# ASU CR Cards Round 4

## 1NC

### 1

#### The Executive Branch of the United States should not use offensive military force without Congressional authorization unless to repel attack. The Executive Branch should publically announce this policy.

#### Presidential practice is the only effective check – plan and perm will be disregarded

Weiner, JD from Vanderbilt University, 2007

(Michael, “A Paper Tiger with Bite: A Defense of the War Powers Resolution,” <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/Weiner.pdf>)

In practice the WPR limits presidents’ outrageous unilateral uses of force. While critics of the WPR seem likely to oppose any legislation that stops short of emasculating the Executive into becoming the “messenger-boy”64 of Congress, they must remember that the foundation for the law of war lies in practice.65 Again, recall this Note’s suggestion that the WPR, and the law of war in general, should be viewed from a functionalist perspective. **Any law** that purports to control the actions of those involved in warfare **will only be followed if it allows the actor the chance to preserve his own interests**. Thus, while a soldier is interested in staying alive, and a commander is interested in preserving the lives of those under his command, the Executive is interested in both of these things as well as ensuring the national security of the entire nation. A law that does not afford the Executive sufficient flexibility to satisfy these interests is bound to be a dead-letter. The WPR allows such flexibility, because while its requirements are clear black-letter law, its enforcement structure owes its strength to behavioral norms rather than law. The Executive has an incentive to abide by the WPR to avoid showing disrespect for Congress or the will of the U.S. public. However, he retains the legal freedom to function outside the WPR when he judges it to be manifestly clear (1) that the Nation’s interests require it, or (2) when he perceives that the will of the people is behind him.66 The WPR’s effectiveness can only be evaluated by its effect in practice. For this reason, this Note now surveys post-1973 presidential unilateral uses of force.

### 2

#### The United States Federal Government should require Congressional approval prior to the introduction of United States Forces into interstate conflict.

#### The CP is the best balance – it solves the aff by affording Congress its constitutional role but maintains a rapid response and preemption capability for the President to deal with 4th generation warfare threats – impact is extinction.

Li 2009 [Zheyao, JD Candidate, Georgetown University Law Center, War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare, The Georgetown Journal of Law & Public Policy, Vol. 7, p. 401-402]

Conclusion

While the advent of fourth-generational warfare has dramatically altered the international order, which was dominated by the Westphalian system of nation-states for over three hundred years, those nation-states have not disappeared. Indeed, it is vital to note that the nation-state is not yet a relic of the past, even as existing nation-states continue to struggle with terrorists, insurgents, and freedom fighters. Thus, a new understanding of Presidential war power, based upon the realities of fourth-generational warfare, cannot replace, but rather must co-exist with the current system of constitutional decision-making that constrains military action against other nation-states. Congress's power to declare war, and to choose not to declare war, is absolute with respect to other nation-states. In military conflicts against nation-states, if there is an absence of a congressional declaration of war or authorization of the use of force, the President can only act defensively to repel attacks. The Framers intended the slow, deliberative process by which Congress makes its decisions to be a check against executive aggression and aggrandizement. Therefore, any Presidential claim of a preclusive war power with respect to other nation-states would be inconsistent with the Constitution.¶ On the other hand, the slow-moving, deliberative Congress has no role to play in authorizing military action against non-state actors in the fourth generation of warfare. The President must have the ability to react quickly in conducting offensive military action against these transnational enemies, both in response to terrorist attacks that have already occurred and to prevent imminent attacks. Congress's powers over the initiation of war or the seeking of peace have no role in this civilizational conflict against extremist terrorists who will not rest until they destroy the United States and who have made such intentions known. In light of the fundamental difference in the nature of the threats posed, the nature of the adversaries, and the different strategies and tactics necessary to combat them, these parallel constitutional decision-making processes in the area of war—one conforming to the Framers' conception of traditional Westphalian warfare against nation-states, and the other adapting to the realities of asymmetric warfare waged by non-state actors—are both necessary to ensure the survival and prosperity of the United States in the twenty-first century and beyond.

#### The counterplan is textually and functionally competitive – armed conflict has an international and non-international component – we pic out of the latter

ICRC 8 (How is the Term "Armed Conflict" Defined in International Humanitarian Law?

International Committee of the Red Cross (ICRC) Opinion Paper, March 2008, http://www.icrc.org/eng/assets/files/other/opinion-paper-armed-conflict.pdf, da 3-29-14) PC

The States parties to the 1949 Geneva Conventions have entrusted the ICRC, through the Statutes of the International Red Cross and Red Crescent Movement, "to work for the understanding and dissemination of knowledge of international humanitarian law applicable in armed conflicts and to prepare any development thereof"1. It is on this basis that the ICRC takes this opportunity to present the prevailing legal opinion on the definition of "international armed conflict" and "non-international armed conflict" under International Humanitarian Law, the branch of international law which governs armed conflict.¶ International humanitarian law distinguishes two types of armed conflicts, namely: • international armed conflicts, opposing two or more States, and • non-international armed conflicts, between governmental forces and non-¶ governmental armed groups, or between such groups only. IHL treaty law also establishes a distinction between non-international armed conflicts in the meaning of common Article 3 of the Geneva Conventions of 1949 and non-international armed conflicts falling within the definition provided in Art. 1 of Additional Protocol II.¶ Legally speaking, no other type of armed conflict exists. It is nevertheless important to underline that a situation can evolve from one type of armed conflict to another, depending on the facts prevailing at a certain moment.

### 3

#### New moves to take authority from Obama and put it in Congress’ hands will cause an Israel strike against Iran

Kramer ‘13 (Martin, president of Shalem College in Jerusalem, Israel Likes Its U.S. Presidents Strong, Commentary, 2013, http://www.commentarymagazine.com/2013/09/17/israel-likes-its-u-s-presidents-strong-2/)

The Wall Street Journal ran a symposium over the weekend about world reactions to Obama’s Syria turnaround. I wrote the contribution on Israel. Many aspects of the “turnaround,” especially the enhanced role of Russia in the Middle East, impact Israel. But I focused instead on Obama’s earlier “turnaround”: his decision to seek authorization for military action from Congress. Excerpt:¶ What Israelis found alarming was the way Mr. Obama shifted the burden of decision. Every one of Mr. Obama’s Syrian maneuvers was viewed as a dry run for his conduct in a likely future crisis over Iran’s nuclear drive. That’s where the stakes are highest for Israel, and that’s where Israelis sometimes question Obama’s resolve.¶ Israelis always imagined they would go to Mr. Obama with a crucial piece of highly sensitive intelligence on Iranian progress, and he would make good on his promise to block Iran with a swift presidential decision. So Mr. Obama’s punt to Congress over what John Kerry called an “unbelievably small” strike left Israelis rubbing their eyes. If this is now standard operating procedure in Washington, can Israel afford to wait if action against Iran becomes urgent?¶ Israel’s standing in Congress and U.S. public opinion is high, but the Syrian episode has shown how dead-set both are against U.S. military action in the Middle East. Israel won’t have videos of dying children to sway opinion, and it won’t be able to share its intelligence outside the Oval Office. Bottom line: The chance that Israel may need to act first against Iran has gone up.¶ Why was Obama’s recourse to Congress so alarming? Israel has long favored strong presidential prerogatives. That’s because the crises that have faced Israel rarely ever leave it the time to work the many halls of Congress. Israel discovered the dangers of presidential weakness in May 1967, when Israel went to President Lyndon Johnson to keep a commitment—a “red line” set by a previous administration—and Johnson balked. He insisted he would have to secure congressional support first. That show of presidential paralysis left Israel’s top diplomat shaken, and set the stage for Israel’s decision to launch a preemptive war.¶ 2013 isn’t 1967. But Israel long ago concluded that the only thing as worrisome as a diffident America is a diffident American president—and that a president’s decision to resort to Congress, far from being a constitutional imperative, is a sign of trouble at the top. “Not worth five cents”¶ What did Israel want from Lyndon Johnson in May 1967? On May 22, in the midst of rising tensions across the region, Egypt’s president Gamal Abdul Nasser announced the closure of the Straits of Tiran to Israel-bound ships headed for the port of Eilat, effectively blockading it. More than a decade before that, in 1956, Israel had broken a similar Egyptian blockade by invading and occupying the Sinai. Israel withdrew in 1957, partly in return for an American assurance that the United States would be “prepared to exercise the right of free and innocent passage [through the Straits] and to join with others to secure general recognition of this right.” In 1967, when Nasser reimposed Egypt’s blockade, Israel asked the United States to make good on that 1957 commitment, by leading an international flotilla through the Straits to Eilat. Israeli foreign minister Abba Eban flew to Washington and met with Johnson in the Yellow Oval Room on May 26 to make Israel’s case.¶ Johnson astonished Eban by pleading that he didn’t have sufficient authority to act. The U.S. memorandum of conversation summarized it this way:¶ President Johnson said he is of no value to Israel if he does not have the support of his Congress, the Cabinet and the people. Going ahead without this support would not be helpful to Israel…¶ We did not know what our Congress would do. We are fully aware of what three past Presidents have said but this is not worth five cents if the people and the Congress did not support the President…¶ If he were to take a precipitous decision tonight he could not be effective in helping Israel… The President knew his Congress after 30 years of experience. He said that he would try to get Congressional support; that is what he has been doing over the past days, having called a number of Congressmen. It is going reasonably well…¶ The President said again the Constitutional processes are basic to actions on matters involving war and peace. We are trying to bring Congress along. He said: “What I can do, I do.”¶ Abba Eban later gave a more devastating version of the “five-cent” quote: “What a president says and thinks is not worth five cents unless he has the people and Congress behind him. Without the Congress I’m just a six-feet-four Texan. With the Congress I’m president of the United States in the fullest sense.” According to the Israeli record of the meeting, Johnson also acknowledged that he hadn’t made his own progress on the Hill: “I can tell you at this moment I do not have one vote and one dollar for taking action before thrashing this matter out in the UN in a reasonable time.” And Johnson ultimately put the onus on Israel to get Congress on board: “Unless you people move your anatomies up on the Hill and start getting some votes, I will not be able to carry out” American commitments.¶ Johnson must have understood the impression he was leaving upon Eban. In the Israeli record, there are two remarkable quotes: “I’m not a feeble mouse or a coward and we’re going to try.” And: “How to take Congress with me, I’ve got my own views. I’m not an enemy or a coward. I’m going to plan and pursue vigorously every lead I can.” That Johnson twice had to insist that he wasn’t a coward suggested that he realized just how feckless he must have seemed.¶ In his two memoirs, Eban recalled his astonishment at this apparent abdication:¶ I remember being almost stunned by the frequency with which [Johnson] used the rhetoric of impotence. This ostensibly strong leader had become a paralyzed president. The Vietnam trauma had stripped him of his executive powers….¶ I’ve often ask myself if there was ever a president who spoke in such defeatist terms about his own competence to act…. When it came to a possibility of military action—with a risk as trivial, in relation to U.S. power, as the dispatch of an intimidatory naval force to an international waterway—he had to throw up his hands in defeat…. On a purely logistical level, this would have been one of the least hazardous operations in American history—the inhibitions derived entirely from the domestic political context. The senators consulted by Johnson were hesitant and timorous. They thought that the possibility of Soviet intervention, however unlikely, could not be totally ignored.¶ The revulsion of Americans from the use of their own armed forces had virtually destroyed his presidential function. I was astonished that he was not too proud to avoid these self-deprecatory statements in the presence of so many of his senior associates. I thought that I could see [Defense] Secretary McNamara and [chairman of the Joint Chiefs] General Wheeler wilt with embarrassment every time that he said how little power of action he had.¶ The tactical objective, the cancellation of the Eilat blockade, was limited in scope and entirely feasible. It was everything that the Vietnam war was not. Lyndon Johnson’s perceptions were sharp enough to grasp all these implications. What he lacked was “only” the authority to put them to work. Less than three years after the greatest electoral triumph in American presidential history he was like Samson shorn of his previous strength…. With every passing day the obstacles became greater and the will for action diminished. He inhabited the White House, but the presidency was effectively out of his hands.¶ After the meeting, Johnson wrote a letter to Israeli prime minister Levi Eshkol, reemphasizing the primacy of the Congress: “As you will understand and as I explained to Mr. Eban, it would be unwise as well as most unproductive for me to act without the full consultation and backing of Congress. We are now in the process of urgently consulting the leaders of our Congress and counseling with its membership.” This was actually an improvement on the draft that had been prepared for him, and which included this sentence: “As you will understand, I cannot act at all without full backing of Congress.” (Emphasis added.) That accurately reflected the essence of the message conveyed to Eban, but Johnson was not prepared to admit his total emasculation in writing. There is a debate among historians as to whether Johnson did or didn’t signal a green light to Israel to act on its own. It finally did on June 5.¶ “Too big for business as usual”¶ In light of this history, it’s not hard to see why Israel would view any handoff by a president to the Congress in the midst of a direct challenge to a presidential commitment as a sign of weakness and an indication that Israel had better start planning to act on its own. It’s not that Israel lacks friends on the Hill. But in crises where time is short and intelligence is ambivalent—and such are the crises Israel takes to the White House—Israel needs presidents who are decisive.¶ In seeking congressional authorization for military action in Syria, President Obama did not negate his own authority: “I believe I have the authority to carry out this military action without specific congressional authorization.” But “in the absence of any direct or imminent threat to our security,” and “because the issues are too big for business as usual,” he went to the Congress, so that “the country” and “our democracy” would be stronger, and U.S. action would be “more effective.”¶ Views differ as to whether the precedent just set will bind Obama (or his successors) in the future. But Israel understandably has no desire to become the test case, if it should conclude that immediate action is needed to stop Iran from crossing Israel’s own “red lines.” Iran’s progress might not pose an imminent threat to U.S. security, and a U.S. use of force would definitely be “too big for business as usual.” So if those are now the criteria for taking decisions out of the Oval Office, Israel has reason to be concerned.¶ And they may well be the criteria. In 2007, then-Senator Obama was asked in an interview specifically about whether the president could bomb suspected nuclear sites in Iran without a congressional authorization. His answer:¶ Military action is most successful when it is authorized and supported by the Legislative branch. It is always preferable to have the informed consent of Congress prior to any military action.¶ As for the specific question about bombing suspected nuclear sites, I recently introduced S.J. Res. [Senate Joint Resolution] 23, which states in part that “any offensive military action taken by the United States against Iran must be explicitly authorized by Congress.”¶ That resolution went nowhere, but it establishes a strong presumption that Obama would insist on securing Congressional authorization for the future use of force against Iran. Depending on the timing, that could put Israel in an impossible situation similar to that it faced in May 1967. Perhaps that’s why one of Israel’s most ardent supporters, Harvard Law professor Alan Dershowitz, has proposed that Obama ask Congress now to authorize the use of force against Iran. Senator Lindsey Graham has proposed just that, without waiting for Obama: “I’m not asking the president to come to us; we’re putting it on the table, because if we don’t do this soon, this mess in Syria is going to lead to a conflict between Israel and Iran.”¶ Whether such an authorization-in-advance is feasible is an open question. In the meantime, there’s always the very real prospect that history could do something rare: repeat itself. In 1967, Israel faced a choice between an urgent need to act and waiting for a reluctant Congress to stiffen the spine of a weakened president. Israel acted, and the consequences reverberate to this day. Faced with a similar choice in the future, it is quite likely Israel would do the same.

#### Israel strike causes global great power war.

Rafael Reuveny 10, PhD, Professor in the School of Public and Environmental Affairs at Indiana University, "Unilateral Strike on Iran could trigger world Depression", Op-ed distributed through McClatchy Newspaper Co, <http://www.indiana.edu/~spea/news/speaking_out/reuveny_on_unilateral_strike_Iran.shtml>

A unilateral Israeli strike on Iran’s nuclear facilities would likely have dire consequences, including a regional war, global economic collapse and a major power clash. For an Israeli campaign to succeed, it must be quick and decisive. This requires an attack that would be so overwhelming that Iran would not dare to respond in full force. Such an outcome is extremely unlikely since the locations of some of Iran’s nuclear facilities are not fully known and known facilities are buried deep underground. All of these widely spread facilities are shielded by elaborate air defense systems constructed not only by the Iranians, but also the Chinese and, likely, the Russians as well. By now, Iran has also built redundant command and control systems and nuclear facilities, developed early-warning systems, acquired ballistic and cruise missiles and upgraded and enlarged its armed forces. Because Iran is well-prepared, a single, conventional Israeli strike — or even numerous strikes — could not destroy all of its capabilities, giving Iran time to respond. A regional war Unlike Iraq, whose nuclear program Israel destroyed in 1981**,** Iran has a second-strike capability comprised of a coalition of Iranian, Syrian, Lebanese, Hezbollah, Hamas, and, perhaps, Turkish forces. Internal pressure might compel Jordan, Egypt, and the Palestinian Authority to join the assault, turning a bad situation into a regional war. During the 1973 Arab-Israeli War, at the apex of its power, Israel was saved from defeat by President Nixon’s shipment of weapons and planes. Today, Israel’s numerical inferiority is greater, and it faces more determined and better-equipped opponents. Despite Israel’s touted defense systems, Iranian coalition missiles, armed forces, and terrorist attacks would likely wreak havoc on its enemy, leading to a prolonged tit-for-tat. In the absence of massive U.S. assistance, Israel’s military resources may quickly dwindle, forcing it to use its alleged nuclear weapons, as it had reportedly almost done in 1973. An Israeli nuclear attack would likely destroy most of Iran’s capabilities, but a crippled Iran and its coalition could still attack neighboring oil facilities, unleash global terrorism, plant mines in the Persian Gulf and impair maritime trade in the Mediterranean, Red Sea and Indian Ocean. Middle Eastern oil shipments would likely slow to a trickle as production declines due to the war and insurance companies decide to drop their risky Middle Eastern clients. Iran and Venezuela would likely stop selling oil to the United States and Europe. The world economy would head into a tailspin; international acrimony would rise; and Iraqi and Afghani citizens might fully turn on the United States, immediately requiring the deployment of more American troops. Russia, China, Venezuela, and maybe Brazil and Turkey — all of which essentially support Iran — could be tempted to form an alliance and openly challenge the U.S. hegemony. Replaying Nixon’s nightmare Russia and China might rearm their injured Iranian protege overnight, just as Nixon rearmed Israel, and threaten to intervene, just as the U.S.S.R. threatened to join Egypt and Syria in 1973. President Obama’s response would likely put U.S. forces on nuclear alert, replaying Nixon’s nightmarish scenario. Iran may well feel duty-bound to respond to a unilateral attack by its Israeli archenemy, but it knows that it could not take on the United States head-to-head. In contrast, if the United States leads the attack, Iran’s response would likely be muted. If Iran chooses to absorb an American-led strike, its allies would likely protest and send weapons, but would probably not risk using force. ¶ While no one has a crystal ball, leaders should be risk-averse when choosing war as a foreign policy tool. If attacking Iran is deemed necessary, Israel must wait for an American green light. A unilateral Israeli strike could ultimately spark World War III.

### 4

#### Tea party candidates are losing now – but they can still bounce back – new studies prove. The primaries are the litmus test of their influence.

Cillizza, 3-19

 -Influence waning now – polls prove.

 -Can regain influence because it is the main challenger to Republican incumbents.

 -The test is this primary because winning sustains a movement.

[Chris, “Lots of tea party candidates are running. But, they’re not winning.”, The Washington Post, 3-19-14,

http://www.washingtonpost.com/blogs/the-fix/wp/2014/03/19/lots-of-tea-party-candidates-are-running-but-theyre-not-winning/, RSR]

Republican Senate Leader Mitch McConnell has declared open war on outside groups -- like the Senate Conservatives Fund -- who provide the financial backing for tea party challengers to sitting incumbents. Tea party-aligned primary candidates have fizzled. In a recent NBC-Wall Street Journal national poll, just 23 percent of people had a positive image of the tea party while 41 percent had a negative impression -- the worst numbers for any individual or group tested other than Russian President Vladimir Putin. Simply put: It's easy to write the "Tea Party is dead" story. But, according to a fascinating new project out of the Brookings Institution that aims to study the 2014 primary season (more of this please!), the tea party remains relevant -- largely because it supplies the vast majority of candidates willing to take on sitting Republican incumbents at the federal level. Simply put: It's easy to write the "Tea Party is dead" story. Writes Brookings' Elaine Kamarck of the findings: We looked at all the Republican primary challengers in these first two states and categorized them according to ideology. As is clear, the Tea Party is the dominant source of challenges in Republican primaries. For those who are hoping they will just go away the presence of Tea Party inspired candidates (and their close cousins, Libertarians) means that the Ted Cruz and Rand Paul wings of the Republican Party are alive and well. They may not win many elections, and they still have a hard time recruiting talented candidates; nonetheless next year’s Republican members of Congress will be paying close attention to them. A few caveats worth noting: 1. We are two states into the primary season. That is, as Brookings' acknowledges, a very small sample size from which to draw conclusions. 2. Running against incumbents is not the same thing as beating incumbents. While challengers -- no matter their ideological affiliation -- will never have a 50-50 chance at beating an incumbent, simply rolling out a bunch of candidates aligned with the tea party who have no chance of winning doesn't equal real influence on the party and its nominees. The test for the tea party as the primary season continues then is not whether they can field GOP candidates but whether some of those candidates can win. If they can't, recruiting becomes more difficult. And, without adding to their ranks among elected officials, the tea party movement runs the risk of stagnating or beginning to backslide. Of course, for all of the struggles of the tea party at the federal level so far in the 2014 cycle, there have been several instances at the state level where candidates aligned with the tea party have done quite well. (Texas jumps to mind.) Politics -- and political movements -- are sustained and strengthened by one thing: Winning. The tea party is not immune from that iron-clad rule.

#### Plan’s a wedge issue that causes Tea Party success in the midterms as rank-and-file GOP voters rebel against establishment candidates.

Silver, ‘13

[Nathaniel, an American statistician and writer who analyzes in-game baseball activity and elections, June 11, 2013, 538 – NYT, Domestic Surveillance Could Create a Divide in the 2016 Primaries, http://fivethirtyeight.blogs.nytimes.com/2013/06/11/domestic-surveillance-could-create-a-divide-in-the-2016-primaries/?\_r=0]

A poll released on Monday by the Pew Research Center and The Washington Post found a partisan shift in the way Americans view the National Security Agency’s domestic surveillance programs. In the survey, slightly more Democrats than Republicans said they found it acceptable for the N.S.A. to track Americans’ phone records and e-mails if the goal is to prevent terrorism. By comparison, when Pew Research asked a similar question in 2006, Republicans were about twice as likely as Democrats to support the N.S.A.’s activities. The poll is a reminder that many Americans do not hold especially firm views on some issues and instead may adapt them depending on which party controls the executive branch. When it comes to domestic surveillance, a considerable number of Democrats seem willing to support actions under President Obama that they deemed unacceptable under George W. Bush, while some Republicans have shifted in the opposite direction. What may be just as significant is the way in which attitudes toward the security state could split voters and elected officials within each party — possibly creating a wedge issue in both party primaries in 2016. Politicians who are normally associated with being on the far left and the far right may find common cause with grass-roots voters in their objection to domestic surveillance programs, fighting against a party establishment that is inclined to support them. Take, for example, the House’s vote in May 2011 to extend certain provisions of the Patriot Act — including the so-called library records provision that the government has used to defend the legality of sweeping searches of telephone and e-mail records. The bill passed with 250 yes votes in the House against 153 no votes, receiving more of its support from Republicans. (In the Senate, the bill passed, 72-23, winning majority support from both parties.) However, the House vote was not well described by a traditional left-right political spectrum. In the chart below, I’ve sorted the 403 members of the House who voted on the bill from left to right in order of their overall degree of liberalism or conservatism, as determined by the statistical system DW-Nominate. Members of the House who voted for the bill are represented with a yellow stripe in the chart, while those who voted against it are represented in black. The no votes are concentrated at the two ends of the spectrum. The 49 most liberal members of the House (all Democrats) who voted on the bill each voted against it. But so did 14 of the 21 Republicans deemed to be the most conservative by DW-Nominate. By contrast, 46 of the 50 most moderate Republicans voted for the Patriot Act extension, as did 38 of the 50 most moderate Democrats. Perhaps, you might object, a one-dimensional spectrum doesn’t do a very good job of capturing all the nuances of what it means to be liberal or conservative in America today. In considering the surveillance state, for example, Republicans must weigh their traditional support for aggressive antiterrorism policies against their distrust of government, while Democrats must weigh their trust of Mr. Obama, who so far has been unapologetic for the N.S.A.’s actions, against their concern about civil liberties violations. Or more broadly, what about libertarians who take conservative views on economic policy but liberal views on social policy — or conservative Democrats who support the welfare state but not policies like gay marriage? Where are they represented on the spectrum? I am sympathetic toward these objections as a theoretical matter. Without making this too much of an editorial comment, I find the platforms of both parties to be lacking in philosophical cohesion — why, for example, should views on abortion have much to do with preferences on tax policy? But when it comes to American political parties and their representatives in Congress, partisanship tends to dominate all other considerations. National Journal has a different system for ranking members of Congress from liberal to conservative. It is somewhat less statistically rigorous than DW-Nominate’s system, but it does have the advantage of breaking votes down into three categories: those on economic, social and foreign policy. The correlations between the three policy areas are very high (specifically, they are about 0.9, where 1 would represent a perfect correlation). Members of Congress who take conservative views on economic policy tend almost always to take conservative views on social policy and foreign policy as well, while members who are liberal on one set of issues tend to cast liberal votes on almost all other issues. This does leave the question of how liberal and conservative policy stances are defined. (Support for gun rights, for example, is generally seen as socially conservative rather than socially liberal, even though socially liberal stances are often thought of as promoting the rights of individuals against communities or governments.) Nevertheless, for members of Congress today, a vote on any one issue is highly predictable based upon his votes on other issues. There are extremely few mavericks in Congress who vote on each issue on an independent and nonpartisan basis. DW-Nominate uses a different method to classify Congressional votes. Instead of assigning a subjective definition to each vote as liberal or conservative, it instead uses an automated process called optimal classification. The goal of this process is essentially to explain the highest number of Congressional votes based on a one-dimensional scale, regardless of the content of the legislation that comprises it. Whichever votes are not well explained by this first dimension are then explained by additional dimensions. The process is more intuitive than it might sound. For example, during the 1960s, Congressional votes on civil rights policy toward African-Americans were not very strongly correlated with votes on other types of political issues. (For instance, Southern Democrats were often staunchly opposed to civil rights for blacks while casting very liberal votes on the welfare state.) Thus, you needed at least two dimensions to describe Congressional voting patterns in a reasonably comprehensive way. In recent years, however, this has been much less of a problem: the one-dimensional spectrum explains about 95 percent of Congressional voting, and votes on economic, social and foreign policy are highly correlated. But a few votes still fall outside of the spectrum — the 2011 vote on the Patriot Act among them. If the second dimension no longer represents a distinction between economic and social policy, then what does it reflect? The authors of DW-Nominate are interpreting it to measure a distinction between what they call “establishment” members of Congress and “outsiders.” Here at FiveThirtyEight, I have sometimes used the same labels when describing the ideological space occupied by different candidates during the presidential primaries. Some candidates, like Mitt Romney, run as insider or establishment politicians, offering some iteration of what they say are tried-and-true solutions, while others run as insurgents or outsiders, submitting a more profound critique of politics as usual and claiming they will topple an unacceptable status quo. In general, those politicians who rate as insurgents or outsiders are on the wings of the liberal-conservative scale. The Tea Party, Occupy Wall Street and Ron Paul movements probably all fit into the outsider or insurgent category, for example, even though they inhabit vastly different spaces on the traditional left-right political spectrum. Conversely, moderates in both parties tend to score as establishment politicians. There aren’t very many “radical centrist” members of Congress who offer a pronounced critique of the status quo while also coming down somewhere in the middle on most policy issues. In the case of the Patriot Act vote, the establishment-outsider axis makes nearly as much difference as the liberal-conservative or Democratic-Republican scales. Among the so-called establishment members of the House who voted on the bill, 78 percent voted to extend the Patriot Act, while only 41 percent of the so-called outsiders did, according to DW-Nominate’s classifications. You can find similar patterns in certain votes on policy toward the financial sector — for example, during the various bailout votes that were cast toward the end of 2008. More recently, votes on the federal debt ceiling have taken on some of the same contours. What is the link between the financial votes and those on the surveillance state? In both cases, members of Congress were asked to trust the assertions of elites that significant harms would result if the bills were not enacted: terrorist acts in the event that the Patriot Act was not extended, or financial calamity in the event that the bailout was not passed or the debt ceiling was not raised. As a matter of practice (but not necessarily theory), convincing someone that a future crisis must be averted requires a higher level of persuasion than making the case for a policy that is claimed to ameliorate some extant problem. Members of Congress who are members of their party establishments might be more inclined to trust testimony from financial or national security elites, and therefore might have been easier to pitch on these bills. We should be careful about extrapolating the voting behavior of Congress to policy views among the general public. But as I have suggested, the establishment-outsider divide can loom large in presidential primaries. Particularly within the Republican Party, rank-and-file voters have increasingly lukewarm views of the party leadership. But Democrats will also face a primary after Mr. Obama’s tenure in office. Highly liberal, activist voters who might ordinarily be inclined to critique the status quo could face some awkward questions given that the status quo has featured a Democratic president. Debates on domestic surveillance could serve as proxy battles for these intraparty factions. Senator Rand Paul of Kentucky, perhaps along with other Republican candidates, could use his opposition to surveillance programs to help consolidate the support of libertarian and Tea Party voters, at the risk of alienating national security conservatives. Democratic candidates who criticize the Patriot Act or the N.S.A.’s actions will be finding fault with policies that Mr. Obama has defended – and Mr. Obama will very likely remain quite popular among Democrats three years from now.

#### Tea party win collapses any legislative solutions to solve warming.

Cousins, ‘13

[Farron, “Tea Party Holding GOP Back On Climate Change”, Desmogblog, 11-5-13,

<http://www.desmogblog.com/2013/11/05/tea-party-holding-gop-back-climate-change>, RSR]

The Republican Party has always been a little reluctant to side with science and accept things like global climate change, but recently, polls have shown that the Grand Old Party is actually evenly split on accepting climate change science. That may not seem like a reason to celebrate, but considering the fact that just a few years ago the vast majority of Republicans denied the science of climate change, it is a massive step forward. But there is still one faction of the Republican Party that largely refuses to accept scientific findings: The Tea Party. According to recent polling by the Pew Research Center, Republicans in general are evenly split, with 46% saying that climate change is real, while 46% say that there is no solid evidence. However, 70% of self-described “Tea Party members” say that there is no solid evidence of climate change, and only 25% accept the science. This puts the entire Republican Party, including the Tea Party, at odds with the American public at large - 67% agree that climate change is real and that human beings are making the problem worse. The problem with these numbers is that those in charge of the Republican Party continue to pander to the minority within their own party, and of course to the heavyweight campaign donors like the Koch brothers, who don’t want any legislative action to tackle climate change. Pandering to the minority becomes a more serious problem when that pandering leads to stalled nominations for environmental posts, lax regulations on the country’s worst polluters, and huge cash giveaways to companies that already pull in tens of billions of dollars in profits every year. These minority policies harm consumers, the environment, and our economy. America cannot afford any more policies that are designed to appeal to a fraction of a fraction of citizens, especially when the views of that particular faction are being dictated by the dirty energy industry itself.

#### Legislative action on climate solves extinction.

Khosla, ‘9

[Ashok, IUCN President, International Union for Conservation of Nature, A new President for the United States: We have a dream, 1-29-09, http://cms.iucn.org/news\_events/?uNewsID=2595]

A rejuvenated America, with a renewed purpose, commitment and energy to make its contribution once again towards a better world could well be the turning point that can reverse the current decline in the state of the global economy, the health of its life support systems and the morale of people everywhere. This extraordinary change in regime brings with it the promise of a deep change in attitudes and aspirations of Americans, a change that will lead, hopefully, to new directions in their nation’s policies and action. In particular, we can hope that from being a very reluctant partner in global discussions, especially on issues relating to environment and sustainable development, the United States will become an active leader in international efforts to address the Millennial threats now confronting civilization and even the survival of the human species. For the conservation of biodiversity, so essential to maintaining life on Earth, this promise of change has come not a moment too soon. It would be a mistake to put all of our hopes on the shoulder of one young man, however capable he might be. The environmental challenges the world is facing cannot be addressed by one country, let alone by one man. At the same time, an inspired US President guided by competent people, who does not shy away from exercising the true responsibilities and leadership his country is capable of, could do a lot to spur the international community into action. To paraphrase one of his illustrious predecessors, “the world asks for action and action now.” What was true in President Roosevelt’s America 77 years ago is even more appropriate today. From IUCN’s perspective, the first signals are encouraging. The US has seriously begun to discuss constructive engagement in climate change debates. With Copenhagen a mere 11 months away, this commitment is long overdue and certainly very welcome. Many governments still worry that if they set tough standards to control carbon emissions, their industry and agriculture will become uncompetitive, a fear that leads to a foot-dragging “you go first” attitude that is blocking progress. A positive intervention by the United States could provide the vital catalyst that moves the basis of the present negotiations beyond the narrowly defined national interests that lie at the heart of the current impasse. The logjam in international negotiations on climate change should not be difficult to break if the US were to lead the industrialized countries to agree that much of their wealth has been acquired at the expense of the environment (in this case greenhouse gases emitted over the past two hundred years) and that with the some of the benefits that this wealth has brought, comes the obligation to deal with the problems that have resulted as side-effects. With equitable entitlement to the common resources of the planet, an agreement that is fair and acceptable to all nations should be easy enough to achieve. Caps on emissions and sharing of energy efficient technologies are simply in the interest of everyone, rich or poor. And both rich and poor must now be ready to adopt less destructive technologies – based on renewables, efficiency and sustainability – both as a goal with intrinsic merit and also as an example to others. But climate is not the only critical global environmental issue that this new administration will have to deal with. Conservation of biodiversity, a crucial prerequisite for the wellbeing of all humanity, no less America, needs as much attention, and just as urgently. The United States’ self-interest in conserving living natural resources strongly converges with the global common good in every sphere: in the oceans, by arresting the precipitate decline of fish stocks and the alarming rise of acidification; on land, by regenerating the health of our soils, forests and rivers; and in the atmosphere by reducing the massive emission of pollutants from our wasteful industries, construction, agriculture and transport systems.

### Solvency

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

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

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

#### Obama will signing statement the aff—hollows the restriction out

Jeffrey Crouch, assistant professor of American politics at American University, Mark J. Rozell, acting dean and a professor of public policy at George Mason University, and Mitchel A. Sollenberger, associate professor of political science at the University of Michigan-Dearborn, December 2013, The Law: President Obama's Signing Statements and the Expansion of Executive Power, Presidential Studies Quarterly 43.4

In a January 2013 signing statement, President Barack Obama stated that his constitutional powers as president limited him to signing or vetoing a law outright and that he lacked the authority to reject legislative provisions “one by one.” Yet he then proceeded in a nearly 1,200 word statement to pick the law apart, section by section, and to effectively challenge many provisions by declaring that they violated his constitutional powers as commander in chief. According to his signing statement, a provision restricting the president's authority to transfer detainees to foreign countries “hinders the Executive's ability to carry out its military, national security, and foreign relations activities and would, under certain circumstances, violate constitutional separation of powers principles” (Obama 2013). Obama did not mention, however, that Congress specifically authorized transfers to foreign countries as long as the secretary of defense, with the concurrence of the secretary of state and in consultation with the director of national intelligence, certified that the foreign government receiving the detainees was not a designated state sponsor of terrorism and possessed control over the facility the individual would be housed (P.L. 112-239; see Fisher 2013). Obama also objected to a number of provisions that he claimed would violate his “constitutional duty to supervise the executive branch” and several others that he said could encroach upon his “constitutional authority to recommend such measures to the Congress as I ‘judge necessary and expedient.’ My Administration will interpret and implement these provisions in a manner that does not interfere with my constitutional authority” (Obama 2013). What the president could not block or modify through concessions or veto threats during budget negotiations with members of Congress, he decided he could unilaterally strip from a signed bill. Similar to his predecessor, George W. Bush, Obama suggested that he was the ultimate “decider” on what is constitutional and proper. Few acts by occupants of the White House so completely embody the unchecked presidency. Candidate Obama on Signing Statements President Obama's actions have been surprising given that he proclaimed while first running for his office that he would not issue signing statements that modify or nullify acts of Congress (YouTube 2013 2013). In a December 2007 response to the Boston Globe, presidential candidate Obama provided a detailed explanation for his thinking: “I will not use signing statements to nullify or undermine congressional instructions as enacted into law. The problem with [the George W. Bush] administration is that it has attached signing statements to legislation in an effort to change the meaning of the legislation, to avoid enforcing certain provisions of the legislation that the President does not like, and to raise implausible or dubious constitutional objections to the legislation” (Savage 2007a). Candidate Obama's objection to President Bush's actions centered on one of the three varieties of signing statement, in this case, a “constitutional” signing statement. In a “constitutional” signing statement, a president not only points out flaws in a bill, but also declares—in often vague language—his intent not to enforce certain provisions. Such statements may be different than ones that are “political” in nature. In “political” signing statements, a president gives executive branch agencies guidance on how to apply the law.1 Finally, the most common type of signing statements are “rhetorical,” whereby the intent of the president is to focus attention on one or more provisions for political gain (Kelley 2003, 45-50). President Obama's Policy on Signing Statements At the start of his term, it seemed that President Obama would honor his campaign commitments and break with his predecessor when he issued a memorandum to heads of executive branch departments and agencies regarding his policy on signing statements. In this memorandum, he wrote, “there is no doubt that the practice of issuing [signing] statements can be abused.” He objected to the use of signing statements where a president disregards “statutory requirements on the basis of policy disagreements.” Only when signing statements are “based on well-founded constitutional objections” do they become legitimate. Therefore, “in appropriately limited circumstances, they represent an exercise of the President's constitutional obligation to take care that the laws be faithfully executed, and they promote a healthy dialogue between the executive branch and the Congress.” President Obama proceeded to list four key principles he would follow when issuing signing statements: (1) Congress shall be informed, “whenever practicable,” of the president's constitutional objections; (2) the president “will act with caution and restraint” when issuing statements that are based on “well-founded” constitutional interpretations; (3) there will be “sufficient specificity” in each statement “to make clear the nature and basis of the constitutional objection”; and finally, (4) the president would “construe a statutory provision in a manner that avoids a constitutional problem only if that construction is a legitimate one” (Obama 2009a). Media coverage praised President Obama's action. The Boston Globe declared, “Obama reins in signing statements” (Editorial 2009). David Jackson of USA Today reported, “Obama tried to overturn his predecessor again on Monday, saying he will not use bill signing statements to tell his aides to ignore provisions of laws passed by Congress that he doesn't like” (Jackson 2009). Another reporter noted, President Obama “signaled that, unlike Bush, he would not use signing statements to do end runs around Congress” (James 2009). Any expectations for a shift in the exercise of signing statements ultimately were misplaced, as President Obama, like his predecessor, has used signing statements in ways that attempt to increase presidential power. In this article, we first describe and analyze the continuity of policy and action between Barack Obama and George W. Bush. Second, we address why signing statements—at least one type of them—can not only be unconstitutional abuses of presidential power, but may also be unproductive tools for promoting interbranch dialogue and cooperation. Third, we show that signing statements are a natural result of expanding power in the modern presidency and that they have come to be used as a means of unilateral executive action. Finally, we provide a possible corrective to some of the more aggressive forms of constitutional signing statements that impact appropriations.

#### Ex ante requirements turn the case

Nzelibe 7 [Jide Nzelibe (Asst. Professor of Law @ Northwestern); “Are Congressionally Authorized Wars Perverse?”; *Stanford Law Review*: Vol. 59, 2007; <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=952490>]

Contrary to the received wisdom, this **experimental Article advances the empirically plausible assumption that congressional authorization of the use of force might actually have a perverse effect.** Thus, **rather than create a drag effect that minimizes the impulse to rush into imprudent wars, congressional authorization might** actually **do the** opposite: because such **authorization allows the President to** spread the potential political costs **of military failure or stalemate to other elected officials, it will lead the President to** select into more high risk wars **than he would otherwise choose if he were acting unilaterally.** In other words, **since congressional authorization acts as a political “insurance policy” that** partially protects the President against the possible political fallout from a military misadventure, **he is** likely to be more willing to engage in wars **where the expected outcome is uncertain**. More importantly, not only is the President likely to use congressional authorization as a hedge to prevent future political opponents from exploiting his misfortunes, he is also likely to use it to protect members of his party in Congress who are more likely to be electorally vulnerable in the absence of such authorization. While this notion of **congressional authorization as political insurance** might appear puzzling, it **makes sense** when understood **as a cheap mechanism designed to protect a vulnerable President** or ruling party **from the insecure political atmosphere** that is **likely to exist in the aftermath of a high risk conflict.** Significantly, **two factors** operate in tandem to **ensure** that **the** initial Presidential **decision to seek congressional authorization will not be** particularly **costly** from a political perspective. First, **since a member of Congress is likely to have less information than the President about the likely outcome of a high risk conflict, he or she is likely to** defer to the President’s judgment **that the conflict will have a positive outcome and hope to ride the President’s electoral coattails** as voters rally around the flag. Thus, **the purported** institutional **benefit of deliberation by multiple voices** that congressional authorization is supposed to confer **is likely to be** trivial**, if not non-existent**. Second, **since the electoral consequences of voting against a successful war are likely to be dearer than voting for a losing war, the President is** relatively assured **of getting a favorable vote to use force** from those members of Congress who are elected from swing districts. In sum, seeking congressional authorization for the use of force becomes a tradeoff in which Presidents are willing to accept the relatively low short-term costs of involving other elected officials in the war decision-making process in exchange for longterm political security.

### Intervention

#### SQUO solves – Obama won’t recklessly intervene.

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

The Obama Doctrine’s first term has been a remarkable success. After the $3 trillion boondoggle in Iraq, a failed nation-building mission in Afghanistan, and the incessant saber-rattling of the previous Administration, President Obama was able to reorient U.S. foreign policy in a more restrained and realistic direction. He did this in a number of ways. First, an end to large ground wars. As Defense Secretary Robert Gates put it in February 2011, anyone who advised future presidents to conduct massive ground operations ought “to have [their] head examined.” Second, a reliance on Secret Operations and drones to go after both members of al Qaeda and other terrorist outfits in Pakistan as well as East Africa. Third, a rebalancing of U.S. foreign policy towards the Asia-Pacific — a region neglected during George W. Bush's terms but one that possesses a majority of the world’s nuclear powers, half the world’s GDP, and tomorrow’s potential threats. Finally, under Obama's leadership, the United States has finally begun to ask allies to pick up the tab on some of their security costs. With the U.S. fiscal situation necessitating retrenchment, coupled with a lack of appetite on the part of the American public for foreign policy adventurism, Obama has begun the arduous process of burden-sharing necessary to maintain American strength at home and abroad. What this amounted to over the past four years was a vigorous and unilateral pursuit of narrow national interests and a multilateral pursuit of interests only indirectly affecting the United States. Turkey, a Western ally, is now leading the campaign against Bashar al-Assad’s regime in Syria. Japan, Korea, India, the Philippines, Myanmar, and Australia all now act as de facto balancers of an increasingly assertive China. With the withdrawal of two troop brigades from the continent, Europe is being asked to start looking after its own security. In other words, the days of free security and therefore, free riding, are now over. The results of a more restrained foreign policy are plentiful. Obama was able to assemble a diverse coalition of states to execute regime-change in Libya where there is now a moderate democratic government in place. Libya remains a democracy in transition, but the possibilities of self-government are ripe. What’s more, the United States was able to do it on the cheap. Iran’s enrichment program has been hampered by the clandestine cyber program codenamed Olympic Games. While Mullah Omar remains at large, al Qaeda’s leadership in Afghanistan and Pakistan has been virtually decimated. With China, the United States has maintained a policy of engagement and explicitly rejected a containment strategy, though there is now something resembling a cool war — not yet a cold war — as Noah Feldman of Harvard Law School puts it, between the two economic giants. The phrase that best describes the Obama Doctrine is one that was used by an anonymous Administration official during the Libya campaign and then picked up by Republicans as a talking point: Leading From Behind. The origin of the term dates not to weak-kneed Democratic orthodoxy but to Nelson Mandela, who wrote in his autobiography that true leadership often required navigating and dictating aims ‘from behind.’ The term, when applied to U.S. foreign policy, has a degree of metaphorical verity to it: Obama has led from behind the scenes in pursuing terrorists and militants, is shifting some of the prodigious expenses of international security to others, and has begun the U.S. pivot to the Asia-Pacific region. The Iraq War may seem to be a distant memory to many in North America, but its after-effects in the Middle East and Asia tarnished the United States' image abroad and rendered claims to moral superiority risible. Leading From Behind is the final nail in the coffin of the neoconservatives' failed imperial policies.

#### No escalation—executives will be responsible

Weiner 2007

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

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

#### Groupthink theory is wrong.

Hempell, User Experience Consulting Senior Information Architect, ‘4

[Anthony, , “Groupthink: An introduction to Janis' theory of concurrence-seeking tendencies in group work., http://www.anthonyhempell.com/papers/groupthink/, March 3]

In the thirty years since Janis first proposed the groupthink model, there is still little agreement as to the validity of the model in assessing decision-making behaviour (Park, 2000). Janis' theory is often criticized because it does not present a framework that is suitable for empirical testing; instead, the evidence for groupthink comes from largely qualitative, historical or archival methods (Sunstein, 2003). Some critics go so far as to say that Janis's work relies on "anecdote, casual observation, and intuitive appeal rather than rigorous research" (Esser, 1998, cited in Sunstein, 2003, p.142). While some studies have shown support for the groupthink model, the support tends to be mixed or conditional (Esser, 1998); some studies have revealed that a closed leadership style and external threats (in particular, time pressure) promote groupthink and defective decision making (Neck & Moorhead, 1995, cited by Choi & Kim, 1999); the effect of group cohesiveness is still inconclusive (Mullen, Anthony, Salas & Driskel, 1994, cited by Choi & Kim, 1999). Janis's model tends to be supported by studies that employ a qualitative case-study approach as opposed to experimental research, which tends to either partially support or not support Janis's thesis (Park, 2000). The lack of success in experimental validation of groupthink may be due to difficulties in operationalizing and conceptualizing it as a testable variable (Hogg & Hains, 1998; Park, 2000). Some researchers have criticized Janis for categorically denouncing groupthink as a negative phenomenon (Longley & Pruitt, 1980, cited in Choi & Kim, 1999). Sniezek (1992) argues that there are instances where concurrence-seeking may promote group performance. When used to explain behaviour in a practical setting, groupthink has been frames as a detrimental group process; the result of this has been that many corporate training programs have created strategies for avoiding groupthink in the workplace (Quinn, Faerman, Thompson & McGrath, 1990, cited in Choi & Kim, 1999). Another criticism of groupthink is that Janis overestimates the link between the decision-making process and the outcome (McCauley, 1989; Tetlock, Peterson, McGuire, Chang & Feld, 1992; cited in Choi & Kim, 1999). Tetlock et al argue that there are many other factors between the decision process and the outcome. The outcome of any decision-making process, they argue, will only have a certain probability of success due to various environmental factors (such as luck). A large-scale study researching decision-making in seven major American corporations concluded that decision-making worked best when following a sound information processing method; however these groups also showed signs of groupthink, in that they had strong leadership which attempted to persuade others in the group that they were right (Peterson et al, 1998, cited in Sunstein, 2003). Esser (1998) found that groupthink characteristics were correlated with failures; however cohesiveness did not appear to be a factor: groups consisting of strangers, friends, or various levels of previous experience together did not appear to effect decision-making ability. Janis' claims of insulation of groups and groups led by autocratic leaders did show that these attributes were indicative of groupthink symptoms. Moorhead & Montanari conducted a study where they concluded that groupthink symptoms had no significant effect on group performance, and that "the relationship between groupthink-induced decision defects and outcomes were not as strong as Janis suggests" (Moorhead & Montanari, 1986, p. 399; cited by Choi & Kim, 1999).

### SoP

#### Russia has zero incentive to model U.S. policy – they’re acting to restore whatever power they can

Bullough 3/27 (Oliver, Caucasus editor at the Institute of war and Peace Reporting, “Vladimir Putin: The rebuilding of ‘Soviet’ Russia,” BBC, 2014, http://www.bbc.com/news/magazine-26769481.)

#### His domestic policy was to restore stability, to end what he called the "revolutions", that had brought Russia low. His foreign policy was to regain Russia's place in world affairs.¶ Those two core aims have driven everything he has done since. If only people had been listening, none of his actions would have come as a surprise to them. Since then, he has seized every opportunity history has offered him, from the attacks of 11 September 2001 to the Ukrainian Revolution of 2013, in his bid to secure his aims. He has been tactically astute and ruthlessly opportunistic. At home and abroad, he wants Russia to regain the prestige it held when he was growing up.¶ The obvious place to start his campaign was in Chechnya, symbol of Russia's collapse. The Chechens had defeated Yeltsin's attempt to crush their self-declared independence, but it proved a bitter victory. The war devastated Chechnya's people, economy and infrastructure. Chechnya became a sink of kidnapping, violence and crime, and - until Putin - no-one did anything about it.¶ Finally, for long-suffering patriotic Russians, here was a man not only able to pay their pensions, but prepared to get his hands dirty to defend their homeland. By the turn of the millennium, when Yeltsin stood down, and appointed Putin acting president in his place, the unknown prime minister's public approval rating was above 70% a level it has barely

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

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

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

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

#### SOP norms fail.

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

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

#### Reject their hyperbolic claims --- multiple checks prevent SOP imbalance

John Yoo 9, Emanuel S. Heller Professor of Law @ UC-Berkeley Law, visiting scholar @ the American Enterprise Institute, former Fulbright Distinguished Chair in Law @ the University of Trento, served as a deputy assistant attorney general in the Office of Legal Council at the U.S. Department of Justice between 2001 and 2003, received his J.D. from Yale and his undergraduate degree from Harvard, “Crisis and Command,” Book, p. x-xi

This book is also written out of respect for Congress as well as the President. I have had the honor to serve as general counsel of the Senate Judiciary Committee under the chairmanship of Senator Orrin G. Hatch of Utah, a good and decent man as well as a strward of the Senate. I have the greatest respect for the awesome powers of Congress and the ways in which Congress and the broader political system can check any Chief Executive. It was Congress that forced the resignation of Richard Nixon through hearings, political pressure, spending constraints, and ultimately, the threat of impeachment. Today’s critics of the Presidency underestimate the power of politics to corral any branch of government that goes too far. They give too much credit to appeals to abstract notions of constitutional balance to restrain a truly out-of-control President, or misread active responses to unprecedented challenges as challenges to the Constitution. The hyperbole in such rhetoric is manifest in overwrought yet commonplace invocations of “treason” or “tramplings” of the Constitution. Has the Constitution indeed been trampled on? History provides us with a guide.¶ Certainly, the fear that a President might abuse power for personal gain or to maintain his or her position has haunted America from her birth. Executive power, as the Founding Fathers well knew, always carries the possibility of dictatorship. In their own day, the great Presidents were all accused of wielding power tyrannically. Yet, they were not dictators. They used their executive powers to the benefit of the nation. Once the emergency subsided, presidential power receded and often went into remission under long periods of congressional leadership. When chief executives misused their powers, the political system blocked or eventually ejected the President. No dictator has ever ruled in the United States, yet critics of contemporary presidential power wish to work radical change in current practice out of fear of impending dictatorship.

### Anielabaijan

#### Zero chance that the plan improves the quality of Congressional decision-making or debate.

Pillar, Professor and Senior Fellow at the Center for Security Studies at Georgetown University, ‘13

[Paul, Nonresident Senior Fellow in Foreign Policy at the Brookings Institution, Ph.D. in Politics from Princeton University, MA in Politics from Oxford University, 9/3/13, “The Coming Congressional Debate on Syria,”

http://nationalinterest.org/blog/paul-pillar/the-coming-congressional-debate-syria-8988]

Congress being Congress, however, let us not get too high our hopes for care and profundity in the deliberative process that is about to begin. Some of the most important complexities of this issue do not lend themselves well to sound bites or easily understood positions in a re-election campaign. When a resolution authorizing military force comes to a vote, members will cast what is described as a “vote of conscience.” But like all their votes, it will be at least as much a vote of politics. There are many different political games that will get played with the Syria issue. Perhaps what we should hope for most is that even some games that are played for the wrong reasons will have the effect of promoting an outcome that minimizes damage to the national interest. One thinks in this regard of the habit of some Republican members to oppose anything that Barack Obama has proposed. If such a habit can go to the extreme it has with health care reform—over a plan that was more of a Republican idea before Obama made it his signature domestic program, and is now the law of the land—it will not be surprising if some members one might otherwise assume would be hawkish, quick-on-the-trigger Assad-haters will vote against what would be one of Obama's biggest foreign-policy actions.

#### Friendly democracies can decipher between good and bad US norms, and authoritarian nations don’t care either way

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

The second benefit to foreigners of distinctive U.S. legal norms is information. The costs and benefits of our norms will be visible for all to see. n268 Particularly in an era of increased empirical social science testing, over time we will be able to analyze and identify the effects of differences in norms between the United States and other nations. n269 Such diversity benefits foreigners as foreign nations can decide to adopt our good norms and avoid our bad ones.¶ The only noteworthy counterargument is the claim that U.S. norms will have more harmful effects than those of raw international law, yet other nations will still copy them. But both parts of this proposition seem doubtful. First, U.S. law emerges from a democratic process that creates a likelihood that it will cause less harm than rules that emerge from the nondemocratic processes [\*1235] that create international law. Second, other democratic nations can use their own political processes to screen out American norms that might cause harm if copied.¶ Of course, many nations remain authoritarian. n270 But our norms are not likely to have much influence on their choice of norms. Authoritarian states are likely to select norms that serve the interests of those in power, regardless of the norms we adopt. It is true that sometimes they might cite our norms as cover for their decisions. But the crucial word here is "cover." They would have adopted the same rules, anyway. The cover may bamboozle some and thus be counted a cost. But this would seem marginal compared to the harm of allowing raw international law to trump domestic law.

#### No risk of Armenian/Azerbaijan conflict.

Babayeva, 1-3

[Jamila, “Azerbaijani MPs optimistic over Nagorno-Karabakh conflict settlement in 2014”, 1-3-14, Azernews,

http://www.azernews.az/azerbaijan/63074.html, RSR]

"But the reality is that Armenia is struggling with difficult socio-economic, and domestic political problems that may force the country to take certain steps, which, in turn, will contribute to the final resolution of the problem in the future," Sadikhov concluded. Political analyst, Rasim Musabeyov, believes that after the last meeting of the presidents of Azerbaijan and Armenia in December 2013 a new round of negotiations has begun. "This is positive. But based on past experiences, some high expectations are misplaced, because, unfortunately, the talks have been unsuccessful so far. But there is a hope that these efforts will not be fruitless this time, because eventually the Armenian side sees that neither her tenacity, nor the support of countries that usually patronize Armenians, is able to force Azerbaijan to take actions that are inconsistent with the country's sovereignty," Musabeyov stressed. He further said the social and economic situation of Armenia is getting worse day by day and there is no prospect. "This will encourage them to take a more realistic approach. Progress in the negotiations can be achieved, but in general, we should still be cautious," he concluded. Armenia occupied over 20 percent of Azerbaijan's internationally recognized territory, including Nagorno-Karabakh and seven adjacent regions, after laying territorial claims against its South Caucasus neighbor. The occupation caused a lengthy war in the early 1990s. The UN Security Council has adopted four resolutions on Armenia's withdrawal from the Azerbaijani territory, but they have not been enforced to this day. Peace talks, mediated by Russia, France and the U.S. through the OSCE Minsk Group, are underway on the basis of a peace outline proposed by the Minsk Group co-chairs, dubbed the Madrid Principles. The negotiations have been largely fruitless so far.

## 2NC

### PIC

#### Interstate conflict is international armed conflict – prefer ILAW definition, because that’s how the aff and CP will be perceived

Hoffman 5 (Michael H. Hoffman, Rescuing the Law of War: A Way Forward in an Era of Global Terrorism, Parameters, 2005, http://strategicstudiesinstitute.army.mil/pubs/parameters/articles/05summer/hoffman.pdf, da 3-29-14) PC

The Geneva Conventions, like most law-of-war treaties, were ex- pressly adopted to regulate the conduct of interstate (or “international,” as it’s also called) armed conflict. In other words, the protections and rules on lawful combatant status found in those treaties apply in warfare between sovereign nations. As set forth in the text of each, these treaties “shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not rec- ognized by one of them.”4 All of the rules found in the Geneva Conventions and other law-of-war treaties apply during international armed conflict.

#### International and non-international armed conflict are distinct

U.S. Code 92 (18 U.S. Code § 2331 – Definitions, 29 October 1992, http://www.law.cornell.edu/uscode/text/18/2331, da 3-29-14) PC

(4) the term “act of war” means any act occurring in the course of—¶ (A) declared war;¶ (B) armed conflict, whether or not war has been declared, between two or more nations; or¶ (C) armed conflict between military forces of any origin; and

#### The legal definition of armed conflict has been used with Al Qaeda in the past

Anderson 11 (Kenneth Anderson, The Armed Conflict with Al Qaeda, Opino Juris, 6 May 2011, http://opiniojuris.org/2011/05/06/the-armed-conflict-with-al-qaeda/, da 3-29-14) PC

The US has taken itself to be in an armed conflict with Al Qaeda since at least the AUMF, and possibly before that. It does not believe that it is impossible to be in an armed conflict with a non-state actor, given that civil wars feature non-state actors and we have a regime of armed conflict addressing those cases. The peculiarity is that the armed conflict is with a non-state actor that is not tied to the territory of a state, which is not entirely consistent with CA3, but not necessarily inconsistent with it, either. The view that the US is engaged in a NIAC has been endorsed by all three branches of government, as the USG view of its situation under international law. The foundation for the US resorting to force against Al Qaeda is international law of self-defense. It has domestic roots in both inherent executive authority and the AUMF, with different administrations emphasizing different sources. The resort to force, in response to attacks by AQ, have resulted in a NIAC governed by the law of non-international armed conflict.

#### That doesn’t NUQ the net benefit because our ev is about new authorizations that could operate out of an expansion of the 9/11 nexus of the AUMF.

Cronogue 12, JD Duke Law

(Graham, A NEW AUMF: DEFINING COMBATANTS IN THE WAR ON TERROR, scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1294&context=djcil)

Removing the 9/11 nexus to reflect the current reality of war without writing a carte blanche is the most important form of congressional guidance regarding target authorization. In order for the President to operate under the current AUMF, he must find a strong nexus between the target and the attacks on September 11. As I have shown in this paper, this nexus is simply non-existent for many groups fighting the United States today.

#### Speed is crucial to victory against terrorists

Sulmasy 2009 [Glenn, law faculty of the United States Coast Guard Academy, EXECUTIVE POWER: THE LAST THIRTY YEARS, University of Pennsylvania Journal of International Law, 30 U. Pa. J. Int'l L. 1355, p. 1360]

The extreme of foreign affairs-armed conflict-was clearly intended to be embodied within the executive branch. Blackstone,¶ Montesquieu, the Federalist Papers, affirmations by the leaders of¶ the day, as well as the conduct of the first president himself leaves¶ little room to doubt the Founders' intentions in this arena. Again,¶ this is not to say Congress has no role whatsoever. That is simply¶ not the case. Congress has the power to declare war, and during¶ combat operations the right to refuse to fund the war. Once¶ warfare begins, however, it appears the need for rapid action¶ necessitates a shift in the careful balancing act between executive¶ and legislative power to the executive branch. The War on al¶ Qaeda, however-with an enemy that does not wear a uniform,¶ provides no institution with which to negotiate, flouts the laws of¶ war, and whose membership is spread across over fifty nation¶ states makes the need for dispatch more important than in prior conflicts.

#### CP not the SQUO

Li 2009 [Zheyao, JD Candidate, Georgetown University Law Center, War Powers for the Fourth Generation: Constitutional Interpretation in the Age of Asymmetric Warfare, The Georgetown Journal of Law & Public Policy, Vol. 7, p. 398-400]

As first illustrated by the military strategist Colonel John Boyd, constitutional decision-making in the realm of war powers in the fourth generation should¶ consider the implications of the OODA Loop: Observe, Orient, Decide, and Act.'''" In the era of fourth-generational warfare, quick reactions, proceeding through the OODA Loop rapidly, and disrupting the enemy's OODA loop are the keys to victory. "In order to win," Colonel Boyd suggested, "we should operate at a faster tempo or rhythm than our adversaries."145 In the words of Professor Creveld. "[b]oth organizationally and in terms of the equipment at their disposal, the armed forces of the world will have to adjust themselves to this situation by changing their doctrine, doing away with much of their heavy equipment and becoming more like police.""' Unfortunately, the existing constitutional understanding, which diffuses war power between two branches of government, necessarily (by the Framers' design) slows down decision-making. In circumstances where war is undesirable (which is, admittedly, most of the time, especially against other nation-states), the deliberativeness of the existing decision-making process is a positive attribute.¶ In America's current situation, however, in the midst of the conflict with al-Qaeda and other international terrorist organizations, the existing process of constitutional decision-making in warfare may prove a fatal hindrance to achieving the initiative necessary for victory. As a slow-acting, deliberative body, Congress does not have the ability to adequately deal with fast-emerging situations in fourth-generational warfare. Thus, in order to combat transnational threats such as al-Qaeda, the executive branch must have the ability to operate by taking offensive military action even without congressional authorization, because only the executive branch is capable of the swift decision-making and action necessary to prevail in fourth-generational conflicts against fourth-generational opponents.

#### Executive war powers crucial to respond to 4th generation combat

Sulmasy 2009 [Glenn, law faculty of the United States Coast Guard Academy, EXECUTIVE POWER: THE LAST THIRTY YEARS, University of Pennsylvania Journal of International Law, 30 U. Pa. J. Int'l L. 1355, p. 1355]

The last thirty years have witnessed a continued growth in executive power - with virtually no check by the legislative branch.¶ Regardless of which political party controls the Congress, the¶ institution of the executive continues to grow and increase in¶ power- particularly in the foreign affairs arena. While to many,¶ the end of the Bush administration signaled the end of a perceived¶ "power grab" by the executive branch, nothing could be further¶ from the truth. This short Article will assert that since the¶ founding of this journal thirty years ago, the United States has¶ witnessed several changes that have inevitably led to this rapid¶ expansion of executive power. Section 2 will discuss the Founders'¶ intention that the executive be supreme in the arena of foreign¶ affairs. Section 3 will explore executive power in the twenty-first¶ century, particularly since 9/11 when the vast increases in¶ technology and the ability to inflict massive harm in an instant¶ (often by non-state actors) has necessitated a more aggressive, centralized decisionmaking process within the power of the¶ executive. Additionally, the bureaucratic inefficiencies of the¶ Congress have crippled its ability to actually "check" the executive,¶ for fear of being perceived as "soft on terror" or "weak on¶ defense." With these considerations, this Article recommends that¶ President Barack Obama continue to protect his executive¶ prerogatives as the best means of promoting national security in¶ the twenty-first century.

#### Speed is crucial to victory against terrorists

Sulmasy 2009 [Glenn, law faculty of the United States Coast Guard Academy, EXECUTIVE POWER: THE LAST THIRTY YEARS, University of Pennsylvania Journal of International Law, 30 U. Pa. J. Int'l L. 1355, p. 1360]

The extreme of foreign affairs-armed conflict-was clearly intended to be embodied within the executive branch. Blackstone,¶ Montesquieu, the Federalist Papers, affirmations by the leaders of¶ the day, as well as the conduct of the first president himself leaves¶ little room to doubt the Founders' intentions in this arena. Again,¶ this is not to say Congress has no role whatsoever. That is simply¶ not the case. Congress has the power to declare war, and during¶ combat operations the right to refuse to fund the war. Once¶ warfare begins, however, it appears the need for rapid action¶ necessitates a shift in the careful balancing act between executive¶ and legislative power to the executive branch. The War on al¶ Qaeda, however-with an enemy that does not wear a uniform,¶ provides no institution with which to negotiate, flouts the laws of¶ war, and whose membership is spread across over fifty nation¶ states makes the need for dispatch more important than in prior conflicts.

#### 4GW is the only scenario for war.

Gable 11

[William, US Army War College, “An Era of Persistent Conflict?,” http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA560155]

**Exceptional individuals are key contributors to the turmoil the U.S. experienced in the last decade** through the present, and **their objectives could portend continued conflict.** While the existence of these exceptional individuals alone does not necessarily assure conflict, **the ideologies they espouse are underpinned by religion adding a** nondeterrable dimension **to their struggle**. **The** actual or perceived preponderance **of U.S. power will not diminish the likelihood of future attacks**. In fact, such attacks will only serve to enhance these organizations‘ status and power, fueling every aspect of their operations from recruiting to financing operations. Consequently, **threats from non-state actors will continue**. Depending on the potential destruction inflicted by any terrorist attack, the attacker‘s sanctuary, and the threat posed to the aforementioned governments, the U.S. may be compelled to fight wars similar to the war in Afghanistan. **Conflict with another state is** possible, though less likely. **Although the relative decline of U.S. economic power in relation to China appears to constitute a potential** ―window‖ or **threat** to peace, **both governments are aware of the risks and are working to mitigate them.** Moreover, **the U.S., China, and Russia represent deterrable nuclear powers,** states dissuaded from conflict with each other due to the potential costs of a nuclear exchange. **Conflict between these states appears unlikely**. However, **existing theory suggests problems with nondeterrable states that are not responsive to punishment or are willing to take risks that prompt conflict. North Korea and Iran seem to fit this description.** **Their efforts to develop**, acquire, **and** possibly **proliferate nuclear weapons**, **combined with the potential threat posed by a non-state actor acquiring such weapons,** **form conditions that indicate a strong possibility of war.** In particular, Iran‘s nuclear program presents a potentially ominous window. Should diplomacy, sanctions, and cyber attacks fail to sidetrack Iran‘s nuclear program, **the U.S. will be presented with an ever-narrowing window to act with force** to deny Iran this capability. This could result in conflict with Iran. While false optimism is a potent and pervasive cause of war, **recent experience with war and the nature of these and likely future conflicts will diminish leaders support for initiating war.** Similarly, **the current economic conditions and concern over the national debt will dampen leaders‘ enthusiasm for wars**. But **existing theories that discuss these factors fail to consider the impact of non-state actors**. **Thus**, conflict is still possible despite them. Overall, **the combination of factors seems to indicate** **continuing conflict with nonstate actors** **and** potential **conflict with states over** development and proliferation of nuclear weapons. **These factors identify specific circumstances where U.S. involvement in war is likely, and represent the** primary drivers for concluding that the current era will be one ofpersistent conflict. The U.S. government should use all of the elements of power to focus on these factors to prevent what history and theory suggest the inevitability of war.

## 1NR

### Israel DA

#### DA outweighs and turns case –

#### Most probable - Israel will escalate to nuclear first-use---they perceive Iran as an existential threat

James M. Lindsay 10, Senior Vice President, Director of Studies, and Maurice R. Greenberg Chair at the Council on Foreign Relations, and Ray Takeyh, Senior Fellow at the Council on Foreign Relations, March/April 2010, “After Iran Gets the Bomb,” Foreign Affairs, Vol. 89, No. 2

Such a doomsday scenario could pan out. Whether it did would depend greatly on how the United States and others, starting with Israel, responded to Iran's nuclearization. Whether Israeli Prime Minister Benjamin Netanyahu forgoes a preventive strike against Iran's nuclear facilities or opts for launching an attack and it fails, the Israeli government will continue to regard the Iranian regime as an existential threat to Israel that must be countered by any means possible, including the use of nuclear weapons. Given Israel's unique history and Ahmadinejad's contemptible denials of the Holocaust, no Israeli prime minister can afford to think otherwise.

#### Strikes escalate globally

Morgan 9 [Dennis Ray. Prof Current Affairs @ Hankuk Univ in South Korea. “World on Fire: Two Scenarios of the Destruction of Human Civilization and Possible Extinction of the Human Race” Futures, Vol 41 No 10, Dec 09. ScienceDirect//MGW-JV]

In a remarkable website on nuclear war, Carol Moore asks the question ‘‘Is Nuclear War Inevitable??’’ [10]. 4 In Section 1, Moore points out what most terrorists obviously already know about the nuclear tensions between powerful countries. No doubt, they’ve ﬁgured out that the best way to escalate these tensions into nuclear war is to set off a nuclear exchange. As Moore points out, all that militant terrorists would have to do is get their hands on one small nuclear bomb and explode it on either Moscow or Israel. Because of the Russian ‘‘dead hand’’ system, ‘‘where regional nuclear commanders would be given full powers should Moscow be destroyed,’’ it is likely that any attack would be blamed on the United States’’ [10]. Israeli leaders and Zionist supporters have, likewise, stated for years that if Israel were to suffer a nuclear attack, whether from terrorists or a nation state, it would retaliate with the suicidal ‘‘Samson option’’ against all major Muslim cities in the Middle East. Furthermore, the Israeli Samson option would also include attacks on Russia and even ‘‘anti-Semitic’’ European cities [10]. In that case, of course, Russia would retaliate, and the U.S. would then retaliate against Russia. China would probably be involved as well, as thousands, if not tens of thousands, of nuclear warheads, many of them much more powerful than those used at Hiroshima and Nagasaki, would rain upon most of the major cities in the Northern Hemisphere. Afterwards, for years to come, massive radioactive clouds would drift throughout the Earth in the nuclear fallout, bringing death or else radiation disease that would be genetically transmitted to future generations in a nuclear winter that could last as long as a 100 years, taking a savage toll upon the environment and fragile ecosphere as well. And what many people fail to realize is what a precarious, hair-trigger basis the nuclear web rests on. Any accident, mistaken communication, false signal or ‘‘lone wolf’ act of sabotage or treason could, in a matter of a few minutes, unleash the use of nuclear weapons, and once a weapon is used, then the likelihood of a rapid escalation of nuclear attacks is quite high while the likelihood of a limited nuclear war is actually less probable since each country would act under the ‘‘use them or lose them’’ strategy and psychology; restraint by one power would be interpreted as a weakness by the other, which could be exploited as a window of opportunity to ‘‘win’’ the war.

#### Turns Azerbaijan

Stanton 6 [John,- writer for Global Research “Strike Iran, Watch Pakistan and Turkey Fall” <http://www.globalresearch.ca/index.php?context=viewArticle&code=STA20060422&articleId=2319> //MGW-JV]

So, as the bombs fly over Iran, the Kurds would be likely to seize the day and fight for the recognition of a Kurdish state that deletes portions of present-day Turkey, Iran, Syria and Iraq from the map. This is no idle dream. The American based KNC openly advocates a United Free Kurdistan. One day, there will be a Kurdish state. That could be done in a non-violent fashion rather than as a consequence of a misguided military adventure against Iran. Finally, an invasion of that country would likely involve Turkish assets of some kind. As a member of NATO, Turkey houses tactical nuclear weapons and, as reported by Ramin Jahanbegloo in the Daily Star, “Participation by Turkey in a US/Israeli military operation is also a factor [concerning Iran], following an agreement reached between the Turks and Israelis.” Central Asia and the Middle East would become a bloodbath one minute after an attack on Iran.

#### Chance of Israeli strikes is decreasing now, but Israel is worried about US weakness

Shabad 3-18 [Rebecca, Israeli defense minister on United States: Weakness doesn't pay, The Hill, http://thehill.com/blogs/global-affairs/middle-east-north-africa/201038-israel-cannot-rely-on-us-to-handle-iran#ixzz2xE4GnvFL]

Israel’s defense minister on Monday said Israel cannot depend on the United States to lead the charge against Iran, and can only rely on itself.¶ "We thought that the one who needs to lead the campaign against Iran is the U.S.," Defense Minister Moshe Yaalon said during a lecture at Tel Aviv University, as reported by Haaretz. ¶ "If we wished others would do the work for us, it wouldn't be done soon, and therefore in this matter, we have to behave as if we can only rely on ourselves."¶ Yaalon also implicitly criticized President Obama's foreign policy as weak by arguing U.S. influence had increasingly diminished.¶ “Weakness certainly does not pay in the world," he said. "No one can replace the U.S. as the world's policeman. I hope the U.S. will come to its senses."¶ Yaalon’s comments come as the U.S. and other partner nations enter a new round of talks with Iran on its nuclear program. The talks are set to resume in Vienna, Austria, on Tuesday. Israel has repeatedly slammed the nuclear deal negotiators reached last November.¶ Israeli Prime Minister Benjamin Netanyahu has previously warned about launching a preemptive military strike on Iran in an effort to protect Israel. That prospect, which he has said remains on the table, has appeared to be a less likely scenario in recent months.

#### Israel is on the brink of striking in the SQUO – any perception of weakness triggers our DA.

AP, 3-21

[“Israel steps up warnings of military strike on Iran to return attention to its nuclear program”, Fox News, 3-2-14,

http://www.foxnews.com/world/2014/03/21/israel-steps-up-warnings-military-strike-on-iran-to-return-attention-to-its/, RSR]

JERUSALEM – A rising chorus of Israeli voices is again raising the possibility of carrying out a military strike on Iran's nuclear facilities in what appears to be an attempt to draw renewed attention to Tehran's atomic program — and Israel's unhappiness with international negotiations with the Iranians. In recent days, a series of newspaper reports and comments by top defense officials have signaled that the military option remains very much on the table. While Israeli officials say Israel never shelved the possibility of attacking, the heightened rhetoric marks a departure from Israel's subdued approach since six world powers opened negotiations with Iran last November. Prime Minister Benjamin Netanyahu has been an outspoken critic of the international efforts to negotiate a deal with Iran. He has spent years warning the world against the dangers of a nuclear-armed Iran and fears a final deal will leave much of Iran's nuclear capabilities intact. But since the global powers reached an interim agreement with Iran last November, Netanyahu's warnings about Iran have been largely ignored. A frustrated Israeli leadership now appears to be ratcheting up the pressure on the international community to take a tough position in its negotiations with Iran.

#### Interbranch conflict - the plan causes an interbranch conflict over Iran – makes Obama’s foreign policy look incoherent and collapses Israeli confidence in the US position.

Luce, Financial Times columnist, ‘13

[Edward, 11/10/13, “Iran will test Obama’s diplomatic game plan,” Financial Times, http://www.ft.com/cms/s/0/677ef8c0-48a6-11e3-a3ef-00144feabdc0.html#axzz2l1JsYGNS]

Having tiptoed up to a historic deal with Iran, the west – chiefly France – got cold feet. But they will try again next week and a deal is still within reach. There is little doubt how badly the White House wants one. An Iran deal could rejuvenate Barack Obama’s presidency and retrospectively earn him his 2009 Nobel Peace Prize. Equally, it could show how easily he gets outflanked by tougher players. As diplomatic challenges go, it is about as tricky as it gets. Mr Obama’s mercurial handling of the Syria crisis suggests we should hope for the best but expect the worst. Just ask the French.¶ The forces opposed to almost any kind of a deal are formidable. In addition to France’s misgivings, Mr Obama faces the challenge of convincing Iran there is only one US negotiating stance. At the moment it must look to Tehran as though there are at least two. Two months ago Congress made it clear it would reject Mr Obama’s request for military strikes on Syria. Now Congress is itching to rebuff Mr Obama’s request for it to delay passing new sanctions on Iran. In matters of both war and peace, Mr Obama has less sway over Capitol Hill than France.¶ Opposition is solidly bipartisan. A number of Democratic and Republican senators, including Mark Kirk from Mr Obama’s home state of Illinois, have vowed to press ahead with a new layer of sanctions on Iran – an automatic deal breaker – unless Tehran agrees to dismantle its enrichment programme. This undermines the trade-off that John Kerry, Mr Obama’s secretary of state, offered in Geneva. His outline required Iran merely to freeze enrichment for a fixed period in exchange for releasing some overseas assets. In contrast, the hawks in Congress want a full Iranian climbdown before they will consider any financial reward.¶ Which is the actual stance of the US?¶ In days gone by, the Middle East would have viewed dissonance between the two main branches of US government as a form of good cop/bad cop routine that was ultimately one act. Few read Washington that way anymore.¶ Mr Obama’s word inspires neither fear nor love. For four years, Congress has failed to agree on a US budget. Yet it could probably rustle up a majority for tighter Iran sanctions by close of business on the same day. The danger now is that Congress will press ahead with sanctions and scupper the next round of Geneva talks before they begin.¶ Mr Obama’s second challenge will be to muffle the ire of Benjamin Netanyahu, Israel’s prime minister, who attacked Mr Kerry’s proposal as the “deal of the century” for Iran. Mr Obama’s relations with Mr Netanyahu were abysmal for most of his first term – the latter relished any chance to humiliate the White House. The US president eventually started to return the contempt with which he was treated. Mr Obama’s victory last year over Mitt Romney, Mr Netanyahu’s friend, whom he explicitly backed, seemed to give the Israeli prime minister pause for thought.¶ Now relations are turning icy again. Mr Netanyahu has made it clear that he sees Mr Rouhani as a “wolf in sheep’s clothing” – worse even than his predecessor, Mahmoud Ahmadi-Nejad. It is a blatant misportrayal. But if there is to be a tug of war on Capitol Hill between Mr Obama and the influential American Israeli Public Affairs Committee, which usually takes Mr Netanyahu’s cue, the latter will have the upper hand. An open breach is possible in the coming week. To reach his destination Mr Obama must neutralise Israel’s opposition.¶ Third, America’s Middle East alliances are rapidly crumbling – not just the US-Israel relationship. Mr Obama has shown conviction in bringing Iran to the verge of an initial deal. These are the first US-Iran talks since the mullahs took over in 1979. Reports of longer-running back-channel negotiations between the US and Iran show that Mr Obama can set a strategy and pursue it – with Mr Kerry’s indefatigable help. Yet in the process the US is losing sway with almost every ally it has in the Middle East.¶ Egypt’s generals laughed off Mr Obama’s threat earlier this year to suspend $1.8bn in US military aid following their coup. A smaller portion was held back. Saudi Arabia and others instantly stepped into the breach with $12bn in commitments.¶ The Saudis, meanwhile, are terrified Iran is poised once again to profit from a clumsy US-led initiative. Under George W Bush, Iraq was in effect handed to Iran on a platter. Now in the Saudi view, Mr Obama is cementing the grip of Iran’s client regime in Syria and dangling the prospect of at least a temporary stay on Tehran’s nuclear programme. Mr Obama will also need to find a way to assuage Riyadh’s hostility.¶ The key fact underlying all this is Mr Obama’s good sense in sticking to the path of negotiation. The other options of either going to war with Iran or accepting its nuclear ambitions are far worse. Most of the world is hoping Mr Obama will use every tool at hand to exploit what could be a once in a generation opening. But he will have to play beyond his normal limits to avoid losing Israel and Congress. France, too, remains to be convinced that Iran is not getting the better of the bargain.

#### Strikes are not inevitable – there’s a possibility for reconciliation for Israel and Iran – credible diplomacy is key.

 -Animosity between sides not inevitable.

 -Iran opening up to reconciliation.

 -Both sides support diplomacy.

Neubauer, Defense and foreign affairs specialist, 3-18

[Sigurd, “Diplomacy With Iran: Not a Zero-Sum Game for Israel”, The Huffington Post, 3-18-14,

http://www.huffingtonpost.com/sigurd-neubauer/diplomacy-with-iran-not-a\_b\_4967068.html, RSR]

Another basic fact, however, is that the Iranian-Israeli animus is not naturally bound to be permanent. In fact, below the surface, officials in both countries have over the past months lowered the all too well known contentious rhetoric, a possible signal that a far less ominous prospect might await Iranian-Israeli relations. Unlike when Ayatollah Khomeini resumed power in 1979, hoping his hardline stance on Israel would turn the Islamic Republic into the vanguard of the Islamic World, today its "resistance" narrative has brought it international isolation and the toughest sanction regime a nation has ever seen. Iranian pragmatists have over time -- and during the Ahmadinejad period in particular -- come to realize that Tehran's stance on the question of Israel has not only become failed policy but reduced the descendants of the great Persian civilization into an international pariah. As the Arab Spring has proven, Arab Islamists have been unwilling to look to Iran for leadership, despite Ahmadinjad's uncompromising Israel rhetoric. While Hamas has willingly accepted Iranian funding and arms for the past decade, the Gaza-based Islamist group quickly turned its back on Tehran's strategic interest by supporting the Sunni insurgency against the embattled Syrian government. Growing Sunni radicalism across the Middle East and in Syria in particular has not only become a strategic threat to the way of life of Shiite communities, but also forced Iran to respond to sectarianism as opposed to driving a regional agenda. These developments coupled with Iran's traditional hardline stance towards a fellow UN member state have denigrated its international standing. Hassan Rouhani, Iran's president, promised his people to bring Iran into the global mainstream as his campaign pledge last year. President Rouhani and his faction within the Iranian establishment have since made subtle gestures towards the Jewish state. Take Ayatollah Ali-Akbar Hashemi-Rafsanjani, a onetime president and a mentor to Rouhani, who recently boldly declared: "Iran is not at war with Israel." Beyond rhetoric, Tehran carried out an apparent goodwill gesture toward Israel in January at a UN energy conference in Abu Dhabi when its energy minister, Hamid Chitchiyan, refrained from the usual boycott and stayed during the speech of his Israeli counterpart, Silvan Shalom. This was a groundbreaking moment: A small, but clearly telling step. Meanwhile, Israeli President Shimon Peres' consolatory language towards Iran should not be glanced over, either. The elder statement expressed last December his willingness to meet with Rouhani. Although it cannot be dismissed that Israel and Iran define each other as strategic threats, viewing regional developments through a zero-sum prism, Peres also acknowledged that the ongoing negotiations could benefit his nation, adding: "The purpose is to convert enemies into friends. If it was only him [Rouhani] I'd take it with greater assurance, but there are other structures, other people..[in Tehran].. And I'm not so sure they support the president. We have to see the balance of the situation." While it is clear that Rouhani -- limited by the existing taboos within the Islamic Republic's revolutionary ideology -- cannot alone engineer a change of policy toward Israel, he can aim to re-define Tehran's stance. That is exactly what former reformist president Mohammad Khatami sought to do: During his administration (1997-2005), Khatami carefully re-framed Tehran's opposition to Israel. Instead of open-ended hostility, his government stressed -- for the first time -- that Iran would be able to accept whatever compromise Israelis and Palestinians reached. Khatami's stance should be considered a tantamount recognition of Israel. At the present state, Rouhani could find a middle ground between conservatives at home and the need to reduce tensions with Israel. After all, Iran's supreme leader, Ayatollah Khamenei, has clearly made a strategic decision to support the ongoing negotiations with the world powers. As negotiations move forward, neither Obama nor Khamenei can afford pro-Israel groups demanding additional sanctions as they've vested their personal prestige, to the point of no return. As we have argued, Israel has become the "white elephant" in the room. Given this fact, coupled with Israel's many friends in the U.S. Congress who remain "distrustful" of Iran, Israel-Iranian "reconciliation" of sorts has to take place in order for U.S.-Iran diplomacy to fully succeed. At this critical juncture, President Rouhani could tackle the question of Israel indirectly by supporting the 2002 Arab Peace Initiative. By doing so, Tehran signals that it could accept Israel sometime in the future without having to deliver an immediate policy change at the present stage. Iranian support for the Arab Peace Initiative would be received favorably by Saudi Arabia, its main rival. Iranian support for Arab-Israeli peace would inevitably reduce tensions between Israel and Hezbollah, Tehran's powerful Lebanese ally. In Israel, Iranian support for the Arab Peace Initiative would send an unmistakable message: Iran does not seek to wipe the Jewish state off the map, as repeatedly stated by Ahmadinejad. In return, Israel should let nuclear diplomacy succeed by preventing -- at all costs -- a showdown between the U.S. administration and its friends in Congress. Should Israel fail to do so, it could quickly lose its ability to influence a final agreement -- an accord that could also be favorable to its interests -- and instead bring Tehran and Washington to the brink of war: After all, neither Obama nor Khamenei can afford to back down. Netanyahu, however, can as U.S.-Iran dialogue is not a zero-sum game for Israel.