, applicants, and holders find relevant prior art. USTPO plans to make it easier for companies, experts, and the public to provide information about prior art to the agency and train examiners to use crowdsourced submissions. "Right now, the USPTO lacks easy access to an enormous amount of this prior art information, some of which exists only on paper and optical media filed in libraries and corporate archives," says Horacio Gutierrez, Microsoft's deputy general counsel. Microsoft began a prior art initiative last fall in support of the USPTO, uploading 1.8 million documents relating to Microsoft patents that are now available to patent examiners, he said in a recent blog post. "Microsoft also launched a Patent Tracker Tool that puts our more than 37,000 issued patents worldwide in a publicly available, searchable online database," he says. Having more of that information available would also help reduce the number of cases that go to court. Under recent reforms, parties can request a new type of trial proceeding, called an inter partes review, whereby the patent office reviews the validity of a claim, based on prior art, to try to resolve disputes before they turn into costly lawsuits.

### AT: Losers Lose

#### Loser’s lose is wrong- dems and GOP feed a false narrative- there’s an epistemology disad to their arguments

Beutler, 13 -- Salon staff writer

[Brian, “GOP’s massive new lie: The truth about Obama’s second term,” Salon, 9/9/13, [www.salon.com/2013/09/09/syria\_wont\_derail\_obamas\_second\_term\_house\_republicans\_will/](http://www.salon.com/2013/09/09/syria_wont_derail_obamas_second_term_house_republicans_will/), accessed 3-29-14]

**It's factually** and morally **wrong to say his agenda is doomed if war vote loses**. Here's why they're doing it When President Obama decided to seek authorization to bomb Syria, he didn’t just throw the fate of his plans into the hands of 535 unpredictable members of Congress. He also made himself vulnerable to **overblown suggestions** that his entire second term is on the line. Political reporters have a weakness for narratives, and the narrative of a weakened president is irresistible. Moreover, members of Congress will feed that narrative. Even Democrats. If you’re Nancy Pelosi or Harry Reid, a great way to pad your vote count is to plead to your caucus that if the resolution fails, Obama will become a lame duck a year earlier than he ought to. This pitch is both morally and factually incorrect. Let’s assume that absent a divisive, losing debate over striking Syria, Obama would have real potential to accomplish meaningful things before the end of his presidency. An immigration bill, say. It would be perverse for members to accede to acts of war they’d otherwise oppose to salvage an unrelated issue like immigration reform. The moral argument here is the same one that made the “death panel” charge so offensive — making the country’s health systems affordable is a praiseworthy goal, but that doesn’t make killing old people OK. But the good news for Democratic whips on Capitol Hill is that they don’t need to engage in this kind of manipulation. If the Syria vote goes down, the gloom and doom tales of Obama’s losing gamble will be false. To the extent that Congress has the will to do anything other than vote on an authorization to strike Syria, the outcome of that vote is disconnected from those other issues. If House Republican leaders believe they and their party have an interest in passing immigration reform or any other issue, they’ll do it no matter how the Syria vote comes down. The same moral argument works in reverse. If Republicans think an immigration bill should become law, it’s wrong of them to block it because of hard feelings, just as it’s wrong for John Boehner to kill legislation he supports in the abstract for member management purposes, or the self-interest of his own speakership. Whether the vote to bomb Syria passes or fails, I expect some Republicans will cite it as a key reason when other unrelated issues fizzle. But **they’ll be lying**. The fight over Syria — like the fights over funding the government and increasing the debt limit — will provide useful cover to Republicans who have already resolved themselves against supporting immigration reform, or a farm bill, or a budget deal, or anything else.

### 2AC – Methane Thumper

#### Backlash against Obama over emissions annoucnement

Roberta Rampton and Timothy Gardner (writers for Reuters) March 28, 2014 “Obama considers new climate regulations for oil, gas sector” http://www.reuters.com/article/2014/03/28/us-usa-climatechange-obama-idUSBREA2R10P20140328

The White House said on Friday it will take a hard look at whether new regulations are needed to cut emissions of methane from the oil and gas industry, part of President Barack Obama's plan to address climate change.¶ The suggestion drew a sharp rebuke from the main oil and gas lobby group. The American Petroleum Institute said its members were already taking steps that will cut emissions and expressed concern that more regulations could put a damper on natural gas drilling by raising costs.¶ But environmental groups said regulations are needed to make sure all players take action to reduce methane emissions. The greenhouse gas is 84 times more effective than carbon dioxide at trapping heat in the first 20 years after being released, according to the U.N. Intergovernmental Panel on Climate Change.¶ The White House said regulators will propose new rules later this year to reduce venting and flaring from oil and gas wells on public lands, one way to begin cutting emissions of methane.

### 2AC- Weak Now

#### Backlash now against Obama’s anti-terror policies

The Washington Post 3/27/14 (Jennifer Rubin, "Bipartisan Second-Thoughts on National Security")

There are signs of a bipartisan pushback against the passive foreign policy and hostility to anti-terror methods we’ve seen over the last few years. Across the board, polls show voters’ disapproval significantly outpaces approval when it comes to President Obama’s handling of foreign policy. As my colleague [Robert Kagan puts it](http://foreignpolicyi.us1.list-manage.com/track/click?u=67276f8f876a3a2654f37fc99&id=9bb28bdf1a&e=3764eb5916), “A majority of Americans may not want to intervene in Syria, do anything serious about Iran or care what happens in Afghanistan, Iraq, Egypt or Ukraine. They may prefer a minimalist foreign policy in which the United States no longer plays a leading role in the world and leaves others to deal with their own miserable problems. They may want a more narrowly self-interested American policy. In short, they may want what Obama so far has been giving them. But they’re not proud of it, and they’re not grateful to him for giving them what they want.”

### 2AC – IMF Thumper

#### IMF reform thumps losers lose

Wiesman, 3-25 – NY Times congressional reporter

[Jonathan, "Senate Democrats Drop I.M.F. Reforms From Ukraine Aid," NY Times, 3-25-14, www.nytimes.com/2014/03/26/world/europe/senate-democrats-drop-imf-reforms-from-ukraine-aid-package.html, accessed 3-26-14]

Democrats, bowing to united House Republican opposition, dropped reforms of International Monetary Fund governance from a Ukraine aid package on Tuesday, handing President Obama an embarrassing defeat as he huddled in Europe with allies who have already ratified the changes. The monetary fund language would have enlarged the Ukraine loan package while finally ratifying changes dating to 2010 that only the United States has opposed. Mr. Obama himself negotiated those changes, and European allies conferring with l1im on Ukraine have been pressing for American action. But the need for speed on loans and direct assistance to Ukraine overcame the White House's willingness for a tight. Senator Harry Reid of Nevada, the majority leader, said he was talcing his lead from Secretary of State J olm Kerry, who had signaled that the administration would push for the monetary fimd language separately. Mr. Reid said the package should pass the Senate by Thursday. "Obviously, politics don't stop at the water's edge on this issue," said Senator Robert Menendez, Democrat of New Jersey and chairman of the Foreign Relations Committee, denouncing the Republican stance. The governance changes would raise the borrowing limit of countries like Ukraine at the multilateral lending institution, while giving more authority to emerging economic heavyweights like China, Brazil - and Russia. The Obama administration painted them as vital to a Ukraine aid package, but Republicans were never convinced. Some conservatives oppose the changes as a lessening of American authority at the fund, although Washington would retain veto power. But Republican leaders saw them more as a bargaining chip and were pressing to swap the changes for an agreement from the administration to delay final Internal Revenue Service regulations on political groups that conceal the name of their donors by incorporating as tax-exempt "social welfare" organizations. The White House position was undercut this week by two New York Democrats, Representatives Eliot L. Engel, the ranking member of the House Foreign Affairs Committee, and Nita M. Lowey, the ranking member of the House Appropriations Committee, both of whom said the Senate should drop the matter and pass the other parts of the package. "I would hope that we would find a common ground, pass it, so that we can help our friends," Speaker John A. Boehner said of the Ukraine aid and Russia sanctions measure. The Senate legislation would guarantee $1 billion in loans to the fledgling government in Kiev and offer an additional $100 million in direct aid. It would codify sanctions against Ukrainians and Russians already affected by sanctions ordered by Mr. Obama, but at the same time, it would expand the list of targets who would be denied United States Visas and subject to civil or criminal penalties. Similar legislation is expected to pass the House this week "I feel strongly about I.M.F. reform, and we need to get that done," Mr. Reid said. "But this bill is important." The decision was another setback for Mr. Obama; the administration also tried and failed in December to attach the monetary fimd language to a trillion-dollar spending measure. "It's simply irresponsible that the Republican leadership insisted on holding I.M.F. reforms hostage in an effort to protect their special- interest campaign contributors' ability to pour money into the system unchecked," said Dan Pfeiffer, Mr. Obama's chief communications strategist. "Supporting these reforms would have meant Ukraine could access additional assistance, and it's unfortunate that Republicans stood in the way." But Republicans are eager to exploit Democratic divisions. "I can only quote Nita Lowey, the ranking Democrat on the House Appropriations Committee, and also the ranking member of the Foreign Affairs Committee, who said it was more important to do this quickly than to deal with the I.M.F., which is a much more controversial issue," said Senator Mitch McConnell of Kentucky, the Republican leader. "I agree with these two important House Democrats.

### 2AC – NSA

#### NSA reform triggers the link

Cohen, 3-25 -- CNN [Tom, Lisa Desjardins, and Jim Acosta, "Obama, Congress working on changes to NSA," CNN, 3-2-14, www.cnn.com/2014/03/25/politics/white-house-nsa/, accessed 3-26-14]

President Barack Obama and congressional leaders described similar proposals Tuesday for ending the National Security Agency's sweeping collection of bulk telephone records. Obama told reporters in The Netherlands that his intelligence team gave him a "workable" option for NSA reform that he said would "eliminate " concerns about how the government keeps the records known as metadata. At a news conference in Washington, the leaders of the House Intelligence Committee said they worked out their own bipartisan compromise on a similar proposal intended to alleviate what they characterized as unfounded fears of excessive government surveillance. The nearly simultaneous remarks demonstrated progress toward Obama's call in January for NSA changes in the aftermath of last year's classified leaks by former agency contractor Edward Snowden that revealed the magnitude of surveillance programs created in response to the September 11, 2001, terrorist attacks. Congressional battle coming However, **the issue touches on deep political and ideological fissures** **between Republicans and Democrats**, **promising an extended battle in Congress** over the necessary legislation -- especially in an election year. A senior administration official told CNN that the White House plan, first reported by The New York Times, would ensure "the government no longer collects or holds" the telephone metadata -- records that include the numbers and time of calls, but no content such as the actual conversation. According to the official, the proposal "still ensures that the government has access to the information it needs" for national security purposes. The official declined to specify where the bulk phone metadata would ultimately be stored. Now it is collected by the NSA under broad legal authority to keep it for five years. It was not immediately clear how the White House proposal differed from the compromise announced by Reps. Mike Rogers of Michigan and Dutch Ruppersberger of Maryland -- the top Republican and Democrat on the House Intelligence Committee. Their plan would end the automatic NSA collection of phone metadata, with telecommunications companies keeping such records for at least 18 months -- as they do now. Court approval Two layers of court approval would be needed to access the records -- one for the overall surveillance program seeking the information, and another for the specific foreign phone number being investigated, the legislators said. The Snowden leaks unleashed a political firestorm, with privacy advocates and others calling the NSA surveillance programs a violation of constitutional rights. In particular, many Americans feared inevitable abuse of a system in which the government collected billions of phone records for possible review in terrorism investigations. Snowden, now living in Russia while seeking asylum from U.S. prosecution, has repeatedly described the surveillance programs illuminated by his leaks as unconstitutional. Several legal challenges have been mounted against the NSA programs, and some of those cases could reach the Supreme Court in coming years to set up a judicial review of the constitutional limits of government surveillance in the post 9/11 era. Obama and the two House legislators all said Tuesday the current system was legal, but needed changing to reassure a skeptical public.

### 2AC – Immigration

#### Obama immigration order triggers the link- thumps prez powers args

Gomez, 3-23 -- USA Today [Alan, "Obama 'humane' order roils immigration debate," WTSP News, 3-23-14, www.wtsp.com/story/news/nation-now/2014/03/23/obama-humane-deportation-order-immigration-debate/6787289/, accessed 3-26-14]

**Obama 'humane' order** roils **immigration debate**

President Obama's recent order to his administration to find ways to deport people living in the United States illegally "more humanely" has both sides of the immigration debate wondering eagerly what he means by that. Advocates for undocumented immigrants hope it means that the Department of Homeland Security will finally decide to end all deportations, and opponents of Obama's immigration polices hope it does not. Both sides say the law is on their side: proponents claim Obama has every right to order a backing away from enforcing deportation laws and opponents say he is violating his oath of office if he does. "The Department of Homeland Security has a pretty broad range of authority to decide which individuals will be removed from the country or not," says Marielena Hincapié, executive director of the National Immigration Law Center, which provides legal services to undocumented immigrants. "The administration is on solid legal footing ... and can still go much further." Ira Mehlman of the Federation for American Immigration Reform, which seeks lower levels of legal and illegal immigration, says doing so violates Obama's oath to "preserve, protect and defend" the Constitution. "If he can simply decide, 'Congress can pass any law that it wants and I'm going to ignore the ones I don't like and create the ones I want,' then this is not just an immigration issue," Mehlman says. "This ends up becoming a constitutional issue and it's precisely what the founding fathers sought to avert." When the president decides, **it will likely reignite a debate in Congress** and making its way through federal courts **about the limits of presidential power** that goes back decades.

### 2AC- Econ Thumper

#### Collapse inevitable- fiscal/regulatory policies, export market crashes, market speculation

Epoch Times 3/11 (Interview conducted by Valentin Schmid, Epoch Times. Peter Schiff is the CEO of investment firm Euro Pacific Capital. He correctly predicted the subprime crash and the ensuing financial crisis of 2008. Peter Schiff: US Economy ‘Screwed Up,’ Stock Market a ‘Bubble’ (+Video) http://www.theepochtimes.com/n3/553225-peter-schiff-us-economy-screwed-up-stock-market-a-bubble-video/)

Epoch Times: Mr. Schiff, what’s your view on the U.S. economy at this moment? Peter Schiff: I think it’s a disaster. Very few people perceive just how big a disaster it is. Most people think the U.S. economy is recovering, maybe a bit more sluggish than they would like. People talk about a jobless recovery. But the reality is it’s not a recovery at all. We are not recovering from anything. The country is getting sicker. The U.S. economy is really all screwed up. It’s the result of mainly monetary policy, but fiscal and regulatory policies are part of the problem. I think the major part of the problem is the central bank. The central bank is basically trying to accommodate bad fiscal policy, bad regulatory policy. They are trying to provide a stimulus to the economy to negate the sedative that is being applied by the government. But it’s actually making the problem worse. Epoch Times: So what’s the problem? Mr. Schiff: One of the problems we have in America is that interest rates are too low. We don’t save enough, we spend too much, we borrow too much, we don’t produce enough. So we have these huge external imbalances where we borrow from the rest of the world. We have to import goods, because we don’t invest in productivity. We are not producing the goods. But all this is done to try to maintain the illusion of health, so Americans can keep on spending. So politicians can actually pretend the economy is getting better. But all we are doing is actually covering up the symptoms. Beneath the surface, the economy is actually deteriorating. Eventually it’s going to collapse. Epoch Times: Why? Mr. Schiff: There is a limit to how much artificial stimulus we can have. There is a limit to how much money the world is willing to lend. Because once they are coming to terms with the fact that we are never going to pay the money back, they are not going to want to send us their savings and send us their production if we can’t pay for it. But we got this phony bubble economy that gets bigger and bigger. People focus on the stock market. They say, “Well the stock market is going up that must mean the economy is getting better.” No it doesn’t. There is just a lot of cash, a lot of inflation created by the central banks. So they are able to inflate a bubble in stocks or in real estate, but they are not able to generate legitimate economic growth. Epoch Times: So that’s why people feel different about the recovery? Mr. Schiff: It doesn’t feel like an economic recovery to the average American, because it’s not. We are not getting the type of prosperity that would come from real economic growth; we are just getting a bubble. And when people are speculating in the stock market, it doesn’t create real wealth. On paper for some. But we are not building factories, we are not producing more consumer goods, we are not creating good jobs, we are just inflating a bubble. And we are delaying the day of reckoning, which is relatively close at this point. Epoch Times: What does the day of reckoning look like? Mr. Schiff: Right now we are consuming what other people produce. So somebody has to do the production. The question is: Why is the world so willing to let America enjoy the fruits of their labor? When are the people producing those goods going to want to consume the goods themselves? Now right now, they are content to accept our IOUs [debt], because they figure “well we are going to spend them in the future.” They think they are building their future; they are saving dollars that they can spend in the future. Of course they don’t realize that the dollar is not going to have much value in the future, so there will be almost nothing to buy. But I also think that most of these developing economies are under the false impression that their economic growth, the success of it, lies in their ability to export—it doesn’t. The key is production. And people forget that nations don’t export just to export. They don’t export to create jobs. You export to pay for your imports. And if you are not importing anything, then there is no reason to export. Because what people want are consumer goods. So you either produce them yourself or you trade for them. But to send your consumer goods out and have nothing in return, except Treasury bonds, our trading partners aren’t benefiting. We are benefiting because we get to consume things; we did not produce anything to pay for it. Epoch Times: That can’t go on forever right? Mr. Schiff: When the world figures out that we conned them and they are holding a bunch of worthless IOUs, they are going to stop exporting. It doesn’t mean that they are going to stop producing goods. It just means that their own citizens will consume them. Which will be better for them, but that’s when the party ends in the U.S. Because without the world to supply us with the goods that we don’t produce, there is almost nothing to buy. If there is almost nothing to buy, it doesn’t matter how much money consumers will spend. There is nothing there, it’s just inflation. All our policies are about putting money in the pockets of consumers. But money doesn’t do you any good if there is almost nothing to buy. And where is this stuff coming from? It’s coming from the productive efforts of people outside of America.

### 1NC/ 2AC- Nuclear Primacy

#### No scenario for losing deterrence

Kristensen ‘12 -- FAS nuclear weapons expert [Hans, "DOD: Strategic Stability Not Threatened Even by Greater Russian Nuclear Forces," FAS, 10-10-12, www.fas.org/blog/ssp/2012/10/strategicstability.php, accessed 1-27-13, mss]

DOD: Strategic Stability Not Threatened Even by Greater Russian Nuclear Forces A Department of Defense (DOD) report on Russian nuclear forces, conducted in coordination with the Director of National Intelligence and sent to Congress in May 2012, concludes that even the most worst-case scenario of a Russian surprise disarming first strike against the United States would have “little to no effect” on the U.S. ability to retaliate with a devastating strike against Russia. I know, even thinking about scenarios such as this sounds like an echo from the Cold War, but the Obama administration has actually come under attack from some for considering further reductions of U.S. nuclear forces when Russia and others are modernizing their forces. The point would be, presumably, that reducing while others are modernizing would somehow give them an advantage over the United States. But the DOD report concludes that Russia “would not be able to achieve a militarily significant advantage by any plausible expansion of its strategic nuclear forces, even in a cheating or breakout scenario under the New START Treaty” (emphasis added). The conclusions are important because the report come after Vladimir Putin earlier this year announced plans to produce “over 400” new nuclear missiles during the next decade. Putin’s plan follows the Obama administration’s plan to spend more than $200 billion over the next decade to modernize U.S. strategic forces and weapons factories. The conclusions may also hint at some of the findings of the Obama administration’s ongoing (but delayed and secret) review of U.S. nuclear targeting policy. No Effects on Strategic Stability The DOD report – Report on the Strategic Nuclear Forces of the Russian Federation Pursuant to Section 1240 of the National Defense Authorization Act for Fiscal Year 2012 – was obtained under the Freedom of Information Act. It describes the U.S. intelligence community’s projection for the likely development of Russian nuclear forces through 2017 and 2022, the timelines of the New START Treaty, and possible implications for U.S. national security and strategic stability. Much of the report’s content was deleted before release – including general and widely reported factual information about Russian nuclear weapons systems that is not classified. But the important concluding section that describes the effects of possible shifts in the number and composition of Russian nuclear forces on strategic stability was released in its entirety. The section “Effects on Strategic Stability” begins by defining that stability in the strategic nuclear relationship between the United States and the Russian Federation depends upon the assured capability of each side to deliver a sufficient number of nuclear warheads to inflict unacceptable damage on the other side, even with an opponent attempting a disarming first strike. Consequently, the report concludes, “the only Russian shift in its nuclear forces that could undermine the basic framework of mutual deterrence that exists between the United States and the Russian Federation is a scenario that enables Russia to deny the United States the assured ability to respond against a substantial number of highly valued Russian targets following a Russian attempt at a disarming first strike” (emphasis added). The DOD concludes that such a first strike scenario “will most likely not occur.” But even if it did and Russia deployed additional strategic warheads to conduct a disarming first strike, even significantly above the New START Treaty limits, DOD concludes that it “would have little to no effects on the U.S. assured second-strike capabilities that underwrite our strategic deterrence posture” (emphasis added). In fact, the DOD report states, the “Russian Federation…would not be able to achieve a militarily significant advantage by any plausible expansion of its strategic nuclear forces, even in a cheating or breakout scenario under the New START Treaty, primarily because of the inherent survivability of the planned U.S. Strategic force structure, particularly the OHIO-class ballistic missile submarines, a number of which are at sea at any given time.” Implications These are BIG conclusions with BIG implications. They reaffirm conclusions made by DOD in 2010 [http://www.foreign.senate.gov/publications/download/executive-report-111-06-treaty-with-russia-on-measures-for-further-reduction-and-limitation-of-strategic-offensive-arms-the-new-start-treaty], but the new report is important because it comes after Russia earlier this year announced plans to produce “over 400” nuclear missiles over the next decade. In the real world, however, Russian nuclear forces are not increasing. Even with Putin’s missile production plan, simultaneous retirement of older missile will continue the downward trend and result in a net reduction of Russian strategic nuclear forces over the next decade and a half. This fact has not stopped some from arguing against additional U.S. nuclear reductions. Their argument is that reductions are unwise at a time when Russia and others are modernizing their nuclear forces. Others have even argued that Russia could break out of the New START Treaty by cheating and presumably achieve some strategic advantage. Even the U.S. Senate’s advice and consent resolution that in 2010 approved the New START Treaty required that “the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States” (emphasis added). A similar obsession with numbers was echoed in the 2012 report by the State Department’s International Strategic Advisory Board on future U.S.-Russian “Mutual Assured Stability,” which concluded that it requires some “rough parity” of nuclear forces. (A similar number obsession has evolved with NATO about non-strategic nuclear weapons, but that’s another story). But the DOD report appears to conclude that such warnings and parity requirement are missing the point. Strategic stability and deterrence today are provided by a secure retaliatory capability, primarily ballistic missile submarines. In fact, although ICBMs and bombers also play a role in the U.S. nuclear posture, they seem oddly absent from the report’s description of what is required to maintain strategic stability based on a sufficient secure retaliatory capability. Retaining that capability, it seems, does not even require the ballistic missile submarines to be on alert (although the report doesn’t explicitly say so). It only requires that a sufficient number of submarines “are at sea” and secure at any given time – or perhaps even only in a crisis. Likewise, the conclusion that a Russian disarming first strike “will most likely not occur” may be obvious to most but, if formal, seems to remove the need for having ICBMs on alert, as long as a sufficient number of submarines are at sea to provide the basic deterrence that underpins strategic stability.

### WOT Navy

#### Plan is key to naval operations- especially those necessary to win the war on terror

Schachte 4 (Rear Adm. William L. Schachte, USN, April 8, “¶ MILITARY IMPLICATIONS OF THE UNITED¶ NATIONS CONVENTION ON THE LAW OF¶ THE SEA”, http://www.gpo.gov/fdsys/pkg/CHRG-108shrg99782/html/CHRG-108shrg99782.htm)

If we are going to successfully curtail this disturbing trend of ¶ creeping jurisdiction, we must reassert our leadership role in the ¶ development of maritime law and join the convention now. The urgency of ¶ this issue is highlighted by the fact that under its terms, the ¶ convention can be amended after this November. As a party, the US could ¶ prevent any attempt to erode our crucial and hard won navigational ¶ freedoms that are codified in the convention.¶ I also believe, Mr. Chairman, that it is short-sighted to argue ¶ that, if the customary law system somehow breaks down, the United ¶ States, as the world's pre-eminent naval power, wouldn't have any ¶ trouble enforcing it. Clearly, our Navy could engage in such an effort. ¶ However, enforcing our navigational rights against every coastal nation ¶ in the event the convention and customary law systems collapse would be ¶ very costly, both politically and economically. Moreover, it would ¶ divert our forces from their primary missions, including the long-term ¶ global war on terrorism. Excessive coastal nation claims are the ¶ primary threat to our navigational freedoms. Those claims can spread ¶ like a contagious virus, as they did in the 20th century. The added ¶ legal security we get from a binding treaty permits us to use our ¶ military forces and diminishing resources more efficiently and ¶ effectively by concentrating on their primary missions.

### 2AC – LINK TURNS

### Popularity

#### Loss on war powers bolsters Obama’s popularity- proves he is principled with no costs

Thompson, 13 -- Forbes contributor

[Loren, "The Syria Vote: Why Obama Wins If He Loses," Forbes, 9-9-13, www.forbes.com/sites/lorenthompson/2013/09/09/the-syria-vote-why-obama-wins-if-he-loses/, accessed 2-8-13]

The Syria Vote: Why Obama Wins If He Loses

Sometime this week, Congress will begin voting on a resolution that would support President Obama’s proposal to launch limited strikes against the military forces of Syrian dictator Bashar al-Assad as retribution for their use of chemical weapons. Although Washington is divided on the advisability of carrying out the strikes, there is virtual unanimity among observers that if the president does not prevail on Capitol Hill it will be a major blow to his power and influence — both at home and abroad. The pundits are wrong. If Obama carries the day in both chambers, he will lose over the long run because of the likely political fallout from any new military action in the Middle East. On the other hand, if he loses the vote he will win over the long run by escaping the distractions and drawbacks of an action that he himself is reluctant to take. Since he is in fact highly likely to lose the congressional vote and almost certain not to act unilaterally once he does, let’s look at all the benefits that will accrue to him when legislators reject his risky plan. 1. Undesirable consequences of military action will be avoided. These consequences could include retaliation by Syria or its Iranian ally forcing the U.S. to broaden its military involvement; a tipping of the military balance in the civil war to favor jihadists; Russian intervention on the side of Assad’s government; destabilization of the Syrian state; or a pressing need to inject U.S. ground forces in order to secure chemical weapons. If Congress rebuffs the proposal for punitive strikes, most of these things are less likely to happen. 2. Obama upholds his principles without having to pay the cost. The White House is waging the biggest lobbying campaign of Obama’s second term in an effort to convince Congress it should back limited military action in Syria. The main reason it is doing so is the president’s deeply held belief that the international norm against use of “weapons of mass destruction” (nerve gas in this case) must be upheld. Although the lobbying campaign probably will fail, **everyone will recognize** **Obama** stuck with his principles even when it waspoliticallyunpopular **— a circumstance which** arguably bolsters hiscredibility **rather than diminishes it**. 3. If things go wrong in Syria, it won’t be Obama’s fault. Some Middle East analysts are saying that Assad was emboldened to use chemical weapons because of U.S. reluctance to get involved in what is now a long-running civil war. It’s true that Obama has tried to avoid new entanglements in the Middle East throughout his presidency and has not moved decisively to arm moderate rebels fighting government forces. However, by rejecting the president’s belated bid to punish Assad’s brutality, Congress will absolve the administration of responsibility for any adverse developments that follow. 4. The president avoids blame for subverting global institutions. By proposing to act unilaterally — or at least, with active support from few other nations besides France — the White House has left itself open to charges that it doesn’t really support the rule of law in international relations. If it did, it would be working with the United Nations and other collective-security organizations to punish Assad’s government. But if America fails to act militarily, then it can’t be accused of creating a precedent for ignoring global institutions and world opinion. 5. Negative fallout for the economy will be minimized. Last week’s jobs report was just the latest indication that the current economic recovery is one of the weakest on record. One thing the nation’s sputtering economy doesn’t need right now is a spike in oil prices resulting from renewed U.S. military action in the Middle East — perhaps followed by far worse market reactions when Syria and its friends decide how they want to respond to the U.S. strikes (think cyber). By avoiding overt intervention in Syria’s civil war, the U.S. will reduce the likelihood of overseas developments derailing the gradual return of prosperity. 6. Congress confirms the shift to an Asia-Pacific strategy. Although the White House has always said that the Asia-Pacific strategy it unveiled in early 2012 did not mean America was abandoning the Middle East, everyone knew it meant less U.S. presence there. The proposed strikes in Syria are out of step with the trend in U.S. foreign policy, which recognizes the rising importance of East Asia and the declining importance of the Middle East (especially given the U.S. renaissance in fossil-fuel production). By voting down military intervention in Syria, Congress will in effect be reinforcing a strategic shift that the president himself initiated. 7. Obama gets to focus on his domestic agenda. Barack Obama was elected president to extricate America from unpopular wars in Southwest Asia and fix a broken economy. The main thrust of his presidency has always been domestic policy, and his agenda is better served by avoiding the distractions of overseas military involvement. With analysts already forecasting that wrangling over Syria will undercut the prospects for immigration reform this year, **it would actually be helpful to the president’s priorities if Congress** decisively **rejected military action**. Anyone who remembers the challenges Jimmy Carter, Ronald Reagan and both Bushes faced in the Middle East understands how involvement there can wreck domestic agendas.

#### Principled loss even on unpopular issues is good politics- key to approval ratings

Davis, 11 -- special counsel to President Clinton

[Lanny, formerly served under the Clinton and Bush W. administrations, Washington attorney specializing in legal crisis management, "Column: Obama, be a sharp-elbowed centrist," USA Today, 8-17-11, www.usatoday.com/news/opinion/forum/2011-08-17-obama-leadership-economy\_n.htm, accessed 3-8-14]

Such bold and decisive moves by this president would be criticized as brash by some, reckless by others. But the American people would see the strength in a man standing up to the extremes of both parties to simply do what is best for this country. At a time when many Americans doubt the ability of the federal government to even function, **these optics matter greatly**. A decisive president — a leader leading — cannot be underestimated. Time to take a risk Thus, Obama can no longer afford, as has often been his custom, to wait for Congress to act and then step in as a final mediator. He needs to take the risk to put a stake in the ground and lead, if necessary to get out in front of congressional and party leadership, even of public opinion. He needs to simply do what he thinks is right. By doing so, President Obama can show that he represents all the American people and is willing to fight for the national interest, that he is willing to strive to be Teddy Roosevelt's "man in the arena … who at the best knows in the end the triumph of high achievement and who at the worse, if he fails, at least he fails while daring greatly." If anyone on the left or the right objects to Obama throwing a few elbows in the process, he can offer them simple advice, as he would in a basketball game: Get out of the way. That would be good politics for 2012. It would also be good for the nation.

#### Popularity is key to the agenda

Friedman, 8 -- Stratfor chief intelligence officer

[George, "Obama: First Moves," Stratfor, 2008, www.stratfor.com/weekly/20081124\_obama\_first\_moves?ip\_auth\_redirect=1, accessed 11-16-10)

Presidents are not as powerful as they are often imagined to be. Apart from institutional constraints, presidents must constantly deal with public opinion. **Congress is watching the polls**, as all of the representatives and a third of the senators will be running for re-election in two years. No matter how many Democrats are in Congress, their first loyalty is to their own careers, and collapsing public opinion polls for a Democratic president can destroy them. Knowing this, they have a strong incentive to oppose an unpopular president — even one from their own party — or they might be replaced with others who will oppose him. **If Obama wants to be powerful, he must keep Congress on his side, and that means he must keep his numbers up**. He is undoubtedly getting the honeymoon bounce now. He needs to hold that.

## Consult CP

### 2AC

#### Clear no solvency advocate- contrived – not in literature- death of debate- justifies perm do counterplan even if severe because we severe parts of the aff they ought to not get of

#### The United States federal government should codify Articles 301 and 88 of the Law of the Sea Treaty, but not increase statutory restrictions on the president’s war powers authority.

#### Senate action, and ratification are key- independently solves OCS development

Lugar, 10/4/07 (Richard, Senate Foreign Relations Expert, CQ Congressional Testimony)

In absenting ourselves from the Law of the Sea Convention, we are risking making the same type of mistake that the Soviets made in 1950. Opponents seem to think that if the U.S. declines to ratify the Law of the Sea, the United States can avoid any multi-lateral responsibilities or entanglements related to the oceans. But unlike some treaties, such as the Kyoto Agreement and the Comprehensive Test Ban Treaty, where U.S. non-participation renders the treaty virtually inoperable, the Law of the Sea will continue to form the basis of maritime law regardless of whether the U.S. is a party**.** Consequently, the United States cannot insulate itself from the Convention merely by declining to ratify. If we fail to ratify this treaty, we are allowing decisions that will affect our Navy, our ship operators, our off- shore industries, and other maritime interests to be made without U.S. representation. If the United States does not ratify this treaty, our ability to claim the vast extended continental shelf off Alaska will be seriously impeded. We will also put ourselves in a position of self-imposed weakness as we are forced to rely on other nations to oppose excessive claims to Arctic territory by Russia and perhaps others. Further, in an era when our growing energy vulnerability exposes us to the machinations of oil-rich states, we will be constraining the opportunities of our own oil companies to explore beyond the 200-mile limit, by perpetuating legal uncertainty that is likely to prevent the large-scale investments that are required. We will be complicating the job of the Navy in asserting navigational rights and weakening our ability to constrain negative drift in customary international law. And we will not even be able to participate in the amendment process to this treaty, which is likely to dominate the evolution of accepted ocean law. This is a partial list of the costs of not joining the Convention, but it should illuminate for members that we do not have a free pass on this treaty. If the Senate does not give its advice and consent, we will be incurring tangible costs in both the short and long term on issues of vital importance to our economy and national security.

#### Naval power prevents flash point escalation and global war – shipbuilding is key

NLUS, 12 – a nonprofit organization dedicated to educating our citizens about the importance of sea power to U.S. national security and supporting the men and women of the U.S. Navy, Marine Corps, Coast Guard and U.S.-flag Merchant Marine and their families (Navy League of the United States, “Maritime Primacy & Economic Prosperity: Maritime Policy 2012-13”, Navy League of the United States, 1/21/12, <http://www.navyleague.org/files/legislative_affairs/maritime_policy20122013.pdf> | AK)

Global engagement is critical to the U.S. economy, world trade and the protection of democratic freedoms that so many take for granted. The guarantors of these vital elements are hulls in the water, embarked forward amphibious forces and aircraft overhead. The Navy League of the United States’ Maritime Policy for 2012-13 provides recommendations for strategy, policy and the allocation of national resources in support of our sea services and essential to the successful execution of their core missions. We live in a time of complex challenges — terrorism, political and economic turmoil, extremism, conflicts over environmental resources, manmade and natural disasters — and potential flash points exist around the globe. It is the persistent forward presence and engagement of maritime forces that keep these flash points in check, prevent conflict and crisis escalation, and allow the smooth flow of goods in a global economy. The United States has fought multiple wars and sacrificed much to ensure un challenged access to sea lanes and secure the global commerce upon which the U.S. economy depends. The “persistent naval presence” provided by our forward-deployed Navy and Marine Corps ships, aircraft, Sailors and Marines is the guarantor of that hard-won maritime security and the critical deterrent against those who might seek to undermine that security. Maintaining naval forces that can sustain our national commitment to global maritime security and dissuade transnational aggression in the future must be a national imperative. The No. 1 challenge to that imperative is the lack of a fully funded, achievable Navy shipbuilding program that produces the right quantity and quality of ships, with the right capabilities, for the right costs, in economically affordable numbers over the next 25 years. A shipbuilding plan must be defined and agreed upon by the Navy, the Departments of Defense (DoD) and Homeland Security, Congress and the administration — and executed now. Recognizing that hard choices must be made in a reduction of the defense budget, the Navy League is reducing its recommended funding for the Department of the Navy’s Shipbuilding and Conversion, Navy (SCN), account to $20 billion or more per year. This reduced funding leads to a recommended reduced force level of 305 ships to meet our nation’s global security challenges. This also recognizes that the worldwide commitment of ship deployment must be reduced. America’s amphibious expeditionary force is prepared to engage today’s threats — today. Our Marines remain heavily engaged in Afghanistan and support numerous other small-unit operations that enable nation-building with allies around the globe. The Marine Corps needs the authorization to reduce to an end strength of 186,800 Marines, and this force level must be properly resourced to maintain a balanced air-ground logistics team. The Corps must regain its expertise in amphibious operations and maintain that capability in force structure. The service also must be provided the resources to reset the force, to restore or acquire new equipment and capabilities consumed in the ongoing wars. The Coast Guard is a multimission, worldwide-deployed armed force with broad law enforcement authorities. It operates seamlessly with the DoD services as prescribed by the National Command Authority and is the lead agency for maritime homeland security and law enforcement support to the Navy in deployed operations. In addition, it fulfills several legally mandated missions, including its most employed mission of search and rescue, plus protection of living marine resources, drug interdiction, illegal migrant interdiction, defense readiness, marine safety, ice operations, aids to navigation, marine environmental protection, and ports, waterways and coastal security. The substantial breadth of operations, which has increased markedly in tempo since the 9/11 attacks, continues to overstress aging equipment, resulting in rising maintenance costs and a greater workload for Coast Guard personnel. The Coast Guard must increase its active-duty military strength to at least 45,000, have an operational expense budget of at least $6.7 billion and an Acquisition, Construction and Improvements (AC&I) budget resourced at no less than $2.5 billion per year, of which $2 billion should be dedicated to continuing the recapitalization of the fleet. Skilled Mariners are more critical than ever to ensuring our ability to sustain U.S. national and global security interests. Ninety-five percent of the equipment and supplies required to deploy the U.S. armed forces is moved by sea. The base of skilled U.S. Merchant Mariners is shrinking. The shipping capabilities of the Maritime Administration’s Ready Reserve Force and the DoD’s Military Sealift Command are sized to support routine and some surge logistics and specialized mission requirements. This critical capability must be maintained by ensuring an active commercial U.S.-flag Merchant Marine to support efficient and cost-effective movement of DoD cargo. The U.S. shipbuilding industry is in crisis. Finding a solution must be an imperative if our nation is to maintain a Navy capable of supporting the nation’s defense. Jobs lost in this sector mean precious ground lost in capability and capacity that cannot be regained. The current production levels for ship construction and the manufacturing of the other critical systems, equipment and weapons that we install in our ships, submarines and aircraft are at critically low levels. Sustaining and upgrading our nation’s critical, defense-related industrial base must be an essential element of our National Security Strategy. Personnel must train as they will fight to remain operationally ready. This all-volunteer military also must receive highly competitive compensation in the way of salary as well as health care, retirement and quality-of-life benefits to remain an effective fighting force. Taking care of our wounded warriors is fundamental.

## Warfighting

### 2AC

#### Navigational rights link turns the DA

Galdorisi and Truver, ’05 (George, Director Space and Naval Warfare Center @ San Diego, Scott, National Security Programs @ Anteon Corp, Washington Times, 3/29)

\*gender modified

The evolving U.S. strategic paradigm, dependent as it is on littoral operations from the sea against the shore, has made accession to the convention even more compelling. U.S. military strategy, doctrine and operations are crucially dependent on the navigation rights, flexibility and mobility conferred by the convention. To be sure, disputes might still arise, but the legal standing of the United States, particularly in protecting important navigation rights through straits and other international waterways, is much more enhanced with than without UNCLOS. UNCLOS is more than just another treaty. With 148 parties, it is the largest single international negotiating project ever. It has founded a new era on, under and above the world's oceans that clarifies, not muddies, important rights, responsibilities, and privileges. In some aspects, customary law has indeed been incorporated and as such is now explicitly positive, conventional law, with more global force than previously the case. And, it signals a commitment to the rule of law and a basis for the orderly conduct of affairs among nations: a commitment that the United States must sustain if it is to succeed in other critical endeavors, such as the global war on terrorism**.** In short, by refusing to accede to UNCLOS, the United States remains the "odd ~~man~~ [person] out" and risks losing vital credibility among friends and partners worldwide -- a challenge that Karen Hughes, in her new role at the State Department, will add to an already burgeoning portfolio.

#### Congress key to credible posture and commitments

**Waxman 13** (Matthew C- Professor of Law at Columbia Law School; Adjunct Senior Fellow for Law and Foreign Policy, Council on Foreign Relations, “The Constitutional Power to Threaten War”, Forthcoming in Yale Law Journal, vol. 123 (2014), 8/25/2013, PDF)

A second argument, this one advanced by some congressionalists, is that stronger legislative checks on presidential uses of force would improve deterrent and coercive strategies by making them more selective and credible. The most credible U.S. threats, this argument holds, are those that carry formal approval by Congress, which reflects strong public support and willingness to bear the costs of war; requiring express legislative backing to make good on threats might therefore be thought to enhance the potency of threats by encouraging the President to seek congressional authorization before acting.181 A frequently cited instance is President Eisenhower’s request (soon granted) for standing congressional authorization to use force in the Taiwan Straits crises of the mid- and late-1950s – an authorization he claimed at the time was important to bolstering the credibility of U.S. threats to protect Formosa from Chinese aggression.182 (Eisenhower did not go so far as to suggest that congressional authorization ought to be legally required, however.) “It was [Eisenhower’s] seasoned judgment … that a commitment the United States would have much greater impact on allies and enemies alike because it would represent the collective judgment of the President and Congress,” concludes Louis Fisher. “Single-handed actions taken by a President, without the support of Congress and the people, can threaten national prestige and undermine the presidency. Eisenhower’s position was sound then. It is sound now.”183 A critical assumption here is that legal requirements of congressional participation in decisions to use force filters out unpopular uses of force, the threats of which are unlikely to be credible and which, if unsuccessful, undermine the credibility of future U.S. threats. A third view is that legal clarity is important to U.S. coercive and deterrent strategies; that ambiguity as to the President’s powers to use force undermines the credibility of threats. Michael Reisman observed, for example, in 1989: “Lack of clarity in the allocation of competence and the uncertain congressional role will sow uncertainty among those who depend on U.S. effectiveness for security and the maintenance of world order. Some reduction in U.S. credibility and diplomatic effectiveness may result.”184 Such stress on legal clarity is common among lawyers, who usually regard it as important to planning, whereas strategists tend to see possible value in “constructive ambiguity”, or deliberate fudging of drawn lines as a negotiating tactic or for domestic political purposes.185 A critical assumption here is that clarity of constitutional or statutory design with respect to decisions about force exerts significant effects on foreign perceptions of U.S. resolve to make good on threats, if not by affecting the substance of U.S. policy commitments with regard to force then by pointing foreign actors to the appropriate institution or process for reading them.

#### No extinction - history proves

Easterbrook ‘3 (Gregg, Senior Fellow – New Republic, “We’re All Gonna Die!”, Wired Magazine, July, http://www.wired.com/wired/archive/11.07/doomsday.html?pg=1&topic=&topic\_set=)

3. Germ warfare!Like chemical agents, biological weapons have never lived up to their billing in popular culture. Consider the 1995 medical thriller Outbreak, in which a highly contagious virus takes out entire towns. The reality is quite different. Weaponized smallpox escaped from a Soviet laboratory in Aralsk, Kazakhstan, in 1971; three people died, no epidemic followed. In 1979, weapons-grade anthrax got out of a Soviet facility in Sverdlovsk (now called Ekaterinburg); 68 died, no epidemic. The loss of life was tragic, but no greater than could have been caused by a single conventional bomb. In 1989, workers at a US government facility near Washington were accidentally exposed to Ebola virus. They walked around the community and hung out with family and friends for several days before the mistake was discovered. No one died. The fact is, evolution has spent millions of years conditioning mammals to resist germs. Consider the Black Plague. It was the worst known pathogen in history, loose in a Middle Ages society of poor public health, awful sanitation, and no antibiotics. Yet it didn’t kill off humanity. Most people who were caught in the epidemic survived. Any superbug introduced into today’s Western world would encounter top-notch public health, excellent sanitation, and an array of medicines specifically engineered to kill bioagents. Perhaps one day some aspiring Dr. Evil will invent a bug that bypasses the immune system. Because it is possible some novel superdisease could be invented, or that existing pathogens like smallpox could be genetically altered to make them more virulent (two-thirds of those who contract natural smallpox survive), biological agents are a legitimate concern. They may turn increasingly troublesome as time passes and knowledge of biotechnology becomes harder to control, allowing individuals or small groups to cook up nasty germs as readily as they can buy guns today. But no superplague has ever come close to wiping out humanity before, and it seems unlikely to happen in the future.

# 1AR

### Warfighting

#### 2NC kicked DA wrong- it had a proliferation and deterrence impact- more evidence on it causing extinction- not a new argument- and means turns the ptx

Taylor 6 [Theodore B., Chairman of NOVA. July 6 2006, “Proliferation of Nuclear Weapons,” http://wwwee.stanford.edu/~hellman/Breakthrough/book/chapters/taylor.html]

Nuclear proliferation - be it among nations or terrorists - greatly increases the chance of nuclear violence on a scale that would be intolerable. Proliferation increases the chance that nuclear weapons will fall into the hands of irrational people, either suicidal or with no concern for the fate of the world. Irrational or outright psychotic leaders of military factions or terrorist groups might decide to use a few nuclear weapons under their control to stimulate a global nuclear war, as an act of vengeance against humanity as a whole. Countless scenarios of this type can be constructed. Limited nuclear wars between countries with small numbers of nuclear weapons could escalate into major nuclear wars between superpowers. For example, a nation in an advanced stage of "latent proliferation," finding itself losing a nonnuclear war, might complete the transition to deliverable nuclear weapons and, in desperation, use them. If that should happen in a region, such as the Middle East, where major superpower interests are at stake, the small nuclear war could easily escalate into a global nuclear war.

#### Constraints improve decision-making

Deborah NPearlstein 9, lecturer in public and international affairs, Woodrow Wilson School of Public & International Affairs, July 2009, "Form and Function in the National Security Constitution," Connecticut Law Review, 41 ConnLRev1549, lexis nexis

It is in part for such reasons that studies of organizational performance in crisis management have regularly found that "planning and effective [\*1604] response are causally connected." n196 Clear, well-understood rules, formalized training and planning can function to match cultural and individual instincts that emerge in a crisis with commitments that flow from standard operating procedures and professional normsn197 Indeed, "the less an organization has to change its pre-disaster functions and roles to perform in a disaster, the more effective is its disaster [sic] response." n198 In this sense, a decisionmaker with absolute flexibility in an emergency-unconstrained by protocols or plans-may be systematically more prone to error than a decision-maker who is in some way compelled to follow procedures and guidelines, which have incorporated professional expertise, and which are set as effective constraints in advance.¶ Examples of excessive flexibility producing adverse consequences are ampleFollowing Hurricane Katrina, one of the most important lessons independent analysis drew from the government response was the extent to which the disaster was made worse as a result of the lack of experience and knowledge of crisis procedures among key officials, the absence of expert advisors replacing those rules with more than the most general guidance about custodial intelligence collection available to key officials (including the President), and the failure to follow existing response plans or to draw from lessons learned from simulations conducted before the factn199 Among the many consequences, [\*1605] basic items like food, water, and medicines were in such short supply that local law enforcement (instead of focusing on security issues) were occupied, in part, with breaking into businesses and taking what residents neededn200¶ Or consider the widespread abuse of prisoners at U.Sdetention facilities such as Abu GhraibWhatever the theoretical merits of applying coercive interrogation in a carefully selected way against key intelligence targets, n201 the systemic torture and abuse of scores of detainees was an outcome no one purported to seekThere is substantial agreement among security analysts of both parties that the prisoner abuse scandals have produced predominantly negative consequences for U.Snational securityn202 While there remain important questions about the extent to which some of the abuses at Abu Ghraib were the result of civilian or senior military command actions or omissions, one of the too often overlooked findings of the government investigations of the incidents is the unanimous agreement that the abuse was (at least in part) the result of structural organization failures n203 -failures that one might expect to [\*1606] produce errors either to the benefit or detriment of security.¶ In particular, military investigators looking at the causes of Abu Ghraib cited vague guidance, as well as inadequate training and planning for detention and interrogation operations, as key factors leading to the abuseRemarkably, "pre-war planning [did] not include[] planning for detainee operations" in Iraqn204 Moreover, investigators cited failures at the policy level- decisions to lift existing detention and interrogation strictures without n205 As one Army General later investigating the abuses noted: "By October 2003, interrogation policy in Iraq had changed three times in less than thirty days and it became very confusing as to what techniques could be employed and at what level non-doctrinal approaches had to be approved." n206 It was thus unsurprising that detention and interrogation operations were assigned to troops with grossly inadequate training in any rules that were still recognizedn207 The uncertain effect of broad, general guidance, coupled [\*1607] with the competing imperatives of guidelines that differed among theaters of operation, agencies, and military units, caused serious confusion among troops and led to decisionmaking that it is overly kind to call arbitraryn208¶ Would the new functionalists disagree with the importance of government planning for detention operations in an emergency surrounding a terrorist nuclear attack? Not necessarilyCan an organization anticipate and plan for everything? Certainly notBut such findings should at least call into question the inclination to simply maximize flexibility and discretion in an emergency, without, for example, structural incentives that might ensure the engagement of professional expertisen209 Particularly if one embraces the view that the most potentially damaging terrorist threats are nuclear and biological terrorism, involving highly technical information about weapons acquisition and deployment, a security policy structure based on nothing more than general popular mandate and political instincts is unlikely to suffice; a structure that systematically excludes knowledge of and training in emergency response will almost certainly result in mismanagementn210 In this light, a general take on role effectiveness might suggest favoring a structure in which the engagement of relevant expertise in crisis management is required, leaders have incentives to anticipate and plan in advance for trade-offs, and [\*1608] organizations are able to train subordinates to ensure that plans are adhered to in emergenciesSuch structural constraints could help increase the likelihood that something more than arbitrary attention has been paid before transcendent priorities are overridden.

### Politics

#### Stuck in senate

Williams 3/27 (Andrew Williams, Andrew W. Williams is a partner with McDonnell Boehnen Hulbert & Berghoff LLP. Dr. Williams' practice primarily consists of patent litigation, prosecution, and opinion work in the areas of biotechnology, pharmaceuticals, and chemistry., Dr. Williams is a contributing author to the Patent Docs weblog, a site focusing on biotechnology and pharmaceutical patent law, “Senate Judiciary Committee Takes Up, Then Tables, Patent Reform”, <http://www.patentdocs.org/2014/03/senate-judiciary-committee-takes-up-then-tables-patent-reform.html>, March 27, 2014)

Earlier today, the Senate Committee on the Judiciary held an Executive Business Meeting in which the Patent Transparency and Improvements Act was considered, then held over for another week. Nevertheless, several members of the committee provided comments indicating where they stand on the issue. While everyone expressed the opinion that patent trolls "need to go," and almost everyone believed that legislation was possible this year, there were a few voices of caution. In addition, there were many references to undisclosed "staff-level discussions," with the consensus being that these discussions were being made in good faith, but that they were still on-going. After the initial matter of discussing judicial and executive nominations (some of which were voted on, and some of which were held over), Chairman Leahy provided his statement on the issue (a copy of which can be found at the committee's website). After commenting on how so-called "patent trolls" are harming businesses in his state, Vermont, he pointed out that he was working closely with other members of the committee on a Manager's Amendment to incorporate additional provisions into his bill. For example, Leahy and Lee's Patent Transparency and Improvements Act does not currently contain any provision related to fee-shifting, so presumably one will be included. He also mentioned that he had convened a series of briefings in the past few months, with the outcome being an expectation of incorporating changes to the "customer stay" provision in the bill. Sen. Leahy expressed appreciation for the different perspectives that have been expressed, including those of inventors, small businesses, federal judges, and the university community. He at least professed the desire to craft a properly tailored bill that will deter abusive conduct while that the same time not harm legitimate businesses seeking to enforce their rights. After Sen. Leahy's comments, Sen. Grassley spoke out in support of patent reform legislation. He indicated that he was willing to work on compromise language, but that any such compromise could not be so weak as to be ineffective to deter so-called "trolls." These comments prompted Sen. Leahy to bring up the example of Robert Kearns, a sole-inventor who obtained patents on the intermittent windshield wiper after working on his invention in the proverbial basement. Mr. Kearns spent most of his adult life asserting his patents against Ford and Chrysler, accusing them of stealing his ideas. Sen. Leahy's illustration was apropos. If Mr. Kearns were to have brought his suit in today's climate, it seems more than likely that the automobile industry would have labeled his activities as "troll-like." This is why the process of narrowly tailoring legislation is so difficult -- just how do you differentiate between legitimate and illegitimate patent assertion when Mr. Kearns' activities could be characterized either way. Of course, the patent community has reason to be concerned when Sen. Leahy invoked Potter Stewart's infamous proclamation, in this case as applied to patent trolls -- "I know it when I see it." Sen. Feinstein was the first Senator to seriously express concern and caution over the possibility of patent litigation reform. She indicated that she was between "sixes and sevens on this" issue. Her dilemma stems from the fact that she represents California, which according to her, accounts for 26% of U.S. patents. Moreover, her state apparently has the top five cities in the country with regard to participation in the patent system, with another three cities in the top ten. Nevertheless, she recognizes that there is a growing "patent troll" problem, despite the recent passage of the AIA. She expressed the desire to change incentives for "trolls," but to not harm legitimate patent holders. Sen. Feinstein concluded by noting her conflicting interests. Sen Hatch expressed optimism that the Senate could craft a bipartisan solution. Not surprisingly, he highlighted the need for fee-shifting, and addressing the issue of fee-shifting "recovery-proof" parties. Sen. Hatch warned that we need to protect against insolvent shell companies by holding the real-parties-in-interest accountable. Sen. Cornyn also expressed optimism of getting something done this year despite all the talk of a division between the parties, and the typical lament that nothing happens in election years. In his remarks, Sen. Schumer suggested that he would hold the Committee accountable for passing real reform. If any provision is introduced that is not meaningful, Sen. Schumer indicated that he will be the first to speak out against it. He indicated that this is an issue of vital importance, and credited the patent system as the reason that the U.S. has the foremost economy in the world. Finally, Sen. Klobuchar provided perhaps the bleakest picture of the so-called "patent-troll" problem. However, as when most individuals throw around statistics and antidotes about this problem, she provided very little support for her allegations. For example, she stated as fact that 62% of all patent lawsuits initiated last year were by trolls. However, as we have noted often in this forum, these numbers are far from certain, and they (along with the reasons behind them) have been hotly contested by both sides of the issue. Moreover, Sen. Klobuchar cited as an example of abusive tactics the plight of a maker of medical devices for babies being targeted by the owner of a patent with a picture of a truck on the front. Even though no more detail was provided, it is presumed that she is referring to the case of Rydex Technologies suing Medtronic based on the sale of its insulin pumps, because allegedly the pumps used similar technology as that for monitoring how tractor trailer trucks are fueled. The technology apparently related to wirelessly transmitting information to a remote device about fluid delivery. Without speaking to the merits of that case (which apparently settled), this example betrays the danger in oversimplifying any dispute for dramatic effect. Sen. Klobuchar ended up disparaging all patent attorneys when she reported on a meeting with 30 or so patent lawyers, indicating sarcastically: "that was fun." However, instead of feeling slighted, this author felt as though she was speaking directly to him when she apologized for that comment to any "patent lawyers watching on C-Span." In all, the committee's comments regarding the need for caution was refreshing, especially in view of the speed with which the Innovation Act passed through the House. Nevertheless, stating an interest in narrowly tailoring legislation is one thing, but making it reality is another. As always, we will continue to monitor the progress of this bill, and any amendments that are made to it.

#### THAT MEANS Link uniqueness shapes uniqueness – not issue specific uniqueness

Galen, 3-17 – former Press Secretary for the Speaker of the House

[Rich, "Obama is Poisonous," Real Clear Politics, 3-17-14, www.realclearpolitics.com/articles/2014/03/17/obama\_is\_poisonous\_121954.html, accessed 3-20-14]

There is not much statistical difference between an approval rating of 42 and 39 (and it is likely to bounce within that range) but, the psychology of one being in the 40s and the other in the 30s is huge. There is a reason cars are priced at $25,999 and not $26,001. Going from a +7 (50-43) to a -16 (39-55) may be a numerical swing of 23 points, but it is a political swing of **biblical proportions**. On Sunday the number, indeed, crawled back to 40-54. We know that President Obama doesn't have much use for the U.S. Congress. He wasn't there very long, and while he was he didn't do much, and didn't make many friends. But, he got to be President of the United States and none of the 535 members of the House or Senate can say that. President Obama has used up his political capital. The cupboard is bare. His disdain for the Article I branch is exceeded only by his dislike of the Article III branch. While people thought he was at least trying to do the right thing they gave him the benefit of the doubt. But that benefit - like many health care benefits - have disappeared. The business in Ukraine is, if only because of newness and rawness of the vote in Crimea yesterday, an excellent example of why the country has lost faith in the Obama Presidency. The Russians reported last night that, with about 50 percent of the ballots the Crimean referendum counted, 95.5 percent were in favor of leaving Ukraine and joining Russia. Are we going to war over Crimea? No. Nor, over any other provinces of Ukraine that Russia might move into. America is more isolationist than any time since the period between World Wars I and II. Having Secretary of State John Kerry in hours-long conversations with his Russian counterpart only to have the Russian say afterwards that there was "no common vision" is not a show of strength. I don't know how much Russian President Vladimir Putin was emboldened by President Obama's indecisiveness on Syria (remember the red line?) but it doesn't appear to have made him stroke his chin and wonder if he could risk annexing Crimea. On Obamacare, CNN released a poll last week showing that approval for the President's signature program was at 39 in favor and 57 opposed. That's not the bad news. The bad news is that is an improvement over the 35-62 that opposed the plan in December. Democrats running for the House or Senate are studying these numbers like a race track tout studying the Racing Form. The New York Times' Jonathan Martin and Ashley Parker published a piece over the weekend in which they wrote: "One Democratic lawmaker, who asked not to be identified, said Mr. Obama was becoming 'poisonous' to the party's candidates."

#### Especially true on fights over war powers- rally around the flag

Werner, 7 -- University of Wisconsin-Madison political science professor

[Timothy, Ph.D. in Political Science from University of Wisconsin–Madison and Peter Holm, UWM political science, "Political Capital and Presidential War Powers: Sources of Congressional Assertiveness on the Use of Force," March 2007, users.polisci.wisc.edu/Holm/uof-march2007-draft.pdf, accessed 2-5-14]

At the same time, the **pressures** on members **to support the president in** his **foreign policy** actions, especially when it involves the use of force, **are strong**. Challenging the president in foreign policy is always a risky endeavor in which Congress typically suffers from acute informational asymmetry and members do not want to be caught on the wrong end of a successful military endeavor (Schlesinger 1989; Blech- man 1990). The temptation to remain on the sidelines is high; as Rep. Ron Paul [R-TX) put it, "Congress would rather give up its most important authorized power to the President and the UN than risk losing an election if the war goes badly" (Rudalevige 2005, 276). Further, most members are loathe to undercut the president and cripple the country's image of resolve abroad when he escalates a crisis situation. As Senator Arthur Vandenberg [R-Ml) noted after the famous Truman Doctrine speech requesting an aid commitment to Greece and Turkey in 1947, refusing the president would mean "there would never be another opportunity for us pacifically to impress the next aggressor with any degree of success" (John- son 2006, 20). U.S. involvement in an international crisis is also likely to bring with it some public rally to the president's side [Mueller 1973; Brody and Shapiro 1989; Parker 1995; Baum 2002). For individual members, the potential consequences of being cast as "soft" [whether on communism, terrorism, or defense issues in general) are extremely high, as incumbents like Emest Gruening [D-AK), Wayne Morse [D-OR), lohn Brademas (D-IN), and Max Cleland (D-GA) discovered in their unsuccessful re-election campaigns (Iohnson 2006). And once the president deploys troops, Congress’s only real recourse for re- moving them is to cut off funding but the taboo against withdrawing support from troops in the field remains intense.

#### We control uniqueness- Obama’s approval is below 50%; dems are avoiding him

Friedman, 14 -- NY Daily News staff

[Dan, "As Obama's approval rating slips, Democrats are avoiding him," NY Daily News, 2-24-14, www.nydailynews.com/news/politics/obama-negative-approval-rating-dems-ducking-article-1.1700590, accessed 3-9-14]

As Obama's approval rating slips, Democrats are avoiding him Dems dodge Obama, whose approval rating is the worst since his election, according to a new poll. When President Obama goes abroad, world leaders come to meet him. When Obama travels at home these days, members of his own party often avoid him. When Obama speaks Wednesday in St. Paul, Minn., on the economy, Sen. Al Franken (D-Minn.) "hopes he can join the President," a spokesman for the former funnyman said. "But it's uncertain if his schedule will allow for travel since the Senate is in session." "Maybe out of an abundance of caution Franken is hesitating to be in the state," said prominent political handicapper Stuart Rothenberg. Minnesota is a liberal state by national standards. But a poll this month by the state's Star Tribune newspaper found Obama's approval rating there had for the first time turned negative. Half of Gopher State respondents disapproved of Obama's performance while 43% approved, his worst marks since his election. Nationally, Democrats hold 55 Senate seats to Republicans' 45. But most contested Senate races feature Democratic incumbents running states Obama didn't carry. That means Obama's relative unpopularity is a key factor in handicappers' belief that Republicans have better-than-even odds of winning back Senate control this year. If the President’s a political liability in Minnesota, it's a no-brainer for Democrats to keep their distance from Obama in key battleground states such as Alaska, Arkansas, Louisiana, Montana and North Carolina, where Democrats need to hang onto seats to keep control of the Senate. The same applies in Georgia and Kentucky, states where Democrats hope to gain seats. Obama lost all those states in 2012.

#### That’s key- 50% approval is try or die for Obama’s agenda

Kuhn, 9 -- Politico staff

[David, "Obama Below 50 in Gallup, What it Means," 11-20-9, Real Clear Politics, http://realclearpolitics.blogs.time.com/2009/11/20/gallup-obama-below-50-percent/, accessed 11-20-9]

For the first time, Barack Obama fell below 50 percent in the Gallup tracking poll. Obama's decline comes at an historic pace. It ranks in the lower third of modern American presidents. The fall below 50 is a fraught milestone for any president. **In legislative terms, a president is only as powerful as he is popular**. Public approval rating is the metric of that popularity. Below 50, a president can no longer claim the majority's support. **His political arsenal depletes**. A president's political opposition has powerful, though nebulous, new ammunition. Of the twelve presidents since World War II, Obama lost the majority at the fourth fastest rate. It nearly was worse. Ronald Reagan's fall-point came about a week sooner. That Reagan also fell below 50 during his first November, and would go on to languish below 50 for two years, illustrates that the milestone is not determinative. But Friday's news—Obama at **49 percent**—**is** indeed **symbolically significant**. It will immediately impact the health care debate, albeit intangibly and perhaps only slightly. It will be more difficult for the White House to pressure moderate democrats. Obama owes most of this year's decline to independents. But Obama's newly weak standing is also due to the loss of still-more Republicans and to a lesser extent, some Democrats. The physics of Obama's approval rating generally reflect George W. Bush's in 2004, when he first dipped below 50 (mid 80s with his party, low to mid 40s with independents and high teens with the opposition). Bush below 50, however, maintained slightly stronger support within his base than Obama—possibly because 2004 was an election year. Clearly, Obama's greatest issue is with the fickle middle. Obama's fragile bond with independents has been visible throughout his young presidency. As early as mid March, this writer was wondering: Can Obama Hold the Center? Other recent polls, like Quinnipiac, have also for the first time tracked Obama below 50. But Gallup has unrivaled historical reach. Its findings carry unique symbolism. Obama's RealClearPolitics average, the mean of major public polls, is at 50.6 percent.